

Licensing Sub-Committee of the Regulatory Committee

9.00am, Tuesday 23 July 2019

Present

Councillors Fullerton (Convener for items 1 to 9), Dixon (Vice-Convener) (in the Chair for items 10.1.1 to 10.1.14), Griffiths (substituting for Councillor Arthur), Howie, Mitchell, Rae, Rose and Neil Ross.

1. Minutes

Decision

- 1) To approve the minute of the additional meeting of the Licensing Sub-Committee of 13 June 2019 as a correct record.
- 2) To approve the minute of the Licensing Sub-Committee of 17 June 2019 as a correct record.
- 3) To approve the minute of the Licensing Sub-Committee of 25 June 2019 as a correct record.
- 4) To approve the minute of the additional meeting of the Licensing Sub-Committee of 15 July 2019 as a correct record.

3. Request for Fee Reduction – Amusement Devices – Currie Community Fair

Details were provided of a request received from Currie Community Council for a reduction in the additional fee for Amusement Devices for the event Currie Community Fair on 7 September 2019.

The appropriate Council officers were heard.

Decision

- 1) To **NOTE** the terms of the request.
- 2) To **REFUSE** the request for a fee reduction.

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

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

Details were provided of 7 applications for miscellaneous licences. The applicants and their agents were heard.

Decision

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

(Reference – list of applications, submitted)

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. Request to Recall a Suspension of a Private Hire Car Driver's Licence

The Sub-Committee considered a request to recall a suspension of Private Hire Car 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 Regulatory Services Manager, submitted)

7. Suspension or Revocation of Private Hire Driver and Private Hire Car Licences

The Sub-Committee considered two requests by Police Scotland to suspend or revoke a Private Hire Driver Licence and a Private Hire Car Licence.

Decision

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

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

8. Police Requests for Suspension or Revocation of Licences

The Sub-Committee considered seven requests by Police Scotland to suspend or revoke a Private Hire Car Licence, a Taxi Driver Licence or a Taxi Licence.

Decision

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

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

9. Application for Renewal of Private Hire Driver's Licence

On 6 February 2018 the Regulatory Committee had agreed to amend its policy regarding existing taxi and private hire car drivers who were unable to obtain the relevant criminal convictions check to apply for a licence renewal.

The Sub-Committee considered a request for renewal of 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.

(References – Regulatory Committee 6 February 2018 (item 1); report by the Regulatory Services Manager, submitted)

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

Details were provided of six applications for miscellaneous licences. The applicants and their agents were heard.

Decision

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

(Reference – list of applications, submitted)

Applications for Miscellaneous Licences

| Street Trader Licence (Renewal) | | |
|---|---|---|
| 5.1.1 | Adam McIntosh Stance 7 Playfair Steps | <ol style="list-style-type: none"> 1) To NOTE the applicant's representative had written confirmation to speak on behalf of the applicant. 2) To RENEW the licence subject to the Council's standard conditions for this category of licence. 3) To NOTE the applicant's undertaking not to trade in the location. 4) To AGREE to waive the fee for this application. 5) To AGREE that the licence fee would be refunded. |
| Street Trader Licences (Temporary) | | |
| 5.1.2 (a) | Giuliano Binanti The Cowshed, Cowgate | To GRANT the licences subject to the standard conditions for this category of licence and an additional condition that the applicant does not unreasonably obstruct road or footway users, affect their safety or obstruct access to public seating or waste bins. |
| Late Hours Catering Licence (Exemption) | | |
| 5.1.2 (b) | Giuliano Binanti The Cowshed, Cowgate | <p>To GRANT the exemption to the licence subject to the standard conditions for this category of licence and the following additional conditions:</p> <ol style="list-style-type: none"> a) that all amplified music and vocals to be controlled to the satisfaction of the Executive Director of Place. b) all amplified music and vocals to be controlled as to be inaudible within the nearest noise sensitive premises after 23:00. |
| Street Trader Licences (Temporary) | | |
| 5.1.3 (a) | William Keith Taylor Hunter Square, Edinburgh | <p>To GRANT the licences subject to the standard conditions for this category of licence and the following additional conditions:</p> <ol style="list-style-type: none"> a) All amplified music and vocals to be controlled to the satisfaction of the Executive Director of Place. |

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| | | <p>b) subject to a satisfactory inspection and issue of a certificate of compliance.</p> <p>c) The applicant does not unreasonably obstruct road or footway users affect their safety or obstruct access to public seating or waste bins.</p> <p>See note 1.</p> |
| Late Hours Catering Licence (Exemption) | | |
| 5.1.3 (b) | William Keith Taylor Hunter Square, Edinburgh | <p>To GRANT the exemption to the licence subject to the standard conditions for this category of licence and the additional condition that all amplified music and vocals to be controlled to the satisfaction of the Executive Director of Place.</p> <p>See note 2.</p> |
| Street Trader Licences (Temporary) | | |
| 5.1.4 (a) | Kenneth Scott Hunter Square, Edinburgh | <p>To GRANT the licences subject to the standard conditions for this category of licence and the following additional conditions:</p> <p>a) All amplified music and vocals to be controlled to the satisfaction of the Executive Director of Place.</p> <p>b) subject to a satisfactory inspection and issue of a certificate of compliance.</p> <p>c) The applicant does not unreasonably obstruct road or footway users affect their safety or obstruct access to public seating or waste bins.</p> <p>See note 3.</p> |
| 5.1.4 (b) | Kenneth Scott Hunter Square, Edinburgh | <p>To GRANT the exemption to the licence subject to the standard conditions for this category of licence and the additional condition that all amplified music and vocals to be controlled to the satisfaction of the Executive Director of Place.</p> <p>See note 4.</p> |
| Market Operator Licence (Temporary) | | |
| 5.1.5 | Local Motive Markets Tania Pramshufer (Old Tolbooth Backyard) | <p>To GRANT the licences subject to the standard conditions for this category of licence and the following additional conditions:</p> |

