

ANGUS COUNCIL

MINUTE of MEETING of the **CIVIC LICENSING COMMITTEE** held in the Town and County Hall, Forfar on Thursday 10 January 2019 at 10.27am.

Present: Councillors CRAIG FOTHERINGHAM, COLIN BROWN, BRENDA DURNO, DAVID FAIRWEATHER, ALEX KING, GAVIN NICOL AND BETH WHITESIDE.

Councillor FOTHERINGHAM, Convener, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Brian Boyd and David Lumgair.

2. DECLARATIONS OF INTEREST

The Committee agreed to note that no declarations of interest were made.

3. MINUTES OF PREVIOUS MEETINGS

The minutes of meetings of this Committee of 1 November and 10 December 2018 were approved as correct records and signed by the Convener.

4. DELEGATED APPROVALS

There was submitted Report No 1/19 by the Service Leader - Legal and Democratic detailing applications for licences under the Civic Government (Scotland) Act 1982 and other miscellaneous Acts which had been granted/renewed by the Service Leader – Legal and Democratic 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 12 October to 6 December 2018.

5. IMMEDIATE SUSPENSION OF LICENCES – DELEGATED POWERS

With reference to Article 12 of the minute of meeting of this Committee of 22 February 2018, there was submitted Report No 2/19 by the Service Leader – Legal and Democratic advising the Committee of its powers to order the immediate suspension of a licence if it is of the opinion that the carrying on of the activity to which the licence relates was causing or was likely to cause a serious threat to public order or public safety; and to delegate authority to exercise this power.

Sergeant MacDonald, Police Scotland addressed the Committee and advised them of the reasons why the immediate suspension of licences required to be dealt with quickly and due to the urgency, should not have to wait until the next meeting of the Committee.

The Committee agreed:-

- (i) to note its powers, under section 12 of schedule 1 to the Civic Government (Scotland) Act 1982, to order the immediate suspension of a licence if it was of the opinion that the carrying on of the activity to which the licence relates was causing or was likely to cause a serious threat to public order or public safety;
- (ii) to note that any suspension ordered under section 12 above only lasted for a period of the date six weeks after the order was made or the date of any decision of the licensing authority whether or not to suspend or revoke the licence under paragraph 11 of schedule 1 to the Civic Government (Scotland) Act 1982 (whichever was the earliest); and
- * (iii) to delegate authority to the Service Leader - Legal and Democratic (and her successors in office as monitoring officer of Angus Council in terms of section 5 of the Local Government and Housing Act 1989), in consultation with the Convener and Vice Convener (if available), to order the immediate suspension of a licence in terms of section 12 above given the need to deal with these issues as a matter of urgency.

6. EXCLUSION OF PUBLIC AND PRESS

The Committee resolved, in terms of Standing Order 27(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.

7. UPDATE REPORT

With reference to Article 11 of the minute of meeting of this Committee of 22 February 2018, there was submitted Report No 3/19 by the Service Leader - Legal and Democratic, advising members to note the update in respect of a licence holder who held a Taxi Drivers licence and Taxi Operators licence.

The Committee agreed to note the position.

8. NEW APPLICATIONS

There was submitted Report No 4/19 by the Service Leader - Legal and Democratic regarding applications received for new licences under the Civic Government (Scotland) Act 1982 which required to be determined by the Committee, as detailed in the Appendix to the Report.

(a) Public Entertainment licences (PEL 7) and (PEL 8)

The Committee considered comments received from the Regulatory and Protective Services – Environmental Health dated 8 and 14 November 2018 in relation to two applications received on 6 October 2018 from George Bertie for public entertainment licences for premises at Results Gym, 281 High Street, Arbroath and Results Gym, St. James Road, Forfar, to provide gym and martial arts activities for a continuous period of 24 hours daily.

Mr Bertie was present and addressed the Committee thereafter, Mr Easson, Service Leader – Environmental and Consumer Protection advised members that this request was quite common in other local authority areas.

The Committee agreed that both applications be granted for a period of 6 months only subject to:-

- (i) waiving conditions 11 and 12 of the Public Entertainment licences; and
- (ii) on condition that Environmental and Consumer Protection division monitor the situation and report back on their findings within 6 months.

(b) Private Hire Care Drivers Licence (PHCD48)

The Committee noted that a satisfactory medical certificate had been received therefore, the application had been dealt with under delegated powers.

9. RENEWAL APPLICATION

There was submitted Report No 5/19 by the Service Leader - Legal and Democratic, regarding an application received for the renewal of a 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 (LHC115)

The Committee considered information in relation to an application for the renewal of a Late Hours Catering Licence (LHC115) received on 15 October 2018 and noted that the certificate of compliance had now been received and the application had been dealt with under delegated powers.

10. CURRENT LICENCE HOLDER – LETTER OF COMPLAINT

There was submitted Report No 6/19 by the Service Leader - Legal and Democratic regarding a letter of complaint which had been received in connection with a current licence holder under the Civic Government (Scotland) Act 1982 which required to be considered by the Committee, as detailed in the Appendix to the Report.

(a) Taxi Driver's Licence (TD89)

With reference to Article 4 of the minute of meeting of this Committee of 10 December 2018, the Committee considered information in relation to a Taxi Driver's Licence (TD89), advising that the licence holder had a pending case against him, as detailed in the letter from Police Scotland dated 6 December 2018 and that the licence holder was no longer a fit and proper person to hold a licence.

A further letter from Police Scotland dated 9 January 2019 was circulated to the Committee and Constable Gregg, Police Scotland, addressed the Committee on the contents of the letter.

The licence holder was not present.

The Committee, having regard to the terms of the letter of complaint from, Police Scotland, paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982, determined that it had been established that the carrying on of the activity to which the licence related to was likely to cause a serious threat to public safety.

The Committee agreed to revoke the licence holder's taxi driver's licence with immediate effect.