

ANGUS COUNCIL

MINUTE of MEETING of the **SPECIAL CIVIC LICENSING COMMITTEE** held in the Town and County Hall, Forfar on Thursday 15 August 2019 at 11am.

Present: Councillors CRAIG FOTHERINGHAM, RICHARD MOORE, BRIAN BOYD, COLIN BROWN, BRENDA DURNO, DAVID LUMGAIR AND BETH WHITESIDE.

Councillor Fotheringham, Convener, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors David Fairweather, Alex King and Gavin Nicol.

2. DECLARATIONS OF INTEREST

Councillors Boyd and Lumgair declared an interest in item 4 (Report No 271/19) as they were registered landlords. They both advised that they would participate in any discussion and voting.

3. TEMPORARY LICENCES FOR PUBLIC ENTERTAINMENTS

There was submitted Report No 270/19 by the Director of Legal and Democratic Services regarding applications received for temporary licences for Public Entertainments in terms of Paragraph 7 of Schedule 1 to the Civic Government (Scotland) Act 1982 which required to be determined by the Committee. A location plan and site plan were attached as Appendix 1 and 2 respectively to the Report.

The Committee considered the two applications for temporary licences received on 31 July 2019 from LCC Live Events Limited in connection with three live music concerts at the East Links, Montrose.

It was noted that the first application related to a live music concert (Kaiser Chiefs) on 16 August 2019 from 1800 hours to 2230 hours with a maximum capacity of 3,000. The second application related to live music events on 23 (Jess Glynne) and 24 August 2019 (Madness). The event on 23 August 2019 was from 1800 hours to 2230 hours with a maximum capacity of 4,500 and the event on 24 August 2019 was from 1700 hours to 2230 hours with a maximum capacity of 7,000.

The Committee noted that the applicant was not present and agreed to adjourn for 5 minutes to allow the Clerk to contact the applicant by telephone and request his attendance at the Committee.

The Committee reconvened and agreed that as the Clerk was waiting on a telephone call from the applicant, to consider item 4 on the agenda.

4. LANDLORD REGISTRATION – GUIDANCE TO THE DIRECTOR OF COMMUNITIES

With reference to Article 5 of the minute of meeting of this Committee of 16 May 2019, there was submitted Report No 271/19 by the Director of Legal and Democratic Services, advising the Committee to consider guidance to the Director of Communities in the exercise of delegated powers in relation to entering a person in its register of landlords in terms of Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004.

The Committee agreed that in the undernoted cases applications for entry in the register required to be considered by the Civic Licensing Committee:-

Applications for entry in the register if it is ascertained that the relevant person (as defined in the Antisocial Behaviour etc. (Scotland) Act 2004) has:-

- (a) committed any offence involving:-
 - (i) fraud or other dishonesty;
 - (ii) firearms (within the meaning of section 57(1) of the Firearms Act 1968);
 - (iii) violence; or

- (iv) drugs.
- (b) committed a sexual offence (within the meaning of section 210A(10) of the Criminal Procedure (Scotland) Act 1995);
- (c) practised unlawful discrimination in, or in connection with, the carrying on of any business;
- (d) contravened any provision of:-
 - (i) any Letting Code issued under section 92A of the Antisocial Behaviour etc. (Scotland) Act 2004;
 - (ii) the law relating to housing; or
 - (iii) landlord and tenant law.
- (e) committed an offence under, or has been disqualified by virtue of Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004 or Part 5 of the Housing (Scotland) 2006;
- (f) been the subject of a repairing standard enforcement order in terms of Section 24(2) of the Housing Scotland Act 2006;
- (g) committed any act (or failed to act) as regards antisocial behaviour affecting a house, subject to a lease or occupancy agreement in relation to which the relevant person was the landlord or acting for the landlord;
- (h) committed any other offence(s) or contravened any other legal requirement(s) which the Director of Communities considered was relevant to the question of whether the relevant person was a fit and proper person to be entered in the register; and
- (i) acted in any other way which the Director of Communities considered was relevant to the question of whether the relevant person was a fit and proper person to be entered in the register.

Following a telephone call from the applicant, the Committee agreed that the meeting be adjourned until 12 noon to allow the applicant adequate time to attend the Committee.

The Committee reconvened at 12 noon to consider the following item.

5 TEMPORARY LICENCES FOR PUBLIC ENTERTAINMENTS

With reference to Article 3 above, the Committee reconsidered Report No 270/19 by the Director of Legal and Democratic Services regarding applications received for temporary licences for Public Entertainments in terms of Paragraph 7 of Schedule 1 to the Civic Government (Scotland) Act 1982 which required to be determined by the Committee.

Mr Kidger, Director of LCC Live was present and addressed the Committee during which he apologised to members for the lateness of the applications and gave an explanation as to the reasons why they had been received late.

The Committee then heard from Mrs Thom, Building Standards Manager, who advised members that approval had now been granted for the raised structure in terms of Section 89 of the Civic Government (Scotland) Act 1982.

Mr Easson, Service Leader, Environmental and Consumer Protection then addressed the Committee regarding additional conditions.

Mr Kidger summed up and the Committee expressed their dissatisfaction at having to deal with the applications at such short notice.

The Committee agreed to grant the two applications for a Temporary Public Entertainment Licence, subject to standard conditions and the following additional conditions:-

- (a) Music from the events shall only be permitted between 1700 and 2300hrs.

- (b) Maximum noise levels from music and vocals shall not exceed LAeq 65 dB(A) over a 15 minute period as measured at 1m from the façade of any noise sensitive premises.
- (c) Construction noise audible at any residential property shall be restricted to 0700hrs to 1900hrs Monday to Friday and 0800hrs to 1700hrs Saturday to Sunday.
- (d) All noise from generators, ventilation or refrigeration plant shall not exceed Noise Rating Curve 30 between 0700hrs and 2300hrs and Noise Rating curve 20 at all other times as measured in any habitable room with the windows open 50mm for ventilation.
- (e) Litter within the arena shall be cleared prior to opening to the public. The cleanliness of the arena before opening should be measured as Grade B (predominantly free of litter apart from a few small items) as defined by the Code of Practice on Litter and Refuse issued under section 89 of the Environmental Protection Act 1990.
- (f) Waste and Litter within the site boundary shall be cleared within 7 days after the end of the event. The cleanliness of the site should be measured as Grade A (no litter or refuse) as defined by the Code of Practice on Litter and Refuse issued under section 89 of the Environmental Protection Act 1990.
- (g) Prior to the commencement of the event a detailed Environmental Management Plan including relevant operational plans shall be submitted for the written approval of Angus Council. These documents shall include detailed information on waste management, sanitation, drinking water provision and noise. Once approved all measures specified in the aforementioned Environmental Management Plan and associated operational plans shall be implemented in full unless agreed in writing with Angus Council.