

Licensing Sub-Committee of the Regulatory Committee

10.00am, Tuesday 26 October 2021

Present

Councillors Fullerton (Convener) (items 1 and 8-10), Dixon (Vice-Convener, in the chair – items 2 to agenda item 9.2), Booth (substituting for Councillor Rae), Mitchell, Mowat (items 1-8 and 10), Rose, Neil Ross and Wilson.

1. Application for Renewal of House in Multiple Occupation Licence – 12 Glasgow Road, Edinburgh

The Licensing Sub-Committee on 11 October 2021 continued consideration of the above application to this meeting in order for an officer from the Private Rented Services Team to attend the meeting to provide information on the operation and management of the property and the responsibilities of the applicant. The applicant, objectors and relevant Council officers were heard.

As this was a continued application, only Councillors Fullerton, Dixon, Mowat, Rose and Neil Ross took part in the consideration of this application.

Decision

- 1) To note the public objection and grant the licence for a period of one year subject to the Council's standard conditions for this category of licence and an additional condition that the applicant will take reasonable steps to manage the property including contacting the relevant Council services should any issues be raised regarding the tenants.
- 2) To request that officers work to resolve the issues of a contact for the management of the property to the satisfaction of the applicant and neighbours
- 3) To request a report to the Sub-Committee when the licence is due for renewal to review the management arrangements and their effectiveness in respect of tenants being placed in the property by the Council

(Reference – report by the Regulatory Services Manager, submitted)

2. Proposed Parades and Processions November 2021

2.1 March for an Independent Scotland

Details were provided of a proposed parade, 'March for an Independent Scotland' to be held on 27 November 2021. The appropriate applicant, Council officers and Police Scotland were heard.

Decision

To make an Order in respect of the proposed National Protest by March for an Independent Scotland on 27 November 2021 within the designated route and times imposing conditions that:

- 1) The parade shall proceed in accordance with the route and times specified in the Notice 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.

2.2 Scottish National Remembrance Day Parade and Service

Details were provided of a proposed parade, 'Scottish National Remembrance Day Parade and Service' to be held on 14 November 2021. The applicant, appropriate Council officers and Police Scotland were heard.

Decision

To make an Order in respect of the proposed Scottish National Remembrance Day Parade and Service on 14 November 2021 within the designated route and times imposing conditions that:

- 1) The parade shall proceed in accordance with the new route and times as agreed with the organisers at the Council's Events Planning Organisation Group meeting.
- 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 Regulatory Services Manager, submitted)

3. Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006 – to consider miscellaneous applications

Details were provided of 19 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 – list of applications, submitted)

4. Application for New Taxi Licence – 306 Taxis Ltd

The Sub-Committee considered an application for a new Taxi Licence from 306 Taxis Ltd. An application to renew the Taxi Licence Plate 306 held by L & N Taxi Partnership and a subsequent application to change the day to day manager and partners had been received. A new application was subsequently received with a new applicant seeking to change the

ownership of Plate 306 from L & N Taxi Partnership to 306 Taxis Ltd. The legislation does not enable the transfer of a partnership to a company and on grant of the licence the partnership would surrender their licence.

Decision

- 1) To note the previous Regulatory Committee decision on 16 March 2018 and the Interim Demand Survey considered by the Regulatory Committee on 21 October 2019 that there is presently no significant unmet demand for taxis in the city
- 2) To note on 8 March 2021 the Regulatory Committee agreed to leave unaltered the current limit of issued taxi licences at 1,316
- 3) To note that there are currently 1,313 licences in effect and agree to **GRANT** the licence subject to the surrender of the licence in the name of L & N Taxi Partnership

(Reference – Report by the Regulatory Services Manager)

5. 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.

6. Application for Renewal of Private Hire Driver Licence

The Sub-Committee considered an application for renewal of a Private Hire Driver 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 Regulatory Services Manager, submitted)

7. Requests for Suspension or Revocation of Private Hire Driver Licence

The Sub-Committee considered a request to suspend or revoke a Private Hire Driver Licence. The Regulatory Services Manager, Police Scotland, the licence holder and their representative 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 Regulatory Services Manager, submitted)

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

The Sub-Committee considered a request to suspend or revoke a Private Hire Driver Licence. The Regulatory Services Manager, 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 Regulatory Services Manager, submitted)

9. Request for Suspension or Revocation of Taxi Driver's Licence

The Sub-Committee considered a request to suspend or revoke a Taxi Driver's Licence. The Regulatory Services Manager, Police Scotland, and the licence holder's representative 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 Regulatory Services Manager, submitted)

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

Details were provided of 2 applications for miscellaneous licences. The Regulatory Services Manager, Police Scotland and the applicants were heard.

