

Notice of meeting and agenda

Licensing Sub-Committee

9.30am, Tuesday, 17th December, 2024

Virtual Meeting - via Microsoft Teams

The law allows the Council to consider some issues in private. Any items under “Private Business” will not be published, although the decisions will be recorded in the minute.

Contacts

Email: taylor.ward@edinburgh.gov.uk

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. Reports

- | | | |
|-----|--|---------|
| 3.1 | Request for Suspension of Taxi Driver's Licence – Azadur Rahman – Report by the Head of Regulatory Services | 5 - 20 |
| 3.2 | Recall of suspension - Baris Eroglu – Report by the Head of Regulatory Services | 21 - 32 |
| 3.3 | Application for Private Hire Driver's Licence – Dariusz Wachulak – Report by the Head of Regulatory Services | 33 - 46 |

4. Civic Government (Scotland) Act 1982 - To consider miscellaneous applications

- | | | |
|-----|---|---------|
| 4.1 | Private Hire Vehicle Licence (New) - Bashir Ahmad | 47 - 58 |
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5. Parades and Processions

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| 5.1 | Proposed Parades and Processions: Edinburgh's Hogmanay Torchlight Procession – Report by the Head of Regulatory Services | 59 - 68 |
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6. Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006 - To consider miscellaneous applications

6.1	Market Operator Licence (Temporary) - The Meadows, Edinburgh	69 - 76
6.2	Public Entertainment Licence (Temporary) - The Meadows, Edinburgh	77 - 84
6.3	Market Operator Licence (Temporary) - West Princes Street Gardens, Edinburgh	85 - 92
6.4	Public Entertainment Licence (Temporary) - West Princes Street Gardens, Edinburgh	93 - 102

7. Resolution to Consider in Private

- 7.1** The Sub-Committee is requested, under Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting for the following items of business on the grounds that they would involve the disclosure of exempt information as defined in Paragraphs 3, 6, 12 and 14 of Part 1 of Schedule 7A of the Act.

8. Civic Government (Scotland) Act 1982 - To consider miscellaneous applications

- | | | |
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| 8.1 | Private Hire Driver's Licence (Renewal) – Zaeem Hadayat Ullah | 103 - 118 |
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9. Reports

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| 9.1 | Suspension or Revocation of Private Hire Drivers Licence – Report by the Head of Regulatory Services | 119 - 126 |
|------------|--|-----------|

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 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, email taylor.ward@edinburgh.gov.uk

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to the Council's online [Committee Library](#).

The views expressed in any letters of representation are not necessarily the views of the City of Edinburgh Council.

Licensing Sub-Committee of the Regulatory Committee

9.30am, Tuesday, 17 December 2024

Request for Suspension of Taxi Driver’s Licence – Azadur Rahman

Item number	
Report number	B Agenda
Executive/routine	
Wards	Citywide
Council Commitments	N/A

1. Recommendations

- 1.1 After hearing from the Police and the licence holder, the Committee will be required to decide:
 - 1.1.1 Whether to take no action, issue a warning, or suspend the licence;
 - 1.1.2 Where relevant, the period of any suspension; and
 - 1.1.3 Whether any suspension should take effect immediately.

Andrew Mitchell

Head of Regulatory Services

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Request for Suspension of Taxi Driver's Licence – Azadur Rahman

2. Executive Summary

- 2.1 Council officers from the Licensing Enforcement team have made comments and requested that Committee considers suspending a licence. This report suggests the procedures that the Committee should adopt when considering the request and sets out the various options open to the Committee.

3. Background

- 3.1 The Police and other persons can make comments or complaints as regards the holders of licences and, in certain cases, request that the relevant licence should be suspended. Committee members can consider such comments and requests. The Committee can decide to take no further action, issue a warning to the licence holder, or suspend the licence.