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|--------------|--|---|
| | 179a Canongate, Edinburgh | <p>a) All amplified music and vocals to be controlled to the satisfaction of the Executive Director of Place.</p> <p>b) subject to a satisfactory inspection and issue of a certificate of compliance.</p> <p>c) The applicant does not unreasonably obstruct road or footway users affect their safety or obstruct access to public seating or waste bins.</p> |
| 5.1.6 | D & J Mobile Catering Ltd Ross Greaves West Princes Street Gardens, Edinburgh | To GRANT the licence subject to the standard conditions for this category of licence and the additional condition that all amplified music and vocals to be controlled to the satisfaction of the Executive Director of Place. |
| 5.1.7 | Hunter Square Lease Ltd Arthur Mustard Hunter Square, Edinburgh | To NOTE that the application had been withdrawn by the applicant's agent. |

Note 1

Item 5.1.3 (a) – Application for Street Trader Licence (Temporary) – William Keith Taylor

Motion

To **GRANT** the licences subject to the standard conditions for this category of licence and the following additional conditions:

- a) All amplified music and vocals to be controlled to the satisfaction of the Executive Director of Place.
- b) A satisfactory inspection and issue of a certificate of compliance.
- c) The applicant does not unreasonably obstruct road or footway users affect their safety or obstruct access to public seating or waste bins.

- moved by Councillor Fullerton, seconded by Councillor Dixon

Amendment

To **REFUSE** the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982 .

- moved by Councillor Neil Ross, seconded by Councillor Mitchell

Voting

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

(For the motion – Councillors Dixon, Fullerton, Griffiths, Howie, Rae and Rose.
For the amendment – Councillors Mitchell and Neil Ross.)

Decision

To **GRANT** the licences subject to the standard conditions for this category of licence and the following additional conditions:

- a) All amplified music and vocals to be controlled to the satisfaction of the Executive Director of Place.
- b) A satisfactory inspection and issue of a certificate of compliance.
- c) The applicant does not unreasonably obstruct road or footway users affect their safety or obstruct access to public seating or waste bins.

Note 2

Item 5.1.3 (b) – Late Hours Catering Licence (Exemption) – William Keith Taylor

Motion

To **GRANT** the exemption to the licence subject to the standard conditions for this category of licence and the additional condition that all amplified music and vocals to be controlled to the satisfaction of the Executive Director of Place.

- moved by Councillor Fullerton, seconded by Councillor Dixon

Amendment

To **REFUSE** the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982.

- moved by Councillor Neil Ross, seconded by Councillor Mitchell

Voting

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

(For the motion – Councillors Dixon, Fullerton, Griffiths, Howie, Rae and Rose.
For the amendment – Councillors Mitchell and Neil Ross.)

Decision

To **GRANT** the exemption to the licence subject to the standard conditions for this category of licence and the additional condition that all amplified music and vocals to be controlled to the satisfaction of the Executive Director of Place.

Note 3

Item 5.1.4 (a) – Application for Street Trader Licence (Temporary) – Kenneth Scott

Motion

To **GRANT** the licences subject to the standard conditions for this category of licence and the following additional conditions:

- a) All amplified music and vocals to be controlled to the satisfaction of the Executive Director of Place.
 - b) A satisfactory inspection and issue of a certificate of compliance.
 - c) The applicant does not unreasonably obstruct road or footway users affect their safety or obstruct access to public seating or waste bins.
- moved by Councillor Fullerton, seconded by Councillor Dixon

Amendment

To **REFUSE** the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982.

- moved by Councillor Rose, seconded by Councillor Mitchell

Voting

For the motion - 5 votes
For the amendment - 3 votes

(For the motion – Councillors Dixon, Fullerton, Griffiths, Howie and Rae.
For the amendment – Councillors Mitchell, Rose and Neil Ross.)

Decision

To **GRANT** the licences subject to the standard conditions for this category of licence and the following additional conditions:

- a) All amplified music and vocals to be controlled to the satisfaction of the Executive Director of Place.
- b) A satisfactory inspection and issue of a certificate of compliance.
- c) The applicant does not unreasonably obstruct road or footway users affect their safety or obstruct access to public seating or waste bins.

Note 4

Item 5.1.4 – Late Hours Catering Licence (Exemption) – Kenneth Scott

Motion

To **GRANT** the exemption to the licence subject to the standard conditions for this category of licence and the additional condition that all amplified music and vocals to be controlled to the satisfaction of the Executive Director of Place.

- moved by Councillor Fullerton, seconded by Councillor Dixon

Amendment

To **REFUSE** the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982.

- moved by Councillor Rose, seconded by Councillor Mitchell

Voting

For the motion - 5 votes

For the amendment - 3 votes

(For the motion – Councillors Dixon, Fullerton, Griffiths, Howie and Rae.

For the amendment – Councillors Mitchell, Rose and Neil Ross.)

Decision

To **GRANT** the exemption to the licence subject to the standard conditions for this category of licence and the additional condition that all amplified music and vocals to be controlled to the satisfaction of the Executive Director of Place.