



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

**THURSDAY 12 OCTOBER 2017
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor J McMillan (Convener)
Councillor J Findlay
Councillor J Henderson

Council Officials Present:

Mr I Forrest, Senior Solicitor
Ms M Winter, Licensing Officer

Others Present:

Insp A Harborow, Police Scotland
PC H Bowsher, Police Scotland

Clerk:

Mrs F Stewart

Apologies:

Councillor C McGinn

Declarations of Interest:

None

Councillor McMillan, Vice Convenor, chaired the meeting in Cllr McGinn's absence.

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.

1. APPLICATIONS FOR A GRANT OF A TEMPORARY STREET TRADER LICENCE

The Sub-Committee had received 1 application and it was granted.

PUBLIC

2. PROPOSED AMENDMENT OF RESOLUTION ON PUBLIC ENTERTAINMENT LICENSING REGIME

The Depute Chief Executive, Resources and People Services, had submitted a report to advise the outcome of the consultation process on the proposal to amend the present Resolution to licence Public Entertainment Activities. A copy of the present resolution and the terms of the amended resolution were attached to the report.

Ian Forrest, Legal Adviser, stated that the Sub-Committee had accepted the recommendations contained in a report to the meeting on 14 June 2017, which proposed amendments to the current Resolution on the licensing of Public Entertainment licensing. Following that meeting, the proposed alterations to the resolution were advertised in the East Lothian Courier on 20 July 2017 and members of the public had been given a period of 28 days to submit any comments or objections to the proposed amendment. The Legal Adviser advised that no objections or comments to the proposals had been received during the consultation period.

As required by Section 9 of the 1982 Act, a resolution relative to discretionary licences had been advertised in the local press on 17 August 2017 and the decision to formally adopt the amended wording would also require to be advertised. Thereafter there was a nine-month lead-in period before the amendment would come into legal effect.

The Legal Adviser explained the reasons for the amendments to the Resolution and highlighted the changes. These included torchlight processions, quad biking and boot camp activities being included in the number of activities which would require a Public Entertainment Licence (paragraph 4). Also, at paragraph 5, events and activities which would **no longer** require a licence, one category had been removed.

The Chair invited questions from Members.

Councillor Findlay noted that 'Boot camp' type fitness activities had been added to the list of activities which would, if approved, require a Public Entertainment Licence. He

asked if this would apply only to formally organised boot camp activities or if it would also apply to informal activities on village greens and the Legal Adviser replied that a licence would be required where members of the public joined in a boot camp activity. A discussion followed on the inclusion of boot camps, balancing fairness to those who would wish to participate, with the potential noise nuisance to people living in the neighbourhood where the activity would take place. It was also argued that outdoor areas were not 'premises' (Section 41 of the Act) and that boot camp activities should not be classed as entertainment. Inspector Harborow was supportive of outdoor boot camp activities provided all parties were happy with how they were operated.

The Legal Adviser advised that it was open to Members to leave the amended wording as proposed, remove boot camps from the Resolution, or agree on a more clearly defined listing for boot camps. Members discussed the options and sought advice and guidance from the Legal Adviser.

The Chair proposed amended wording to the Resolution and this was agreed by Members.

Decision

The Sub-Committee agreed to:

- (i) note the outcome of the consultation as outlined at paragraph 3.3 of the report;
- (ii) formally adopt the terms of the amended resolution, the text of which was attached as Appendix 2 to the report, with the following further amendments:
 - a) Last bullet point of paragraph 4 to read 'Boot camp' type and physical fitness activities
 - b) Last bullet point of paragraph 5 to include exercise and physical fitness activities
- (iii) authorise the Service Manager (Licensing, Administration & Democratic Services) and such staff as she may designate to advertise the adoption of the amended resolution in the local press.

3. USE OF SITE AT LEVENHALL LINKS, MUSSELBURGH FOR FUNFAIRS

The Depute Chief Executive, Resources and People Services, had submitted a report to allow the Sub-Committee to make a formal and final decision on the use of the site at Levenhall Links as a venue for funfairs, following on from the conclusions reached by the Sub-Committee following consideration of a report on the trial use of the site and the public consultation which followed.

Ian Forrest, Legal Adviser, presented the report. He advised that the Sub-Committee had noted the terms of a report presented at the meeting on 14 September 2017 detailing the outcome of a public consultation process as part of a trial use of the site at Levenhall Links for funfairs following two such events held earlier in the year. At that meeting, the Sub-Committee had also heard from representatives of the local community, a local ward Councillor, Police Scotland and a representative of the funfair organising community. As a result, Members took the view that they were not

persuaded that the Levenhall site should be restored to the list of sites approved by Cabinet for such activities.

The Chair recalled that Members had not questioned the professionalism of funfair operators at the last meeting, but had been persuaded not to approve Levenhall as a site for funfairs due to various difficulties and nuisance caused both before and after such events at that location.

Decision

The Sub-Committee:

- (i) agreed, on the basis of the trial use of the site and the outcome of the public consultation held in respect thereof, that the site at Levenhall Links, Musselburgh was not suitable for use as a location for funfair events.
- (ii) formally confirmed that the site would remain off the list of approved sites for such activities, and that no further applications for the use of the site for such events will be considered for approval.
- (iii) authorised the Service Manager (Licensing, Administration & Democratic Services) and such staff as she may designate:
 - (a) to communicate the effect of this decision to all applicants for licences for such events for which the Licensing Office have contact details;
and
 - (b) to reject any future applications for a licence for such an event at that site on the basis of the preceding recommendations.

4. DISCUSSION ON THE CONDUCT OF TAXI DRIVERS

This item was deferred until a future date.

5. PRIVATE MINUTES OF MEETING ON 14 SEPTEMBER 2017 FOR APPROVAL

With one minor amendment, the minute of 14 September 2017 was agreed to be a true record of the meeting.