

# Notice of meeting and agenda

## Licensing Sub-Committee

**2.00pm Monday, 14 March, 2022**

Virtual Meeting - via Microsoft Teams

The law allows the Council to consider some issues in private. Any items under “Private Business” will not be published, although the decisions will be recorded in the minute.

### Contacts

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## **1. Order of Business**

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- 1.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

## **2. Declaration of Interests**

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- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

## **3. Minutes**

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- 3.1 Minute of Licensing Sub-Committee of 7 February 2022 – submitted for approval as a correct record 5 - 6
- 3.2 Minute of Licensing Sub-Committee of 8 February 2022 – submitted for approval as a correct record 7 - 16

## **4. Parades and Processions**

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- 4.1 Proposed Parades and Processions: March-June 2022 – report by the Regulatory Services Manager 17 - 56

## **5. Civic Government (Scotland) Act 1982 - To consider miscellaneous applications**

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- 5.1 Civic Government (Scotland) Act 1982 - To consider miscellaneous applications – list of applications 57 - 62
- 5.2 Public Entertainment Licence (Temporary) - Edinburgh Graduate Theatre Group 63 - 68
- 5.3 Market Operators Licence (Temporary) - Local Motive Markets 69 - 78
- 5.4 Late Hours Catering Licence (New) - Mobashar Firma Ltd 79 - 84
- 5.5 Late Hours Catering Licence (New) - Kebabish Original Edinburgh Limited 85 - 90

<b>5.6</b>	Late Hours Catering Licence (New) - Papa John's	91 - 100
<b>5.7</b>	Late Hours Catering Licence (Variation) - Concorde Fish Bar	101 - 106

## **Nick Smith**

Service Director – Legal and Assurance

### **Committee Members**

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Councillor Catherine Fullerton (Convener), Councillor Denis Dixon (Vice-Convener), Councillor Scott Arthur, Councillor Max Mitchell, Councillor Joanna Mowat, Councillor Susan Rae, Councillor Cameron Rose, Councillor Neil Ross and Councillor Donald Wilson

### **Information about the Licensing Sub-Committee**

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The Licensing Sub-Committee consists of 9 Councillors and usually meets twice a month.

This meeting of the Licensing Sub-Committee is being held virtually by Microsoft Teams.

### **Further information**

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If you have any questions about the agenda or meeting arrangements, please contact Lesley Birrell, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel , email [lesley.birrell@edinburgh.gov.uk](mailto:lesley.birrell@edinburgh.gov.uk) / [emily.traynor@edinburgh.gov.uk](mailto:emily.traynor@edinburgh.gov.uk).

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to the Council's online [Committee Library](#).

The views expressed in any letters of representation are not necessarily the views of the City of Edinburgh Council.

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# Minutes

## Licensing Sub-Committee of the Regulatory Committee

2.00pm, Monday 7 February 2022

### Present

Councillors Fullerton (Convener), Dixon, Mitchell (from item 2), Mowat, Rae, Rose and Neil Ross, Watt (substituting for Councillor Wilson).

### 1. Minutes

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#### Decision

- 1) To approve the minute of the Licensing Sub-Committee of 10 January 2022 as a correct record.
- 2) To approve the minute of the Licensing Sub-Committee of 11 January 2022 as a correct record.
- 3) To approve the minute of the Licensing Sub-Committee of 28 January 2022 as a correct record.

### 2. Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006 – to consider miscellaneous applications

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Details were provided of 3 applications for miscellaneous licences. The applicants and their agents were heard.

#### Decision

To determine the applications as detailed in the Appendix 1 to this minute.

(Reference – list of applications, submitted)

## APPENDIX 1

### Applications for Miscellaneous Licences

Street Trader Licence (New)		
4.2	<b>Applicant</b> Mohamed Abouelsaad  <b>Premises</b> 59 Lauriston Place, Edinburgh	To <b>GRANT</b> the licence subject to the Council's standard conditions for this category of licence.
4.3	<b>Applicant</b> Malcolm Thomas Hampton  <b>Premises</b> Mobile	To <b>GRANT</b> the licence subject the applicant identifying 2 specific zones as set out in the Council's Street Trading Policy to the satisfaction of the Executive Director of Place and subject also to addressing the objections raised by the Transport Team in relation to the height of the hatch above pavement level.
4.4	<b>Applicant</b> John Smith  <b>Premises</b> 70 Gorgie Road, Edinburgh	To <b>GRANT</b> the licence subject to the Council's standard conditions for this category of licence.

