



**MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE OF THE CABINET**

**WEDNESDAY 14 SEPTEMBER 2017
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor C McGinn (Convener)
Provost J McMillan
Councillor J Findlay
Councillor J Henderson

Other Councillors Present:

Councillor J Williamson

Council Officials Present:

Mr I Forrest, Senior Solicitor
Ms D Elworthy, Licensing Officer
Ms G Herkes, Licensing Officer
Mr S Pryde, Principal Amenity Officer (Items 1, 2 and 5)

Others Present:

Insp A Harborow, Police Scotland
PC H Bowsher, Police Scotland
Ms C Schaffer, (Item 2)
Ms L Dickson, (Item 2)
Mr D Thomson (Items 2 and 5)
Mr C Thomson (Items 2 and 5)

Clerk:

Mrs F Stewart

Apologies:

None

Declarations of Interest:

None

Councillor McGinn took the Chair having been appointed Convener of the Sub-Committee at the meeting of Council on 27 June 2017.

The Sub-Committee agreed to hear the private items on the agenda first.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Licensing Sub-Committee unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraph 6 (information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

3. APPLICATIONS FOR GRANT OF A TAXI/PRIVATE HIRE CAR LICENCE

The Sub-Committee had received 2 applications and both were granted.

4. APPLICATION FOR RENEWAL OF A TAXI/PRIVATE HIRE CAR LICENCE

The Sub-Committee had received one application and it was refused.

5. GRANT OF A TEMPORARY PUBLIC ENTERTAINMENT LICENCE

The Sub-Committee received one application and it was refused.

6. GRANT OF A SECOND HAND DEALER'S LICENCE

The Sub-Committee received one application and it was refused.

7. DISCUSSION ON THE CONDUCT OF TAXI DRIVERS

This item was postponed until the next meeting of the Sub-Committee.

8. PRIVATE MINUTES OF MEETING ON 14 JUNE 2017 FOR APPROVAL

The Sub-Committee agreed that the minute of 14 June 2017 was a true record of the meeting.

PUBLIC

1 SCANDIUM REPORT

The Depute Chief Executive, Resources and People Services, had submitted a report to advise the Sub-Committee of the latest position relative to Operation Scandium and steps being taken to combat metal theft. A copy of the final report from British Transport Police together with an accompanying letter dated 31 July 2017 was attached to the report.

Ian Forrest, Senior Solicitor, advised that Operation Scandium was a multi-agency collaboration set up to tackle metal theft in Scotland. It was led by British Transport Police and ran from July 2015 to March 2017. The agencies involved had now produced their final report on the outcomes of the operation and, while it did not involve the Council directly, it was relevant to the Council with regard to licensing metal dealing activities.

Councillor McMillan highlighted a sentence in the letter from British Transport Police which stated that a theft of a relatively small piece of cable can have a huge 'ripple' effect in terms of disruption and financial costs.

The Chair had been impressed by the results shown in the report, noting that there had been a 50% reduction in reported metal theft. He also considered that it was a positive development for the successes outlined in the report to be brought into legislation.

Decision

The Sub-Committee agreed to note the terms of the letter from British Transport Police and the Final Report produced by British Transport Police with regard to Operation Scandium.

2 LEVENHALL FAIRGROUND REPORT

The Depute Chief Executive, Partnerships and Community Services, had submitted a report to provide Members with an overview of the public consultation exercise conducted with local residents and stakeholders in the Levenhall area of Musselburgh in relation to a proposed granting of temporary entertainment licences to operate future commercial Funfairs /Fairgrounds at the site.

Ian Forrest, the Council's Legal Adviser, advised that Mr Stuart Pryde, the Council's Principle Amenity Officer, was in attendance to present his report on the consultation exercise.

The Chair also welcomed Ms Christine Schaffer and Ms Louise Dickson, representing residents of Hope Place and Ravensheugh Road, Musselburgh who were opposed to the operation of funfairs on Levenhall Links. A welcome was also extended to Councillor John Williamson who was supportive of the residents' concerns.

Mr Pryde presented his report stating that since 2003, when Cabinet decided to remove Levenhall Links from the approved list of sites for funfairs, a number of approaches had been made to the Council by funfair operators asking if this decision could be reversed. As a result, two Temporary Entertainment Licences were granted

for funfairs in April and May 2017. Following the trial operation in April and May, Officers noted any concerns from neighbouring stakeholders and drafted a site specific set of conditions that could potentially reduce the likelihood of future concerns. Mr Pryde advised that there had been a comprehensive response to the consultation exercise from individuals, groups and stakeholders, and the feedback received was outlined in his report. A draft list of set up and operating conditions was also attached to the report.

Ms Schaffer made a brief presentation to Members and welcomed the opportunity to express the strong views held by the community around the Levenhall site following the trial funfairs held in April and May. She advised that the main concerns of residents and stakeholders in the area were anti-social behaviour, damage to property, traffic changes and environmental factors. The anti-social behaviour had included vandalism, drunkenness, littering and noise in the area surrounding the fairground site. There had also been an increase in speculative sales people in the area. Of 57 householders she had consulted, 38 had signed a letter objecting to any further funfairs at Levenhall. Overall, it was the intensity of the experience suffered by local residents that she wished to highlight. They already suffered the impact of other annual events, for example Ladies Day at the Racecourse and the marathon.

Councillor John Williamson advised that he had been contacted with issues surrounding the two trial funfairs held in April and May. He understood that all four Ward Councillors for Musselburgh were against funfairs being held at the Levenhall site due to the detrimental impact on residents in the area. He also considered that the site was unsuitable due to its close proximity to the Racecourse and the nature reserve at Levenhall. Councillor Williamson noted that the recommendation in Mr Pryde's report was for noting by Members and asked the Sub-Committee to make a decision that no funfairs would be held at this location in future.

As the local Community Police Inspector, Inspector Harborow agreed with the residents and Councillors that Levenhall was not an appropriate site for funfairs. In his experience, funfairs led to anti-social behaviour in the surrounding area. He also supported the point made by residents that they already suffered significant interruptions due to other annual events.

The Police, Mr Pryde and Ms Schaffer provided further information to Members in response to questions.

The applicant, Mr Thomson, stated that his fair did not bring anti-social behaviour to Musselburgh, as it already exists there. His company would employ extra stewards and arrange for the temporary closure of a road as part of the measures they would take to mitigate against complaints.

The Chair stated that Members would be asked to note the report today but a decision would need to be made in due course on the future of the Levenhall site as a location for fairgrounds.

Decision

The Sub-Committee agreed to note the content of the report when considering applications for future Temporary Entertainment Licences for Funfairs/Fairgrounds at the site.