

Licensing Sub-Committee of the Regulatory Committee

2.30pm, Monday 19 August 2019

Present

Councillors Fullerton (Convener), Dixon (Vice-Convener), Arthur, Doran (substituting for Councillor Wilson, items 1 to 5.5), Mowat (substituting for Councillor Mitchell, items 1 to 5.21), Rae, Neil Ross and Rose.

1. Minutes

Decision

To approve the minute of the Licensing Sub-Committee of 23 July 2019 as a correct record.

2. Parades and Processions: September – October 2019

Details were provided of a number of proposed parades and processions during September and October 2019. The event organisers and the appropriate Council officers were heard.

Decision

1) Edinburgh Riding of the Marches – 15 September 2019

To make an Order in respect of the proposed Edinburgh Riding of the Marches procession on 15 September 2019 imposing conditions that:

- i) The parade shall proceed in accordance with the route and times agreed at the meeting of the Events Planning and Operations Group.
- ii) The organiser will adhere to the recommendations of the Events Planning and Operations Group.
- iii) The proposed conditions recommended by the Council's Regulatory Services Manager shall be applied.

2) School Strike for Climate Change – 20 September 2019

Motion

To **CONTINUE** consideration of the notification to the additional meeting of the Licensing Sub-Committee on 10 September 2019 to allow officers to liaise further with the organisers around the proposed route for the march.

- moved by Councillor Fullerton, seconded by Councillor rose

Amendment

To make an Order in respect of the proposed School Strike for Climate Change on 20 September 2019 imposing conditions that:

- i) The parade shall proceed in accordance with the route and times agreed at the meeting of the Events Planning and Operations Group.
 - ii) The organiser will adhere to the recommendations of the Events Planning and Operations Group.
 - iii) The proposed conditions recommended by the Council's Regulatory Services Manager shall be applied.
- moved by Councillor Arthur, seconded by Councillor Doran

Voting

For the motion - 4 votes
 For the amendment - 4 votes

(For the motion – Councillors Dixon, Fullerton, Mowat and Rose.
 For the amendment – Councillors Arthur, Doran, Rae and Neil Ross.)

In the division, 4 members having voted for the motion and 4 members for the amendment, the Convener gave her casting vote for the motion and the Sub-Committee resolved as follows:

To **CONTINUE** consideration of the notification to the additional meeting of the Licensing Sub-Committee on 10 September 2019 to allow officers to liaise further with the organisers around the proposed route for the march.

3) School Strike for Climate Change – 27 September 2019

To make an Order in respect of the proposed School Strike for Climate Change procession on 27 September 2019 imposing conditions that:

- i) The parade shall proceed in accordance with the route and times agreed at the meeting of the Events Planning and Operations Group.
- ii) The organiser will adhere to the recommendations of the Events Planning and Operations Group.
- iii) The proposed conditions recommended by the Council's Regulatory Services Manager shall be applied.

4) March for Independence – 5 October 2019

To make an Order in respect of the proposed March for Independence procession on 5 October 2019 imposing conditions that:

- i) The parade shall proceed in accordance with the route and times agreed at the meeting of the Events Planning and Operations Group.
- ii) The organiser will adhere to the recommendations of the Events Planning and Operations Group.
- iii) 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 23 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)

APPENDIX

Applications for Miscellaneous Licences

Public Entertainment Licence (Temporary)		
5.2	Highland Centre Ltd Mark Currie	To GRANT the licence subject to the Council's standard conditions for this category of licence and additional licensing enforcement conditions, noise conditions and Police Scotland conditions.
5.3	Fly Open Air Event Thomas Ketley Ross Bandstand, Edinburgh	To GRANT the licence subject to the Council's standard conditions for this category of licence and additional licensing enforcement conditions, noise conditions and Police Scotland conditions.
Market Operator Licence (Temporary)		
5.4	Fly Open Air Event Thomas Ketley Ross Bandstand, Edinburgh	To GRANT the licence subject to the Council's standard conditions for this category of licence.
5.5	Continental Market Ltd Mr Ali Yaich High Riggs, Edinburgh	To REFUSE the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982. (on a division) See note 1.
5.6	Continental Market Ltd Mr Ali Yaich St Patrick's Square, Edinburgh	To REFUSE the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982.
5.7	Continental Market Ltd Mr Ali Yaich Nicolson Square, Edinburgh	To REFUSE the application in terms of Paragraph 5(3)(c)(i) of Schedule 1 of the Civic Government (Scotland) Act 1982.

Street Trader Licence (New)

5.8	Mr Robert Campbell Princes Street Gardens, Edinburgh	To GRANT the licence subject to the Council's standard conditions for this category of licence.
5.9	Adrian Asenov Chambers Street, Edinburgh	To GRANT the licence subject to the Council's standard conditions for this category of licence and the additional condition that the number of participants on each tour be restricted to 30.
5.10	Benny Yadgarian Castle Wynd North, Edinburgh	To note that the application had been WITHDRAWN by the applicant.

