

Notice of meeting and agenda

Licensing Sub-Committee

9.30am Monday, 4th March, 2024

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 Any items under “Private Business” will not be published, although the decisions will be recorded in the minute.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 29 January 2024 – submitted for approval as a correct record | 7 - 14 |
| 3.2 | Minute of Licensing Sub-Committee of 30 January 2024 – submitted for approval as a correct record | 15 - 24 |

4. Reports

- | | | |
|-----|---|----------|
| 4.1 | Proposed Parades and Processions: March – Report by the Head of Regulatory Services | 25 - 42 |
| 4.2 | Application for House in Multiple Occupation Licence (New) - 29 Bruntsfield Place, Edinburgh – Report by the Head of Regulatory Services | 43 - 54 |
| 4.3 | Application for House in Multiple Occupation Licence (New) -14 (pf3) Springwell Place, Edinburgh – Report by the Head of Regulatory Services | 55 - 66 |
| 4.4 | Application for House in Multiple Occupation Licence (Renewal) - Flat 1 and 2, Kilmaurs Road, Edinburgh – Report by the Head of Regulatory Services | 67 - 108 |

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

| | | |
|-------------|---|-----------|
| 5.1 | House in Multiple Occupation Licence (Renewal) - 3F, 11 Howe Street, Edinburgh | 109 - 118 |
| 5.2 | House in Multiple Occupation Licence (Renewal) - 9 Queensferry Street Lane, Edinburgh | 119 - 130 |
| 5.3 | House in Multiple Occupation Licence (Renewal) - 3F1, 19 Henderson Terrace, Edinburgh | 131 - 140 |
| 5.4 | House in Multiple Occupation Licence (Renewal) - 1F1, 5 Dalkeith Road, Edinburgh | 141 - 148 |
| 5.5 | House in Multiple Occupation Licence (Renewal) - 2F2, 66 Falcon Avenue, Edinburgh | 149 - 158 |
| 5.6 | House in Multiple Occupation Licence (New) - 2f1, 4 Northumberland Place | 159 - 168 |
| 5.7 | Short Term Lets Licence (New) - Flat 60, 89 Holyrood Road, Edinburgh | 169 - 200 |
| 5.8 | Short Term Lets Licence (New) - Flat 5, 8 Hawkhill Close, Edinburgh | 201 - 216 |
| 5.9 | Late Hours Catering Licence (New) - 149 Cowgate, Edinburgh | 217 - 226 |
| 5.10 | Late Hours Catering Licence (New) - 21 Forrest Road, Edinburgh | 227 - 238 |
| 5.11 | Late Hours Catering Licence (New) - 46 South Clerk Street, Edinburgh | 239 - 248 |
| 5.12 | Late Hours Catering Licence (New) - 48 George IV Bridge, Edinburgh | 249 - 256 |
| 5.13 | Late Hours Catering Licence (New) - 43 Hanover Street, Edinburgh | 257 - 264 |
| 5.14 | Second Hand Dealers Licence (New) - Aim Motors Ltd., 8 Bankhead Crossway South, Edinburgh | 265 - 272 |
| 5.15 | Market Operators Licence (Temporary) TV Events Ltd - Terminal V | 273 - 292 |

- 5.16 Public Entertainment Licence (Temporary) - Highland Centre Ltd - 293 - 314
Terminal V
- 5.17 Public Entertainment Licence (Temporary) - Highland Centre Ltd - 315 - 324
Rezerection

Nick Smith

Service Director – Legal and Assurance

Committee Members

Councillor Joanna Mowat (Convener), Councillor Jack Caldwell, Councillor Denis Dixon, Councillor Margaret Arma Graham, Councillor Martha Mattos Coelho, Councillor Susan Rae, Councillor Neil Ross, Councillor Val Walker and Councillor Norman Work.

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 Taylor Ward, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4624, email taylor.ward@edinburgh.gov.uk / carolanne.eyre@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 29 January, 2024

Present

Councillors Mowat (Convener), Caldwell, Dixon, Graham, Mattos Coelho (Items 4.1 – 5.4 and 5.22-5.25), Meagher (substituting for Councillor Walker items 4.1-5.14, 5.17 and 5.24-5.26), Rae (5.8-5.14, 5.17 and 5.24-5.26), Ross, and Work (Items 4.2 – 5.14, and 5.17).

1. Minutes

Decision

- 1) To approve the minute of the Licensing Sub-Committee of 12 December 2023 as a correct record subject to the adjustment of Councillor Caldwell being added to the list of members present.
- 2) To approve the minute of the Licensing Sub-Committee of 15 January 2024 as a correct record.

