



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

**THURSDAY 11 MARCH 2021
ONLINE DIGITAL MEETING FACILITY**

Committee Members Present:

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

Council Officials Present:

Mr I Forrest, Senior Solicitor
Ms S Fitzpatrick, Team Manager – Licensing & Landlord Registration
Ms C Shiel, Licensing Officer
Ms K MacNeill, Service Manager – People and Governance (Item 6)

Others Present:

PC Graeme Bairden, Police Scotland
Detective Inspector Derek Long, Police Scotland
Inspector Stuart Fletcher, Police Scotland

Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor C McGinn

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – LICENSING SUB-COMMITTEE, 14 JANUARY 2021

The minutes were approved as an accurate record of the meeting.

2. PROPOSED AMENDMENT OF RESOLUTION ON PUBLIC ENTERTAINMENT LICENSING REGIME

The Executive Director for Council Resources had submitted a report to advise of public response to the consultation on proposals to amend and streamline the list of activities within the Resolution to Licence Public Entertainment Activities, which had been advertised in the local press. The report also sought Sub-Committee approval to adopt the amendment to the resolution.

Ian Forrest, Legal Adviser and Senior Solicitor, presented the report. He advised that the report was a follow-on report from that which was submitted to the Sub-Committee on 10 September 2020. He advised that the main driver to the amendment had been that the Theatres Act 1964 had been repealed, and it was therefore proposed that theatres be licenced under public entertainment licences in East Lothian. The consultation had been advertised on 29 October 2020 in the East Lothian Courier and he reported that no responses had been received. Therefore, it was proposed that the amended wording be formally adopted; this would trigger a nine-month lead-in period, meaning the amendment would come into effect just before Christmas 2021.

Members asked questions regarding the maximum capacity of small-scale community non-profit festivals before they were required to be licensed, and the legal implications should such an event proceed unlicensed. Mr Forrest advised that events which had fewer than 150 attendees at any time would be covered by the exemption, and confirmed there would be legal implications should an event with a greater number of attendees than was covered by the exemption proceed unlicensed. However, he described a 'sensible approach' that would likely be taken by law enforcement should an event have an unexpectedly high turnout, but pointed out that retrospective applications could not be made for licences.

Councillor Henderson questioned whether zero responses to a consultation of this nature was normal. Mr Forrest confirmed that this figure was in line with responses received to other consultations regarding amendments made to the Resolution on Public Entertainment Licensing.

Responding to questions from Councillors Trotter and Williamson, Mr Forrest confirmed that the council was not the enforcement authority and had no power to monitor attendance at events. Mr Forrest confirmed that the resolution had remained unchanged in this respect for some time and he and Ms Fitzpatrick were not aware that the maximum number of 150 attendees covered by the exemption had ever caused any problems in the past. Mr Forrest advised that good judgement had been exercised in the past, as organisers had to consider maximum expected numbers when arranging stewards, etc.

Responding to a further question from Councillor Williamson, Mr Forrest advised that the Musselburgh Annual Festival would be covered under the resolution as 'indoor or open air festivals', and confirmed that attendees did not have to pay for entry for an event to fall under the resolution.

The Convener then moved to a roll call vote, which was agreed unanimously.

Decision

The Sub-Committee unanimously agreed to formally adopt the proposed wording of the amended resolution and authorise the Service Manager for People and Governance and such staff as she may designate to advertise the adoption of the updated resolution wording in the local press.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Sub-Committee agreed to exclude the public from items 3 and 5 which contained exempt information by virtue of Paragraph 2 (information relating to tenants) and items 4 and 6 which contained 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. APPLICATION FOR THE REMOVAL OF THE REQUIREMENT FOR DISPLAY OF A PUBLIC SITE NOTICE FOR AN HMO APPLICATION

The Sub-Committee agreed to remove the requirement for the display of a public site notice for an HMO application.

4. APPLICATION FOR THE GRANT OF A WINDOW CLEANER LICENCE

The Sub-Committee agreed to continue the application.

5. UPDATE ON THE FITNESS AND PROPRIETY OF A PRIVATE LANDLORD

The Sub-Committee agreed to continue the item to a special meeting.

6a. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE

The Sub-Committee refused the licence.

6b. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE

The Sub-Committee agreed to grant the licence.