

Notice of meeting and agenda

Licensing Sub-Committee

9.30am, Monday 6 March 2023

Dean of Guild Court Room - City Chambers

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 Any items under “Private Business” will not be published, although the decisions will be recorded in the minute.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 6 February 2023 – submitted for approval as a correct record 7 - 14
- 3.2 Minute of Licensing Sub-Committee of 10 February 2023 – submitted for approval as a correct record 15 - 26

4. Parades and Processions

- 4.1 Parades and Processions: April/June 2023 – Report by the Head of Regulatory Services 27 - 40
- 4.2 Use of Urgency Provision of Standing Orders - Scotland's Voice for Ukraine Parade: 25 February 2023 – Report by the Head of Regulatory Services 41 - 50

5. Reports

- 5.1 Application for House in Multiple Occupation Licence – 227 (2f2) Dalkeith Road 51 - 62

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 63 - 68

6.2	House in Multiple Occupation Licence (New) - Flat 13, 8 Albion Gardens, Edinburgh – Mohamed Shoaira	69 - 98
6.3	House in Multiple Occupation Licence (New) - 3F1, 33 Lauderdale Street, Edinburgh - David Haywood	99 - 108
6.4	House in Multiple Occupation Licence (Renewal) - 15 Craiglea Place, Edinburgh - Carr Gomm	109 - 118
6.5	House in Multiple Occupation Licence (Renewal) - 1f, 1 St Vincent Street, Edinburgh - Olivia Carolyn Romsey Dobson	119 - 134
6.6	House in Multiple Occupation Licence (Renewal) - 19 Temple Park Crescent, Edinburgh - Simon Julius Rackham	135 - 144
6.7	House in Multiple Occupation Licence (Renewal) - 2F, 23 Gilmore Place, Edinburgh - Kenneth Frew	145 - 156
6.8	House in Multiple Occupation Licence (Renewal) - 53 St John's Road, Edinburgh - Duddington Scott Ltd	157 - 166
6.9	House in Multiple Occupation Licence (Renewal) - Flat 3, 1 Merchiston Bank Avenue, Edinburgh - Karen Chandra Nelligan & Mark Nelligan	167 - 176
6.10	House in Multiple Occupation Licence (Renewal) - Flat 3, 1 Hunter Square, Edinburgh - Southside DBM Ltd	177 - 186
6.11	Short Term Lets Licence (New) - Flat 3, 4 Hawthornden Place, Edinburgh - Jan Kourimsky	187 - 208
6.12	Public Entertainment Licence (Temporary) - Royal Highland Centre, Ingliston Road, Edinburgh - Highland Centre Limited	209 - 226
6.13	Market Operators Licence (Temporary) - Royal Highland Centre, Ingliston Road, Edinburgh - TV Events Ltd	227 - 236

Nick Smith

Committee Members

Councillors 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 a 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 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, Tel , 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

1:00pm, Monday 6 February 2023

Present

Councillors Mowat (Convener), Caldwell, Dalglish, Dixon (excluding Item 3), Fullerton, Mattos Coelho, Rae (excluding Item 3), and Neil Ross.

1. Minutes

Decision

- 1) To approve the minute of the Licensing Sub-Committee of 9 January 2023 as a correct record.
- 2) To approve the minute of the Licensing Sub-Committee of 10 January 2023 as a correct record.

2. Parades and Processions: March 2023

a) International Women's Day

Details were provided of a proposed parade, 'International Women's Day' to be held on 8 March 2023. The appropriate Council officers and Police Scotland were heard.

Decision

To make an Order in respect of the proposed International Women's Day on 8 March 2023 within the designated route and times imposing conditions that:

- 1) The parade shall proceed in accordance with the route and times specified in the Notices of Proposal.
 - 2) The organiser will adhere to the recommendations of the Events Planning and Operations Group.
 - 3) The proposed conditions recommended by the Council's Regulatory Services Manager shall be applied.
- b) **Royal Regiment of Scotland Rally**
- Details were provided of a proposed parade, 'Royal Regiment of Scotland Rally' to be held on 26 March 2023. The appropriate Council officers and Police Scotland were heard.