4. Main report

- 4.1 Officers from the Licensing Enforcement team have submitted a letter requesting that the Committee considers suspending a Taxi Driver's licence. Details of the licence are attached in Appendix 1 to this report, and a copy of the letter is attached at Appendix 2.
- 4.2 The licence holder has been invited to attend and notified of the letter.
- 4.3 Committee members are reminded that the grounds for suspending a licence are set out in Paragraph 11(2) of Schedule 1 to the Civic Government (Scotland) Act 1982. A Licensing Authority may order the suspension of a licence if in their opinion:
- 4.3.1 The holder of the licence, or, where the holder is not a natural person, any Director of it, or Partner in it or any other person responsible for its management, is not or is no longer a fit and proper person to hold the licence;
 - 4.3.2 The activity to which the licence relates is being managed by or on carried on for the benefit of a person, other than the licence holder, who would have been refused the grant or renewal of a licence under Paragraph 5(3) of the said Schedule;

- 4.3.3 The carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or safety;
- 4.3.4 A condition of the licence has been contravened.
- 4.4 In terms of Paragraph 11(3) of the said Schedule, a Licensing Authority may make an order under sub-paragraph 2(d) above in respect of a contravention of a condition of licence notwithstanding that there has been no conviction in that respect.
- 4.5 In terms of Paragraph 11(4) of the said Schedule, in considering whether to suspend a licence, the Council may have regard to:
 - 4.5.1 Any misconduct on the part of the licence holder, whether or not constituting a breach of any provision of Part I or II or the said Schedule of the said Act, which in the opinion of Council has a bearing on the fitness to hold a licence; and
 - 4.5.2 Where the licence relates to an activity consisting of or including the use of premises or a vehicle or vessel, any misconduct on the part of persons frequenting or using the premises, vehicle or vessel occurring there or any misconduct in the immediate vicinity of the premises, vehicle or vessel which is attributable to those persons.
- 4.6 Committee members may make such reasonable enquiries as they think fit (and subject to sub-paragraph 11(5) of the said Schedule) include the results of their inquiries in the matters to which they have regard in such consideration.
- 4.7 At the meeting officers from the Licensing Enforcement team will be provided with an opportunity to address the Committee. The licence holder and their representative will then be provided with an opportunity to address the Committee. Members of the Committee can then ask questions of the officers and of the licence holder.
- 4.8 If there are matters or allegations raised in the letter that are not admitted by the licence holder, the Committee can either arrange an evidential hearing on another date or decide to proceed on the basis of the material presented to them.
- 4.9 If the latter option is adopted, the Committee should allow the licence holder and officers to make full submissions on the alleged incidents. Both parties should answer any points raised by the other and by the Committee. The Committee will have to:
 - 4.9.1 Carefully consider the information they have before them;
 - 4.9.2 Disregard any allegations which they consider to be gossip, speculation or unsubstantiated innuendo;
 - 4.9.3 Identify which matters are admitted or disputed;
 - 4.9.4 Consider whether the source of any statements, their nature and inherent probability gives it greater degree of credibility;

- 4.9.5 Decide whether, on the balance of probability, the licence holder has committed the alleged misconduct; and
- 4.9.6 Be in a position to explain their approach and the basis on which they preferred any version of events.
- 4.10 Having heard from all parties the Committee should decide what, if any, action it wishes to take. It can decide to take no further action, issue a warning to the licence holder as to his future conduct or suspend the licence.
- 4.11 If the Committee decides to suspend a licence, it has to consider the period of suspension. The licence holder should be asked to provide his views as to the length of any period of suspension. The Committee can suspend the licence for any unexpired portion of the period of the licence.
- 4.12 If suspending a licence, the Committee can also decide that the circumstances of the case justify immediate suspension. The licence holder's views should be sought as to any proposal to impose immediate suspension. If immediate suspension is not ordered, any suspension would usually only take effect after 28 days had passed or, if an appeal is made, until it has been abandoned or determined.
- 4.13 Suspension of a licence means that the licence remains in existence but has no effect whilst the suspension is in place. The licence holder has to cease the licensed activity during the period of suspension. Any ID badges or plates should be immediately returned to the Council. It is a criminal offence for the licence holder to continue the licensed activity during any period of suspension.