2. Application for House in Multiple Occupation Licence (New) – 5 (2f1) Valleyfield Street

The Sub-Committee considered an application for a House in Multiple Occupation Licence for property at 5 (2f1) Valleyfield Street.

Decision

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

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

3. Application for House in Multiple Occupation Licence (New) – 32 (3f1) Great Junction Street

The Sub-Committee considered an application for a House in Multiple Occupation Licence for property at 32 (3f1) Great Junction Street.

Voting

Motion

To **GRANT** the license subject to the councils standard conditions for this category of license for a period of 1 year with exemption with an undertaking to ensure there will

remain a lounge in the property and this would not be converted in to bedrooms.

- moved by Councillor Mowat, seconded by Councillor Ross

Amendment

To **REFUSE** the exemption due to the width of the bedrooms in the property.

- moved by Councillor Graham, seconded by Councillor Dixon

Voting

For the motion - 5 votes

For the amendment - 4 votes

(For the motion – Councillors Mattos-Coelho, Meagher, Mowat, Ross and Work.

For the amendment – Councillors Caldwell, Dixon, Graham and Rae.)

Decision

To approve the motion by Councillor Mowat.

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

4. Application for House in Multiple Occupation Licence (New) – 10 (2f1) West Preston Street

The Sub-Committee considered an application for a House in Multiple Occupation Licence for property at 10 (2f1) West Preston Street.

Decision

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

(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 26 applications for miscellaneous licences. The applicants and their agents were heard.

Decision

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

(Reference – Appendix 1, submitted.)

APPENDIX 1

Applications for Miscellaneous Licences

| House In Multiple Occupation Licence (New) | | |
|--|---|--|
| 5.1 | <p>Applicant Calait Limited</p> <p>Premises 70a Kingston Avenue</p> | To GRANT the licence for a period of one year subject to the Council's standard conditions for this category of licence |
| House In Multiple Occupation Licence (Renewal) | | |
| 5.2 | <p>Licence Holder Kerloch Ltd</p> <p>Premises Flat 1, 15 Kilmaurs Road</p> <p>Agent Ms Charlotte Gray, Professional Property Letting Ltd</p> | To CONTINUE consideration for this application to the meeting of the 4 March 2024 to allow more information to be gathered for Committee. |
| 5.3 | <p>Licence Holder Kerloch Ltd</p> <p>Premises Flat 2, 15 Kilmaurs Road</p> <p>Agent Ms Charlotte Gray, Professional Property Letting Ltd</p> | To CONTINUE consideration for this application to the meeting of the 4 March 2024 to allow more information to be gathered for Committee. |
| 5.4 | <p>Licence Holder George Walter Gow</p> <p>Premises 40 Macdowall Road</p> | To GRANT the licence for a period of three years subject to the Council's standard conditions for this category of licence |
| 5.5 | <p>Licence Holder Hamish Wolfe</p> <p>Premises 2f, 56 Manor Place</p> <p>Agent Mrs Elspeth Rae Bruce Rae Ltd</p> | To GRANT the licence for a period of one year due to the gap in certification subject to the Council's standard conditions for this category of licence |

| | | |
|---|---|--|
| <p>5.6</p> | <p>Licence Holder Celia McLean & Mr Christopher McLean</p> <p>Premises 3f2, 1 Richmond Terrace</p> <p>Agent Mr Stephen Coyle Cullen Property Limited</p> | <p>To GRANT the licence for a period of three years subject to the Council's standard conditions for this category of licence</p> |
| <p>5.7</p> | <p>Licence Holder WF Property Investments Ltd</p> <p>Premises 3f1, 24 Westhall Gardens</p> <p>Agent Andrew Ramponi</p> | <p>To GRANT the licence for a period of three years subject to the Council's standard conditions for this category of licence</p> |
| <p>5.8</p> | <p>Licence Holder JAR Properties</p> <p>Premises 3f1, 9 Roseburn Drive</p> <p>Agent Mr William Adams, Sandstone UK Property Management Solutions Ltd</p> | <p>To GRANT the licence for a period of three years subject to the Council's standard conditions for this category of licence</p> |
| <p>Street Trader Licence (New)</p> | | |
| <p>5.9</p> | <p>Applicant Natalie Sinclair</p> <p>Location Elm Row, Broughton</p> | <p>To REFUSE the application for street traders licence</p> |

