

# Notice of meeting and agenda

## Licensing Sub-Committee

**9.00 am Thursday, 21st April, 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 Any items under “Private Business” will not be published, although the decisions will be recorded in the minute.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. Parades and Processions**

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- 3.1 Parades and Processions - May-June 2022 – Report by the Regulatory Services Manager 5 - 22

## **4. Public Entertainment Licence**

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- 4.1 Public Entertainment Licence - Highland Centre Ltd – Report by the Regulatory Services Manager 23 - 88

## **5. Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006 - To consider miscellaneous applications**

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- 5.1 Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006 – to consider miscellaneous applications – list of applications 89 - 92
- 5.2 Late Hours Catering Licence (New) - 12 South Clerk Street, Edinburgh - Cheasty Ltd t/a Papa John's 93 - 108
- 5.3 Late Hours Catering Licence (New) - 119 Nicholson Street, Edinburgh - Mobashar Firma Ltd 109 - 116
- 5.4 Public Entertainment Licence (Temporary) - Calton Hill, Edinburgh - The Beltane Fire Society Ltd 117 - 180

## 6. Resolution to Consider in Private

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- 6.1 The Sub-Committee is requested, 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.

## 7. Suspension/Revocation Requests

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- |     |   |           |
|-----|---|-----------|
| 7.1 | Request for Suspension or Revocation of Private Hire Driver's Licence – Report by the Regulatory Services Manager         | 181 - 196 |
| 7.2 | Request for Suspension or Revocation of Private Hire Driver's Licence – Report by the Regulatory Services Manager         | 197 - 204 |
| 7.3 | Police Requests for Suspension or Revocation of Private Hire Driver's Licence – Report by the Regulatory Services Manager | 205 - 214 |

### Nick Smith

Service Director – Legal and Assurance

## Committee Members

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Councillors 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) / [taylor.ward@edinburgh.gov.uk](mailto:taylor.ward@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.

## Licensing Sub-Committee of the Regulatory Committee

9.00am, Thursday, 21 April 2022

### Proposed Parades and Processions: May/June 2022

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

#### Executive Summary

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The City of Edinburgh Council has been notified of several parades which are proposed to take place in May 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**

Head of Regulatory Services

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## Proposed Parades and Processions: May/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. Parades (a) and (c) may be considered contentious. The organisers of parade (b) wish to use the High Street.

|   | Event name                                    | Event date   |
|---|---|--------------|
| a | Easter Commemoration Parade                   | 1 May 2022   |
| b | Pride Edinburgh 2022 (25th Anniversary Event) | 25 June 2022 |
| c | Armed Forces Day 2022                         | 25 June 2022 |

- 2.4 Members are asked to note that on 14 March 2022 the Committee made an order with respect to a 'John Knox Orange and Purple Lodge' parade on 25 June 2022. Should parades (b) and (c) above proceed, there will be three processions taking place in the city on that date.
- 2.5 All parades will go ahead unless the Council decides to make use of its statutory powers. The criteria for assessing whether it is proportionate to use these powers are set out below. No concerns or objections have been raised by any Council team or by the Police with respect to these parades.
- 2.6 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 | Easter Commemoration Parade                   | 1 May 2022   |
| b | Pride Edinburgh 2022 (25th Anniversary Event) | 25 June 2022 |
| c | Armed Forces Day 2022                         | 25 June 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

**9.00am, Thursday, 21 April 2022**

## **Public Entertainment Licence – Highland Centre Ltd**

**Item number**

**Report number**

**Executive/routine**

**Council Commitments**

**Wards**

Leith (13)

### **Executive Summary**

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In May 2021 the Council received an application to renew the Public Entertainment Licence for Highland Centre Ltd. Following representations made by Police Scotland and Public Safety officers, discussions took place with Highland Centre Ltd. Subsequently a further application to vary the original licence was received.

During the COVID period both Police Scotland and Council Public Safety officers identified a number of shortcomings with adherence to the notification process that the licence holder is required to undertake. Additionally, concerns were raised about a small number of events that they considered had fallen into the category of High Risk or which required a Policing Plan. The report highlights those concerns and a proposed solution.