5. Next Steps

- 5.1 Decisions on individual licences have to be considered on their own merits.
- 5.2 The process outlined takes account of the relevant statutory provisions.
- 5.3 The licence holder has a right of appeal against any decision made. The appeal lies to the Sheriff Court.

6. Financial impact

- 6.1 None, as the costs of these matters are recovered through taxi and private hire car vehicle and driver licence application fees.

7. Stakeholder/Community impact

- 7.1 None.

8. Background reading/external references

8.1 None.

9. Appendices

9.1 Appendix 1 - Licence referred to in this report

9.2 Appendix 2 – Letter to Licensing Manager dated 16 October 2024

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of the Local Government(Scotland) Act 1973.

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Licensing Sub-Committee of the Regulatory Committee

9.30am, Tuesday, 17 December 2024

Request for Recall of Suspension – Baris Eroglu

Item number	
Report number	B Agenda
Executive/routine	
Wards	Citywide
Council Commitments	N/A

Executive Summary

Officers requested the suspension of a Taxi Driver’s Licence previously granted to Baris Eroglu. On 21 May 2024 the Committee made a decision to suspend the licence for the remainder of its term. The licence holder has now requested that the suspension should be recalled on the grounds that the domestic circumstances leading to the suspension of the licence have changed.

Andrew Mitchell

Head of Regulatory Services

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Request for Recall of Suspension – Baris Eroglu

1. Recommendations

- 1.1 After hearing from officers and the relevant licence holder, the Committee will be required to decide:
 - 1.1.1 Whether or not to recall the suspension, as requested by the licence holder.

2. Background

- 2.1 The Police and other persons can make comments or complaints as regards the holders of licences and, in certain cases, request that the relevant licence should be suspended or revoked. Committee members can consider such comments and requests. The Committee can decide to take no further action, issue a warning to the licence holder, suspend or revoke the licence.
- 2.2 In December 2023 the Licensing Manager received a letter from officers in the Licensing Enforcement team requesting the suspension of Mr Eroglu's Taxi Driver's Licence (Appendix 1), and on 21 May 2024 the Licensing Sub-Committee decided to suspend Mr Eroglu's Taxi Driver's Licence (Appendix 2).

3. Main report

- 3.1 The licence holder's representative has requested that Baris Eroglu's licence should now be reinstated (Appendix 3).
- 3.2 The licence remains suspended until the committee determines to recall the suspension. If the suspension is recalled the licence would be returned and the licence holder will be able to resume use of his licence.
- 3.3 The licence holder has been invited to attend.

4. Measures of success

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

5. Financial impact

- 5.1 None, as the costs of these matters are recovered through taxi and private hire car vehicle and driver licence application fees.

6. Risk, policy, compliance and governance impact

- 6.1 The process outlined takes account of the relevant statutory provisions.
- 6.2 There is no right of appeal under the Civic Government (Scotland) 1982 against a decision not to recall a suspension, though the licence holder may have the option to pursue a Judicial Review.

7. Equalities impact

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

8. Sustainability impact

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

9. Consultation and engagement

- 9.1 None.

10. Background reading/external references

- 10.1 None

11. Appendices

- 11.1 Appendix 1 – letter from Licensing Enforcement team dated 27 December 2023
- 11.2 Appendix 2 – extract from action note of Licensing Sub Committee 21 May 2024
- 11.3 Appendix 3 – Email from Nisbet’s Solicitor and Solicitor Advocates dated 25 November 2024

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Licensing Sub-Committee of the Regulatory Committee

9.30am, Tuesday, 17 December 2024

Application for Private Hire Driver’s Licence – Dariusz Wachulak

Executive/routine	
Wards	All
Council Commitments	

Executive Summary

An application for a new Private Hire Driver’s Licence has been received by the Licensing Service.