Second Hand Dealers Licence (New)

| | | |
|-------------|--|--|
| 5.10 | <p>Applicant Reg Vardy Limited</p> <p>Manager James Paul Robertson</p> <p>Location 1 Bankhead Avenue</p> | To GRANT the licence subject to the Council's standard conditions for this category of licence. |
| 5.11 | <p>Applicant Ian Murray Spalding Brown</p> <p>Manager Lewis Ian Spalding Brown</p> <p>Location 93a Station Road Ratho</p> | To GRANT the licence subject to the Council's standard conditions for this category of licence. |
| 5.12 | <p>Applicant Midlothian Motor Company Ltd</p> <p>Manager Mr Michal Bartoszek</p> <p>Location 28 West Harbour Road</p> | To GRANT the licence subject to the Council's standard conditions for this category of licence. |
| 5.13 | <p>Applicant MIRIY Ltd</p> <p>Manager Yasan Miri</p> <p>Location 3 Fernieflat Neuk</p> | To GRANT the licence subject to the council's standard conditions for this category of licence with the additional condition that no more than 2 cars are stored on the premises at any one time. |
| 5.14 | <p>Applicant Motorchoice (Scotland) Ltd</p> | To GRANT the licence subject to the Council's standard conditions for this category of licence. |

| | | |
|--------------------------------------|---|---|
| | Manager James Alexander Henderson Location 107 Glasgow Road | |
| Short Term Lets Licence (New) | | |
| 5.15 | Applicant Gary Peaston Premises Flat 1, 20 Coburg Street | To GRANT the licence for a period of three years subject to the Council's standard conditions for this category of licence. |
| 5.16 | Applicant Paul & Robert Knott-Smith Premises 80b Colinton Road | To GRANT the licence for a period of three years subject to the Council's standard conditions for this category of licence. |
| 5.17 | Applicant Samiul Haque Premises 177 Drum Brae Drive | To GRANT the licence for a period of three years subject to the Council's standard conditions for this category of licence |
| 5.18 | Applicant Cullain Property Management Limited Manager Mr Peter John Kennedy Premises 113a Grove Street | To GRANT the licence for a period of 1 year as this is a secondary licence subject to the Council's standard conditions for this category of licence |
| 5.19 | Applicant Steven Anthony Wardlaw Manager Barry Burton Premises Flat 5, 8 Hawkhill Close | To CONTINUE consideration for this application to the meeting of the 4 March 2024 to allow the applicant to attend. |

| | | |
|-------------|---|---|
| 5.20 | Applicant Lucy Harwood Premises 45 Lawrie Reilly Place | To GRANT the licence for a period of three years subject to the Council's standard conditions for this category of licence |
| 5.21 | Applicant Fiona Hunt Premises 64 Lawrie Reilly Place | To GRANT the licence for a period of three years subject to the Council's standard conditions for this category of licence |
| 5.22 | Applicant Cameron Dunn Premises 2f2, 24 Valleyfield Street | To GRANT the licence for a period of one year subject to the Council's standard conditions for this category licence and the undertaking that a property manager would be appointed. |
| 5.23 | Applicant John Whybrow Premises 75 Carrick Knowe Avenue | To GRANT the licence for a period of three years subject to the Council's standard conditions for this category of licence |
| 5.24 | Applicant Sean Greenhorn Premises Flat 2, 3 Newhaven Place | To GRANT the licence for a period of three years subject to the Council's standard conditions for this category of licence |
| 5.25 | Applicant Thorbjørn Waal Lundsgaard Premises Flat 60, 89 Holyrood Road | To CONTINUE consideration of this application to the next meeting of the Licensing Sub-Committee on 04 March 2024 to allow the objector to be heard. |

Late Hours Catering Licence (New)

| | | |
|-------------|---|--|
| 5.26 | Applicant Ammar Othman Location 21 Forest Road | To CONTINUE consideration for this application to the meeting of the 4 March 2024 to allow the applicant to attend. |
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End of Business

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Minutes

Licensing Sub-Committee of the Regulatory Committee

9:30am, Tuesday 30 January 2024

Present

Councillors Mowat (Convener), Caldwell, Dixon, Graham (items 3-8), Mattos-Coelho (items 1-7), Rae (items 3-8), Ross and Work (1-8 (applications 1-4)).

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 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. Late Hours Catering Licence

The Sub-Committee considered a request for a new Late Hours Catering 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.)

3. Application for Private Hire Driver's Licence

The Sub-Committee considered an application for a Private Hire Driver's 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. Suspension of Private Hire Driver's Licence

The Sub-Committee considered a Police request for suspension of a Private Hire Driver's 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.)

5. Application to Grant Private Hire Driver's Licence (New)

The Sub-Committee considered a Police objection request of a new Private Hire Driver Licences. The Head of Regulatory Services, Police Scotland and applicant 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. Application to Grant Private Hire Driver's Licence (Renewal)

Details were provided of an application to renew a Private Hire Driver's Licence.

