

Notice of meeting and agenda

Licensing Sub-Committee

1.00pm or at the conclusion of the Regulatory Committee, whichever is later, Monday 6 February 2023

Hybrid Meeting - Dean of Guild Court Room / 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 Any items under “Private Business” will not be published, although the decisions will be recorded in the minute.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

- 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

- 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

- | | | |
|------------|---|---------|
| 3.1 | Minute of Licensing Sub-Committee of 9 January 2023 – submitted for approval as a correct record | 7 - 22 |
| 3.2 | Minute of Licensing Sub-Committee of 10 January 2023 – submitted for approval as a correct record | 23 - 26 |

4. Parades and Processions

- | | | |
|------------|---|---------|
| 4.1 | Parades and Processions: March 2023 – Report by the Head of Regulatory Services | 27 - 40 |
|------------|---|---------|

5. Reports

- | | | |
|------------|---|---------|
| 5.1 | Application for House in Multiple Occupation Licence (New) - Flat 2F2, 52 Polwarth Gardens, Edinburgh – Report by the Head of Regulatory Services | 41 - 62 |
| 5.2 | Applications for House in Multiple Occupation Licences – 145 (3f2) and 193 (1f2) Bruntsfield Place, Edinburgh – Report by the Head of Regulatory Services | 63 - 88 |

6. Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006 - to consider miscellaneous applications

6.1	Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006 – to consider miscellaneous applications – list of applications	89 - 94
6.2	Street Trader Licence (Renewal) - Street Record, Turnhouse Road - Sheila Gunderson	95 - 120
6.3	Street Trader Licence (Variation) - Mobile Unit - Paul Donnison	121 - 126
6.4	House in Multiple Occupation Licence (New) - Flat 13, 8 Albion Gardens – Mohamed Shoaira	127 - 156
6.5	House in Multiple Occupation Licence (New) - 2f2, 5 Tarvit Street - Cameron & Saoirse Turner	157 - 166
6.6	House in Multiple Occupation Licence (Renewal) - 15 Craiglea Place - Carr Gomm	167 - 176
6.7	Short Term Lets Licence (New) - 35 Lixmount Avenue - Nigel & Christine Bennett	177 - 194
6.8	Late Hours Catering Licence (New) - 68 St Mary's Street, Edinburgh – Azzeddine Zeghad	195 - 204
6.9	Public Entertainment Licence (New) - 3 Waterfront Broadway - Pure Gym Ltd	205 - 214
6.10	Public Entertainment Licence (New) - 15 Lauriston Place - Pure Gym Ltd	215 - 224
6.11	Public Entertainment Licence (New) - 600 Gorgie Road - Pure Gym Ltd	225 - 232
6.12	Public Entertainment Licence (New) - Craigleith Retail Park, South Groathill Avenue - Pure Gym Ltd	233 - 242
6.13	Public Entertainment Licence (New) - Sb-3f1, 1-7 Conference Square - Pure Gym Ltd	243 - 250

6.14	Public Entertainment Licence (New) - Unit 1, Ocean Terminal, 98 Ocean Drive - Pure Gym Ltd	251 - 258
6.15	Public Entertainment Licence (New) - Unit 7 Fort Kinnaird, Newcraighall Road - Pure Gym Ltd	259 - 268
6.16	Public Entertainment Licence (Variation) - 49-51 Drum Street - Tanz Limited	269 - 278

Nick Smith

Service Director – Legal and Assurance

Committee Members

Councillor Joanna Mowat (Convener), Councillor Jack Caldwell, Councillor James Dalgleish, Councillor Denis Dixon, Councillor Catherine Fullerton, Councillor Martha Mattos Coelho, Councillor Susan Rae, Councillor Neil Ross and Labour Group Vacancy.

Information about the Licensing Sub-Committee

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

This meeting of the Licensing Sub-Committee is being held in the Dean of Guild Court Room and virtually by Microsoft Teams.

Further information

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, email lesley.birrell@edinburgh.gov.uk / 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.

