

ANGUS COUNCIL

MINUTE of MEETING of the **CIVIC LICENSING COMMITTEE** held remotely on Thursday 20 May 2021 at 11.12am.

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

Councillor FOTHERINGHAM, Convener, in the Chair.

1. APOLOGIES

There were no apologies for absence intimated.

2. DECLARATIONS OF INTEREST

Councillor Whiteside declared an interest in Items 13 a & b (Report No 172/21) as these items had previously been discussed at a Community Council meeting that she had attended. She indicated that she had left the Community Council meeting in question and did not take part in any discussions regarding these applications therefore, she would take part in any discussions and voting on these items.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 25 March 2021 was approved as a correct record and signed by the Convener.

4. DELEGATED APPROVALS

There was submitted Report No 164/21 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 March 2021 to 29 April 2021.

5. TAXI FARES REVIEW

With reference to Article 5 of the minute of meeting of this Committee of 18 February 2021, there was submitted Report No 165/21 by the Director of Legal and Democratic Services which related to the proposed review of the taxi fare structure for Angus.

The Report advised that following the consultation period, five responses had been received including a response sent on behalf of seven operators. The majority of operators set out that their primary position was that no change to the fares should be made. One operator suggested that if any changes were to be made, a decrease should be considered. However, no detailed proposal was submitted in respect of this decrease and it was not their primary proposal. The proposal was detailed in Appendix 1 to the Report.

The Committee agreed: -

- (i) to approve option 1, no change in fares as proposed by Robert Innes, Paul Jack, Mike Healy, Colin Watt, Phillip Powell, Duncan McKenzie, James Brown Sheanagh McIntyre, John Swankie and James Simpson and detailed in Appendix 1 to the Report;
- (ii) to publish the new fare scales as appended to the Report (**Appendix 1** to this minute) proposed implementation date and details of how to make representations; and
- (iii) that in the event that no representations were received at least one month after the date of publication of the proposed scales, to delegate authority to the Director of

Legal and Democratic Services to implement the fixed scales as soon as possible in consultation with Police Scotland.

6. TAXI STANCES - ARBROATH

With reference to Article 10 of the minute of meeting of this Committee of 9 January 2020 there was submitted Report No 166/21 by the Director of Legal and Democratic Services asking members to reconsider the decision of the Committee on 9 January 2020 regarding potential amendments to the taxi stance provision in Keptie Street, Arbroath, as shown on the plan marked Appendix A and detailed in Appendix B to the Report.

The Report advised that in January 2020, National Rail removed the taxi stance located at the train station and taxis were no longer able to wait in this area. It was also noted that the Roads service had not implemented the decision of the Committee to remove the stances at Keptie street, Arbroath therefore, due to a material change in circumstances, the Committee were asked to reconsider the provision of the taxi stances.

The Committee agreed: -

- (i) to authorise the Director of Legal and Democratic Services to consult with persons or organisations appearing to be representative of the operators of taxis operating in the area (as required by Section 19(1) of the Civic Government (Scotland) Act 1982 "1982 Act") in respect of the proposed appointment of the taxi stance provision in Keptie Street, Arbroath as detailed in the Report and on the plan marked Appendix A and as described in Appendix B to the Report;
- (ii) that in the absence of any objection or representation, give notice of the proposal to the Chief Constable and give public notice of the proposal by advertisement in at least one newspaper circulating in the area (as required by Section 19(4) of the Civic Government (Scotland) Act 1982);
- (iii) that in the absence of any objection or representation, obtain the consent of the roads authority to the proposal; and
- (iv) to implement the proposal.

7. LICENSING OF SEXUAL ENTERTAINMENT VENUES

With reference to Article 14 of the minute of meeting of Council of 12 August 2020 there was submitted Report No 167/21 by the Director of Legal and Democratic Services seeking approval of the Sexual Entertainment Venue (SEV) Licensing Policy Statement.

The Report advised that a total of 5 responses had been received in relation to the consultation and a summary of the responses were detailed in Appendix 1 to the Report.