Decision

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

(Reference – list of applications, submitted)

APPENDIX 1

PUBLIC AGENDA

Applications for Miscellaneous Licences

Market Operator Licence (Temporary)		
5.2	Edinburgh Diwali 2021 Mr Rajnish Singh West Princes Street Gardens	<ol style="list-style-type: none">1) To agree to consider the matter in the absence of the applicant.2) To grant the licence subject to the Council's standard conditions for this category of licence, the additional conditions set out in the letter from Police Scotland dated 14 October 2021 and further additional conditions:<ul style="list-style-type: none">• All amplified music and vocals to be controlled to the satisfaction of the Director of Place.• The licence may be granted subject to the licence holder ensuring that market traders handling open foods comply with the 'Minimum Standards for Street Traders and Stalls' in respect of food hygiene.
Public Entertainment Licence (Temporary)		
5.3	Edinburgh Diwali 2021 Mr Rajnish Singh West Princes Street Gardens	<ol style="list-style-type: none">1) To agree to consider the matter in the absence of the applicant.2) To grant the licence subject to the Council's standard conditions for this category of licence, the additional conditions set out in the letter from Police Scotland dated 14 October 2021 and further additional conditions:<ul style="list-style-type: none">• All amplified music and vocals to be controlled to the satisfaction of the Director of Place.• The licence may be granted subject to the licence holder ensuring that market traders handling open foods comply with the 'Minimum Standards for Street Traders and Stalls' in respect of food hygiene.

Market Operator Licence (Temporary)

5.4	Historic Environment Scotland Enterprises Limited Eric Dryden Castlehill, Edinburgh	To grant the licence subject to the Council's standard conditions for this category of licence and additional conditions: <ul style="list-style-type: none">• All amplified music and vocals to be controlled to the satisfaction of the Director of Place.• The licence holder shall be expected to follow relevant Scottish Government Coronavirus guidance including the introduction of baseline control measures• That the applicant does not unreasonably obstruct road or footway users, affect their safety or obstruct road or footway users, affect their safety or obstruct access to public seating or waste bins. It is expected that the Licence Holder will observe the Covid-19 health guidelines current at the time for the activities taking place.
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Public Entertainment Licence (Temporary)

5.5	Historic Environment Scotland Enterprises Limited Eric Dryden Castlehill, Edinburgh	To grant the licence subject to the Council's standard conditions for this category of licence and additional conditions: <ul style="list-style-type: none">• All amplified music and vocals to be controlled to the satisfaction of the Director of Place.• The licence holder shall be expected to follow relevant Scottish Government Coronavirus guidance including the introduction of baseline control measures• That the applicant does not unreasonably obstruct road or footway users, affect their safety or obstruct road or footway users, affect their safety or obstruct access to public seating or waste bins. It is expected that the Licence Holder will observe the Covid-19 health guidelines current at the time for the activities taking place.
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Market Operator Licence (Temporary)

5.6	Underbelly Limited Ruth Fisher	To grant the licence subject to the Council's standard conditions for this category of licence, the additional conditions set out in the letter from Police Scotland
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	East Princes Street Gardens & The Mound, Edinburgh	<p>dated 11 October 2021 and further additional conditions:</p> <ul style="list-style-type: none"> • All amplified music and vocals to be controlled to the satisfaction of the Director of Place. • The licence holder to ensure that market traders handling open foods comply with the 'Minimum Standards for Mobile Food Traders'. • Environmental Health may carry out unannounced visits in respect of health and safety, and food hygiene to ensure traders are compliant with relevant legislation. It will be the responsibility of the licence holder to ensure market traders are compliant with relevant legislation. • The Network Management and Enforcement Team has no objections in respect of a 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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Public Entertainment Licence (Temporary)

5.7	Underbelly Limited Ruth Fisher East Princes Street Gardens & The Mound, Edinburgh	<p>To grant the licence subject to the Council's standard conditions for this category of licence, the additional conditions set out in the letter from Police Scotland dated 12 October 2021 and further additional conditions:</p> <ul style="list-style-type: none"> • All amplified music and vocals to be controlled to the satisfaction of the Director of Place. • The licence holder is expected to introduce baseline mitigation measures in line with Scottish Government Coronavirus guidance. • 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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Market Operator Licence (Temporary)

5.8	Underbelly Limited Ruth Fisher	<p>To grant the licence subject to the Council's standard conditions for this category of licence, the additional conditions set out in the letter from Police Scotland</p>
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	East Princes Street Gardens & The Mound, Edinburgh	<p>dated 11 October 2021 and further additional conditions:</p> <ul style="list-style-type: none"> • All amplified music and vocals to be controlled to the satisfaction of the Director of Place. • The licence holder to ensure that market traders handling open foods comply with the 'Minimum Standards for Mobile Food Traders'. • Environmental Health may carry out unannounced visits in respect of health and safety, and food hygiene to ensure traders are compliant with relevant legislation. It will be the responsibility of the licence holder to ensure market traders are compliant with relevant legislation. • The Network Management and Enforcement Team has no objections in respect of a 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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Public Entertainment Licence (Temporary)