Minutes

Licensing Sub-Committee of the Regulatory Committee

9.30am, Monday 9 January 2023

Present

Councillors Mowat (Convener), Booth (substituting for Councillor Rae), Dixon, Dalglish, Mattos Coelho, Osler (substituting for Councillor Caldwell) and Neil Ross.

1. Resolution to Consider in Private

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. Application for Renewal of Taxi Driver Licence

The Sub-Committee considered an application for renewal of a Taxi Driver Licence. The Head of Regulatory Services, Police Scotland and the licence holder's agent were heard.

Decision

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

(References – Licensing Sub-Committee 28 June 2022 and 19 December 2022; report by the Head of Regulatory Services, submitted)

3. Request for Suspension or Revocation of Private Hire Driver Licence

The Sub-Committee considered a request by the Head of Regulatory Services to suspend or revoke a Private Hire Driver Licence. The Head of Regulatory Services and Police Scotland 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 Head of Regulatory Services, submitted)

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

The Sub-Committee considered a request from Police Scotland to suspend or revoke a Private Hire Driver Licence. The Head of Regulatory Services, Police Scotland, the licence holder and his agent 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 Head of Regulatory Services, submitted)

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

The Sub-Committee considered a request from Police Scotland to suspend or revoke a Private Hire Driver Licence. The Head of Regulatory Services, Police Scotland, the licence holder and his agent 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 Head of Regulatory Services, submitted)

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

The Sub-Committee considered a request from Police Scotland to suspend or revoke a Private Hire Driver Licence. The Head of Regulatory Services, Police Scotland, the licence holder and his agent 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 Head of Regulatory Services, submitted)

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

The Sub-Committee considered a request from Police Scotland to suspend or revoke a Private Hire Driver Licence. The Head of Regulatory Services, Police Scotland, the licence holder and his agent 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 Head of Regulatory Services, submitted)

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

Details were provided of 6 applications for miscellaneous licences. The Head of Regulatory Services, Police Scotland, the licence holders, applicants and their agents were heard.

Decision

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

(Reference – list of applications, submitted)

9. Applications to Vary the Conditions of Taxi or Private Hire Car Licences: Exemption to Policy

The Regulatory Committee had agreed to amend its policy and licensing conditions regarding the age and emissions standards of licenced vehicles in Edinburgh's Taxi and Private Hire Car fleet at its meeting on 16 March 2018.

19 requests had been received for exemptions to this policy. The licence holders, agents and relevant Council officers were heard.

Decision

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

(Reference – Regulatory Committee 16 March 2018 (item 1); report by the Head of Regulatory Services, 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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Minutes

Licensing Sub-Committee of the Regulatory Committee

9.30am, Tuesday 10 January 2023

Present

Councillors Mowat (Convener), Booth (substituting for Rae) (Item 1), Caldwell, Dalglish, Fullerton, Mattos Coelho and Neil Ross.

1. Minutes

Decision

- 1) To approve the minute of the Licensing Sub-Committee of 5 December 2022 as a correct record.
- 2) To approve the minute of the Licensing Sub-Committee of 6 December 2022 as a correct record.
- 3) To approve the minute of the Licensing Sub-Committee of 19 December 2022 as a correct record.

2. Application for House in Multiple Occupation Licence (New) – Flat 2F2, 52 Polwarth Gardens, Edinburgh

The Sub-Committee considered an application for a House in Multiple Occupation Licence for property 52 Polwarth Gardens, Edinburgh. The property had been licensed previously, however due to an administrative error the licence was allowed to lapse. The application was therefore for a new licence and the applicant had also requested an exemption from policy in order to allow the accommodation to continue to operate.

Decision

To continue consideration of the application to the next meeting of the Licensing Sub-Committee on 6 February 2023 to allow Council officers to inspect the premises and to allow the applicant to provide further information on mitigations which could be put in place to address the fact that Bedrooms 2, 4 & 5 did not meet the required minimum width.

(Reference – report by the Head of Regulatory Services, submitted)

3. Application for House in Multiple Occupation Licence (New) - 1b Pleasance, Edinburgh

The Sub-Committee considered an application for a House in Multiple Occupation Licence for property 1b Pleasance, Edinburgh. The property had been licensed previously, however the licence was allowed to lapse. The application was therefore for a new licence and the applicant had also requested an exemption from policy in order to allow the accommodation to continue to operate.

