

ANGUS COUNCIL

MINUTE of MEETING of the **CIVIC LICENSING COMMITTEE** held in the Town and County Hall, Forfar on Thursday 5 November 2015 at 10.33am.

Present: Councillors ALEX KING, CRAIG FOTHERINGHAM, LYNNE DEVINE, DAVID FAIRWEATHER, SHEILA HANDS, JIM HOUSTON, DAVID LUMGAIR and PAUL VALENTINE.

Councillor KING, Convener, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Brian Boyd and Bob Spink.

2. DECLARATIONS OF INTEREST

Councillor Fotheringham declared an interest in item 11 as the applicant was known to him and he regularly frequented the premises. He advised that he would not participate in any discussion and voting and would leave the meeting during consideration of this item.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 17 September 2015 was approved as a correct record and signed by the Convener.

4. DELEGATED APPROVALS

There was submitted Report No 427/15 by the Head of Legal and Democratic Services, detailing applications for licences under the Civic Government (Scotland) Act 1982 and other miscellaneous Acts which had been granted/renewed by the Head of Legal and Democratic Services in accordance with the Scheme of Delegation appended to Standing Orders.

The Committee agreed to note the applications detailed in the Appendix to the Report, granted/renewed under delegated powers during the period 1 September to 15 October 2015.

5. CROFTS FARM, CARMYLLIE, BY ARBROATH

There was submitted Report No 423/15 by the Strategic Director – Communities regarding an application received from McDonald Agri Ltd, licence holder of the temporary workers' caravan site licence at Crofts Farm, Carmyllie requesting an amendment to the operating period from 15 June to 15 October to 1 April to 30 November.

The Committee agreed that the site operating period for the temporary workers' caravan site licence at Crofts Farm, Carmyllie, by Arbroath be amended to 1 April to 30 November annually.

6. EAST SEATON FARM, ARBROATH

There was submitted Report No 424/15 by the Strategic Director – Communities regarding an application received from Mr Lochart Porter, licence holder for the temporary workers' caravan site licence at East Seaton Farm, Arbroath to increase the maximum number of caravans that could be accommodated on site from 85 to 90 and amend the operating period from 1 May to 31 October to 1 January to 30 November.

The Committee agreed:-

- (i) that the temporary workers' caravan site licence for East Seaton Farm, Arbroath be amended in order to allow a maximum of 90 caravans on site; and
- (ii) that the site operating period be amended to 1 January to 30 November annually.

7. FIELD 300M WEST OF WINDYHILLS FARM, AUCHMITHIE

There was submitted Report No 425/15 by the Strategic Director – Communities regarding an application received from Peter Stirling, Windyhills Farm, Auchmithie, by Arbroath for a temporary workers' caravan site licence to site five static caravan pitches in a field 300m west of Windyhills Farm.

The Report advised that the site operated with the benefit of appropriate planning permission which would expire on 9 July 2020 unless otherwise agreed in writing with the planning authority.

The Committee agreed:-

- (i) to grant a temporary workers' caravan site licence to Peter Stirling for a maximum of five static caravans in a field 300m west of Windyhills Farm, Auchmithie on condition that the site would be configured in accordance with the plan submitted to Environmental Health; and
- (ii) to note that the site would operate between 1 April to 31 August and 1 December to 31 January annually.

8. LUNAN FARM, LUNAN BAY, BY ARBROATH

There was submitted Report No 426/15 by the Strategic Director – Communities regarding an application received from Mr Hew Blair Imrie, Lunan Farms, Lunan Bay, Arbroath to grant a caravan site licence for 10 touring caravan pitches at Lunan Farm, Lunan Bay, Arbroath, in an area of ground north of farm steading with an operating period 31 March to 1 October each year.

The Committee agreed:-

- (i) to grant a caravan site licence to Mr Hew Blair Imrie, Lunan Farms, Lunan Bay, Arbroath subject to the site's compliance with the model standards for caravan sites;
- (ii) that the maximum number of touring caravans to be stationed on site at any one time be 10; and
- (iii) that the operating period be 31 March to 1 October annually.

9. TAXI STANCES

There was submitted Report No 428/15 by the Head of Legal and Democratic Services regarding potential amendments to the taxi stance provision in Reform Street and High Street, Kirriemuir, as detailed in Appendices A and B to the Report.

The Report advised that it was proposed that the current taxi stance arrangement be altered by removing the single bay taxi rank currently located outside No 9-11 Reform Street, Kirriemuir and replacing it with a single berth rank which was currently a public parking bay, on the north side of High Street, Kirriemuir, east of its junction with Tannage Brae, outside No 6 High Street, Kirriemuir (opposite the site of the relocated post office).

The Committee agreed to authorise the Head of Legal and Democratic Services:-

- (i) to consult with organisations appearing to be, or be representative of, the operators of taxis operating in their area (required by Section 19(1) of the Civic Government (Scotland) Act 1982) in respect of a proposed alteration to the taxi stance provision in Reform Street and High Street, Kirriemuir, as detailed in the Report and described in Appendix A and detailed on the plan attached as Appendix B;
- (ii) that, in the absence of any objections or representations, notice be given of the proposal to the Chief Constable and a public notice be issued of the proposal by advertising in at least one newspaper circulating in the area (as required by Section 19(4) of the Civic Government (Scotland) Act 1982); and

- (iii) to implement the proposal, subject to the consent of the roads authority and in the absence of any objections or representations.

10. EXCLUSION OF PUBLIC AND PRESS

The Committee resolved, in terms of Standing Order 28(2) that the public and press be excluded from the meeting during consideration of the following items, so as to avoid the possible disclosure of information which was exempt in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973, paragraphs 3 and 6.

11. RENEWAL APPLICATION

There was submitted Report No 429/15 by the Head of Legal and Democratic Services regarding an application received for the renewal of a licence under the Civic Government (Scotland) Act 1982 and other miscellaneous Acts, which was required to be determined by the Committee, as detailed in the Appendix to the Report.

Councillor Fotheringham having declared an interest at Article 2 above, left the meeting during consideration of the following item.

(a) Late Hours Catering Licence (LHC16)

The Committee considered an application for the renewal of a late hours catering licence (LHC16) received on 15 September 2015 in respect of premises at Kohenoor/Iannarellis, 141-145 East High Street, Forfar.

The applicant was not present.

The Committee agreed to defer consideration of the application to the meeting of the Civic Licensing Committee to be held on 7 January 2016 to allow the applicant to attend.

Councillor Fotheringham re-joined the meeting at this stage.

12. NEW APPLICATION

There was submitted Report No 512/15 by the Strategic Director – Resources regarding an application received for a new licence under the Civic Government (Scotland) Act 1982 which required to be determined by the Committee, as detailed in the Appendix to the Report.

(a) Late Hours Catering Licence (LHC17)

The Committee considered an application for a late hours catering licence received from Asda Stores Ltd in respect of the supermarket at St James Road, Forfar for the hours 11.00pm to 5.00am Monday to Sunday.

The applicants' agent was present and addressed the Committee.

The Committee agreed that in as far as it related to the hours outwith the current guidelines these hours be refused and the application be approved in accordance with the current guidelines which allowed late hour catering premises to open between 11.00pm and 12.00 midnight Sunday to Thursday and 11.00pm to 1.00am on Friday and Saturday.