



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

**THURSDAY 11 OCTOBER 2018
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

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

Council Officials Present:

Mr I Forrest, Senior Solicitor
Mr R Fruzynski, Licensing Standards Officer
Ms M Winter, Licensing Officer
Ms C Shiel, Licensing Officer
Ms S Grant, Team Manager - Public Health and Environmental Protection

Others Present:

PC H Bowsher, Police Scotland

Clerk:

Mrs F Stewart

Apologies:

Councillor J McMillan
Councillor T Trotter
Councillor J Williamson

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/PRIVATE HIRE CAR DRIVER'S LICENCE

The Sub-Committee had received one application and it was continued to the next meeting.

2 APPLICATION FOR RENEWAL OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE

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

3. APPLICATION FOR GRANT OF A WINDOW CLEANER'S LICENCE

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

4. HOUSING (SCOTLAND) ACT 2006, PART 5, APPLICATION FOR GRANT OF A LICENCE TO OPERATE A HOUSE OF MULTIPLE OCCUPATION

The Sub-Committee had received one application and it was granted for a period of 18 months.

5. MINUTES OF MEETING ON 14 JUNE 2018 FOR APPROVAL

The minutes of 14 June 2018 were agreed to be a true record of the meeting.

Public

6. REVIEW OF TEMPORARY PUBLIC ENTERTAINMENT LICENSING

The Depute Chief Executive had submitted a report to make the Sub-Committee aware of the legal position regarding temporary Public Entertainment Licences, the key practical differences between full and temporary licences, and the arguments for and against making any change to the current system.

Ian Forrest, Legal Adviser, presented the report. He advised that, in terms of Section 7 of Schedule 1 of the Local Government (Scotland) Act 1982, a Licensing Authority may grant a temporary licence, valid for a period up to 6 weeks. This licence was

broadly similar to a full licence but with a few significant differences, which, in the case of Public Entertainment, and especially regarding funfairs, had raised issues and occasioned complaints. In particular, there was no requirement for an application to be advertised and allow members of the public to submit objections. Residents in the neighbourhood of funfairs were unhappy at having no opportunity to object to an application or even be advised of an application before a licence is granted.

The Legal Adviser outlined the fees for temporary and full licences. He also advised that factors in favour of ceasing to use temporary licences were that it would simplify procedures as all applications would be subject to the same fee, irrespective of the numbers attending. Also, all applications would be subject to advertising, giving the public an opportunity to object, a right they currently did not have. Factors in favour of retaining the current position were proportionality, practicality and financial; licences would be valid for 3 years for an event which may only last 2-3 days, site bookings would be problematic when an applicant may have a licence for 3 years but only using the site for a short period and fees would be higher.

The Legal Adviser stated that it was not open to the Sub-Committee to abolish Temporary Entertainment Licences today, only to consider if it wishes to explore the issue of temporary licences further and open to public consultation.

Councillor Henderson stated that she had brought this matter to the attention of the Licensing Team as no notifications regarding funfairs had been a cause for concern amongst her constituents. She suggested that there may be other solutions to the current situation but she hoped a solution could be found which would re-assure the public and assist the Police.

The Police representative had concerns over the recommendation that an outdoor public space could be licensed to one person who would then be able to allow funfairs to any company which submitted a booking request to them. She stated that Police needed to know who was holding funfairs and wanted each applicant to submit an application to the Council which, in turn, could be monitored by the Police. It was her view that the only solution was to advertise fun fairs.

Rudi Fruzynski, Licensing Standards Officer, stated that some temporary licences were for periods of only one hour - a fire work display, for example – and this could cost £370 depending on the numbers attending.

In light of the concerns raised, the Chair agreed that the temporary Public Entertainment Licence should be reviewed.

Councillor Henderson stated that a number of issues had been raised in relation to the Council's policy on Public Entertainment Licences. She did not want to add a financial burden to organisers of charitable events, but hoped that a fairer process could be found which would take into account the concerns of the general public.

Mr Fruzynski stated that he had concerns about the current Public Entertainment Licence policy and recommended that it should be reviewed. He pointed out that organisers of events commonly needed a number of licences to hold an event (e.g. market trader's licence, alcohol licence, public entertainment licence) and there was a risk that organisers might choose not to engage with the Council.

The Chair was concerned at the cost of multiple licences, particularly for small-scale, non-profit-making events. He also stated that safety had to be paramount and the Council needed to ensure that community groups were encouraged to continue safely with events.

Decision

The Sub-Committee agreed to make no change to the current Temporary Public Entertainment Licensing regime and noted Councillor Henderson's offer to raise the matter with the Council's Policy and Performance Review Committee.