Decision

To agree to the exemption request as set out in section 3 of the report by the Head of Regulatory Services and thereafter grant the licence subject to the Council's standard conditions for this category of licence.

(Reference – report by the Head of Regulatory Services, submitted)

4. Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006 – Applications for Miscellaneous Licences

Details were provided of 6 applications for miscellaneous licences. The applicants and their agents were heard.

Decision

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

(Reference – list of applications, submitted.)

APPENDIX

Applications for Miscellaneous Licences

House in Multiple Occupation Licence (New)		
5.2	Applicant Park Securities Agent Sarah Strachan Premises Flat 1F, 8 Scotland Street, Edinburgh	To grant the licence subject to the standard conditions for this category of licence.
5.3	Applicant Mohamed Shoaira Lodging Agent QB Wood Architects Premises Flat 13, 8 Albion Gardens, Edinburgh	To continue consideration of the application to the next meeting of the Licensing Sub-Committee on 6 February 2023 to allow the applicant's agent to attend.
Late Hours Catering Licence (New)		
5.4	Applicant Nahar Bd Limited Manager Mohammd Sayedur Rahman Sheikh Premises 30 Duart Crescent, Edinburgh	1) To agree to consider the application in the absence of the applicant. 2) To refuse the application in terms of Schedule 1 Paragraph 5(3)(c)(i) and (iv) of the Civic Government (Scotland) Act 1982.
5.5	Applicant Azzeddine Zeghad Premises 68 St Mary's Street, Edinburgh	To continue consideration of the application to the next meeting of the Licensing Sub-Committee on 6 February 2023 to allow the applicant to attend.

Street Trader Licence (New)		
5.6	Applicant Heather Frances Still Premises Cammo Walk, Edinburgh	To note that the application had been withdrawn at the request of the applicant.
Street Trader Licence (Variation)		
5.7	Applicant Paul Donnison Premises Mobile Trader	To continue consideration of the application to the next meeting of the Licensing Sub-Committee on 6 February 2023 to allow the applicant to attend.

Licensing Sub-Committee of the Regulatory Committee

1.00pm, Monday, 6 February 2023

Proposed Parades and Processions: March 2023

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 in March 2023.

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: March 2023

1. Recommendations

- 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

- 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 parades in the city (further details in Appendix 1).
- 2.3 In respect of the following parades the organisers of each parade intend to use the High Street.

	Event name	Event date
a	International Women's Day	8 March 2023
b	Royal Regiment of Scotland Rally	26 March 2023

- 2.4 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 at the link below. No concerns or objections have been raised by any Council team or by the Police with respect to these parades.
- 2.5 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

- 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.

4. Measures of success

- 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

- 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

- 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

- 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

- 8.1 Not applicable.

9. Consultation and engagement

- 9.1 Statutory consultation has taken place regarding the parades.

10. Background reading/external references

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

11. Appendices

- 11.1 Appendix 1: Notification forms for the following events:

	Event name	Event date
a	International Women's Day	8 March 2023
b	Royal Regiment of Scotland Rally	26 March 2023

- 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

9.30am, Tuesday 10 January 2023

Application for House in Multiple Occupation Licence – 52 2F2 Polwarth Gardens

Executive/routine

Wards

All

Council Commitments

N/A

Executive Summary

An application for a House in Multiple Occupation ('HMO') Licence has been received for a property at 52 2F2 Polwarth Gardens, Edinburgh. The property has operated continuously as an HMO, however due to an administrative error the licence was allowed to lapse, therefore this is a new application.

The applicant requests an exemption from policy in order to allow the licence to be granted.

Andrew Mitchell

Head of Regulatory Services

Contact: Andrew Mitchell, Head of Regulatory Services

E-mail andrew.mitchell@edinburgh.gov.uk | Tel: 0131 529 4042

Application for House in Multiple Occupation Licence – 52 2F2 Polwarth Gardens

1. Recommendations

- 1.1 It is recommended that the Committee:
 - 1.1.1 notes the contents of this report; and
 - 1.1.2 grants the request for exemption and the application, and attaches standard conditions to the licence.

2. Background

- 2.1 The requirement to hold a House in Multiple Occupation ('HMO') Licence is set out in the Housing (Scotland) Act 2006 ('the Act').
- 2.2 The procedures for processing such applications and considering objections etc. are set out in the Act and the associated statutory guidance issued by the Scottish Government.
- 2.3 The statutory guidance also provides model standards for HMO properties. The Regulatory Committee adopted revised property standards on 9 March 2012 and these came into force on 31 December 2012.
- 2.4 The Act introduced the concept of the 'tolerable standard', which all homes must meet in order to be considered fit for habitation. Subsequent Acts amended these requirements.
- 2.5 The Committee can add reasonable conditions as it sees fit, if it is minded to grant the licence.

3. Main report

- 3.1 A new application for the grant of an HMO Licence has been received from Park Securities.
- 3.2 The HMO standards require a bedroom to meet specific size requirements. This property met the requirements when the original HMO licence was granted, however as a new application the new standards apply and three of the five bedrooms in the property fail to meet these requirements. Further, the kitchen worktop surface is smaller than required by the HMO standards.

- 3.3 The Directorate considers the relevant points to be relatively minor.
- 3.4 The property has been inspected by Council officers regarding its suitability for use as a HMO. The property is otherwise compliant with HMO standards. It is recommended that the Committee grants this licence with exemptions as sought, on the basis that it would not be proportionate to insist on modifications.
- 3.5 The Scottish Fire and Rescue Service (SFRS) has inspected the property and although that service has not objected to the grant of the licence, several issues that required attention were identified by SFRS. The applicant has since carried out all remedial works identified by SFRS.
- 3.6 The applicant or their representative have been invited to address the Committee. After hearing from Executive Director of Place or his representative regarding this report, it is recommended that members of the Committee then hear from the applicant.

4 Measures of success

- 4.1 Not relevant, as decisions on individual licences must be considered on their own merits.

5 Financial impact

- 5.1 All associated costs are contained within the existing Licensing budget.

6 Risk, policy, compliance and governance impact

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

7 Equalities impact

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

8 Sustainability impact

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

9 Consultation and engagement

- 9.1 None.

10 Background reading/external references

10.1 None

11 Appendices

11.1 Appendix 1 – Application

11.2 Appendix 2 - Layout Plan

11.3 Appendix 3 – inspection report dated 27 October 2022

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

1.00pm, Monday, 6 February 2023

Applications for House in Multiple Occupation Licences – 145 (3f2) and 193 (1f2) Bruntsfield Place

Item number

Report number

Executive/routine

Wards

All

Executive Summary

This is a request for the Licensing Sub Committee to consider two applications for new House in Multiple Occupation Licences.

This report outlines the procedures that the Licensing Sub Committee should adopt when considering the applications and sets out the various options that are open to the Committee.

Applications for House in Multiple Occupation Licences – 145 (3f2) and 193 (1f2) Bruntsfield Place

1. Recommendations

- 1.1 After hearing from Council Officers and the applicants, it is recommended that the Licensing Sub-Committee determines the applications, considering whether the agent is fit and proper and secondly whether the premises are suitable to be licensed as an HMO.

2. Background

- 2.1 The requirement to hold a House in Multiple Occupation ('HMO') Licence is set out in the Housing (Scotland) Act 2006 ('the Act'). The procedures for processing such applications and considering objections etc. are set out in the Act and the associated statutory guidance issued by the Scottish Government.
- 2.2 In considering an application for HMO licence, the Committee is required to assess whether the applicant and any agent appointed by them are fit and proper in terms of section 130 of the Act. This report sets out officer concerns about the conduct of the agent appointed by the applicant.
- 2.3 The Committee is also required to assess whether the property for which the licence is sought is suitable for occupation as an HMO, or can be made suitable, in terms of section 131 of the Act. This report sets out officer concerns about the suitability of the property for occupation as an HMO.

3. Main report

- 3.1 The Committee asked to determine these applications made on behalf of Catherine Macneal by her agent Peter Lorn Macneal (Appendices 1a and 1b).
- 3.2 Scottish Government statutory guidance 'Fire Safety Guidance For Existing Premises With Sleeping Accommodation' directs 'dutyholders' (defined as 'persons with fire safety responsibilities') to refer to BS 5306 for the provisioning of firefighting equipment. Further, fire extinguishers must be checked annually by a competent person. Scottish Fire and Rescue Service recommends that contractors employed for this purpose are 'British Approvals for Fire-fighting Equipment' registered. The application for 1f2 193 Bruntsfield Place (Appendix 1a) was reviewed by officers and found to have omitted evidence confirming that these checks had been carried out.

- 3.3 On 4 October 2022 Council officers contacted the applicant's agent (Mr Macneal) to provide an update on the progress of the applications. This included a reminder with respect to the required certification on fire extinguisher checks by a 'competent person' for the property at 1f2 193 Bruntsfield Place. A follow-up message was sent on 18 October 2022 (Appendix 2). Mr Macneal responded on 25 October that he considered himself suitably competent to carry out the necessary checks. An officer from the Scottish Fire and Rescue Service was asked to comment on this and responded that in this context Mr Macneal would not be considered a 'competent person', and as such the applicant would be required to engage a contractor to certify the safety of the fire extinguishers. Mr Macneal replied to dispute this (Appendix 3).
- 3.4 Further correspondence on this matter (Appendix 4) failed to reach a satisfactory conclusion. The required safety certification remains outstanding, and as a result officers do not consider the property at 1f2 193 Bruntsfield Place suitable to be licensed as an HMO. In these circumstances officers would normally consider refusing under delegated powers.
- 3.5 A further issue arose during this correspondence. The Team Leader dealing with these applications as a result of the issue above has expressed concern about the tone of some of the language used by Mr Macneal (Appendix 4), which she found to be upsetting. In particular the agent used the following language in an email dated 14 December 2022: *"I think a monkey at Edinburgh zoo could tell you if a seal had been tampered with"*. Members are asked to consider whether the correspondence received from Mr Macneal (Appendix 4) may be considered to breach the Council's [Policy on Unacceptable Behaviour Towards Licensing Staff](#).
- 3.6 Furthermore, members are asked to consider the overall correspondence with both Council officers and Scottish Fire and Rescue officers and determine whether it has any impact on the fitness of the agent to be named on the licence. The agent has been asked to resolve a relatively minor issue but is apparently declining to follow advice. The email exchanges include the following examples:
- 'The matter is in your hands. If I do not have early and satisfactory resolution. I will invite press and social media intervention'*
- 'Please appreciate I have no intention of investing in consulting with a "defined expert person" to charge me probably in excess of £100 fee to check the tamper proof seal of a fire appliance costing £25 from Screwfix'*
- 'I think it is patronising, indeed offensive to suggest that checking a tamper proof seal must inspected and certified by arrangement through an independent and qualified party'*
- 'I am sorry theses a smoke screen of archaic nonsense applicable to traditional water based extinguishers that could be refilled and regularly serviced at what last time was an annual cost of £120.'*
- 'Please can we get real and amend your HMO policies to reflect the time we live in'*
- The Directorate contends that by taking such an approach this could suggest that the agent has little regard for the HMO licensing system.
- 3.6 The applicant has been invited to attend.

4 Measures of success

- 4.1 Not relevant, as decisions on individual applications have to be considered on their own merits.

5 Financial impact

- 5.1 The Council's costs are contained within the licence application fees charged.

6 Risk, policy, compliance and governance impact

- 6.1 The process outlined takes account of the relevant statutory provisions.
- 6.2 The applicant has a right of appeal against any decision made. The appeal lies to the First-Tier Tribunal.

7 Equalities impact

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

8 Sustainability impact

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

9 Consultation and engagement

- 9.1 None.

