



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

**THURSDAY 14 DECEMBER 2017  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

Councillor McGinn (Convener)  
Councillor J Findlay  
Councillor J Henderson

**Council Officials Present:**

Mr I Forrest, Senior Solicitor  
Ms M Winter, Licensing Officer  
Ms C Shiel, Licensing Officer  
Mr R Fruzynski, Licensing Standards Officer

**Others Present:**

PC H Bowsher, Police Scotland

**Clerk:**

Mrs F Stewart

**Apologies:**

Councillor J McMillan

**Declarations of Interest:**

None

## **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. APPLICATION FOR RENEWAL OF A TAXI OR PRIVATE HIRE CAR DRIVER'S LICENCE**

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

### **2. TEN TEN TAXIS – EXECUTOR EXTENSION**

The Sub-Committee had received one request for an extension and this was granted.

## **PUBLIC**

### **3. SCOTTISH GOVERNMENT LICENSING CONSULTATIONS ON (1) SEXUAL ENTERTAINMENT VENUES AND (2) FUNFAIRS AND CONSIDERATION OF MAKING A RESOLUTION TO LICENCE SEXUAL ENTERTAINMENT VENUES**

The Depute Chief Executive, Resources and People Services, had submitted a report to advise the Sub-Committee of two current consultations on issues of relevance to Civic Government Licensing and to seek comments on proposed responses. The report also sought guidance from the Sub-Committee regarding a formal resolution to licence Sexual Entertainment Licences.

The Legal Adviser presented the report, stating that there were two consultation documents. The first was a proposal for a Private Members Bill to exempt travelling funfairs from public entertainment licensing requirements and to create a distinct new licensing system for travelling funfairs in Scotland. A questionnaire was attached to the report as part of a Government consultation process which might lead to a change in the law. The Legal Adviser stated that this consultation linked to earlier funfair applications received by the Sub-Committee and requested guidance from Members on how the Council should respond to the consultation. The deadline for submitting the completed questionnaire to the Scottish Government was 26 February 2018.

The Legal Adviser stated that consideration was also required as to whether the Council should make a resolution in respect of Sexual Entertainment Venues, as there was not currently a licensing regime in place in East Lothian for such venues. Guidance on the Provisions for Licensing of Sexual Venues had been issued by the Scottish Government and was now open for consultation until 7 February 2017. A questionnaire was attached to the report. The Legal Adviser advised that, in addition to responding on the Consultation, the Council also needed to come to a view on whether to have sexual venues in East Lothian.

Rudi Fruzynski, Licensing Standards Officer, advised that liquor licences ask if there will be any form of adult entertainment on the premises and this could be adult humour or any form of sexual titillation.

The Police representative advised that the Police did not have a view on this issue.

The Chair stated that the Guidance was a substantial document deserving of further consideration and proposed that Members met informally in the New Year to discuss more fully. It was also proposed to raise the matter at the Policy Partnership meeting on 11 January 2018.

The draft Guidance also dealt with the prospective repeal of the provisions of the Theatres Act 1968 which currently dealt with theatre licensing. When the legislation comes into effect, it would be open to the Council to add theatres to the list of activities covered by the resolution on Public Entertainment.

### **Decision**

The Sub-Committee agreed to:

- (i) note the terms of the two current consultations described at Paragraph 3 in the report;
- (ii) advise the Service Manager (Licensing, Administration & Democratic Services) of the general direction and tenor of responses which the Sub-Committee would wish to submit and any specific points they would wish to make;
- (iii) authorise the Service Manager (Licensing, Administration & Democratic Services) and such staff as she may designate to respond to the consultations; and
- (iv) accept a further report providing the final terms of the responses as issued.