# Minutes

## Licensing Sub-Committee of the Regulatory Committee

9.30am, Tuesday 8 February 2022

### Present

Councillors Fullerton (Convener), Dixon, Mitchell, Mowat, Rose and Neil Ross.

### 1. Resolution to Consider in Private

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The Sub-Committee agreed under Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting for the following items of business on the grounds that they would involve the disclosure of exempt information as defined in Paragraphs 3, 6, 12 and 14 of Part 1 of Schedule 7A of the Act.

### 2. Police Request for Suspension or Revocation of Private Hire Driver Licence

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The Sub-Committee considered a request by Police Scotland to suspend or revoke a Private Hire Driver Licence. Police Scotland, the Regulatory Services Manager and the licence holder were heard.

#### Decision

To determine the request as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – report by the Regulatory Services Manager, submitted)

### 3. Civic Government (Scotland) Act 1982 – Applications for Miscellaneous Licences

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Details were provided of 4 applications for miscellaneous licences. The Regulatory Services Manager, Police Scotland, the applicants and agents were heard.

#### Decision

To determine the applications as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – list of applications, submitted)

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by virtue of paragraph(s) 3, 6, 12, 14 of Part 1 of Schedule 7A  
of the Local Government(Scotland) Act 1973.

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## Licensing Sub-Committee of the Regulatory Committee

**2.00pm, Monday, 14 March 2022**

### **Proposed Parades and Processions: March-June 2022**

Item number	
Report number	
Executive/routine	
Wards	City Centre (11)
Council Commitments	N/A

#### **Executive Summary**

The City of Edinburgh Council has been notified of several parades which are proposed to take place between March and June 2022.

The Council has limited powers in respect of parades. It can take no action and the parade would proceed as the organisers intend. Alternatively, it has the power to attach conditions or, under limited circumstances, to ban the parade. The Committee needs to decide whether to exercise any of these options.

In January 2018 the Regulatory Committee decided to continue the practice that all marches involving the High Street must be submitted for Committee consideration.

**Andrew Mitchell**

Regulatory Services Manager

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## Proposed Parades and Processions: March-June 2022

### 1. Recommendations

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- 1.1 It is recommended that the Committee makes an order in respect of the proposed parades, imposing conditions attached at Appendix 2.

### 2. Background

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- 2.1 Under the Civic Government (Scotland) Act 1982, anyone organising a parade or procession in Scotland must notify the appropriate local authority and the police at least 28 days prior to the date of the event.
- 2.2 The City of Edinburgh Council has been notified of intent to hold the following events in the city (further details in Appendix 1).
- 2.3 It is proposed that the following parades will take place and use the High Street. In addition, parades (b) and (c) may be considered controversial:

	Event name	Event date
a	Yes2Edinburgh	19 Mar 2022
b	Pedal On Parliament	23 Apr 2022
c	Edinburgh and Lothians May Day Parade	7 May 2022
d	Loyal Orange Institution of Scotland – Platinum Jubilee Parade	11 Jun 2022
e	Orange Order Parade	25 Jun 2022
f	Apprentice Boys of Derry	4 Jun 2022
g	Norwegian Constitution Day	17 May 2022

- 2.4 The Council has limited powers available regarding the control of such parades. These powers should only normally be exercised to prevent public disorder, risk to public safety, damage to property or excessive disruption to the life of the community. [Download the Scottish Government Guidance to local authorities on marches and parades.](#)

### **3. Main report**

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- 3.1 Notification forms relevant to the proposed parades are attached at Appendix 1.
- 3.2 The recommended conditions (Appendix 2) are sufficient to mitigate any possible disruption to the community.
- 3.3 Representatives of the organisations will be invited to address the Committee regarding the proposed parades.
- 3.4 Public Health restrictions on the number of people who may gather were revoked from 9 August 2021, and there is general guidance which organisers of a parade are encouraged to follow.

### **4. Measures of success**

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- 4.1 That the Council discharges its statutory duties in respect of these notifications.
- 4.2 That any parade is facilitated wherever possible and is managed in a way that minimises potential disruption to the life of the community.

### **5. Financial impact**

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- 5.1 None arising directly from this report.
- 5.2 Council resources may need to be deployed on the day, in particular with respect to any road closures.

### **6. Risk, policy, compliance and governance impact**

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- 6.1 Should the Committee decide to restrict or prohibit the procession, the persons proposing to hold the procession may appeal against that decision to the Sheriff Court within 14 days of written reasons being received by them.

### **7. Equalities impact**

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- 7.1 In coming to a decision, the Committee will have to consider the rights of the procession organisers to stage their procession, and the Council's duty to foster good relations and ensure the protection of public order and safety. These must be discharged against the relevant statutory duties.

### **8. Sustainability impact**

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- 8.1 Not applicable.

## 9. Consultation and engagement

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9.1 Statutory consultation has taken place regarding the parade.

## 10. Background reading/external references

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10.1 Scottish Government guidance - [Review of parades and marches in Scotland \(2006\)](#)

## 11. Appendices

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11.1 Appendix 1: Notification forms for the following events:

	Event name	Event date
a	Yes2Edinburgh	19 Mar 2022
b	Pedal On Parliament	23 Apr 2022
c	Edinburgh and Lothians May Day Parade	7 May 2022
d	Loyal Orange Institution of Scotland – Platinum Jubilee Parade	11 Jun 2022
e	Orange Order Parade	25 Jun 2022
f	Apprentice Boys of Derry	4 Jun 2022
g	Norwegian Constitution Day	17 May 2022

11.2 Appendix 2: Proposed conditions.

by virtue of paragraph(s) 3, 6, 12, 14 of Part 1 of Schedule 7A  
of the Local Government(Scotland) Act 1973.

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Licensing Sub-Committee of the Regulatory Committee

14 March 2022

Applications for Miscellaneous Licences

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
<b>The following applicants have been invited for 2.00pm</b>							
<b>Market Operators Licence (Temporary)</b>							
5.2	<p><b>Applicant</b> Edinburgh Graduate Theatre Group</p> <p><b>Manager</b> Hannah Bradley Croall</p>	Ross Bandstand, Princes Street Gardens, Edinburgh	Standard Conditions	N/A	<p>Additional Noise Condition</p> <p>“All amplified music and vocals to be controlled to the satisfaction of the Executive Director of Place.”</p> <p>Additional Roads Condition</p> <p>“The Network Management and Enforcement Team has no objections in respect of a temporary licence provided that the applicant does not unreasonably obstruct road or footway users,</p>	N/A	28.05.22

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
					affect their safety or obstruct access to public seating or waste bins.”		
<b>Market Operators Licence (Temporary)</b>							
5.3	<b>Applicant</b> Local Motive Markets <b>Manager</b> Tania Pramschufer	Castle Street, Edinburgh	Standard Conditions Requested Dates & Hours of Operation (4 separate applications for 16 pitches) 04.04.22 to 10.04.22 02.05.22 to 08.05.22 06.06.22 to 12.06.22 04.07.22 to 10.07.22 10:00-19:00	N/A	Additional Noise Condition “All amplified music and vocals to be controlled to the satisfaction of the Director of Place.” Additional Health & Safety Condition Health & Safety “The licence may be granted subject to the licence holder ensuring that market traders handling open foods comply with the 'Minimum Standard for Mobile Food Businesses’. Environmental Health may carry out unannounced visits in respect of health and	N/A	04.04.22

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
Page 59					<p>safety, and food hygiene to ensure traders are compliant with relevant legislation. It will be the responsibility of the licence holder to ensure market traders are compliant with relevant legislation.”</p> <p>Additional Roads Condition</p> <p>“The Network Management and Enforcement Team has no objections in respect of a temporary licence provided that the applicant does not unreasonably obstruct road or footway users, affect their safety or obstruct access to public seating or waste bins.”</p>		
	<b>Late Hours Catering Licence (New)</b>						