10 Background reading/external references

- 10.1 None

Andrew Mitchell

Head of Regulatory Services

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Contact: Catherine Scanlin, Licensing Manager

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11 Appendices

- 11.1 Appendix 1a: HMO Licence applications for 1f2 193 Bruntsfield Place
- 11.2 Appendix 1b: HMO Licence applications for 3f2 145 Bruntsfield Place
- 11.3 Appendix 2: Emails dated 4 and 18 October with respect to application for HMO Licence at 1f2 193 Bruntsfield Place
- 11.4 Appendix 3: Email dated 1 November 2022 from Scottish Fire and Rescue Service and response from Lorn Macneal dated 1 November 2022
- 11.5 Appendix 4: Email correspondence between Eileen McHale (Licensing Team Leader) and Lorn Macneal between 14 and 15 December 2022

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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

6 February 2023

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 1pm							
Street Trader Licence (Renewal)							
6.2	Applicant Sheila Gunderson	Street Record, Turnhouse Road, Edinburgh	Standard Conditions	N/A	Public Objector	Andrew Bryce	10.02.23
Street Trader Licence (Variation)							
6.3	Licence Holder Paul Donnison	Mobile Unit	Requested Variation "To permit an open licence to all areas apart from the city centre"	N/A	Licensing Enforcement representation Note: The Licensing Sub-Committee, on 10 January 2023, continued consideration of this application to this meeting to allow the applicant to attend.		02.05.23

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Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
6.7	Applicant Nigel & Christine Bennett Manager Vanessa Carmichael, Rettie Short Term Lets	35 Lixmount Avenue, Trinity, Edinburgh	Standard Conditions	N/A	Public Objection	Sonia Gregson-Muir	15.08.23
Late Hours Catering Licence (New)							
6.8	Applicant Azzeddine Zeghad	68 St Mary's Street, Edinburgh	Standard Conditions Requested Hours of Operation Sun-Thu 23:00-02:00 Fri & Sat 23:00-03:00	N/A	Police Scotland representation Licensing Enforcement representation Note: The Licensing Sub-Committee, on 10 January 2023, continued consideration of this application to this meeting to allow the applicant to attend.		01.09.23
Public Entertainment Licence (New)							

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
6.9	Applicant Pure Gym Ltd Manager Mark Trimmer	3 Waterfront Broadway, Edinburgh	Standard Conditions		Licensing Enforcement Objection		25.08.23
6.10	Applicant Pure Gym Ltd Manager Mark Trimmer	15 Lauriston Place, Edinburgh	Standard Conditions		Licensing Enforcement Objection		24.08.23
6.11	Applicant Pure Gym Ltd Manager Mark Trimmer	600 Gorgie Road, Edinburgh	Standard Conditions		Licensing Enforcement Objection		25.08.23
6.12	Applicant Pure Gym Ltd Manager Mark Trimmer	Craigleith Retail Park, South Groathill Avenue, Edinburgh	Standard Conditions		Licensing Enforcement Objection		24.08.23
6.13	Applicant Pure Gym Ltd Manager Mark Trimmer	Sb-3f1, 1-7 Conference Square, Edinburgh	Standard Conditions		Licensing Enforcement Objection		24.08.23

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
6.14	Applicant Pure Gym Ltd Manager Mark Trimmer	Unit 1, Ocean Terminal, 98 Ocean Drive, Edinburgh	Standard Conditions		Licensing Enforcement Objection		24.08.23
6.15	Applicant Pure Gym Ltd Manager Mark Trimmer	Unit 7 Fort Kinnaird, Newcraighall Road, Edinburgh	Standard Conditions		Licensing Enforcement Objection		24.08.23
Public Entertainment Licence (Variation)							
6.16	Applicant Tanz Limited Agent Lorraine Magunnigal	49-51 Drum Street, Edinburgh	Standard Conditions Requested Hours of Operation Mon-Fri 09:00-22:00 Sat-Sun 10:00-21:00		Public Objection	Mr & Mrs Kerr	08.09.2023