Decision

To make an Order in respect of the proposed Royal Regiment of Scotland Rally on 26 March 2023 within the designated route and times imposing conditions that:

- 1) The parade shall proceed in accordance with the route and times specified in the Notices of Proposal.
- 2) The organiser will adhere to the recommendations of the Events Planning and Operations Group.
- 3) The proposed conditions recommended by the Council's Regulatory Services Manager shall be applied.

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

3. 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 Flat 2F2, 52 Polwarth Gardens, Edinburgh. The property had been licensed previously, however due to an administrative error the licence had been 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 for 4 occupants subject to:

- 1) The agent undertaking the following alterations:
 - Relocate the tall fridge freezer from the kitchen to the utility space and subsequently extend the kitchen worktop to give another 66cm of workspace.
 - Knocking through the wall between bedrooms 4 and 5 to create one larger bedroom.
- 2) The Council's standard conditions for this category of licence.

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

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

The Sub-Committee considered applications for House in Multiple Occupation Licences for properties at 145 (3F2) and 193 (1F2) Bruntsfield Place, Edinburgh.

Motion

To refuse the applications in terms of section 130 of the Housing (Scotland) Act 2006.

- moved by Councillor Fullerton, seconded by Councillor Mattos Coelho

Amendment

To grant the applications, subject to the licence holder committing to complying with the statutory guidance regarding the testing of the portable fire extinguishers by a qualified competent person for the annual service.

- moved by Councillor Ross, seconded by Councillor Caldwell

Voting

For the motion - 6 votes
For the amendment - 2 votes

(For the Motion – Councillors Dalgleish, Dixon, Fullerton, Mattos Coelho, Mowat and Rae.
For the Amendment – Councillors Ross and Caldwell).

Decision

To refuse the applications in terms of section 130 of the Housing (Scotland) Act 2006.

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

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

Details were provided of 15 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

Street Trader Licence (Renewal)		
6.2	<p>Applicant Sheila Gunderson</p> <p>Location Turnhouse Road, Edinburgh</p>	<p>1) To RENEW the licence subject to the Council's standard conditions for this category of licence.</p> <p>2) To VARY the licence to reflect that the current trading location on Turnhouse Road would be the permanent location attached to the licence as set out in the letter dated 3 February 2023 from the Transport Manager, Network Management and Enforcement Team.</p>
Street Trader Licence (Variation)		
6.3	<p>Applicant Paul Donnison</p> <p>Premises Mobile Trader</p>	<p>1) To agree to consider the application in the absence of the licence holder.</p> <p>2) To GRANT A VARIATION to add a further two trading zones to the licence, such additional zones to be confirmed by the Executive Director of Place following consultation with the applicant as to his preferred trading zones.</p>
House in Multiple Occupation Licence (New)		
6.4	<p>Applicant Mohamed Shoaira</p> <p>Agent QB Wood Architects</p> <p>Premises Flat 13, 8 Albion Gardens, Edinburgh</p>	<p>To CONTINUE consideration of the application to the next meeting of the Licensing Sub-Committee on 6 March 2023 at the request of the applicant.</p>
6.5	<p>Applicant Cameron & Saoirse Turner</p> <p>Premises 2f2, 5 Tarvit Street, Edinburgh</p>	<p>To GRANT the licence for a period of one year subject to the Council's standard conditions for this category of licence.</p>

House in Multiple Occupation Licence (Renewal)

6.6	Applicant Carr Gomm Agent Keith Milligan Premises 15 Craiglea Place, Edinburgh	To CONTINUE consideration of the application to the meeting of the Licensing Sub-Committee on 6 March 2023 to allow the licence holder to attend.
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Short Term Lets Licence (New)

