

ANGUS COUNCIL

MINUTE of MEETING of the **CIVIC LICENSING COMMITTEE** held remotely on Thursday 10 November 2022 at 10.20am.

Present: Councillors GEORGE MEECHAN, LLOYD MELVILLE, BRIAN BOYD, KENNY BRAES, LINDA CLARK, ROSS GREIG, GAVIN NICOL, JILL SCOTT and BETH WHITESIDE.

Councillor Meechan, Convener, in the Chair.

1. APOLOGIES

An apology for absence was intimated on behalf of Councillor Durno.

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 15 September 2022 and 29 September 2022 were approved as correct records and signed by the Convener.

4. DELEGATED APPROVALS

There was submitted Report No 372/22 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 26 August 2022 to 20 October 2022.

5. APPLICATION TO TRANSFER A RESIDENTIAL CARAVAN SITE LICENCE – WOODLEY CARAVAN PARK, ARBROATH

There was submitted Report No 373/22 by the Director of Legal and Democratic Services regarding an application received for the transfer of a residential caravan site licence from Mr Derek Keillor to Lido Leisure Park in respect of Woodley Caravan Park, Arbroath DD11 2QJ which was licensed for 43 residential and 31 static holiday caravans. It was noted that the most senior person in the management structure of the transferee business was Mr Frank Maguire.

Ms Paul, agent for Lido Leisure Park addressed the Committee and answered questions.

The Committee agreed to approve the transfer of the residential caravan site licence for Woodley Caravan Park, Arbroath to Mr Frank Maguire on behalf of Lido Leisure Park in terms of the Caravan Sites and Control of Development Act 1960.

6. LATE HOURS CATERING LICENCE EXEMPTION APPLICATION

There was submitted Report No 374/22 by the Director of Legal and Democratic Services regarding an application for an exemption from the requirement to obtain a late hours catering licence for a particular occasion which required to be determined by the Committee, as detailed in Appendix 1 to the Report.

The Committee agreed: -

- (i) to accept the letter received from Gosschalks Solicitors, on behalf of their client Wm Morrison Supermarkets PLC, dated 27 October 2022, as an application for exemption from the requirement to hold a late hours catering licence;
- (ii) to grant the application to Wm Morrison Supermarkets Plc for exemption from the requirement to hold a late hours catering licence for Morrison's Petrol Filling Station, Hume Street, Arbroath, between 23.00 and 00.00 from Thursday 22 December 2022 to Friday 23 December 2022 inclusive; and
- (iii) to impose the Angus Council late hours catering conditions applicable to late hours catering licences attached as Appendix 2 to the Report, subject to a) the words "licence holder" being replaced with the word "applicant" and b) the word "licence" where otherwise appearing being replaced with the word "exemption".

7. EXCLUSION OF PUBLIC AND PRESS

The Committee resolved that the public and press be excluded from the meeting during consideration of the following items, so as to avoid disclosing confidential information in terms of Section 50A(2) and (3)(b) to the Local Government (Scotland) Act 1973.

8. NEW APPLICATIONS

There was submitted Report No 375/22 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) Window Cleaner's Licence (WC21)

The Committee considered a letter of representation received from Police Scotland dated 6 September 2022, in relation to an application for a Window Cleaner's licence (WC21) received on 17 August 2022.

The applicant was present and addressed the Committee.

Constable Thomson-Craig, Police Scotland, then addressed the Committee on the contents of the letter from Police Scotland dated 6 September 2022. Members then asked the applicant a number of questions.

The applicant then summed up.

The Committee agreed that the application be granted subject to the standard conditions.

(b) Public Entertainment Licence (PEL 11)

The Committee considered a letter of objection received from Police Scotland dated 7 September 2022 in relation to an application for a Public Entertainment Licence (PEL 11) received on 10 August 2022 and noted that late information received from Police Scotland dated 4 October 2022, had been received outwith the statutory 21 day period.

Constable Thompson-Craig, Police Scotland advised the Committee that the information had been submitted late due to Police Scotland awaiting authorisation for the release of the information from the reporting officer.

The applicants were present and advised that they did not object to the Committee considering this late information.

The Committee agreed that it was satisfied there was sufficient reason for the lateness of the information and accordingly it was then circulated to the Committee and the applicants.

The Committee agreed that to allow members and the applicants appropriate time to consider the contents of the late information, the application be deferred to a Special Civic Licensing Committee on 12 December 2022.

9. RENEWAL APPLICATION

There was submitted Report No 376/22 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) Taxi Driver's Licence (TD99)

The Committee considered a letter of representation received from Police Scotland dated 28 September 2022 in relation to an application for the renewal of a Taxi Driver's licence (TD99) received on 14 September 2022 and noted that an ancillary letter received from Police Scotland dated 8 November 2022, had been received outwith the statutory 21 day period.

Constable Thompson-Craig, Police Scotland advised the Committee that the ancillary letter had been submitted late due to further checks being carried out and new information coming to light.

The applicant was present and advised that he had no objections to this ancillary letter being circulated.

The Committee agreed that it was satisfied there was sufficient reason for the lateness of the ancillary letter and accordingly it was then circulated to the Committee and the applicant.

The applicant then addressed the Committee.

Constable Thompson-Craig, Police Scotland then addressed the Committee on the contents of the letter from Police Scotland dated 28 September 2022 and the contents of the ancillary letter dated 8 November 2022.

Discussion took place and members asked questions of the applicant and Police Scotland.

The applicant then summed up.

Councillor Greig seconded by Councillor Melville, moved that the renewal application be refused on the grounds that the applicant was not a fit and proper person to hold a Taxi Driver's licence.

COUNCILLOR NICOL SECONDED BY COUNCILLOR SCOTT MOVED AS AN AMENDMENT THAT THE RENEWAL APPLICATION BE GRANTED BUT THAT THE APPLICANT BE GIVEN A WARNING OF THE POSSIBLE CONSEQUENCES OF ANY FUTURE ADVERSE REPORTS AND SUBJECT TO THE ADDITIONAL CONDITION THAT THE HOLDER OF THE TAXI DRIVER'S LICENCE SHALL NOTIFY THE LICENSING AUTHORITY IMMEDIATELY OF ANY ROAD TRAFFIC CONVICTION OR OFFENCE WHICH HE RECEIVES.

On a vote being taken, the members voted: -

For the motion: -

Councillors Melville, Boyd, Clark, and Greig (4)

For the amendment: -

Councillors Meechan, Braes, Nicol, Scott and Whiteside (5)

The amendment was declared carried and became the finding of the meeting.