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LICENSING REF NO: 469686

ITEM NO

STREET TRADER LICENCE

Renewal

APPLICANT DETAILS: MANAGER	NAME Ms Sheila Gunderson
PREMISES ADDRESS	Street Record, Turnhouse Road, Edinburgh
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	Public objection
REASON FOR BEING CALLED TO COMMITTEE	Public objection
DETERMINATION DATE	10/02/2023
NOTES:	

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LICENSING REF NO: 475267

ITEM NO

STREET TRADER LICENCE

Variation

APPLICANT DETAILS: MANAGER	NAME Mr Paul Donnison
PREMISES ADDRESS	Mobile Trader
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	Licensing Enforcement
REASON FOR BEING CALLED TO COMMITTEE	Out with policy Licensing Enforcement representation
DETERMINATION DATE	02/05/2023
NOTES: continued from previous committee	

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Agenda Item 6.4

LICENSING REF NO: 477961

ITEM NO

HMO
NEW

APPLICANT DETAILS:	NAME	Mr Mohamed Shoaira
	AGENT	
	LODGING AGENT	QB Wood Architects
PREMISES ADDRESS		Flat 13, 8 Albion Gardens, Albion, Edinburgh, EH7 5NP
CONDITIONS APPLIED FOR		Maximum Occupants - 4
24 HOUR CONTACT NUMBER		SATISFACTORY
NOTICE OF APPLICATION		Yes 08/08/2022
REPRESENTATIONS RECEIVED		2 x Public Objection
DETERMINATION DATE		30/08/2023
RENEWAL DATE		
NOTES: application continued from previous committee		

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LICENSING REF NO: 485576

ITEM NO

HMO
NEW

APPLICANT DETAILS:	NAME	Mr Cameron Turner & Ms Saoirse Turner
	AGENT	Miss Georgia Rose Oritsemeyiwa
	LODGING AGENT	
PREMISES ADDRESS		2f2, 5 Tarvit Street, Edinburgh, EH3 9LB
CONDITIONS APPLIED FOR		Maximum Occupants - 3
24 HOUR CONTACT NUMBER		SATISFACTORY
NOTICE OF APPLICATION		Yes – 11/11/22
REPRESENTATIONS RECEIVED		Public Objection
DETERMINATION DATE		27/9/23
RENEWAL DATE		27/9/22
NOTES:		

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Agenda Item 6.6

LICENSING REF NO: 488013

ITEM NO

HMO
RENEWAL

APPLICANT DETAILS:	NAME	Carr Gomm
	AGENT	Mr Keith Milligan
	LODGING AGENT	
PREMISES ADDRESS		15 Craiglea Place, Edinburgh, EH10 5QA
CONDITIONS APPLIED FOR		Maximum Occupants - 3
24 HOUR CONTACT NUMBER		SATISFACTORY
NOTICE OF APPLICATION		Yes – 19/12/22
REPRESENTATIONS RECEIVED		Public Objection x 2
DETERMINATION DATE		14/11/23
RENEWAL DATE		14/11/22
NOTES:		

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LICENSING REF NO: 488083

ITEM NO

SHORT TERM LETS LICENCE

New

APPLICANT DETAILS:	NAME	Nigel William Bennett and Christine Inge Bennett
MANAGER		Vanessa Carmichael Rettie Short Term Lets
PREMISES ADDRESS		35 Lixmount Avenue, Trinity, Edinburgh, EH5 3EW
CONDITIONS RECOMMENDED		Standard Conditions
REPRESENTATIONS RECEIVED		Public objector
REASON FOR BEING CALLED TO COMMITTEE		Public objection
DETERMINATION DATE		15/08/2023
NOTES: application is for Home letting		

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LICENSING REF NO: 472637

ITEM NO

LATE HOURS CATERING LICENCE

New

APPLICANT DETAILS: MANAGER	NAME Mr Azzeddine Zeghad
PREMISES ADDRESS	68 St Mary's Street, Edinburgh, EH1 1SX
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	Police Scotland Licensing Enforcement
REASON FOR BEING CALLED TO COMMITTEE	Outwith Policy
DETERMINATION DATE	01/09/2023
NOTES: continued from previous committee	