6.7	Applicant Nigel & Christine Bennett Manager Vanessa Carmichael, Rettie Short Term Lets Premises 35 Lixmount Avenue, Edinburgh	To GRANT the licence for a period of one year subject to the mandatory conditions and the Council's standard conditions for this category of licence.
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Late Hours Catering Licence (New)

6.8	Applicant Azzeddine Zeghad Premises 68 St Mary's Street, Edinburgh	<ol style="list-style-type: none">1) To agree to consider the application in the absence of the applicant.2) To GRANT the licence for the hours Mon-Sun 23:00 to 00:00 subject to the standard conditions for this category of licence.
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Public Entertainment Licence (New)

6.9	Applicant Pure Gym Ltd Manager Mark Trimmer Premises 3 Waterfront Broadway, Edinburgh	To GRANT the licence subject to the standard conditions of this category of licence and subject also to an additional condition that the single person on-site in the premises between the hours of 10pm to 6am must be emergency first aid trained. Note: Councillor Fullerton requested that her dissent be recorded to this decision.
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Public Entertainment Licence (New)

<p>6.10</p>	<p>Applicant Pure Gym Ltd</p> <p>Manager Mark Trimmer</p> <p>Premises 15 Lauriston Place, Edinburgh</p>	<p>To GRANT the licence subject to the standard conditions of this category of licence and subject also to an additional condition that the single person on-site in the premises between the hours of 10pm to 6am must be emergency first aid trained.</p> <p>Note: Councillor Fullerton requested that her dissent be recorded to this decision.</p>
<p>6.11</p>	<p>Applicant Pure Gym Ltd</p> <p>Manager Mark Trimmer</p> <p>Premises 600 Gorgie Road, Edinburgh</p>	<p>To GRANT the licence subject to the standard conditions of this category of licence and subject also to an additional condition that the single person on-site in the premises between the hours of 10pm to 6am must be emergency first aid trained.</p> <p>Note: Councillor Fullerton requested that her dissent be recorded to this decision.</p>
<p>6.12</p>	<p>Applicant Pure Gym Ltd</p> <p>Manager Mark Trimmer</p> <p>Premises Craigleith Retail Park, South Groathill Avenue, Edinburgh</p>	<p>To GRANT the licence subject to the standard conditions of this category of licence and subject also to an additional condition that the single person on-site in the premises between the hours of 10pm to 6am must be emergency first aid trained.</p> <p>Note: Councillor Fullerton requested that her dissent be recorded to this decision.</p>
<p>6.13</p>	<p>Applicant Pure Gym Ltd</p> <p>Manager Mark Trimmer</p> <p>Premises Sb-3f1, 1-7 Conference Square, Edinburgh</p>	<p>To GRANT the licence subject to the standard conditions of this category of licence and subject also to an additional condition that the single person on-site in the premises between the hours of 10pm to 6am must be emergency first aid trained.</p> <p>Note: Councillor Fullerton requested that her dissent be recorded to this decision.</p>

Public Entertainment Licence (New)

6.14	Applicant Pure Gym Ltd Manager Mark Trimmer Premises Unit 1, Ocean Terminal, 98 Ocean Drive, Edinburgh	To GRANT the licence subject to the standard conditions of this category of licence and subject also to an additional condition that the single person on-site in the premises between the hours of 10pm to 6am must be emergency first aid trained. Note: Councillor Fullerton requested that her dissent be recorded to this decision.
6.15	Applicant Pure Gym Ltd Manager Mark Trimmer Premises Unit 7 Fort Kinnaird, Newcraighall Road, Edinburgh	To GRANT the licence subject to the standard conditions of this category of licence and subject also to an additional condition that the single person on-site in the premises between the hours of 10pm to 6am must be emergency first aid trained. Note: Councillor Fullerton requested that her dissent be recorded to this decision.