The applicant has provided criminal convictions certificates from Poland in the required format, however the documentation details outstanding items and is therefore referred to the Committee to determine whether the application should be granted or refused.

Report

Application for Private Hire Driver's Licence - Dariusz Wachulak

1. Recommendations

- 1.1 After hearing from Council officers, the Police and the relevant licence holder, the committee will be required to decide:
 - 1.1.1 whether to grant or refuse the licence.

2. Background

- 2.1 Applicants for new Private Hire Driver's Licences who have resided outwith the UK are required to provide a criminal convictions check from the relevant country and to have the criminal convictions check certified.
- 2.2 While the existing policy does not usually allow an exemption from this requirement for new drivers, there are individual circumstances which Committee may wish to consider in determining if this new applicant should be exempted from the requirement to produce the required certified criminal convictions check.
- 2.3 The applicant meets DVLA group 2 medical standards and has passed the foundation skills training course for hire car drivers. There is no objection from Police Scotland to the grant of this licence.

3. Main report

- 3.1 When Mr Wachulak's application for a Private Hire Driver's Licence (Appendix 1) was received by the Licensing Service he provided a criminal conviction check from Poland in accordance with Council policy. The Polish Ministry of Justice has issued a criminal convictions certificate to the applicant (Appendix 2), which does not explicitly detail the offences of which the applicant was convicted. Mr Wachulak has provided a translation of the relevant text (Appendix 3).
- 3.2 The application is referred to the Committee for consideration of whether or not Mr Wachulak should be considered an exception to the policy and the licence granted.

4. Measures of success

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

5. Financial impact

- 5.1 None, as the costs of these matters are recovered through taxi and private hire car vehicle and driver licence application fees.

6. Risk, policy, compliance and governance impact

- 6.1 The licence holder has a right of appeal against any decision made. The appeal lies to the Sheriff Court.

7. Equalities impact

- 7.1 There is no equalities impact arising from the contents of this report, as decisions on individual licences have to be considered on their own merits.

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 [Production of Criminal Records and Evidence of Right to Work in the UK by Taxi and Private Hire Driver's Licence Applicants](#) to Regulatory Committee on 16 September 2016.
- 10.2 [Criminal Records Checks for Taxi and Private Hire Car Driver Licence Applicants Born or who have Resided Outwith the United Kingdom](#) to Regulatory Committee on 16 September 2023.

Andrew Mitchell

Head of Regulatory Services

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11. Appendices

- 11.1 Appendix 1 – application
- 11.2 Appendix 2 – document from Polish Ministry of Justice
- 11.3 Appendix 3 – translation provided by applicant

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Agenda Item 4.1

LICENSING REF NO: 525834

ITEM NO

PRIVATE HIRE VEHICLE DRIVER LICENCE

New

APPLICANT DETAILS: MANAGER	NAME	Mr Bashir Ahmad
PREMISES ADDRESS		
CONDITIONS RECOMMENDED		Standard Conditions
REPRESENTATIONS RECEIVED		Police Scotland
REASON FOR BEING CALLED TO COMMITTEE		Police Objection
DETERMINATION DATE		09/01/2025
NOTES: - Applicant has not completed DSDP foundation training course.		

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Licensing Sub-Committee of the Regulatory Committee

9.30am, Tuesday, 17 December 2024

Proposed Parade – 29 December 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 December 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

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Proposed Parade – 10 December 2024

1. Recommendations

It is recommended that the Committee:

- 1.1 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, 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 parade in the City (full details are set out in Appendix 1):

	Name	Reason for event	Date
a	Edinburgh's Hogmanay Torchlight Procession	Edinburgh's Hogmanay Torchlight Procession	29 December 2024

- 2.3 It is proposed that the parade will take place and will 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 form relevant to the parade is attached at Appendix 1.
- 3.2 Officers recommend that the standard conditions (Appendix 2) remain sufficient to mitigate any other possible disruption to the community.