## Public Entertainment Licence – Highland Centre Ltd

### 1. Recommendations

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- 1.1 After hearing from Council officers, Police Scotland and the applicant, the Committee is asked to:
  - 1.1.1 Note this report;
  - 1.1.2 Vary the existing Public Entertainment Licence (Appendix 1) to exclude Dance, Rave or events of a similar nature from the activities licensed and to grant items 1 and 2 only of the application to vary the existing PEL; and
  - 1.1.3 Thereafter grant the licence renewal application attached at Appendix 2 and to attach the additional conditions detailed in Appendix 8.

### 2. Background

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- 2.1 The Royal Highland Show is the flagship event of the Scottish Charity the Royal Highland & Agricultural Society of Scotland ('RHASS'). The Royal Highland Show takes place annually at the Royal Highland Centre at Ingliston, which is owned by RHASS.
- 2.2 Highland Centre Limited is RHASS's wholly owned trading subsidiary which facilitates third-party events at the Royal Highland Showground at Ingliston, which generate income to support RHASS's charitable activities.
- 2.3 In 2020, following extensive discussion between Police Scotland and Council officers from Licensing and Public Safety teams, a decision was made to grant two separate Public Entertainment licences for the use of the Royal Highland Showground at Ingliston. One licence would apply specifically for the period of the Royal Highland Show in the name of RHASS, and a second annual licence would cover all other licensable activity in the name of Highland Centre Limited.
- 2.4 The previous annual Public Entertainment Licence had a condition attached requiring an application for a Temporary Public Entertainment Licence or a variation to the existing licence for any dance, rave or event of a similar nature. In relation to the Highland Centre Ltd licence this was removed in 2020.
- 2.5 Underpinning the grant of the annual licence to Highland Centre Limited were the terms of 'Notification, Categorisation and Delivery of Event – A Commitment from the Royal Highland Centre' Version 6 ('the document'). It was intended that this would address previous concerns about lack of notice of events which required significant Police or other emergency services input. The separate licence being granted to Highland Centre Limited allowed greater flexibility in the type and nature of event that could be attracted to the showground. It would also allow the Council to manage any public safety concerns about events of a specific nature.

- 2.6 The document committed Highland Centre Limited to ensuring that events identified as falling into the category of High Risk of Injury, Damage or Impact on Local Community or requiring a Policing Plan would be subject of an Events Planning Operations Group (EPOG) meeting. Any further conditions/actions agreed at an EPOG would be adhered to by the licence holder.
- 2.7 During the period of the pandemic, both Council officers and Police Scotland identified that not all events were being notified timeously, including events that were considered to fall into the category of 'Dance, Rave or event of a similar nature'. This meant that the EPOG process could not always result in agreement or reach a compromise on further conditions/actions, as required by the conditions of licence.

### 3. Main report

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- 3.1 In May 2021 the Council received an application to renew the existing Highland Centre Ltd licence, with Mark Curry as the named day to day manager. The application to renew the licence was circulated to statutory and Council consultees, and as a result the Council took the opportunity to review the existing processes, and previous and planned events.
- 3.2 Both Police Scotland and Council teams identified a number of shortcomings. These specifically included adherence to the notification process during the COVID period, and also with a small number of events that they considered fell into the category of High Risk or which required a Policing Plan and therefore should be subject to an EPOG meeting.
- 3.3 Meetings and discussions were held in an attempt to discuss what events were to be considered to be of high risk. Subsequently both Police Scotland and Public Safety officers made formal representations in respect of the licence renewal applications (Appendices 3 and 5).
- 3.4 As a result of the concerns raised, Council licensing officers discussed concerns with representatives of Highland Centre Ltd. The main concerns discussed related to late notification of events, and more specifically about events that previously fell into the category of Dance, Rave or events of a similar nature. The focus of the discussion was about accountability and the ability of Council services and Police Scotland to properly scrutinise these types of events, and to address issues identified through the EPOG process.
- 3.5 As part of the discussion with Highland Centre Limited, Licensing officers proposed the reinstatement of the condition which would require a separate application for a licence for events that fall into the category of Dance, Rave or events of a similar nature. This would still provide flexibility in the type and nature of event that could be attracted to the showground, whilst allowing the Council an opportunity to manage any public safety concerns about specific events. This was not intended to include all concerts, but only events deemed to fall into a category of High Risk of Injury, Damage or Impact on Local Community.
- 3.6 Following these discussions, Highland Centre Ltd submitted an application to renew and vary the annual Public Entertainment Licence. It was hoped that this would address previous concerns and reflect the discussions with Licensing officers. The variation reduced the overall licensed footprint by removing the car parks and other

associated areas not normally used for events, and also updated the 'Notification, Categorisation and Delivery of Event – A Commitment from the Royal Highland Centre'. A commitment was by the licence holder to apply for a separate licence for any events deemed to fall into a category of High Risk of Injury, Damage or Impact on Local Community. The variation application and associated documentation were recirculated to consultees for consideration.