Public Entertainment Licence (Variation)

6.16	Applicant Tanz Limited Agent Lorraine Magunnigal Premises 49-51 Drum Street, Edinburgh	To VARY the licence for the hours requested.
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Minutes

Licensing Sub-Committee of the Regulatory Committee

9:30am, Friday 10 February 2023

Present

Councillors Mowat (Convener), Caldwell (excluding items 4, 5 and 7), Dixon, Dalglish (excluding items 4), Fullerton (excluding items 4 and 5), Mattos Coelho and Neil Ross.

1. Application for Grant of Booking Office Licence - Intercity Management Ltd

The Sub-Committee considered an application for grant of a Booking Office Licence at New Street Car Park submitted by Intercity Management Ltd. Relevant Council officers had met with the applicant to discuss the application and the proposal to add local conditions to the licence. The Head of Regulatory Services and the applicant were heard.

Decision

- 1) To note the report and that no objections had been received.
- 2) To grant the application subject to the mandatory conditions for this type of licence and the additional conditions set out in Appendix 3 of the report by the Head of Regulatory Services.

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

2. 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.

3. Police Request for Suspension or Revocation of a 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, Police Scotland 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 Head of Regulatory Services, submitted)

4. Police Request for Suspension or Revocation of a 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, 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.

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

5. Police Request for Suspension or Revocation of a 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, 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.

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

6. Request for Immediate Suspension of a Taxi Driver Licence

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

7. Request for Immediate Suspension of a Taxi Driver Licence

The Sub-Committee considered a request by the Head of Regulatory Services to suspend or revoke 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.

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

Declaration of Interest

Councillor Caldwell declared a non-financial interest as he had previous knowledge of the circumstances of the case, left the meeting and took no part in the decision on the matter.

8. Applications to Grant or Renew Taxi or Private Hire Driver Licences

Details were provided of 2 applications to grant or renew Taxi or Private Hire Driver Licences. The Head of Regulatory Services, Police Scotland and the licence holders were heard.

Decision

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

(Reference – report by the Head of Regulatory Services, 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.

8 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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Licensing Sub-Committee of the Regulatory Committee

9.30am, Monday, 6 March 2023

Proposed Parades: April/June 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 two parades which are proposed to take place in April and June 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

Contact: Andrew Mitchell, Head of Regulatory Services

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Proposed Parades: April/June 2023

1. Recommendations

- 1.1 It is recommended that the Committee makes orders in respect of the proposed parades, attaching standard conditions (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 events in the city (further details in Appendix 1):

	Name	Date
a	Yes2Indee It Is Time	1 April 2023
b	John Knox Orange and Purple District LOL Annual Demonstration	24 June 2023

- 2.3 It is proposed that the parades will take place and use the High Street. With respect to (b), there is a longstanding practice of referring any parade of this type to committee for scrutiny.
- 2.4 The Council has limited powers available regarding the control of 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 The notification forms relevant to the proposed parade are attached at Appendix 1.
- 3.2 The recommended conditions (Appendix 2) are sufficient to mitigate any possible disruption to the community.

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, Monday, 6 March 2023

Use of Urgency Provision of Standing Orders - Scotland's Voice for Ukraine Parade: 25 February 2023

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

Executive Summary

The Committee is asked to note that Notice of a Proposal to Hold a Public Procession was received by the Licensing Service on 8 February 2023. The notice informed the Council of intention to hold a procession on 25 February 2023.

The parade was dealt with by the relevant Executive Director after consultation with the Convener using the urgency provision within Standing Orders.

Andrew Mitchell

Head of Regulatory Services

Contact: Andrew Mitchell, Head of Regulatory Services

E-mail andrew.mitchell@edinburgh.gov.uk | Tel: 0131 529 4208

Use of Urgency Provision of Standing Orders - Scotland's Voice for Ukraine Parade: 25 February 2023

1. Recommendations

- 1.1 The Committee is asked to note the decision made by the relevant Executive Director, using the urgency provision of standing orders after consultation with the Convener.