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. Application to Grant Private Hire Driver's Licence (New)

Details were provided of an application to grant or renew a Taxi Driver or Private Hire Driver Licence. The Head of Regulatory Services, Police Scotland, and applicant 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. 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.

10 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, 4 March 2024

Proposed Parades – March 2024

| | |
|---------------------|------------------|
| 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 parades which are proposed for March 2024.

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 – March 2024

1. Recommendations

- 1.1 It is recommended that the Committee makes an order 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 | Reason for event | Date |
|---|--|---|---------------|
| a | International Women's Day Edinburgh | International Women's Day | 8 March 2024 |
| b | Korrika – Basque community in Scotland | In celebration of minority languages, parallel to the 10day-non-stop KORRIKA event in the Basque Country in support of the Basque language. | 23 March 2024 |
| c | Royal Regiment of Scotland Association | Annual gathering of SCOTS veterans to march to church | 24 March 2024 |

- 2.3 It is proposed that the parades will take place and use the High Street.
- 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 each parade are attached at Appendix 1.
- 3.2 Officers recommend that the standard conditions (Appendix 2) remain sufficient to mitigate any possible disruption to the community.
- 3.3 Representatives of the relevant 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 this notification.
- 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 any 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

| | Name | Reason for event | Date |
|---|--|---|---------------|
| a | International Women's Day Edinburgh | International Women's Day | 8 March 2024 |
| b | Korrika – Basque community in Scotland | In celebration of minority languages, parallel to the 10day-non-stop KORRIKA event in the Basque Country in support of the Basque language. | 23 March 2024 |
| c | Royal Regiment of Scotland Association | Annual gathering of SCOTS veterans to march to church | 24 March 2024 |

- 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, Monday, 4 March 2024

Application for House in Multiple Occupation Licence – 29 (1f1) Bruntsfield Place

Executive/routine

Wards

Ward 11 – City centre

Council Commitments

N/A

Executive Summary

An application for a new House in Multiple Occupation ('HMO') Licence has been received for a property at 29 (1f1) Bruntsfield Place, Edinburgh.

The applicant requests an exemption from policy. 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 – 29 (1f1) Bruntsfield Place

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, if granted, 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 for three persons has been received from Isadora Yitong Sun. The property at 29 (1f1) Bruntsfield Place has previously been an HMO licensed for three people for several years, however a previous applicant withdrew their application on 10 December 2021 as the property had been sold, and thus this is a new application.
- 3.2 The applicant requests an exemption from policy (Appendix 2) with respect to the 'tolerable standard' requirements for three person occupancy noted at 3.3 below and points noted in the attached Appendix 3. The property was previously licensed as an HMO for three people, having been assessed against the standard that applied at the date of initial licensing. Policy allows this to continue to be the relevant standard for any continuation of the licence, and it is only when there is

any break in the licensing of the property that the current assessment criteria ('Tolerable standard') become the legally required standard.

- 3.3 'Tolerable standard' criteria specify the minimum requirements for a HMO property for three persons. As a result of this application the property has been inspected by Council officers regarding its suitability for use as an HMO for three persons. The 'Tolerable standard' requirements are not met with respect to the width of Bedroom 2 (Appendix 3).
- 3.4 It is recommended that the Committee considers this application and the request for exemption. The Committee may wish to consider whether it would be appropriate to agree exemption from policy and grant a licence for a three person HMO which does not fully comply with Tolerable Standard requirements.
- 3.5 After hearing from the Executive Director of Place or his representative regarding this report, it is recommended that members of the Committee then hear from the applicant. The applicant or their representative have been invited to address the Committee.

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 requesting exemption from policy

11.3 Appendix 3 - report on inspection carried out on 9 January 2024

11.4 Appendix 4 – plans of property

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, 4 March 2024

Application for House in Multiple Occupation Licence – 14 Pf3 Springwell Place

Executive/routine

Wards

Ward 7 – Sighthill/Gorgie

Council Commitments

N/A

Executive Summary

An application for a new House in Multiple Occupation ('HMO') Licence has been received for a property at 14 Pf3 Springwell Place, Edinburgh.

The applicant requests an exemption from policy. 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 – 14 Pf3 Springwell Place

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, if granted, 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 for three persons has been received from Tara Houston. The property at 14 Pf3 Springwell Place has previously been an HMO licensed for three people for several years, but the licence was allowed to lapse on 16 November 2022 and thus this is a new application.
- 3.2 The applicant requests an exemption from policy (Appendix 2) with respect to the 'tolerable standard' requirements for three person occupancy noted at 3.3 below and points noted in the attached Appendix 3. The property was previously licensed as an HMO for three people, having been assessed against the standard that applied at the date of initial licensing. Policy allows this to continue to be the relevant standard for any continuation of the licence, and it is only when there is

any break in the licensing of the property that the current assessment criteria ('Tolerable standard') become the legally required standard.