- 3.7 Subsequent to the submission of the variation application, both Police Scotland and Public Safety officers updated their representations (Appendices 4 and 6). Police Scotland advised that the updated representation is supplementary to the initial submission and does not replace it.
- 3.8 The additional conditions detailed in the original Police representation are largely addressed by the updated Notification, Categorisation and Delivery of Event – A Commitment from the Royal Highland Centre' and proposed conditions. Any proposals must be proportionate, and it recommended that the Committee should restrict the requirement to obtain a separate licence to Dance, Rave or events of a similar nature only.
- 3.9 City of Edinburgh Council Officers requested that additional conditions should be added to the licence and these are included in the list of proposed conditions (Appendix 7).
- 3.10 It is proposed that a licence should be granted to Highland Centre Ltd with the conditions detailed in Appendix 8. This would be an annual licence, but would exclude any event Dance, Rave or events of a similar nature. In addition, the period of the Royal Highland Show will be excluded from this licence, which will be the subject of a separate annual licence submitted by RHASS.
- 3.11 At the meeting, Council officers and Police Scotland will address the Committee. The licence holder will then be provided with an opportunity to address the Committee. Members of the Committee can then ask questions of Council officers, Police Scotland and the licence holder.

## **4 Measures of success**

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- 4.1 The premises are licensed in a proportionate and effective manner.

## **5 Financial impact**

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- 5.1 None arising directly from this report as the costs of these matters are recovered through application fees.

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

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- 6.1 The process outlined takes account of the relevant statutory provisions.
- 6.2 The licence holder has a right of appeal against any decision made. The appeal lies to the Sheriff Court

## 7 Equalities impact

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7.1 There is no equalities impact arising from the contents of this report.

## 8 Sustainability impact

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8.1 There is no environmental impact arising from the contents of this report.

## 9 Consultation and engagement

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9.1 Officers of the Council have discussed the licensing requirement with the applicant.

## 10 Background reading/external references

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10.1 None

### **Andrew Mitchell**

Head of Regulatory Services

Contact: Andrew Mitchell, Head of Regulatory Services

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## 11 Appendices

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- 11.1 Appendix 1 - Highland Centre Ltd Licence (11 August 2020 until 10 August 2021)
- 11.2 Appendix 2 - Highland Centre Ltd Licence application
- 11.3 Appendix 3 - Police Scotland Representation
- 11.4 Appendix 4 - Police Scotland Representation Amended Representation
- 11.5 Appendix 5 - City of Edinburgh Council Public Safety Representation
- 11.6 Appendix 6 - City of Edinburgh Council Public Safety Amended Representation
- 11.7 Appendix 7– Proposed additional licence conditions

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Licensing Sub-Committee of the Regulatory Committee

Additional Meeting

21 April 2022

Applications for Miscellaneous Licences

| Item No   | Applicant  | Premises                                  | Conditions applied for   | Verified 24 Hour Contact | Remarks   | Public Objectors | Determination Date |
|---|--|---|--|--------------------------|---|------------------|--------------------|
| The following applicants have been invited for 9.00am |  |   |  |                          |   |                  |                    |
| <b>Late Hours Catering Licence (New)</b>              |  |   |  |                          |   |                  |                    |
| 5.2   | <p><b>Applicant</b><br/>Cheasty Ltd<br/>t/a Papa John's</p> <p><b>Manager</b><br/>Andrew Eastcroft</p> | 12 South Clerk Street, Edinburgh, EH8 9PR | <p>Standard Conditions</p> <p>Requested Hours of Operation</p> <p>Sun-Thu<br/>23:30-00:00</p> <p>Fri-Sat<br/>23:30-01:00</p> | N/A                      | <p>Licensing Enforcement representation</p> <p>Continued from the meeting of the Licensing Sub-Committee of 14 March 2022 to allow the applicant to obtain the necessary written permissions from neighbouring properties..</p> <p><b>Note:</b> Premises has previously held Late Hours Catering Licences with the hours of Sunday-Thursday 23.00-00.00</p> | N/A              | 17.05.22           |