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 was notified of intent to hold a parade in the city (further details in Appendix 1).

3. Main report

- 3.1 On 8 February 2023 the Council received notice that it was intended to hold a 'Scotland's Voice for Ukraine' procession on 25 February 2023. This was less than the statutory 28 days' notice. The Council can decide to waive the 28 days' notice period, which would normally be a committee decision.
- 3.2 After consultation with the Convener and due to timescales, on this occasion a decision was made to waive the 28 days' notice requirement. The Convener was also consulted on the use of urgency provisions within Standing Orders to allow the Executive Director of Place to issue an order attaching standard conditions (Appendix 2) to the parade. This enabled the event to go ahead.
- 3.3 Standing Orders permit Directors to make urgent decisions provided the relevant Convener is consulted. Any such decision is required to be reported thereafter to Committee.

4 Measures of success

4.1 Not applicable.

5 Financial impact

5.1 None arising directly from this report.

6 Risk, policy, compliance and governance impact

6.1 Not applicable.

7 Equalities impact

7.1 No equalities impact arises from the contents of this report.

8 Sustainability impact

8.1 No environmental impact arises from the contents of this report.

9 Consultation and engagement

9.1 The Convener was consulted prior to the use of the urgency provision, as required by Standing Orders.

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 form

11.2 Appendix 2: Conditions.

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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

9.30am, Monday, 6 March 2023

Application for House in Multiple Occupation Licence – 227 (2f2) Dalkeith Road

Executive/routine

Wards

Ward 15 – Southside/Newington

Council Commitments

N/A

Executive Summary

An application for a House in Multiple Occupation ('HMO') Licence has been received for a property at 227 (2f2) Dalkeith Road, Edinburgh.

This property has previously been licensed and the applicant requests an exemption from policy in order to allow the accommodation to continue to operate. The report sets out relevant sections of the policy background which should be considered when determining this application.

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 – 227 (2f2) Dalkeith Road

1. Recommendations

- 1.1 It is recommended that the Committee:
 - 1.1.1 notes the contents of this report; and
 - 1.1.2 determines the application and the request for exemption, 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'). The procedures for processing such applications and considering objections etc. are set out in the Act.
- 2.2 The Housing (Scotland) Act 1987 introduced the concept of the 'tolerable standard', which all homes must meet in order to be considered fit for habitation. Subsequent Acts incorporated and made amendments the requirements.
- 2.3 The Committee can add reasonable conditions as it sees fit, if it is minded to grant the licence.

3. Main report

- 3.1 An application (Appendix 1) for the grant of an HMO Licence for a property has been received from Clan Gordon Ltd. This property has previously been licensed by the Council as an HMO for many years.
- 3.2 'Tolerable standard' criteria specify that the minimum width of a bedroom should be 2.25 metres. Additionally the minimum bedroom size for single occupancy is 10 square metres where, as in this case, there are no communal living rooms. Bedroom 3 does not comply with these criteria (Appendix 3).
- 3.3 The property had previously been licensed as an HMO for several years. Historically the Council has granted the licence with an exemption to these specific physical standard requirements for HMO, as these were introduced by the 'tolerable standard' requirement some years after the initial grant of licence. The property has operated without issue for a number of years.

- 3.4 The applicants request an exemption from policy in order to allow the accommodation to continue to operate (Appendix 2). The applicant or their representative have been invited to address the Committee
- 3.5 The property has been inspected by Council officers regarding its suitability for use as an HMO. The nonconformities are highlighted in Appendix 3. It is recommended that the Committee determines this licence and agrees the exemption. The Directorate advises that it may not be proportionate to insist on modifications to bring this property in line with current physical specifications given the points in paragraph 3.3 above. The floor plan is attached at Appendix 4.
- 3.6 Officers have no other concerns about this application, which is in essence an application to maintain continuity of licence, the renewal of which has fallen foul of an administrative error. Had this not been the case the application would normally have been granted under delegated powers.
- 3.7 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