- 3.3 'Tolerable standard' criteria specify the minimum requirements for a HMO property for three persons. As a result of this application the property has been inspected by Council officers regarding its suitability for use as an HMO for three persons. The 'Tolerable standard' requirements are not met with respect to the width of Bedroom 3 (Appendix 3).
- 3.4 It is recommended that the Committee considers this application and the request for exemption. The Committee may wish to consider whether it would be appropriate to agree exemption from policy and grant a licence for a three person HMO which does not fully comply with Tolerable Standard requirements.
- 3.5 After hearing from the Executive Director of Place or his representative regarding this report, it is recommended that members of the Committee then hear from the applicant. The applicant or their representative have been invited to address the Committee.

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 requesting exemption from policy

11.3 Appendix 3 - report on inspection carried out on 23 January 2024

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Licensing Sub-Committee of the Regulatory Committee

9.30am, Monday, 4 March 2024

Applications for House in Multiple Occupation Licences – Flats 1 and 2, 15 Kilmaurs Road

Executive/routine

Wards

Ward 15 – Southside/Newington

Council Commitments

N/A

Executive Summary

Applications for two renewal House in Multiple Occupation ('HMO') Licences have been received for Flats 1 and 2, 15 Kilmaurs Road, Edinburgh.

The applications attracted objections and the Committee asked officers to obtain further information with respect to the properties.

This report includes the information requested and the Committee is now asked to determine the applications.

Andrew Mitchell

Head of Regulatory Services

Contact: Andrew Mitchell, Head of Regulatory Services

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

Applications for House in Multiple Occupation Licences – Flats 1 and 2, 15 Kilmaurs 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 applications, and, if granted, attaches standard conditions to the licences.

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 Committee can add reasonable conditions as it sees fit, if it is minded to grant the licence.

3. Main report

- 3.1 Two applications (Appendices 1a and 1b) for the grant of an HMO Licence have been received from Kerloch Ltd. The properties at Flats 1 and 2, 15 Kilmaurs Road have both previously been licensed as an HMO for several years.
- 3.2 On 26 January 2024 the Head of Regulatory Services received a Memorandum (Appendix 2) with respect to the licence renewal applications.
- 3.3 The Licensing Sub Committee considered the applications at its meeting on 29 January 2024. On that day, in light of objections received (Appendix 3) the Committee continued consideration of the applications and requested that officers obtained information for its consideration. That information has now been received and is attached to this report.
- 3.4 Grounds of objection included the following:
 - 3.4.1 It was suggested that the properties did not meet the physical standards required for HMO properties;

- 3.4.2 It was suggested that the properties had outstanding Planning issues; and
- 3.4.3 It was suggested that the properties had outstanding Building Standards issues.
- 3.5 An inspection was carried out on 16 February 2024 and several noncompliances with the requirements of the Housing (Scotland) Act 2006 were found at each property (Appendix 4). Remedial work was subsequently carried out (Appendix 5), and the applicant's representatives have confirmed that the required work has been completed (Appendix 6). Planning and Building Standards colleagues have each confirmed that there are no outstanding issues with either property (Appendices 7 and 8).
- 3.6 It is recommended that the Committee considers the applications in light of the submissions from the objectors and the information provided in this report.

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 Minutes of Licensing Sub Committee 29 January 2024

11 Appendices

11.1 Appendices 1a and 1b – application forms

11.2 Appendix 2 – Memorandum dated 26 January 2024

11.3 Appendix 3 – objections received

11.4 Appendix 4 - report on inspection carried out on 16 February 2024

11.5 Appendix 5 - paperwork relating to corrective work completed on the properties

11.6 Appendix 6 – email dated 26 February confirming completion of required remedial work

11.7 Appendix 7 – email from Planning dated 26 February 2024

11.8 Appendix 8 – email from Building Standards dated 26 February 2024

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Agenda Item 5.1

LICENSING REF NO: 506140

ITEM NO

HMO
RENEWAL

| | | |
|--|---------------|---|
| APPLICANT DETAILS: | NAME | Burprop Investments Limited |
| | AGENT | Mr Barry John Kirk, DJ Alexander |
| | LODGING AGENT | DJ Alexander |
| PREMISES ADDRESS | | 3f, 11 Howe Street, Edinburgh, EH3 6TE |
| CONDITIONS APPLIED FOR | | Maximum Occupants - 5 |
| 24 HOUR CONTACT NUMBER | | SATISFACTORY |
| NOTICE OF APPLICATION | | SATISFACTORY |
| REPRESENTATIONS RECEIVED | | Professor Andrew Crean |
| DETERMINATION DATE | | 10 August 2024 |
| RENEWAL DATE | | 1 YEAR FROM DATE OF GRANT |
| NOTES: APPLIED FOR 1 YEAR LICENCE | | |

