

ANGUS COUNCIL

MINUTE of MEETING of the **CIVIC LICENSING COMMITTEE** held in the Town and County Hall, Forfar on Thursday 16 May 2019 at 11.02am.

Present: Councillors CRAIG FOTHERINGHAM, RICHARD MOORE, BRIAN BOYD, COLIN BROWN, BRENDA DURNO, ALEX KING, DAVID LUMGAIR AND GAVIN NICOL.

Councillor FOTHERINGHAM, Convener, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors David Fairweather and Beth Whiteside.

2. DECLARATIONS OF INTEREST

Councillor Boyd declared an interest in item 5 as he was a registered landlord. He advised that he would participate in any discussion and voting

3. MINUTES OF PREVIOUS MEETINGS

The minutes of meetings of this Committee of 4 April and 23 April 2019 were approved as correct records and signed by the Convener.

4. DELEGATED APPROVALS

There was submitted Report No 160/19 by the Director 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 Director 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 12 March to 22 April 2019.

* 5. LANDLORD REGISTRATION

There was submitted Report No 161/19 by the Director of Legal and Democratic Services, 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 is causing or is likely to cause a serious threat to public order or public safety; and to delegate authority to exercise this power.

The Committee agreed to recommend to Angus Council:-

- (i) that the Order of Reference to Committees be amended to delegate to the Civic Licensing Committee the functions of the Council in terms of Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004; and
- (ii) that the Scheme of Delegation to Officers be amended to authorise the Director of Communities to:-
 - (a) maintain a register for the purposes of Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004 (landlord registration); and
 - (b) enter relevant persons in the register maintained for the purposes of Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004 (landlord registration) in accordance with guidance to be issued by the Civic Licensing Committee from time to time.

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. NEW APPLICATION – ANIMAL BOARDING ESTABLISHMENT

There was submitted Report No 162/19 by the Director of Legal and Democratic Services regarding an application received for new licence under the Animal Boarding Establishments Act 1963 which required to be determined by the Committee, as detailed in the Appendix to the Report.

(a) Animal Boarding Licence (AB3)

The Committee considered an objection received from Environmental and Consumer Protection Division dated 27 March 2019, in relation to an application for an Animal Boarding Establishment (AB3) received on 28 February 2019.

The applicant was not present.

Mr Easson, Service Leader, Environmental and Consumer Protection, spoke on the contents of the objection received.

The Committee agreed that the application be refused as the applicant was not a fit and proper person to hold a licence.

8. RENEWAL APPLICATIONS

There was submitted Report No 163/19 by the Director of Legal and Democratic Services regarding applications received for the renewal of licences under the Civic Government (Scotland) Act 1982 and other miscellaneous Acts which were required to be determined by the Committee, as detailed in the Appendix to the Report.

(a) Second Hand Dealer's Licence (SHD13)

With reference to Article 10 (b) of the minute of meeting of this Committee of 4 April 2019, the Committee considered an updated report from Trading Standards Service dated 3 May 2019 in relation to an application for the renewal of a Second Hand Dealer's Licence (SHD13) received on 17 January 2019.

The applicant was present and addressed the Committee during which he gave an update regarding the tanks.

The Committee then heard from Mr McLeod, Trading Standards who advised the Committee on the current position regarding the works which required to be carried out on site and reported that the tanks had not yet been made safe.

Members then asked various questions of Mr McLeod and the applicant.

The Committee agreed to delegate authority to the Director of Legal and Democratic Services to refuse the renewal application for a Second Hand Dealers licence should the tanks not be made safe by 16 July 2019.

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

With reference to Article 8 (a) of the minute of meeting of this Committee of 10 January 2019, the Committee considered comments received from the Environmental and Consumer Protective Services dated 3 May 2019 in relation to two applications received on 15 April 2019 for public entertainment licences for premises at Arbroath and Forfar, to provide gym and martial arts activities for a continuous period of 24 hours daily.

There was circulated a letter of objection received from Police Scotland dated 18 April 2019 in connection with the Arbroath premises.

The applicant was present and addressed the Committee thereafter, Mr Easson, Service Leader – Environmental and Consumer Protection advised members that his officers were satisfied with the premises.

The Committee then heard from PC Forbes, Police Scotland who advised that the case was currently pending.

The Committee agreed that both applications be granted subject to the standard conditions but that conditions 11 and 12 of the Public Entertainment licences be waived.