11 Appendices

11.1 Appendix 1 – application form

11.2 Appendix 2 – email from applicant dated 21 December 2022

11.3 Appendix 3 – report on inspection carried out on 6 January 2023

11.4 Appendix 4 – floor plan

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 March 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 9:30am							
House in Multiple Occupation Licence (New)							
6.2	Applicant Mohamed Shoaira Agent QB Wood Architects	Flat 13, 8 Albion Gardens, Edinburgh	4 occupants	Satisfactory	2 Late Public Objections Note: The Licensing Sub-Committee, on 6 February 2023, continued consideration of this application to this meeting to allow the applicant to attend.	Nicola Sheahan Lauren Hunter, Clan Gordon	30.08.23
6.3	Applicant David Haywood	3F1, 33 Lauderdale Street, Edinburgh	4 occupants	Satisfactory	Public Objection	Steven & Pearl Aitken	03.11.23

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
House in Multiple Occupation Licence (Renewal)							
6.4	Applicant Carr Gomm Agent Keith Milligan	15 Craiglea Place, Edinburgh	3 Occupants	Satisfactory	Public Objections Note: The Licensing Sub-Committee, on 6 February 2023, continued consideration of this application to this meeting to allow the applicant to attend.	Julia Wiseman Karen Esslemont	14.11.23
6.5	Applicant Olivia Carolyn Romsey Dobson Agent Dunpark Property Agents	1F, 1 St Vincent Street, Edinburgh	4 Occupants	Satisfactory	Public Objections x 2	Marion Mackintosh Dr. Joann P. Stewart	08.09.23
6.6	Applicant Simon Julius Rackham Agent Umega Lettings	19 Temple Park Crescent, Edinburgh	3 Occupants	Satisfactory	Public Objection	Michael Cairney	28.09.23

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
House in Multiple Occupation Licence (Renewal)							
6.7	Applicant Kenneth Frew Agent Umega Lettings	2F, 23 Gilmore Place, Edinburgh	5 Occupants	Satisfactory	Public Objections x 2	Elizabeth Raven Ronnie Sutherland & William Melville	05.10.23
6.8	Applicant Duddington Scott Ltd Agent Neil Mackay	53 St John's Road, Edinburgh	5 Occupants	Satisfactory	Public Objection	James Boyle	28.11.23
6.9	Applicant Karen Chandra Nelligan & Mark Nelligan Agent Grant Property Solutions	Flat 3, 1 Merchiston Bank Avenue, Edinburgh	3 Occupants	Satisfactory	Public Objections x 2	Tony Leaver & Cynthia Berry Jackie Tinton	09.12.23
6.10	Applicant Southside DBM Ltd	Flat 3, 1 Hunter	6 Occupants	Satisfactory	Public Objections	Ken Crerar	20.12.23

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
	Agent John Davidson	Square, Edinburgh					
Short Term Lets Licence (New)							
6.11	Applicant Jan Kourimsky	Flat 3, 4 Hawthornden Place, Edinburgh	Standard Conditions	N/A	Public Objections x 3	Robert Long, Kenneth Boylan, Graham Elliot & Stefan Szymoszowskyj Ewan Foster Yvonne Wicks	01.10.23
Public Entertainment Licence (Temporary)							
6.12	Applicant Highland Centre Limited Manager Mark Currie Event Date 08.04.23	Royal Highland Centre, Ingliston Road, Edinburgh	Standard Conditions	N/A	Police Scotland representation Public safety representation		08.04.23

Item No	Applicant	Premises	Conditions applied for	Verified 24 Hour Contact	Remarks	Public Objectors	Determination Date
Market Operators Licence (Temporary)							
6.13	Applicant TV Events Ltd Manager Katherine Rebecca Lingard Event Date 08.04.23	Royal Highland Centre, Ingliston Road, Edinburgh	Standard Conditions	N/A	Police Scotland representation		08.04.23