5.9	Underbelly Limited Ruth Fisher East Princes Street Gardens & The Mound, Edinburgh	<p>To grant the licence subject to the Council's standard conditions for this category of licence, the additional conditions set out in the letter from Police Scotland dated 12 October 2021 and further additional conditions:</p> <ul style="list-style-type: none"> • All amplified music and vocals to be controlled to the satisfaction of the Director of Place. • The licence holder is expected to introduce baseline mitigation measures in line with Scottish Government Coronavirus guidance. • 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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Market Operator Licence (Temporary)

5.10	Underbelly Limited Ruth Fisher	<p>To grant the licence subject to the Council's standard conditions for this category of licence, the additional conditions set out in the letter from Police Scotland</p>
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	West Princes Street Gardens, Edinburgh	<p>dated 12 October 2021 and further additional conditions:</p> <ul style="list-style-type: none"> • All amplified music and vocals to be controlled to the satisfaction of the Director of Place. • That the applicant does not unreasonably obstruct road or footway users, affect their safety or obstruct access to public seating or waste bins. • The licence holder to ensure that market traders handling open foods comply with the 'Minimum Standards for Mobile Food Traders'. • Environmental Health may carry out unannounced visits in respect of health and safety, and food hygiene to ensure traders are compliant with relevant legislation. It will be the responsibility of the licence holder to ensure market traders are compliant with relevant legislation.
Public Entertainment Licence (Temporary)		
5.11	Underbelly Limited Ruth Fisher West Princes Street Gardens, Edinburgh	To grant the licence subject to the Council's standard conditions for this category of licence and the additional conditions set out in the letter from Police Scotland dated 12 October 2021.
Market Operator Licence (Temporary)		
5.12	Underbelly Limited Ruth Fisher West Princes Street Gardens, Edinburgh	<p>To grant the licence subject to the Council's standard conditions for this category of licence, the additional conditions set out in the letter from Police Scotland dated 12 October 2021 and further additional conditions:</p> <ul style="list-style-type: none"> • All amplified music and vocals to be controlled to the satisfaction of the Director of Place. • That the applicant does not unreasonably obstruct road or footway users, affect their safety or obstruct access to public seating or waste bins. • The licence holder to ensure that market traders handling open foods comply with the 'Minimum Standards for Mobile Food Traders'.

		<ul style="list-style-type: none"> Environmental Health may carry out unannounced visits in respect of health and safety, and food hygiene to ensure traders are compliant with relevant legislation. It will be the responsibility of the licence holder to ensure market traders are compliant with relevant legislation.
Public Entertainment Licence (Temporary)		
5.13	Underbelly Limited Ruth Fisher West Princes Street Gardens, Edinburgh	To grant the licence subject to the Council's standard conditions for this category of licence and the additional conditions set out in the letter from Police Scotland dated 12 October 2021.
Market Operator Licence (Temporary)		
5.14	Underbelly Limited Ruth Fisher George Street, Edinburgh	<p>To grant the licence subject to the Council's standard conditions for this category of licence and further additional conditions:</p> <ul style="list-style-type: none"> The licence holder to ensure that market traders handling open foods comply with the 'Minimum Standards for Mobile Food Traders'. Environmental Health may carry out unannounced visits in respect of health and safety, and food hygiene to ensure traders are compliant with relevant legislation. It will be the responsibility of the licence holder to ensure market traders are compliant with relevant legislation.
Market Operator Licence (Temporary)		
5.15	Underbelly Limited Ruth Fisher George Street, Edinburgh	<p>To grant the licence subject to the Council's standard conditions for this category of licence and further additional conditions:</p> <ul style="list-style-type: none"> The licence holder to ensure that market traders handling open foods comply with the 'Minimum Standards for Mobile Food Traders'. Environmental Health may carry out unannounced visits in respect of health and safety, and food hygiene to ensure traders are compliant with relevant legislation. It will be the responsibility of the licence holder to ensure market traders are compliant with relevant legislation.

Public Entertainment Licence (Temporary)

5.16	Robert Fairhurst St James Quarter, Edinburgh	To continue consideration of the application to a future meeting of the Sub-Committee, in consultation with the Convener as to an appropriate date.
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Public Entertainment Licence (Temporary)

5.17	Robert Fairhurst St James Quarter, Edinburgh	To continue consideration of the application to a future meeting of the Sub-Committee, in consultation with the Convener as to an appropriate date.
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Public Entertainment Licence (Temporary)

5.18	Jana Scholtzova St James Quarter, Edinburgh	To grant the licence subject to the Council's standard conditions for this category of licence.
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Public Entertainment Licence (Temporary)

5.19	Jana Scholtzova St James Quarter, Edinburgh	To grant the licence subject to the Council's standard conditions for this category of licence.
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Market Operator Licence (Temporary)

5.20	Gordon Hodgson St John's Church, Edinburgh	To note the application had been withdrawn from the agenda.
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