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LICENSING REF NO: 482704

ITEM NO

**PUBLIC ENTERTAINMENT
LICENCE**

New

APPLICANT DETAILS: MANAGER	NAME Pure Gym Ltd Mr Mark Trimmer
PREMISES ADDRESS	3 Waterfront Broadway, Edinburgh, EH5 1SA
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	Licensing Enforcement
REASON FOR BEING CALLED TO COMMITTEE	Licensing Enforcement Objection
DETERMINATION DATE	25/8/23
NOTES:	

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LICENSING REF NO: 482602

ITEM NO

PUBLIC ENTERTAINMENT LICENCE

New

APPLICANT DETAILS: MANAGER	NAME Pure Gym Ltd Mr Mark Trimmer
PREMISES ADDRESS	15 Lauriston Place, EH3 9EY
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	Licensing Enforcement
REASON FOR BEING CALLED TO COMMITTEE	Licensing Enforcement Objection
DETERMINATION DATE	24/8/23
NOTES:	

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LICENSING REF NO: 482705

ITEM NO

PUBLIC ENTERTAINMENT LICENCE

New

APPLICANT DETAILS: MANAGER	NAME Pure Gym Ltd Mr Mark Trimmer
PREMISES ADDRESS	600 Gorgie Road, Edinburgh
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	Licensing Enforcement
REASON FOR BEING CALLED TO COMMITTEE	Licensing Enforcement Objection
DETERMINATION DATE	25/8/23
NOTES:	

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LICENSING REF NO: 482563

ITEM NO

PUBLIC ENTERTAINMENT LICENCE

New

APPLICANT DETAILS: MANAGER	NAME Pure Gym Ltd Mr Mark Trimmer
PREMISES ADDRESS	Craigleith Retail Park, South Groathill Avenue, Edinburgh, EH4 2LN
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	Licensing Enforcement
REASON FOR BEING CALLED TO COMMITTEE	Licensing Enforcement Objection
DETERMINATION DATE	24/8/23
NOTES: This premises has not been previously licenced.	

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LICENSING REF NO: 482572

ITEM NO

PUBLIC ENTERTAINMENT LICENCE

New

APPLICANT DETAILS: MANAGER	NAME Pure Gym Ltd Mr Mark Trimmer
PREMISES ADDRESS	Sb-3f1, 1-7 Conference Square, Edinburgh, EH3 8RA
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	Licensing Enforcement
REASON FOR BEING CALLED TO COMMITTEE	Licensing Enforcement Objection
DETERMINATION DATE	24/8/23
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LICENSING REF NO: 482600

ITEM NO

PUBLIC ENTERTAINMENT LICENCE

New

APPLICANT DETAILS: MANAGER	NAME Pure Gym Ltd Mr Mark Trimmer
PREMISES ADDRESS	Unit 1, Ocean Terminal, 98 Ocean Drive, Edinburgh, EH6 6JJ
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	Licensing Enforcement
REASON FOR BEING CALLED TO COMMITTEE	Licensing Enforcement Objection
DETERMINATION DATE	24/8/23
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LICENSING REF NO: 482597

ITEM NO

PUBLIC ENTERTAINMENT LICENCE

New

APPLICANT DETAILS: MANAGER	NAME Pure Gym Ltd Mr Mark Trimmer
PREMISES ADDRESS	Unit 7 Fort Kinnaird, Newcraighall Road, EH15 3RD
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	Licensing Enforcement
REASON FOR BEING CALLED TO COMMITTEE	Licensing Enforcement Objection
DETERMINATION DATE	24/8/23
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LICENSING REF NO: 489795

ITEM NO

PUBLIC ENTERTAINMENT LICENCE

Variation

APPLICANT DETAILS: MANAGER	NAME Tanz Limited Ms Lorraine Magunnigal
PREMISES ADDRESS	49-51 Drum Street, Edinburgh, EH17 8RQ
CONDITIONS RECOMMENDED	Standard Conditions
REPRESENTATIONS RECEIVED	Public Objection
REASON FOR BEING CALLED TO COMMITTEE	Public objection
DETERMINATION DATE	08/09/2023
NOTES: variation to operating hours only. Licence valid until 10 June 2023	

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