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Agenda Item 6.2

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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Agenda Item 6.3

LICENSING REF NO: 483184

ITEM NO

**HMO
NEW**

APPLICANT DETAILS: NAME AGENT LODGING AGENT	Mr David Haywood
PREMISES ADDRESS	3f1, 33 Lauderdale Street, Edinburgh, EH9 1DE
CONDITIONS APPLIED FOR	Maximum Occupants - 4
24 HOUR CONTACT NUMBER	SATISFACTORY
NOTICE OF APPLICATION	Yes – 3/11/22
REPRESENTATIONS RECEIVED	Public Objection
DETERMINATION DATE	3/11/23
RENEWAL DATE	3/11/22
NOTES: Bedroom 4 is shown on plans as 'Living room'	

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Agenda Item 6.4

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: Continued from previous committee		

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Agenda Item 6.5

LICENSING REF NO: 483291

ITEM NO

**HMO
RENEWAL**

APPLICANT DETAILS: NAME AGENT LODGING AGENT	Miss Olivia Carolyn Romsey Dobson Dunpark Property Agents
PREMISES ADDRESS	1f, 1 St Vincent Street, Stockbridge, Edinburgh, EH3 6SW
CONDITIONS APPLIED FOR	Maximum Occupants - 4
24 HOUR CONTACT NUMBER	SATISFACTORY
NOTICE OF APPLICATION	Yes – 12/10/22
REPRESENTATIONS RECEIVED	Public Objection x 2
DETERMINATION DATE	8/9/23
RENEWAL DATE	8/9/22
NOTES:	

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Agenda Item 6.6

LICENSING REF NO: 486460

ITEM NO

**HMO
RENEWAL**

APPLICANT DETAILS:	NAME	Mr Simon Julius Rackham
	AGENT	Mr Colin Dick, Umega Lettings
	LODGING AGENT	
PREMISES ADDRESS		19 Temple Park Crescent, Edinburgh, EH11 1JF
CONDITIONS APPLIED FOR		Maximum Occupants - 3
24 HOUR CONTACT NUMBER		SATISFACTORY
NOTICE OF APPLICATION		Yes – 23/11/22
REPRESENTATIONS RECEIVED		Public Objection
DETERMINATION DATE		28/9/23
RENEWAL DATE		28/9/22
NOTES:		

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Agenda Item 6.7

LICENSING REF NO: 486662

ITEM NO

**HMO
RENEWAL**

APPLICANT DETAILS:	NAME	Mr Kenneth Frew
	AGENT	Mrs Shona Newbigging-Reid. Umega Lettings
	LODGING AGENT	
PREMISES ADDRESS		2f, 23 Gilmore Place, Tollcross, Edinburgh, EH3 9NE
CONDITIONS APPLIED FOR		Maximum Occupants - 5
24 HOUR CONTACT NUMBER		SATISFACTORY
NOTICE OF APPLICATION		Yes – 10/11/22
REPRESENTATIONS RECEIVED		Public Objection x 2
DETERMINATION DATE		5/10/23
RENEWAL DATE		5/10/22

NOTES: PRS have marked this as satisfactory for a period of 1 year as there has been a gap in the certification since the last application.

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Agenda Item 6.8

LICENSING REF NO: 489049

ITEM NO

HMO
RENEWAL

APPLICANT DETAILS:	NAME	Duddington Scott Ltd
	AGENT	Mr Neil Mackay
	LODGING AGENT	
PREMISES ADDRESS		53 St John's Road, Edinburgh, EH12 6NS
CONDITIONS APPLIED FOR		Maximum Occupants - 5
24 HOUR CONTACT NUMBER		SATISFACTORY
NOTICE OF APPLICATION		Yes – 21/12/22
REPRESENTATIONS RECEIVED		Public Objection
DETERMINATION DATE		28/11/23
RENEWAL DATE		28/11/22
NOTES:		

