

Licensing Sub-Committee of the Regulatory Committee

9.30am, Monday 14 August 2023

Present

Councillors Mowat (Convener), Booth (substituting for Councillor Rae - items 5.9 to 7.2) Caldwell, Dixon, Graham, Mattos Coelho (with the exception of item 4.1) Rae (items 1 to 5.8) and Ross.

1. Minutes

Decision

- 1) To approve the minute of the Licensing Sub-Committee of 9 June 2023 as a correct record.
- 2) To approve the minute of the Licensing Sub-Committee of 12 June 2023 as a correct record.
- 3) To approve the minute of the Licensing Sub-Committee of 13 June 2023 as a correct record.
- 4) To approve the minute of the Licensing Sub-Committee of 17 July 2023 as a correct record.
- 5) To approve the minute of the Licensing Sub-Committee of 25 July 2023 as a correct record.

2. Parades and Processions – September 2023

March for Scottish Independence and EU Membership 2 September 2023

Details were provided of a proposed parade, March for Scottish Independence and EU Membership to be held on 2 September 2023. The relevant Council officers and Police Scotland were heard.

Decision

To make an Order in respect of the proposed “March for Scottish Independence and EU Membership” to be held on 2 September 2023 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 standard conditions recommended by the Council's Head of Regulatory Services shall be applied.

(Reference – report by the Head of Regulatory Services, submitted)

Declaration of Interest

Councillor Mattos Coelho declared a non-financial interest in respect of the above item as a member of Yes4EU, left the room and took no part in the decision on the matter.

3. Civic Government (Scotland) Act 1982 and Housing (Scotland) Act 2006 – Applications for Miscellaneous Licences

Details were provided of 17 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. 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 7(A) of the Act.

5. Civic Government (Scotland) Act 1982 - Application for Miscellaneous Licence

Details were provided of 1 application for a miscellaneous licence. The applicant's agent was heard.

Decision

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

(Reference – list of applications, submitted.)

APPENDIX 1

Applications for Miscellaneous Licences

House in Multiple Occupation Licence (Renewal)		
5.2	<p>Applicant Emma Craigie-Halkett</p> <p>Agent Dietrich Zank, The Flat Company</p> <p>Premises 93 (3F2) Dundas Street, Edinburgh</p>	<p>To GRANT the licence for a period of one year subject to the Council's standard conditions for this category of licence.</p>
5.3	<p>Applicant David Burgess</p> <p>Agent Stuart Miller, Northwood Edinburgh</p> <p>Premises 21 (4F1) Warrender Park Terrace, Edinburgh</p>	<p>1) To note that the public objection had been withdrawn.</p> <p>2) To GRANT the licence for a period of three years subject to the Council's standard conditions for this category of licence.</p>
5.4	<p>Applicant Susan Nobbs</p> <p>Agent Dietrich Zank, The Flat Company</p> <p>Premises 36 (3F2) Warrender Park Terrace, Edinburgh</p>	<p>To GRANT the licence for a period of three years subject to the Council's standard conditions for this category of licence.</p>

Short Term Lets Licence (New)

<p>5.5</p>	<p>Applicant Hiu Leong Timothy Leung</p> <p>Premises Flat 4, 23 Viewcraig Street, Edinburgh</p>	<p>To delegate authority to the Head of Regulatory Services to grant the application after a further inspection of the property had been carried out and a satisfactory report from the Fire and Rescue Service had been issued, the licence to be subject to:</p> <ul style="list-style-type: none"> i) the mandatory conditions and the Council's standard conditions for this type of licence; ii) bedroom two shall not be used to accommodate any guests; and iii) a maximum number of three guests staying in the property at any time. <p>Note: To note the applicant would provide contact details to other residents in the building.</p>
<p>5.6</p>	<p>Applicant Yassin Bouraouda</p> <p>Premises Flat 15, 1 Hawkhill Close, Edinburgh</p>	<ul style="list-style-type: none"> 1) To agree to consider the application in the absence of the applicant. 2) To GRANT the licence subject to the mandatory conditions and the Council's standard conditions for this type of licence.
<p>5.7</p>	<p>Applicant Margaret McDougall</p> <p>Premises Flat 11, 3 Silvermills, Edinburgh</p>	<p>To GRANT the licence subject to the mandatory conditions and the Council's standard conditions for this type of licence for a period of one year.</p>
<p>Additional Item</p>	<p>Applicant Suzanne Carol Redmond</p> <p>Premises 34a William Street, Edinburgh</p>	<ul style="list-style-type: none"> 1) The Convener ruled the following item of business, notice of which had been given at the start of the meeting, urgent to allow the Sub-Committee to give early consideration to the matter. 2) To GRANT the licence subject to the mandatory conditions and the Council's standard conditions for this type of licence for a period of one year.

Street Trader Licence (New)

5.8	Applicant Red Bus Bistro Company Ltd Manager Alison Simpson Location Waverley Bridge at junction with Princes Street	To CONTINUE consideration of this application to the next meeting of the Licensing Sub-Committee on 11 September 2023 to allow the applicant to attend. PART HEARD
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Public Entertainment Licence (Temporary)

5.9	Applicant Highland Centre Ltd Manager Mark Currie Agent Niall Hassard Location Royal Highland Centre, Ingliston Road, Edinburgh Event & Date EH1 Music Festival 23.09.23	To CONTINUE consideration of this application to the next meeting of the Licensing Sub-Committee on 11 September 2023 at the request of the applicant's agent.
5.10	Applicant The Edinburgh March Riding Association Ltd Manager Stuart Nicoll Location High Street Edinburgh Event Date 10.09.23	<ol style="list-style-type: none">1) To agree to consider the application in the absence of the applicant.2) To GRANT the licence subject to the standard conditions for this category of licence and subject to an additional condition that all amplified music and vocals to be controlled to the satisfaction of the Executive Director of Place.