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
5.4	<b>Applicant</b> Mobashar Firma Ltd <b>Manager</b> Mobashar Ali	119 Nicolson Street, Edinburgh, EH8 9ER	Standard Conditions  Requested Hours of Operation Mon-Thu 12:00-00:00 Fri-Sun 12:00-02:00	N/A	Police Scotland representation  Licensing Enforcement representation  Additional Noise Condition  "All amplified music and vocals to be so controlled as to be inaudible within the nearest noise sensitive premises."  <b>Note:</b> Premises is subject to the following planning condition under Planning Permission 18/04576/FUL: "The hours of operation shall be restricted to 08:00 to 23:00 Monday to Sunday".	N/A	03.08.22
5.5	<b>Applicant</b> Kebabish Original Edinburgh Limited	128 Dalry Road, EH11 2EZ	Standard Conditions  Requested Hours of Operation Mon-Thu	N/A	Additional Noise Condition  "All amplified music and vocals to be controlled to the satisfaction of the	Gorgie/Dalry Community Council	19.07.22

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
	<b>Manager</b> Muhammad Umar Maqsood <b>Agent</b> Alistair Macdonald		23:00 to 01:00 Fri-Sun 23:00-02:00		Executive Director of Place.”		
5.6	<b>Applicant</b> Cheasty Ltd t/a Papa John's <b>Manager</b> Andrew Eastcroft	2 South Clerk Street, Edinburgh, EH8 9PR	Standard Conditions Requested Hours of Operation Sun-Thu 23:30-00:00 Fri-Sat 23:30-01:00	N/A	Licensing Enforcement representation <b>Note:</b> Premises has previously held Late Hours Catering Licences with the hours of Sunday-Thursday 23.00-00.00 and Friday-Saturday 23.00-01.00.	N/A	17.05.22
<b>Late Hours Catering Licence (Variation)</b>							
5.7	<b>Applicant</b> Concorde Fish Bar <b>Manager</b> Cesidio Crolla <b>Agent</b>	49 Home Street, Edinburgh, EH3 9JP	Standard Conditions Requested Variation of Hours Sun-Thu 23:00-02:00	N/A	Police Scotland representation Additional Noise Condition “All amplified music and vocals to be controlled to the satisfaction of the	N/A	09.07.22

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
	Alistair Macdonald		Fri-Sat 23:00-03:00		Executive Director of Place.”  <b>Note:</b> Current licensed hours: Sunday-Thursday 23.00-01.00 and Friday-Saturday 23.00-02.00.		

# Agenda Item 5.2

LICENSING REF NO: 466727

ITEM NO

## PUBLIC ENTERTAINMENT LICENCE

Temporary

APPLICANT DETAILS: MANAGER	NAME	<b>Edinburgh Graduate Theatre Group</b> <b>Ms Hannah Bradley Croall</b>
PREMISES ADDRESS		<b>Ross Bandstand, Princes Street Gardens, Edinburgh</b>
CONDITIONS RECOMMENDED		<b>Standard Conditions</b>  <b>Noise Team:</b> <i>“All amplified music and vocals to be controlled to the satisfaction of the Director of Place.”</i>  <b>Roads:</b> <i>“The Network Management and Enforcement Team has no objections in respect of a temporary licence provided that the applicant does not unreasonably obstruct road or footway users, affect their safety or obstruct access to public seating or waste bins.”</i>
REPRESENTATIONS RECEIVED		
REASON FOR BEING CALLED TO COMMITTEE		<b>Ward 11</b>
DETERMINATION DATE		28/05/2022

**NOTES:**



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LICENSING REF NO: 467662

**ITEM NO**

## MARKET OPERATORS LICENCE

Temporary

<p>APPLICANT DETAILS:                      NAME MANAGER</p>	<p><b>Local Motive Markets</b> <b>Ms Tania Pramschufer</b></p>
<p>PREMISES ADDRESS</p>	<p><b>Castle Street, Edinburgh</b></p>
<p>CONDITIONS RECOMMENDED</p>	<p><b>Standard Conditions</b></p> <p><b>Noise Team:</b> <i>“All amplified music and vocals to be controlled to the satisfaction of the Director of Place.”</i></p> <p><b>Health &amp; Safety:</b> <i>“The licence may be granted subject to the licence holder ensuring that market traders handling open foods comply with the 'Minimum Standard for Mobile Food Businesses’.</i></p> <p><i>Environmental Health may carry out unannounced visits in respect of health and safety, and food hygiene to ensure traders are compliant with relevant legislation. It will be the responsibility of the licence holder to ensure market traders are compliant with relevant legislation.”</i></p> <p><b>Roads:</b> <i>“The Network Management and Enforcement Team has no objections in respect of a temporary licence provided that the applicant does not unreasonably obstruct road or footway users, affect their safety or obstruct access to public seating or waste bins.”</i></p>

