

ANGUS COUNCIL

MINUTE of MEETING of the **CIVIC LICENSING COMMITTEE** hosted at Angus House, Orchardbank Business Park, Forfar and held remotely on Thursday 26 November 2020 at 11.20am.

Present: Councillors CRAIG FOTHERINGHAM, RICHARD MOORE, BRIAN BOYD, COLIN BROWN BEM, BRENDA DURNO, DAVID FAIRWEATHER, ALEX KING, DAVID LUMGAIR, GAVIN NICOL and BETH WHITESIDE.

Councillor FOTHERINGHAM, Convener, in the Chair.

1. APOLOGIES

There were no apologies intimated.

2. DECLARATIONS OF INTEREST

Councillor Nicol declared an interest in item 9 (Report No LB 295/20) as he was aware of the applicant but did not associate with him. He indicated that he would take part in any discussion and voting on this item.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 17 September 2020 was approved as a correct record and signed by the Convener.

4. DELEGATED APPROVALS

There was submitted Report No 292/20 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 4 September 2020 to 6 November 2020.

5. PUBLIC PROCESSION

With reference to Article 8 of the minute of meeting of this Committee of 20 February 2020, there was submitted Report No 293/20 by the Director of Legal and Democratic Services asking the Committee to consider a written notice received in respect of a proposed public procession to be held on 3 April 2021 at 12.30pm under Section 62 of the Civic Government (Scotland) Act 1982 as detailed in the Appendix to the Report.

It was noted that the proposed route would be: -

Inchcape Park, A 92, East Grimsby St, Ladybridge Street, High Street, Hamilton Green, Abbey Street, West Abbey St, Hill Terrace, Hill Road, Kings Drive, Victoria Park (all in Arbroath).

The Committee heard from Mr Neil MacKay, on behalf of All Under One Banner who advised that this march would be very similar to the previous march which had been scheduled for 4 April 2020 but unfortunately had been cancelled due to the Covid 19 pandemic.

He advised that he had adequate stewards and volunteers in place and estimated around 20,000 participants. There would be various safety measures put in place to address track and trace and the organisers were currently looking at using QR codes which would be displayed on high-viz vests worn by stewards.

Members then asked a number of questions of the applicant regarding the main areas of the risk assessment and it was noted that a Covid 19 condition, as detailed in Appendix 2 to the Report would be imposed should the order be made. Andrew Wilson, on behalf of All Under One Banner also addressed the Committee on a number of matters.

Inspector Jamie Allen then addressed the Committee and advised that Police Scotland had no objections but had requested that the two conditions as detailed in Appendix 1 to the Report be imposed should the order be made.

The Committee agreed that an order in respect of the notice on the holding of the procession be approved subject to the three conditions detailed in the Report and any standard conditions deemed appropriate.

6. RESPONSE TO CALL FOR VIEWS FROM THE FINANCE AND CONSTITUTION COMMITTEE OF THE SCOTTISH PARLIAMENT – TRAVELLING FUNFAIRS (LICENSING) (SCOTLAND) BILL

There was submitted Report No 294/20 by the Director of Legal and Democratic Services asking members to consider, and then agree, the terms of a response to the call for views from the Finance and Constitution Committee of the Scottish Parliament in respect of the Travelling Funfairs (Licensing)(Scotland) Bill.

Discussion took place regarding the proposed fee of £50 which was significantly less than what was currently charged for a Public Entertainment Licence in Angus and it was noted that this may have a detrimental impact on the finances of the Council.

The Committee agreed: -

- (i) to submit a response to the call for views; and
- (ii) to approve the terms of the proposed draft response as detailed in **Appendix 1** to the report, subject to the fees section being strengthened with regards to covering costs.

7. VARIATION OF PUBLIC ENTERTAINMENT LICENCE (PE171)

There was submitted Report No 299/20 by the Director of Legal and Democratic Services regarding an application for the variation of a Public Entertainment Licence in terms of Paragraph 10 of Schedule 1 to the Civic Government (Scotland) Act 1982 which required to be determined by the Committee as detailed in the Appendix to the Report.

It was noted that the licence holder, Angus Alive had made an application to amend the list of activities being carried out under their current Public Entertainment Licence to include the use of vehicles and, in particular, the use of a tourist road train.

The application proposed that the train operate every weekend in December as follows: -

4 - 6 December 2020
11 – 13 December 2020
18 – 20 December 2020
From 4.30pm – 8.30pm on the above inclusive dates.

The committee agreed to grant the application for variation subject to the additional condition:

All passengers will be socially distanced with a maximum of 5 families on the train at any given time. Facemasks to be worn whilst on the train by all unless exempt. Tickets will be pre-booked in advance and we will allow 15 mins in between each run for deep sterile cleaning of the train.

8. 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 item, 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.

9. NEW APPLICATION – DOG BREEDING ESTABLISHMENT

There was submitted Report No 295/20 by the Director of Legal and Democratic Services regarding an application received for a new licence under the Breeding of Dogs Act 1973 which required to be determined by the Committee, as detailed in the Appendix to the Report.

(a) Dog Breeding Establishment (DB4)

The Committee considered three objections received from members of the public, in relation to an application for a Dog Breeding Establishment (DB4) received on 11 September 2020.

The applicant was present and addressed the committee after which members asked him a number of questions.

The Licensing Standards Officer and Mr Easson, Service Leader, Environmental and Consumer Protection addressed the Committee.

The Committee then heard from one of the objectors.

Inspector Allen, Police Scotland also addressed the Committee

The Committee agreed that the application be deferred to allow the necessary enquiries to be made.

At this point in the meeting, (the time being 12.56 pm) the Committee resolved, in accordance with the provisions of Standing Order 21(8), that the meeting continue to the conclusion of the business.

10. RENEWAL APPLICATION

There was submitted Report No 296/20 by the Director 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 required to be determined by the Committee, as detailed in the Appendix to the Report.

(a) Private Hire Car Driver's Licence (PH1066)

With reference to Article 7 of the minute of meeting of this Committee of 20 February 2020, the Committee considered a letter of objection received from Police Scotland dated 9 October 2020 in relation to an application for the renewal of a Private Hire Car Driver's licence (PH1066) received on 6 October 2020.

The applicant was not present.

Constable Jamieson addressed the Committee on the contents of the letter from Police Scotland dated 9 October 2020 and it was noted that the case was still pending.

The Committee agreed that the application be deferred.

11. UPDATE REPORT - TAXI DRIVER LICENCE (TD1725)

With reference to Article 7(a) of the minute of meeting of this Committee of 17 September 2020, there was submitted Report No 297/20 by the Director of Legal and Democratic Services, advising members to note the update in respect of a licence holder in respect of taxi driver's licence (TD1725).

The Committee agreed to note the updated position.