Street Trader Licence (Renewal)

5.11	Benny Yadgarian Rose Street, Edinburgh	<ol style="list-style-type: none"> 1) To RENEW the licence subject to the Council's standard conditions for this category of licence. 2) To NOTE the applicant's undertaking not to trade in the location when the location was not available.
5.12	Blair McNeill Stance 13, Playfair Steps, Edinburgh	<ol style="list-style-type: none"> 1) To RENEW the licence subject to the Council's standard conditions for this category of licence. 2) To NOTE the applicant's undertaking not to trade in the location. 3) To AGREE that the licence fee would be refunded.
5.13	Jane Edgell Stance 1, Playfair Steps, Edinburgh	<ol style="list-style-type: none"> 1) To RENEW the licence subject to the Council's standard conditions for this category of licence. 2) To NOTE the applicant's undertaking not to trade in the location. 3) To AGREE that the licence fee would be refunded.
5.14	William Green Stance 11, Playfair Steps, Edinburgh	<ol style="list-style-type: none"> 1) To RENEW the licence subject to the Council's standard conditions for this category of licence. 2) To NOTE the applicant's undertaking not to trade in the location. 3) To AGREE that the licence fee would be refunded.

5.15	Elizabeth Tainsh Stance 12, Playfair Steps, Edinburgh	<ol style="list-style-type: none"> 1) To RENEW the licence subject to the Council's standard conditions for this category of licence. 2) To NOTE the applicant's undertaking not to trade in the location. 3) To AGREE that the licence fee would be refunded.
5.16	Kuldeep Singh Stance 9, Playfair Steps, Edinburgh	<ol style="list-style-type: none"> 1) To RENEW the licence subject to the Council's standard conditions for this category of licence. 2) To NOTE the applicant's undertaking not to trade in the location. 3) To AGREE that the license fee would be refunded.
House in Multiple Occupation Licence (New)		
5.17	10 (2F1) Adelphi Grove, Edinburgh Ahmed Mohammed Saleh	To repel the public objections and GRANT the licence subject to the Council's standard conditions for this category of licence for a period of 1 year.
5.18	53 St Johns Road, Edinburgh Duddington Scott Ltd Agent: Neil Mackay	To repel the public objections and GRANT the licence subject to the Council's standard conditions for this category of licence for a period of 6 months. (on a division) See note 2.
5.19	33 Stewart Terrace, South Queensferry James Robert Ewen	To repel the public objections and GRANT the licence subject to the Council's standard conditions for this category of licence for a period of 1 year.
5.20	24 (3F1) Westhall Gardens, Edinburgh WF Property Investments Ltd Agent: Colette Grant, Grant Property Solutions Ltd	To repel the public objections and GRANT the licence subject to the Council's standard conditions for this category of licence for a period of 1 year.

House in Multiple Occupation Licence (Renewal)

5.21	29 (2F) Buckingham Terrace, Edinburgh Rosemary Sutcliff Agent: Dietrich Zank, The Flat Company Ltd	To repel the public objections and RENEW the licence subject to the Council's standard conditions for this category of licence for a period of 1 year. (on a division) See note 3.
5.22	162 Craiglea Drive, Edinburgh Carr Gomm Agent: Keith Milligan, Carr Gomm	To repel the public objections and RENEW the licence subject to the Council's standard conditions for this category of licence for a period of 3 years.
5.23	44 (3F2) Montpelier Park, Edinburgh Elizabeth Fieldman	To CONTINUE the application to the meeting of the Licensing Sub-Committee of 16 September 2019 to allow officers to inspect and report back on the property. The report to include clarification on the building completion certificate, floor coverings and ownership of the roof.

Note 1

Item 5.5 – Continental Market Ltd – Mr Ali Yaich High Riggs, Edinburgh

Motion

To **GRANT** the licence subject to the Council's standard conditions for Sundays only for this category of licence for a period of 6 months.

- moved by Councillor Fullerton, seconded by Councillor Rose

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 Doran, seconded by Councillor Rae

Voting

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

(For the motion – Councillors Fullerton and Rose.

For the amendment – Councillors Arthur, Dixon, Doran, Mowat, Rae and Neil Ross.)

Decision

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

Note 2

Item 5.18 – House in Multiple Occupation Licence (New) – 53 St Johns Road, Edinburgh

Motion

To repel the public objections and **GRANT** the licence subject to the Council's standard conditions for this category of licence.

- moved by Councillor Fullerton, seconded by Councillor Dixon

Amendment

To repel the public objections and **GRANT** the licence subject to the Council's standard conditions for this category of licence for a period of 6 months.

- moved by Councillor Rose, seconded by Councillor Mowat

Voting

For the motion - 3 votes
For the amendment - 4 votes

(For the motion – Councillors Dixon, Fullerton and Rae.
For the amendment – Councillors Arthur, Mowat, Rose and Neil Ross.)

Decision

To repel the public objections and **GRANT** the licence subject to the Council's standard conditions for this category of licence for a period of 6 months.

Note 3

Item 5.21 – House in Multiple Occupation Licence (Renewal) – 29 (2F) Buckingham Terrace, Edinburgh

Motion

To repel the public objections and **RENEW** the licence subject to the Council's standard conditions for this category of licence for a period of 3 years.

- moved by Councillor Fullerton, seconded by Councillor Rae

Amendment

To repel the public objections and **RENEW** the licence subject to the Council's standard conditions for this category of licence for a period of 1 year.

- moved by Councillor Rose, seconded by Councillor Arthur

Voting

For the motion - 3 votes
For the amendment - 4 votes

(For the motion – Councillors Dixon, Fullerton and Rae.
For the amendment – Councillors Arthur, Mowat, Rose and Neil Ross.)

Decision

To repel the public objections and **RENEW** the licence subject to the Council's standard conditions for this category of licence for a period of 1 year.