| Item No | Applicant  | Premises                                      | Conditions applied for  | Verified 24 Hour Contact | Remarks   | Public Objectors | Determination Date |
|---------|--|---|---|--------------------------|---|------------------|--------------------|
|         |  |   |   |                          | and Friday-Saturday 23.00-01.00.  |                  |                    |
| 5.3     | <b>Applicant</b><br>Mobashar Firma Ltd<br><b>Manager</b><br>Mobashar Ali | 119 Nicolson Street,<br>Edinburgh,<br>EH8 9ER | Standard Conditions<br>Requested Hours of Operation<br>Mon-Thu<br>12:00-00:00<br>Fri-Sun<br>12:00-02:00 | N/A                      | Police Scotland representation<br>Licensing Enforcement representation<br>Additional Noise Condition<br>"All amplified music and vocals to be so controlled as to be inaudible within the nearest noise-sensitive premises."<br>Continued from the meeting of the Licensing Sub-Committee of 14 March 2022 to allow the applicant to obtain the necessary written permissions from neighbouring premises. | N/A              | 03.08.22           |

| Item No   | Applicant   | Premises               | Conditions applied for | Verified 24 Hour Contact | Remarks   | Public Objectors | Determination Date |
|---|---|------------------------|------------------------|--------------------------|---|------------------|--------------------|
| <b>Public Entertainment Licence (Temporary)</b> |   |                        |                        |                          |   |                  |                    |
| 5.4   | <b>Applicant</b><br>The Beltane Fire Society Ltd<br><br><b>Manager</b><br>Russell McMahon | Calton Hill, Edinburgh | Standard Conditions    | N/A                      | Additional Noise Condition<br><br>“All amplified music and vocals to be so controlled to the satisfaction of the Director of Place.”<br><br><b>Note:</b> 19.00-01.30; maximum capacity of 10,000. | N/A              | 30.04.22           |

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# Agenda Item 5.2

LICENSING REF NO: 452514

ITEM NO

## LATE HOURS CATERING LICENCE

New

|  |  |
|--|--|
| APPLICANT DETAILS:<br>MANAGER  | NAME<br><b>Mr Andrew Eastcroft</b>                   |
| PREMISES ADDRESS   | <b>12 South Clerk Street, Edinburgh, EH8<br/>9PR</b> |
| CONDITIONS RECOMMENDED   | <b>Standard Conditions</b>                           |
| REPRESENTATIONS RECEIVED   | <b>Licensing Enforcement</b>                         |
| REASON FOR BEING CALLED TO<br>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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LICENSING REF NO: 457554

**ITEM NO**

## LATE HOURS CATERING LICENCE

New

|   |   |  |
|---|---|--|
| APPLICANT DETAILS:<br>MANAGER   | NAME  | <b>Mobashar Firma Ltd</b><br><br><b>Mobashar Ali</b> |
| PREMISES ADDRESS  | <b>119 Nicolson Street, Edinburgh, EH8 9ER</b>  |  |
| CONDITIONS RECOMMENDED  | <b>Standard Conditions</b><br><br><i>Noise Team: "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><br><br><b>Licensing Enforcement</b>  |  |
| REASON FOR BEING CALLED TO COMMITTEE  | <b>Out with Policy</b>  |  |
| DETERMINATION DATE  | <b>03/08/2022</b>   |  |
| <p><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".</p> |   |  |

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# Agenda Item 5.4

LICENSING REF NO: 471225

ITEM NO

## PUBLIC ENTERTAINMENT LICENCE

Temporary

|  |      |   |
|--|------|---|
| APPLICANT DETAILS:<br>MANAGER                        | NAME | <b>The Beltane Fire Society Ltd</b><br><b>Mr Russell McMahon</b>  |
| PREMISES ADDRESS                                     |      | <b>Calton Hill, Edinburgh</b>   |
| CONDITIONS RECOMMENDED                               |      | <b>Standard Conditions</b><br><br><b>Noise Conditions:</b> <i>“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>Ward 11</b>  |
| DETERMINATION DATE                                   |      | <b>30 April 2022</b>  |
| <b>NOTES: 1900-0130; maximum capacity of 10,000.</b> |      |   |

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