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Agenda Item 6.9

LICENSING REF NO: 489846

ITEM NO

**HMO
RENEWAL**

APPLICANT DETAILS:	NAME	Mrs Karen Chandra Nelligan & Mr Mark Nelligan
	AGENT	Mrs Anna Jane Renton, Grant Property Solutions
	LODGING AGENT	
PREMISES ADDRESS		Flat 3, 1 Merchiston Bank Avenue, Edinburgh, EH10 5ED
CONDITIONS APPLIED FOR		Maximum Occupants - 3
24 HOUR CONTACT NUMBER		SATISFACTORY
NOTICE OF APPLICATION		Yes – 30/12/22
REPRESENTATIONS RECEIVED		Public Objection x 3
DETERMINATION DATE		9/12/23
RENEWAL DATE		9/12/22
NOTES:		

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Agenda Item 6.10

LICENSING REF NO: 490507

ITEM NO

HMO
RENEWAL

APPLICANT DETAILS:	NAME	Southside DBM Ltd
	AGENT	Mr John Davidson
	LODGING AGENT	
PREMISES ADDRESS		Flat 3, 1 Hunter Square, Edinburgh, EH1 1QW
CONDITIONS APPLIED FOR		Maximum Occupants - 6
24 HOUR CONTACT NUMBER		SATISFACTORY
NOTICE OF APPLICATION		Yes
REPRESENTATIONS RECEIVED		Public Objection
DETERMINATION DATE		20/12/23
RENEWAL DATE		20/12/22
NOTES:		

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LICENSING REF NO: 491017

ITEM NO

SHORT TERM LETS LICENCE

New

APPLICANT DETAILS: MANAGER	NAME	Mr Jan Kourimsky Mr Jan Kourimsky
PREMISES ADDRESS		Flat 3, 4 Hawthornden Place, Pilrig, Edinburgh, EH7 4RG
CONDITIONS RECOMMENDED		Standard Conditions
REPRESENTATIONS RECEIVED		Public Objection x 3
REASON FOR BEING CALLED TO COMMITTEE		Public objections
DETERMINATION DATE		01/10/2023
NOTES:		

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LICENSING REF NO: 491777

ITEM NO

**PUBLIC ENTERTAINMENT
LICENCE**

TEMP

<p>APPLICANT DETAILS: NAME</p> <p>MANAGER</p>	<p>Highland Centre Limited</p> <p>Mr Mark Currie</p>
<p>PREMISES ADDRESS</p>	<p>Royal Highland Centre, Floral Pavilion, Ingliston Road, Edinburgh</p>
<p>CONDITIONS RECOMMENDED</p>	<p>Standard Conditions</p>
<p>REPRESENTATIONS RECEIVED</p>	<p>Police Scotland Public safety</p>
<p>REASON FOR BEING CALLED TO COMMITTEE</p>	<p>High profile and controversial Police Scotland Representation Public Safety Repreresation</p>
<p>DETERMINATION DATE</p>	<p>Event date 08/04/23 - 09/04/23</p>
<p>NOTES:</p>	

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LICENSING REF NO: 491800

ITEM NO

MARKET OPERATORS LICENCE

TEMP

<p>APPLICANT DETAILS:</p> <p>MANAGER</p>	<p>NAME</p>	<p>TV Events Ltd</p> <p>Ms Katherine Rebecca Lingard</p>
<p>PREMISES ADDRESS</p>		<p>Royal Highland Centre, Ingliston Road, Edinburgh, EH28 8NB</p>
<p>CONDITIONS RECOMMENDED</p>		<p>Standard Conditions</p>
<p>REPRESENTATIONS RECEIVED</p>		<p>Police Scotland</p>
<p>REASON FOR BEING CALLED TO COMMITTEE</p>		<p>High profile and controversial Police representation</p>
<p>DETERMINATION DATE</p>		<p>event date - 08/04/23</p>
<p>NOTES:</p>		

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