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Agenda Item 5.2

LICENSING REF NO: 514632

ITEM NO

**HMO
RENEWAL**

| | | |
|--------------------------|---------------|---|
| APPLICANT DETAILS: | NAME | K & S Mir LTD T/A CGHG |
| | AGENT | Mr Neil Ellis & Mr Kamran Akbar, Cameron Guest House Group |
| | LODGING AGENT | K & S Mir LTD T/A CGHG |
| PREMISES ADDRESS | | 9 Queensferry Street Lane, Edinburgh, EH2 4PF |
| CONDITIONS APPLIED FOR | | Maximum Occupants - 41 |
| 24 HOUR CONTACT NUMBER | | SATISFACTORY |
| NOTICE OF APPLICATION | | SATISFACTORY |
| REPRESENTATIONS RECEIVED | | Mr Jonathan Lonie |
| DETERMINATION DATE | | 15 September 2024 |
| RENEWAL DATE | | 25 September 2026 |
| NOTES: | | |

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Agenda Item 5.3

LICENSING REF NO: 516440

ITEM NO

**HMO
RENEWAL**

| | | |
|--|---------------|--|
| APPLICANT DETAILS: | NAME | Mr Garo Tashdjian |
| | AGENT | Mr Stephen James Coyle, Cullen Property Limited |
| | LODGING AGENT | Cullen Property Limited |
| PREMISES ADDRESS | | 3f1, 19 Henderson Terrace, Edinburgh, EH11 2JY |
| CONDITIONS APPLIED FOR | | Maximum Occupants - 4 |
| 24 HOUR CONTACT NUMBER | | SATISFACTORY |
| NOTICE OF APPLICATION | | SATISFACTORY |
| REPRESENTATIONS RECEIVED | | Mark Wyper |
| DETERMINATION DATE | | 23 November 2024 |
| RENEWAL DATE | | 30 November 2026 |
| NOTES: Late objection Response letter to objection from Agent | | |

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Agenda Item 5.4

LICENSING REF NO: 516649

ITEM NO

**HMO
RENEWAL**

| | | |
|--------------------------|---------------|--|
| APPLICANT DETAILS: | NAME | Mrs Alison Margaret Cavers |
| | AGENT | Mr Barry John Kirk, DJ Alexander |
| | LODGING AGENT | DJ Alexander |
| PREMISES ADDRESS | | 1f1, 5 Dalkeith Road, Edinburgh, EH16 5BW |
| CONDITIONS APPLIED FOR | | Maximum Occupants - 3 |
| 24 HOUR CONTACT NUMBER | | SATISFACTORY |
| NOTICE OF APPLICATION | | SATISFACTORY |
| REPRESENTATIONS RECEIVED | | Amanda Robbins & Toby Subiotto |
| DETERMINATION DATE | | 29 November 2024 |
| RENEWAL DATE | | 6 December 2026 |
| NOTES: | | |

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Agenda Item 5.5

LICENSING REF NO: 517564

ITEM NO

**HMO
RENEWAL**

| | | |
|--|---------------|--|
| APPLICANT DETAILS: | NAME | Ms Pauline Houston |
| | AGENT | Mr Stephen James Coyle, Cullen Property Limited |
| | LODGING AGENT | Cullen Property Limited |
| PREMISES ADDRESS | | 2f2, 66 Falcon Avenue, Edinburgh, EH10 4AW |
| CONDITIONS APPLIED FOR | | Maximum Occupants - 3 |
| 24 HOUR CONTACT NUMBER | | SATISFACTORY |
| NOTICE OF APPLICATION | | SATISFACTORY |
| REPRESENTATIONS RECEIVED | | Douglas & Alison Kerr |
| DETERMINATION DATE | | 15 December 2024 |
| RENEWAL DATE | | 1 YEAR FROM DATE OF GRANT |
| NOTES: Late objection - reasons provided Response from Agents to objection Applied for 1 Year Licence | | |