The Committee agreed:-

- (i) to note the summary of the consultation responses as detailed in Appendix 1 to the report and determined: -
 - a. that the general presumption was that there would be zero Sexual Entertainment Venues in Angus and in each of the relevant localities;
 - b. that there should be 4 relevant localities and that these localities should coincide with the localities used by the Angus Community Planning Partnership as per Section 7.3 of the draft Policy;
 - c. that there would be a Sensitive Premises Presumption based on:
 - i. the sensitive premises listed at para 8 of the Policy; and
 - ii. no SEV within 800m of sensitive premises

- d. that section 10.4 of the Draft Licensing Policy Statement should be amended to say that the “operator must inform the Council and Police Scotland prior to using this exemption; and
 - e. a maximum duration period of 1 year for a SEV licence and for a Waiver of SEV Licence.
- (ii) to approve the final draft Policy as detailed in Appendix 2 to the Report for publication and instruct the Director of Legal and Democratic Services to publish the final Policy online no later than 15 July 2021 together with a copy of the Resolution dated 12 August 2020;
 - (iii) to determine that applications in relation to SEV Licences would be made through this Committee following formal consultation and recommend to the Council that the Standing Orders of Angus Council be amended accordingly; and
 - (iv) to determine that the fee for an SEV Licence (new grant and renewal) should be set at £834.

8. LICENSING OF SEX SHOPS

With reference to Article 13 of the minute of meeting of Council of 12 August 2020 there was submitted Report No 168/21 by the Director of Legal and Democratic Services advising that the sex shop licensing regime would come into effect in August 2021 and seeking approval of the appropriate fees and forms relating to applications.

The Committee agreed: -

- (i) to note that Angus Council made the Resolution contained within Appendix 1 of the Report on 12 August 2020 and that prior notice of this Resolution had been given and circulated in the Courier newspaper 28 days with no representations being received;
- (ii) to note that the licensing of sex shops would come into effect from 12 August 2021;
- (iii) to note that applications for sex shop licences would be processed in accordance with the provisions of Schedule 2 of the Civic Government (Scotland) Act 1982;
- (iv) to determine that the fees relating to applications for a sex shop licence be charged in accordance with those set out in Appendix 2 to the Report; and
- (v) to determine that applications for licences should be made in accordance with the application forms contained within Appendix 4 of the Report.

9. FEES FOR TAXI AND PRIVATE HIRE LICENCES

There was submitted Report No 169/21 by the Director of Legal and Democratic Services advising members of the impact of the COVID – 19 Pandemic and the lockdown on the process for fixing fees in respect of taxis and private hire driver and operator licences and advised members of proposals in relation to the fixing of these fees from 1 September 2021.

The Committee agreed: -

- (i) to note the legal obligations incumbent upon the Council in relation to fees in respect of taxi and private hire driver and operator licences;
- (ii) to note the impact of the COVID – 19 Pandemic and the lockdown on the process for fixing fees for taxi and private hire driver and operator licences; and
- (iii) that a report on this matter with recommendations in respect of fees to be charged from 1 September 2021 be submitted to this Committee on 12 August 2021.

10. CARAVAN SITE LICENCE – FORMER BELLWOOD TREE NURSERY, RUTHVEN

There was submitted Report No 170/21 by the Depute Chief Executive regarding an application by Caledonian Resorts Ltd, Caledonian House, Kinfauns, Perth to grant a holiday

caravan site licence at the former Bellwood Tree Nursery, Brighton of Ruthven, to allow use of the land for the purposes of a caravan site for holiday lets.

The Committee agreed: -

- (i) to grant a caravan site licence to Caledonian Resorts Ltd, Caledonian House, Kinfauns, Perth, subject to the site's compliance with the "Model Standards" for holiday caravan sites;
- (ii) that the maximum number of caravans to be stationed on site at any one time be 41; and
- (iii) that the operating period for the site be all year round.

11. CARAVAN SITE LICENCE – FORMER BELLWOOD TREE NURSERY, RUTHVEN

There was submitted Report No 171/21 by the Depute Chief Executive regarding an application by Christopher and Karrel Mulqueeny, Bridgend of Pearsie, Kirriemuir to grant a holiday caravan site licence at Bridgend of Pearsie, Kirriemuir, to allow use of the land for the purposes of a caravan site for holiday lets.

The Committee agreed: -

- (i) to grant a caravan site licence to Christopher and Karrel Mulqueeny, Bridgend of Pearsie, Kirriemuir, subject to the site's compliance with the "Model Standards" for holiday caravan sites;
- (ii) that the maximum number of 2 holiday lodges and 3 holiday pods be stationed on site at any one time; and
- (iii) that the operating period for the site be all year round.

12. 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.

