

## **ANGUS COUNCIL**

MINUTE of HYBRID MEETING of the **CIVIC LICENSING COMMITTEE** held in the Town and County Hall, Forfar on Thursday 11 January 2024 at 10.05am.

**Present:** Councillors GEORGE MEECHAN, LLOYD MELVILLE, KENNY BRAES, LINDA CLARK, BRENDA DURNO, CRAIG FOTHERINGHAM, 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 Ross Greig.

### **2. DECLARATIONS OF INTEREST AND STATEMENTS OF TRANSPARENCY**

Councillor Braes made a statement of transparency in relation to Item 7, Report No 7/24 as he had worked with various partners in facilitating the showing of the film. He indicated that he had no financial interest and would take part in any discussion and voting.

### **3. MINUTES OF PREVIOUS MEETINGS**

The minutes of meetings of this Committee of 9 November and 5 December 2023 were approved as correct records and signed by the Convener.

### **4. DELEGATED APPROVALS**

There was submitted Report No 4/24 by the Director of Legal, Governance and Change 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, Governance and Change in accordance with the Scheme of Delegation to Officers.

The Committee agreed to note the applications detailed in the Appendix to the Report, which had been granted/renewed under delegated powers during the period 12 October 2023 to 11 December 2023.

### **5. NEW SHORT-TERM LETS APPLICATION**

There was submitted Report No 5/24 by the Director of Legal, Governance and Change regarding an application received for a new licence for Short Term Lets under the Civic Government (Scotland) Act 1982 which required to be determined by the Committee, as detailed in the Appendix to the Report.

#### **(a) Short-term let – Auchentinny, Cairn Road, Kirriemuir DD8 4PW**

The Committee considered a new grant application for a Short Term Lets licence received on 23 October 2023 by Alexander Sikorsky in respect of Auchentinny, Cairn Road, Kirriemuir DD8 4PW. The application was for secondary letting and the property was a two storey, detached house with 1 double bedroom and proposed 2 residents.

It was noted that a letter of objection had been submitted late due to the objector not seeing the site notice displayed by the applicant within the 28 day period for objections.

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

Mr Sikorsky, the applicant, addressed the Committee and responded to the matters raised by the objector. He advised that he had put a number of measures in place to help alleviate any issues with neighbouring properties and felt that he had a good relationship with the neighbours. Mrs Sikorsky was also present and addressed the committee.

Members then asked a number of questions of the applicant after which Mr Sikorsky summed up.

The Committee agreed that the application be granted.

## **6. RENEWAL OF CINEMA LICENCE**

There was submitted Report No 6/24 by the Director of Legal, Governance and Change regarding an application received for the renewal of a cinema licence from Chalmers, Arbroath in respect of the property at 1 Queens Drive, Arbroath under the Civic Government (Scotland) Act 1982 which required to be determined by the Committee, as detailed in the Report.

Mr McDonald, the applicant's agent, addressed the Committee and a letter submitted by the applicant was circulated to members concerning the Electrical Installation Conditions Report dated 19 December 2023.

Much discussion took place and members of the Committee then asked questions of the applicant's agent.

The applicant's agent then summed up.

Councillor Durno, seconded by Councillor Fotheringham moved that consideration of the renewal application be deferred to the Civic Licensing Committee on 28 March 2024 to allow the applicant to complete all the urgent electrical works.

**COUNCILLOR BRAES, SECONDED BY COUNCILLOR MELVILLE, MOVED AS AN AMENDMENT, THAT THE APPLICATION BE RENEWED BUT THAT THE PREMISES DO NOT OPERATE AS A CINEMA UNTIL THE "C2" CODE WORKS DETAILED ON THE ELECTRICAL INSTALLATION CONDITIONS REPORT WERE SATISFACTORILY COMPLETED.**

On a vote being taken, the members voted: -

For the motion: -

Councillors Durno and Fotheringham (2).

For the amendment: -

Councillors Meechan, Melville, Braes, Clark, Nicol, Scott and Whiteside (7).

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

## **7. EXCEPTION TO CINEMA LICENCE CONDITIONS**

There was submitted Report No 7/24 by the Director of Legal, Governance and Change regarding a request from The Montrose Playhouse Project Limited (Licence Number CL6) to permit the exhibition of an unclassified film as detailed in Appendix 1 to the Report.

Mr Buchanan, Venue Manager, Montrose Playhouse addressed the Committee.

It was noted that all members of the Committee had viewed the film except Councillor Durno and the members had no issues with the content of the unclassified film "Denmark – The State of Happiness".

The Committee agreed to permit the exhibition of the unclassified film and applied no additional conditions to the permission.

*Councillor Durno did not take part in the foregoing decision as she had not viewed the film.*

## **8. RENEWAL APPLICATION**

There was submitted Report No 8/24 by the Director of Legal, Governance and Change regarding an application received for the renewal of a licence under the Civic Government (Scotland) Act 1982 which required to be determined by the Committee, as detailed in the Appendix to the Report.

### **(a) Late hours Catering Licence – Shell Forfar, Queenswell Road, Forfar**

The Committee considered an application for the renewal of a Late hours Catering Licence received on 28 September 2023 from Shell UK Oil Products Ltd in respect of premises at Queenswell Road, Forfar for the hours Monday to Sunday 23.00 to 05.00, which were outwith guidelines.

Mr Hunter, the applicant's agent, was present and addressed the Committee.

The Committee agreed that the application be renewed.

## **9. EXCLUSION OF PUBLIC AND PRESS**

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

## **10. NEW APPLICATION**

There was submitted Report No 9/24 by the Director of Legal, Governance and Change regarding an application received for a new 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) Skin Piercing and Tattooing Licence (SP8)**

With Reference to Article 6(b) of the minute of meeting of this Committee of 17 August 2023, the Committee considered a letter of representation received from Police Scotland dated 19 July 2023, in relation to an application for a Skin Piercing and Tattooing Licence (SP8) received on 12 July 2023.

The applicant was present and addressed the Committee.

Constable Smith then addressed the Committee, and it was noted that the applicant was subject of pending criminal proceedings however, there were no recommendations from Police Scotland in their letter dated 19 July 2023.

The Committee agreed to grant the application and advised the applicant that the information may be reconsidered by the Committee should any further information be received.

*In accordance with the provisions of Standing Order 15(12) Councillors Clark and Scott requested that their dissent be recorded in relation to the foregoing decision.*