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Agenda Item 5.6

LICENSING REF NO: 517457

ITEM NO

**HMO
NEW**

| | | |
|---|---------------|--|
| APPLICANT DETAILS: | NAME | Mr Jaimie McBain |
| | AGENT | Mr Sam Paulo, Gilson Gray |
| | LODGING AGENT | Mr Brian Morgan, HMO Scotland Ltd |
| PREMISES ADDRESS | | 2f1, 4 Northumberland Place, Edinburgh, EH3 6LQ |
| CONDITIONS APPLIED FOR | | Maximum Occupants - 3 |
| 24 HOUR CONTACT NUMBER | | SATISFACTORY |
| NOTICE OF APPLICATION | | SATISFACTORY |
| REPRESENTATIONS RECEIVED | | Mr Desmond P.F. Maxwell Mr Evan Alston |
| DETERMINATION DATE | | 14 December 2024 |
| RENEWAL DATE | | 1 YEAR FROM DATE OF GRANT |
| NOTES: New application, previous licence expired 26 May 2023 | | |

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LICENSING REF NO: 508830

ITEM NO

SHORT TERM LETS LICENCE

New

| | | |
|--|--|-------------------------------------|
| APPLICANT DETAILS: MANAGER | NAME | Mr Thorbjørn Waal Lundsgaard |
| PREMISES ADDRESS | Flat 60, 89 Holyrood Road, Old Town, Edinburgh, EH8 8BA | |
| CONDITIONS RECOMMENDED | Standard Conditions | |
| REPRESENTATIONS RECEIVED | Public Objection x 5 <ul style="list-style-type: none"> - C. White - G. Abel - N. Colegrove - R. Enoch - R. Stobie | |
| REASON FOR BEING CALLED TO COMMITTEE | To consider public objection x 5 | |
| DETERMINATION DATE | 15/06/2024 | |
| <p>NOTES: Home letting, new host, 1 guest, 1 bedroom (initially application lodged for 5 guests) Applicant's comments and responses to objections are included in the papers. Site Notice was displayed between 18/09/2023 – 10/10/2023 – confirmation of display included in the papers.</p> | | |

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LICENSING REF NO: 509175

ITEM NO

SHORT TERM LETS LICENCE

New

| | | |
|--|-------------|---|
| <p>APPLICANT DETAILS: MANAGER</p> | <p>NAME</p> | <p>Mr Steven Anthony Wardlaw Mr Barry Burton</p> |
| <p>PREMISES ADDRESS</p> | | <p>Flat 5, 8 Hawkhill Close, Leith, Edinburgh, EH7 6FE</p> |
| <p>CONDITIONS RECOMMENDED</p> | | <p>Standard Conditions</p> |
| <p>REPRESENTATIONS RECEIVED</p> | | <p>Public objection x 1 - A. Hastings</p> |
| <p>REASON FOR BEING CALLED TO COMMITTEE</p> | | <p>To consider public objection</p> |
| <p>DETERMINATION DATE</p> | | <p>21/09/24</p> |
| <p>NOTES: Existing Host, Secondary Letting, 4 guests, 2 bedrooms Planning application awaiting assessment, Inspection satisfactory.</p> | | |

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LICENSING REF NO: 513629

ITEM NO

LATE HOURS CATERING LICENCE

New

| | | |
|--|------|--|
| APPLICANT DETAILS: MANAGER | NAME | Mr Muhammad Zubair Anjum Mr Muhammad Zubair Anjum |
| PREMISES ADDRESS | | 149 Cowgate, Old Town, Edinburgh, EH1 1JS |
| CONDITIONS RECOMMENDED | | Standard Conditions |
| REPRESENTATIONS RECEIVED | | Public objection x 1 Miss R. Restorick |
| REASON FOR BEING CALLED TO COMMITTEE | | To consider public objection |
| DETERMINATION DATE | | 18/07/2024 |
| <p>NOTES: objection was received late; in the email dated 30th January objector makes a reference to comments made back in October – if the comments were sent via email, it was not located in the licensing mailbox.</p> | | |

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LICENSING REF NO: 506177

ITEM NO

LATE HOURS CATERING LICENCE

New

| | | |
|--|------|--|
| APPLICANT DETAILS: MANAGER | NAME | Mr Ammar Othman Mr Ammar Othman |
| PREMISES ADDRESS | | 21 Forrest Road, Edinburgh, EH1 2QH |
| CONDITIONS RECOMMENDED | | Standard Conditions |
| REPRESENTATIONS RECEIVED | | Licensing Enforcement Public Objection – Old Town CC |
| REASON FOR BEING CALLED TO COMMITTEE | | To consider Licensing Enforcement Representation and Public Objection |
| DETERMINATION DATE | | 14/05/2024 |
| <p>NOTES:</p> <p>Applicant’s comments regarding neighbour consent are included in papers.</p> | | |