REPRESENTATIONS RECEIVED	
REASON FOR BEING CALLED TO COMMITTEE	<b>Request for hot food on Castle Street is out with Policy.</b>
DETERMINATION DATE	<b>04/04/2022</b>
<p><b>NOTES:</b> Four applications for 16 pitches on Castle Street covering the following dates: 04/04/22-10/04/22; 02/05/22-08/05/22; 06/06/22-12/06/22; 04/07/22-10/07/22. First application only attached for ease.</p>	

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# Agenda Item 5.4

LICENSING REF NO: 457554

ITEM NO

## LATE HOURS CATERING LICENCE

New

APPLICANT DETAILS: MANAGER	NAME	<b>Mobashar Firma Ltd</b> <b>Mobashar Ali</b>
PREMISES ADDRESS		<b>119 Nicolson Street, Edinburgh, EH8 9ER</b>
CONDITIONS RECOMMENDED		<b>Standard Conditions</b>  <b>Noise Team:</b> <i>"All amplified music and vocals to be so controlled as to be inaudible within the nearest noise-sensitive premises."</i>
REPRESENTATIONS RECEIVED		<b>Police Scotland</b>  <b>Licensing Enforcement</b>
REASON FOR BEING CALLED TO COMMITTEE		<b>Out with Policy</b>
DETERMINATION DATE		<b>03/08/2022</b>
<b>NOTES:</b> Premises is subject to the following planning condition under Planning Permission 18/04576/FUL: "The hours of operation shall be restricted to 08:00 to 23:00 Monday to Sunday".		

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# Agenda Item 5.5

LICENSING REF NO: 456888

ITEM NO

## LATE HOURS CATERING LICENCE

New

APPLICANT DETAILS: MANAGER	NAME	<b>Kebabish Original Edinburgh Limited</b> <b>Mr Muhammad Umar Maqsood</b>
PREMISES ADDRESS		<b>128 Dalry Road, EH11 2EZ</b>
CONDITIONS RECOMMENDED		<b>Standard Conditions</b>  <i>Noise Team: "All amplified music and vocals to be controlled to the satisfaction of the Director of Place."</i>
REPRESENTATIONS RECEIVED		
REASON FOR BEING CALLED TO COMMITTEE		<b>Community Council Objection</b>
DETERMINATION DATE		<b>19/07/2022</b>
<b>NOTES:</b>		

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# Agenda Item 5.6

LICENSING REF NO: 452514

ITEM NO

## LATE HOURS CATERING LICENCE

New

APPLICANT DETAILS: MANAGER	NAME <b>Mr Andrew Eastcroft</b>
PREMISES ADDRESS	<b>12 South Clerk Street, Edinburgh, EH8 9PR</b>
CONDITIONS RECOMMENDED	<b>Standard Conditions</b>
REPRESENTATIONS RECEIVED	<b>Licensing Enforcement</b>
REASON FOR BEING CALLED TO COMMITTEE	<b>Out with Policy</b>
DETERMINATION DATE	<b>17/05/2022</b>
<b>NOTES:</b> Premises has previously held Late Hours Catering Licences with the hours of Sunday-Thursday 23.00-00.00 and Friday-Saturday 23.00-01.00.	

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# Agenda Item 5.7

LICENSING REF NO: 449297

ITEM NO

## LATE HOURS CATERING LICENCE

### Variation

APPLICANT DETAILS: MANAGER	NAME	<b>Mr Cesidio Crolla</b>
PREMISES ADDRESS		<b>49 Home Street, Edinburgh, EH3 9JP</b>
CONDITIONS RECOMMENDED		<b>Standard Conditions</b>  <i>Noise Team: "All amplified music and vocals to be controlled to the satisfaction of the Director of Place."</i>
REPRESENTATIONS RECEIVED		<b>Police Scotland</b>
REASON FOR BEING CALLED TO COMMITTEE		<b>Out with Policy</b>
DETERMINATION DATE		<b>09/07/2022</b>
<b>NOTES:</b> Current licensed hours: Sunday-Thursday 23.00-01.00 and Friday-Saturday 23.00-02.00.		

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of the Local Government(Scotland) Act 1973.

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