13. NEW APPLICATIONS

There was submitted Report No 172/21 by the Director of Legal and Democratic Services 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) Street Trader's Licence (ST13)

The Committee considered letters of objection from four residents, in relation to an application for a Street Trader's Licence (ST13) received on 25 March 2021 to operate a mobile catering unit on land at Balkello Community Woodland Picnic area between the hours of 10am to 4pm Monday to Sunday.

A representative of the applicant was present and addressed the Committee.

The Committee agreed that the application be granted.

(b) Street Trader's Licence (ST14)

The Committee considered letters of objection from four residents, in relation to an application for a Street Trader's Licence (ST14) received on 25 March 2021 to operate a mobile catering unit on land at Balkello Community Woodland Picnic area between the hours of 10am to 4pm Monday to Sunday.

The applicant was present and addressed the Committee.

The Committee agreed that the application be granted.

(c) Window Cleaner's Licence (WC20)

The Committee considered a letter of objection from Police Scotland dated 7 April 2021, in relation to an application for a Window Cleaner's Licence (WC20) received on 31 March 202.

The applicant was present and addressed the Committee.

Constable Rankin then addressed the Committee on the contents of the letter from Police Scotland dated 7 April 2021.

The Committee noted that further information required to be provided from Police Scotland, given their response to questions asked by Committee and agreed that the application be deferred to allow this further information to be received and for the applicant to receive updated correspondence.

**APPENDIX I to the minute of meeting of
the Civic Licensing Committee of 20 May
2021 (Article 5 refers)**

**A. GENERAL
TARIFF ONE**

Hirings begun between 6am and 6pm Monday to Friday inclusive (except Christmas Eve, Christmas Day, Boxing Day, Hogmanay, New Year's Day, and 2 January).

- (A) If the distance does not exceed 1660 yards – for the whole distance - £3.50
- (B) If the distance exceeds 1660 yards:
 - (1) For the first 1660 yards - £3.50
 - (2) For each additional 85 yards or uncompleted part thereof – 10p
- (C) Waiting time – for each period of 15 seconds – 10p

TARIFF TWO

Hirings begun between 6pm and 6am Monday to Friday and from 6pm Friday till 6am Monday (except Christmas Eve, Christmas Day, Boxing Day, Hogmanay, New Year's Day and 2 January). This tariff is also applicable for hirings commenced between 6am and 6pm on Christmas Eve and Hogmanay.

- (A) If the distance does not exceed 1260 yards – for the whole distance - £3.80
- (B) If the distance exceeds 1260 yards:
 - (1) For the first 1260 yards -£3.80
 - (2) For each additional 75 yards or uncompleted part thereof – 10p
- (C) Waiting time – for each period of 15 seconds – 10p

TARIFF THREE

Hirings begun between 6pm on Christmas Eve through to 6am on 27 December and from 6pm on Hogmanay through to 6am on 3 January.

- (A) If the distance does not exceed 1320 yards – for the whole distance –£5.10
- (B) If the distance exceeds 1320 yards:
 - (1) For the first 1320 yards - £5.10
 - (2) For each additional 65 yards or uncompleted part thereof – 10p
- (C) Waiting time – for each period of 10 seconds – 10p

TARIFF FOUR

(Only for larger type vehicles carrying five or more passengers at their own request) for hirings begun between 6pm on Christmas Eve through to 6am on 27 December and from 6pm on Hogmanay through to 6am on 3 January.

- (A) If the distance does not exceed 1320 yards – for the whole distance – £6.20
- (B) If the distance exceeds 1320 yards:
 - (1) For the first 1320 yards – £6.20
 - (2) For each additional 65 yards or uncompleted part thereof – 20p
- (C) Waiting time – for each period of 13 seconds – 20p

B – LARGE MINI-BUS TYPE VEHICLES

(Carrying five or more passengers together at their own request)

- (A) Where Tariff 1 would apply – Charge Tariff 2
- (B) Where Tariff 2 would apply – Charge Tariff 3
- (C) Where Tariff 3 would apply – Charge Tariff 4

C – ADDITIONAL CHARGES

1. Extras to be added on all tariffs 10p per case or object carried.
2. £60 to be levied in respect of passenger soiling a vehicle which results in the vehicle being taken out of service for any period of time.
3. Where a taxi is called but not used – normal fare to be charged according to distance as if the taxi had been occupied from the time it left the stance or garage.
4. Extras to be charged on all tariffs for each passenger after the first passenger 20p