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LICENSING REF NO: 505938

ITEM NO

LATE HOURS CATERING LICENCE

New

| | | |
|--|---|--|
| APPLICANT DETAILS: MANAGER | NAME | Mr Asam Raza Mr Asam Raza |
| PREMISES ADDRESS | 46 South Clerk Street, Edinburgh, EH8 9PS | |
| CONDITIONS RECOMMENDED | Standard Conditions | |
| REPRESENTATIONS RECEIVED | Licensing Enforcement Police Scotland | |
| REASON FOR BEING CALLED TO COMMITTEE | Outwith policy To consider representations | |
| DETERMINATION DATE | 10/05/2024 | |
| NOTES: applicant was asked for neighbours' consent – not provided | | |

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LICENSING REF NO: 502240

ITEM NO

**LATE HOURS CATERING
LICENCE**

New

| | | |
|---|--|------------------------|
| APPLICANT DETAILS: MANAGER | NAME | Mr Sevgan Sitki |
| PREMISES ADDRESS | 48 George Iv Bridge, Edinburgh, EH1 1EJ | |
| CONDITIONS RECOMMENDED | Standard Conditions | |
| REPRESENTATIONS RECEIVED | Environmental Health | |
| REASON FOR BEING CALLED TO COMMITTEE | To consider issues raised by Environmental Health | |
| DETERMINATION DATE | 16/03/2024 | |
| NOTES: | | |

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LICENSING REF NO: 504594

ITEM NO

**LATE HOURS CATERING
LICENCE**

New

| | | |
|--|------|--|
| APPLICANT DETAILS: MANAGER | NAME | Munshi Edinburgh Limited Mr Umme Saleet Nawaz |
| PREMISES ADDRESS | | 43 Hanover Street, Edinburgh, EH2 2PJ |
| CONDITIONS RECOMMENDED | | Standard Conditions |
| REPRESENTATIONS RECEIVED | | |
| REASON FOR BEING CALLED TO COMMITTEE | | Outwith policy |
| DETERMINATION DATE | | 15/04/2024 |
| <p>NOTES: LHC licence is currently in place for these premises. This application is made by a different company with the same director.</p> | | |

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LICENSING REF NO: 506322

ITEM NO

**SECOND HAND DEALERS
LICENCE**

New

| | | |
|---|------|---|
| APPLICANT DETAILS: MANAGER | NAME | Aim Motors Ltd Mr Zahid Munir |
| PREMISES ADDRESS | | 8 Bankhead Crossway South, Edinburgh, EH11 4EP |
| CONDITIONS RECOMMENDED | | Standard Conditions |
| REPRESENTATIONS RECEIVED | | Licensing Enforcement |
| REASON FOR BEING CALLED TO COMMITTEE | | Licensing Enforcement Representation |
| DETERMINATION DATE | | 15/05/2024 |
| NOTES: | | |

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LICENSING REF NO: 517875

ITEM NO

MARKET OPERATORS LICENCE

Temporary

| | | |
|--------------------------------------|------|---|
| APPLICANT DETAILS: MANAGER | NAME | TV Events Ltd Mr Derek Martin |
| PREMISES ADDRESS | | Royal Highland Centre, Ingliston Road, Edinburgh |
| CONDITIONS RECOMMENDED | | Standard Conditions |
| REPRESENTATIONS RECEIVED | | Police Scotland |
| REASON FOR BEING CALLED TO COMMITTEE | | |
| DETERMINATION DATE | | 13-14 April 2024 |
| NOTES: | | |

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LICENSING REF NO: 517712

ITEM NO

**PUBLIC ENTERTAINMENT
LICENCE**

Temporary

| | | |
|--------------------------------------|------|---|
| APPLICANT DETAILS: MANAGER | NAME | Highland Centre Ltd Mr Mark Currie |
| PREMISES ADDRESS | | Royal Highland Showground |
| CONDITIONS RECOMMENDED | | Standard Conditions |
| REPRESENTATIONS RECEIVED | | Police Scotland |
| REASON FOR BEING CALLED TO COMMITTEE | | |
| DETERMINATION DATE | | 13-14 April 2024 |
| NOTES: | | |

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LICENSING REF NO: 517722

ITEM NO

**PUBLIC ENTERTAINMENT
LICENCE**

Temporary

| | | |
|--------------------------------------|------|---|
| APPLICANT DETAILS: MANAGER | NAME | Highland Centre Ltd Mr Mark Currie |
| PREMISES ADDRESS | | Royal Highland Showground |
| CONDITIONS RECOMMENDED | | Standard Conditions |
| REPRESENTATIONS RECEIVED | | Police Scotland |
| REASON FOR BEING CALLED TO COMMITTEE | | |
| DETERMINATION DATE | | 6 April 2024 |
| NOTES: | | |

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