<p>5.11</p>	<p>Applicant World Wide Festival UK Ltd</p> <p>Manager Carsten Raun</p> <p>Location West Princes Street Gardens, Edinburgh</p> <p>Event & Date Oktoberfest 05.10.23 – 08.10.23</p>	<p>To GRANT the licence subject to:</p> <ol style="list-style-type: none"> 1) the standard conditions for this category of licence; 2) additional conditions that: <ol style="list-style-type: none"> i) All amplified music and vocals to be controlled to the satisfaction of the Executive Director of Place. ii) All amplified music and vocals to be so controlled as to be inaudible within the nearest noise-sensitive premises after 23.00 hours. iii) The applicant does not unreasonably obstruct road or footway users, affect their safety or obstruct access to public seating or waste bins. The applicant is reminded that any type of advertisement board including an A-board is not permitted to be placed on a public footway. iv) The additional conditions requested by Police Scotland as set out in their letter of 1 August 2023.
<p>5.12</p>	<p>Applicant Fly Festival & Events (Scotland Ltd)</p> <p>Manager Sam Joss</p> <p>Location West Princes Street Gardens, Edinburgh</p> <p>Event & Date Fly Music Festival 16.09.23 to 17.09.23</p>	<p>To GRANT the licence subject to:</p> <ol style="list-style-type: none"> 1) the standard conditions for this category of licence. 2) additional conditions that: <ol style="list-style-type: none"> i) All music and vocals being controlled to the satisfaction of the Executive Director of Place. ii) Access to the sound control position shall be afforded to the appropriate Authorised Officer at any time throughout the event and during any sound checks. iii) The Licensee shall engage the services for a suitably qualified person(s) for the purpose of ensuring that appropriate sound level measuring instrumentation is properly installed, calibrated and supervised for the duration of the event, to the satisfaction of the Executive Director of Place.

		<p>iv) A nominated person(s) shall be present at the sound control position for the duration of the event for the purpose of ensuring that Condition 1 is complied with.</p> <p>v) The applicant does not unreasonably obstruct road or footway users, affect their safety or obstruct access to public seating or waste bins. The applicant is reminded that any type of advertisement board including an A-board is not permitted to be placed on a public footway.</p> <p>vi) The additional conditions requested by Police Scotland as set out in their letter of 1 August 2023.</p>
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Market Operators Licence (Temporary)

5.13	<p>Applicant Fly Festival & Events (Scotland Ltd)</p> <p>Manager Sam Joss</p> <p>Location West Princes Street Gardens, Edinburgh</p> <p>Event & Date Fly Music Festival 16.09.23 to 17.09.23</p>	<p>To GRANT the licence subject to:</p> <p>1) the standard conditions for this category of licence.</p> <p>2) Additional conditions that</p> <p>i) All music and vocals being controlled to the satisfaction of the Executive Director of Place.</p> <p>ii) The Network Management and Enforcement Team has no objections to the granting 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.</p> <p>ii) The applicant is reminded that any type of advertisement board including an A-board is not permitted to be placed on a public footway.</p>
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Late Hours Catering Licence (Variation)

5.14	<p>Applicant Helena Novotna</p> <p>Agent Alastair Macdonald</p> <p>Premises 155 Dundee Street, Edinburgh</p>	<p>To GRANT the variation application for the hours Mon-Sun 23:00-05:00 subject to the Council's standard conditions for this category of licence, (on a division)</p> <p>See Note 1</p>
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5.15	Licence Holder Taco Time Sc Ltd Manager Andrew Higney Agent Alistair Macdonald Location 27-31 Shandwick Place, Edinburgh	To note that the application had been WITHDRAWN at the request of the applicant's agent.
Late Hours Catering Licence (New)		
5.16	Licence Holder Onder Baharlioglu Agent Alistair Macdonald Location 24 Dalry Road Edinburgh	To GRANT the licence for the hours Sun-Thu 23:00-01:00 and Fri-Sat 23:00-02:00 subject to the Council's standard conditions for this category of licence.
Cinema Licence (Temporary Variation)		
5.17	Manager Diane Henderson Location 118 Lothian Road Edinburgh	1) To agree to consider the application in the absence of the applicant. 2) To GRANT the variation to allow specific uncertificated films, from the list of titles circulated, to be shown 01.10.23 to 30.10.23 at 118 Lothian Road Edinburgh.

Note 1

Late Hours Catering Licence (Variation) – 155 Dundee Street, Edinburgh

Motion

To **GRANT** the variation application for the hours Mon-Sun 23:00-05:00 subject to the Councils standard conditions for this category of licence,

- moved by Councillor Mowat, seconded by Councillor Ross

Amendment

To refuse the variation application for the hours Mon-Sun 23:00-05:00 in terms of Paragraph 5(3)(c)(v) of Schedule 1 of the Civic Government (Scotland) Act 1982.

- moved by Councillor Booth, seconded by Councillor Mattos Coelho

Voting

For the motion - 4 votes

For the amendment - 3 votes

(For the motion – Councillors Caldwell, Dixon, Mowat and Ross.

For the amendment – Councillors Booth, Mattos Coelho and Graham.)

Decision

To **GRANT** the variation application for the hours Mon-Sun 23:00-05:00 subject to the Councils standard conditions for this category of licence,