

Notice of meeting and agenda

Licensing Sub-Committee

11.00am Monday, 13th May, 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 Any items under “Private Business” will not be published, although the decisions will be recorded in the minute.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

Email: taylor.ward@edinburgh.gov.uk / carolanne.eyre@edinburgh.gov.uk

Tel: 0131 529 4264

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 None.

4. Parades and Processions

- 4.1 Proposed Parades and Processions – Report by the Head of Regulatory Services 5 - 16

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

- 5.1 Market Operators Licence (Temporary) - 13 Riversdale Crescent 17 - 26
- 5.2 Public Entertainment Licence (Temporary) - 13 Riversdale Crescent 27 - 36

Nick Smith

Service Director – Legal and Assurance

Committee Members

Councillors 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 in the Dean of Guild Court Room, City Chambers and 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 4264, 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.

This page is intentionally left blank

Licensing Sub-Committee of the Regulatory Committee

11.00am, Monday, 13 May 2024

Proposed Parade – 18 May 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 a parade which is proposed for 18 May 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

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

Proposed Parade – 18 May 2024

1. Recommendations

- 1.1 It is recommended that the Committee makes an order in respect of the proposed parade, attaching standard conditions (Appendix 2).

2. Background

- 2.1 Under the Civic Government (Scotland) Act 1982 ('the 1982 Act'), 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 that 'Edinburgh Gaza Genocide Emergency Committee' intends to hold a 'Commemorate Palestinian Nakba' event in the city (further details in Appendix 1).
- 2.3 It is proposed that the parade will take place and use the High Street and Princes Street. The parade has been referred to committee for oversight and 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 form relevant to the parade is attached at Appendix 1.
- 3.2 Any person organising a 'procession' (march) is required by S62 of the Civic Government (Scotland) Act 1982 to notify the Council and the Chief Constable of the march not less than 28 days before the march.
- 3.3 It is important to note that there is no requirement to obtain permission to march - the requirement is to notify, which then allows the Council to determine whether to exercise the limited powers available to attach conditions to manage any such march.

- 3.4 If the organisers of a march do not give 28 days' notice then criminal offences may be committed if the march proceeds.
- 3.5 The Council has discretion to waive the 28 days' notice requirement where it receives a notification with less than the required 28 days. If the Council does so then it can consider whether it is necessary and proportionate to attach conditions to the march. Typically these would be the standard conditions which the Council has adopted to manage marches (Appendix 2).
- 3.6 The decision regarding whether or not to waive the 28 day notice period is not covered by the Scheme of Delegation for officers, and therefore must be taken by the Licensing Sub-Committee.

Late notification of a march

- 3.7 Members will be aware that protests and associated marches within the city centre in support of Palestinians have occurred regularly since the current conflict began in October 2023.
- 3.8 Recent similar marches which were not notified to the Council (and were therefore in breach of the requirements of the 1982 Act) have been managed by Police Scotland using public order powers. These protests have caused a degree of disruption in the city centre.
- 3.9 Council Officers and Police Scotland officers have been engaging with those believed to be the organisers of the protests seeking their cooperation with the proper processes.
- 3.10 A late notification for a national protest march was received on 1 May 2024 for a march in the City Centre on Saturday 18 May 2024.
- 3.11 The notification is as follows:
 - 3.11.1 Gaza Genocide Emergency Committee ('GGEC')
 - 3.11.2 The organisers expect around 300 to attend managed by 20 volunteer stewards.
 - 3.11.3 Route: Waverley Bridge to Scottish Parliament via Princes Street, the Mound and the Royal Mile.

Urgent decisions to be taken

- 3.12 Whether or not to waive the 28 days' notice requirement for the notified march on 18 May 2024.
- 3.13 Marches on the High Street and Princes Street are also required to be reported to the Licensing Sub-Committee for consideration as per a previous direction from committee.
- 3.14 In circumstances where an urgent decision is taken to waive the 28 days' notice requirement then a second decision will need to be taken as to whether or not to attach standard or any other reasonable conditions to the march.

- 3.15 Officers recommend that urgent decisions are made to waive the 28 days' notice requirement and to attach standard conditions to the march, thereby allowing Police Scotland greater options in terms of policing the march safely and to mitigate any possible disruption to the community.
- 3.16 Representatives of GGEC will be invited to address the Committee regarding the proposed parade.

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 form
- 11.2 Appendix 2: Proposed conditions.

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

LICENSING REF NO: 522788

ITEM NO

MARKET OPERATORS LICENCE

Temporary

APPLICANT DETAILS: MANAGER	NAME	Watchtower Group Ltd Mr Sam Andrew Joss
PREMISES ADDRESS		13 Riversdale Crescent, Edinburgh, EH12 5XN
CONDITIONS RECOMMENDED		Standard Conditions <ul style="list-style-type: none"> • Noise Team • Environmental Health • Roads
REPRESENTATIONS RECEIVED		Police Scotland
REASON FOR BEING CALLED TO COMMITTEE		
DETERMINATION DATE		18 May
NOTES: 		

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

Agenda Item 5.2

LICENSING REF NO: 525446

ITEM NO

PUBLIC ENTERTAINMENT LICENCE

Temporary

APPLICANT DETAILS: MANAGER	NAME	Watchtower Clubs & Tours Ltd Mr Sam Andrew Joss
PREMISES ADDRESS		13 Riversdale Crescent, Edinburgh, EH12 5XN
CONDITIONS RECOMMENDED		Standard Conditions <ul style="list-style-type: none">• Licensing Enforcement• Noise Team• Roads
REPRESENTATIONS RECEIVED		Police Scotland
REASON FOR BEING CALLED TO COMMITTEE		
DETERMINATION DATE		18 May
NOTES:		

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank