



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

**THURSDAY 8 FEBRUARY 2018  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

Councillor McGinn (Convener)  
Councillor J Findlay  
Councillor J Henderson  
Councillor T Trotter  
Councillor J Williamson

**Council Officials Present:**

Mr I Forrest, Senior Solicitor  
Ms C Shiel, Licensing Officer  
Ms G Herkes, Licensing 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 GRANT OF A TAXI OR PRIVATE HIRE CAR DRIVER'S LICENCE**

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

### **2. APPLICATION FOR GRANT OF TEMPORARY PUBLIC ENTERTAINMENT LICENCE**

The Sub-Committee had received one request for a licence and this was granted.

### **3. MINUTES OF MEETINGS FOR APPROVAL**

#### **a) 12 October 2017**

With one minor correction, the minute of 12 October 2017 was approved as a true record of the meeting.

#### **b) 14 December 2017**

The minutes of the meeting on 14 December 2017 were agreed as a true record of the meeting.

## **PUBLIC**

### **4. SCOTTISH GOVERNMENT LICENSING CONSULTATIONS ON (1) SEXUAL ENTERTAINMENT VENUES AND (2) FUNFAIRS AND CONSIDERATION ON WHETHER TO MAKE A RESOLUTION TO LICENCE SEXUAL ENTERTAINMENT VENUES**

The Depute Chief Executive, Resources and People Services, had submitted a report to remind the Sub-Committee of the current consultation on issues of relevance to Civic Government Licensing and to seek comments on a proposed response. The report was also seeking guidance from the Sub-Committee regarding a formal resolution to licence Sexual Entertainment Venues.

The report was presented by Ian Forrest, a Senior Solicitor of the Council, who advised that this was a follow up report to a report brought before the Sub-Committee on 14 December 2017. The earlier report had included two consultations; one on Guidance on the Provisions for Licensing of Sexual Entertainment Venues in East Lothian and Changes to Licensing of Theatres, and the other a Private Members' Bill aimed at setting up a new licensing regime for funfairs.

The Legal Adviser stated that a meeting had been planned for January 2018 to discuss the Consultations further but the meeting had not taken place. As the consultation on Sexual Entertainment Venues had closed on 7 February 2018, the Licensing Team had submitted a response to the Scottish Government on behalf of the Council.

The Legal Adviser stated that consideration was now required as to whether East Lothian Council should make a resolution in respect of Sexual Entertainment Venues and draft the necessary Statement of Policy or to make a formal declaration that such venues are not to be permitted in East Lothian.

The Chair invited comments in respect of Sexual Entertainment Venues in East Lothian and Councillor Trotter stated that there should be no such venues in East Lothian. His colleagues agreed.

The draft guidance also dealt with the prospective repeal of the provisions of the Theatre Act 1968 which currently deals with licensing. When the legislation was in effect, the Council would need to add theatres to the list of activities covered by the resolution on Public Entertainment.

The Legal Adviser stated that the consultation in respect of funfairs remained open until 25 February 2018 and invited comments from Members on how they wished the Council to respond to the consultation. Previous applications to the Sub-Committee for licences to hold funfairs underlined that this was an important area for the Council.

The Chair invited brief comments and proposed that Members forward consultation responses direct to the Legal Adviser.

Councillor Trotter stated that he was comfortable with the present policy of considering each application for a funfair on its merits. Councillor Henderson was broadly happy with how the Council considered funfair applications stating that they needed to be dealt with locally and she was not in favour of any significant change. Councillor Williamson suggested that the Council could flag up its good practice.

The Chair agreed with his colleagues that there should be no Sexual Entertainment Venues in East Lothian. In terms of funfairs, he stated that it was a contentious area in our communities and it would be folly to lose discussion and agreement at a local level. He also stated that the Sub-Committee benefitted from good advice and support and that there was good representation from the community.

## **Decision**

The Sub-Committee agreed to:

- (i) further consider the consultation on funfairs described at Paragraph 3 of the report;
- (ii) advise the Service Manager (Licensing, Administration & Democratic Services) of the general direction and tenor of any response which the Sub-Committee would wish to submit and any specific points they would wish to make;

- (iii) confirm that the policy of East Lothian Council would be that no Sexual Entertainment Venues are to be accepted for licensing in East Lothian;
- (iv) authorise the Service Manager (Licensing, Administration & Democratic Services) and such staff as she may designate to respond to the consultation on funfairs incorporating the views of the Sub-Committee;
- (v) authorise the Service Manager (Licensing, Administration & Democratic Services) and such staff as she may designate to initiate an amendment to the resolution on Public Entertainment Licensing to make allowance for the upcoming statutory changes with regard to Theatres; and
- (vi) Accept a further report providing the final terms of the responses to both consultations as issued.