- 3.3 Representatives of the relevant organisation 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 organiser 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 parade.

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

	Name	Reason for event	Date
a	Edinburgh's Hogmanay Torchlight Procession	Edinburgh's Hogmanay Torchlight Procession	29 December 2024

11.2 Appendix 2: Proposed conditions.

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Agenda Item 6.1

LICENSING REF NO: 540370

ITEM NO

MARKET OPERATORS LICENCE

Temporary

APPLICANT DETAILS: MANAGER	NAME	Unique Assembly Ltd Ms Penny Lesley Dougherty
PREMISES ADDRESS		Meadows, Edinburgh
CONDITIONS RECOMMENDED		Standard Conditions
REPRESENTATIONS RECEIVED		
REASON FOR BEING CALLED TO COMMITTEE		Large event Ward 11
DETERMINATION DATE		29/12/2024

NOTES: Noise recommended condition - All amplified music and vocals to be controlled to the satisfaction of the Director of Place.

Transportation recommended conditions - "The Network Management and Enforcement Team has no objections to the granting of temporary licence provided that the applicant does not unreasonably obstruct road or footway users, affect their safety or obstruct access to public seating or waste bins.

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Agenda Item 6.2

LICENSING REF NO: 540368

ITEM NO

PUBLIC ENTERTAINMENT LICENCE

Temporary

APPLICANT DETAILS: MANAGER	NAME	Unique Assembly Ltd Ms Penny Lesley Dougherty
PREMISES ADDRESS		Meadows, Edinburgh
CONDITIONS RECOMMENDED		Standard Conditions
REPRESENTATIONS RECEIVED		
REASON FOR BEING CALLED TO COMMITTEE		Large event Ward 11
DETERMINATION DATE		29/12/2024
NOTES: Noise recommended condition - All amplified music and vocals to be controlled to the satisfaction of the Director of Place.		
Transportation recommended conditions - "The Network Management and Enforcement Team has no objections to the granting of temporary licence provided that the applicant does not unreasonably obstruct road or footway users, affect their safety or obstruct access to public seating or waste bins.		

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Agenda Item 6.3

LICENSING REF NO: 540371

ITEM NO

MARKET OPERATORS LICENCE

Temporary

APPLICANT DETAILS: MANAGER	NAME	Unique Assembly Ltd Mr Nik Whybrew
PREMISES ADDRESS		West Princes Street Gardens, Princes Street, Edinburgh
CONDITIONS RECOMMENDED		Standard Conditions
REPRESENTATIONS RECEIVED		
REASON FOR BEING CALLED TO COMMITTEE		Large Event within Ward 11
DETERMINATION DATE		30/12/2024 - 01/01/2025
NOTES:		

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Agenda Item 6.4

LICENSING REF NO: 540369

ITEM NO

PUBLIC ENTERTAINMENT LICENCE

Temporary

APPLICANT DETAILS: MANAGER	NAME	Unique Assembly Ltd Mr Nik Whybrew
PREMISES ADDRESS		West Princes Street Gardens, Princes Street, Edinburgh
CONDITIONS RECOMMENDED		Standard Conditions
REPRESENTATIONS RECEIVED		
REASON FOR BEING CALLED TO COMMITTEE		Large event Ward 11
DETERMINATION DATE		30/12/2024 - 01/01/2025
<p>NOTES: Noise recommended conditions - All amplified music and vocals to be controlled to the satisfaction of the Director of Place.</p> <p>Transportation recommended conditions - "The Network Management and Enforcement Team has no objections to the granting of temporary licence provided that the applicant does not unreasonably obstruct road or footway users, affect their safety or obstruct access to public seating or waste bins.</p>		

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