



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

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

Committee Members Present:

Councillor C McGinn
Councillor J Findlay
Councillor J Henderson
Councillor T Trotter
Councillor J Williamson

Council Officials Present:

Mr I Forrest, Senior Solicitor
Ms C Aitken, Licensing Officer
Ms S Fitzpatrick, Team Manager – Licensing and Landlord Registration
Ms F Haque, Solicitor
Mr R Fruzynski, Licensing Standards Officer

Others Present:

PC Sharon Lackenby, Police Scotland

Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor J McMillan

Declarations of Interest:

None

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

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

2. NOTIFICATION OF REVISED CONDITIONS FOR PUBLIC ENTERTAINMENT LICENCES – REPORT BY THE HEAD OF CORPORATE SUPPORT

The Head of Corporate Support had submitted a report to advise the Sub-Committee of the proposed revision and update of the conditions attached to Public Entertainment Licences.

Ian Forrest, Senior Solicitor, presented the report. He advised that the Revised Conditions for Public Entertainment Licences would tie in with the updated Resolution on Public Entertainment Licences, which had been approved in March 2021. He described the current conditions as being out of date given the number of new activities added to the resolution in recent years; a more user-friendly format had been produced, covering general and more specific conditions for various activities. The revised conditions would take effect after such time as notification had been made to the public. Members were asked to approve the proposed conditions and authorise the relevant officers to make publication in line with the new Resolution on Public Entertainment Licences coming into effect in early December 2021.

Mr Forrest answered questions from Members. He advised that those applying for public entertainment licences for activities such as funfairs and outdoor fitness bootcamps would still have to obtain permissions from relevant landowners before land could be used. Officers would make applicants aware of this upon receipt of a public entertainment licence application.

Decision

The Licensing Sub-Committee unanimously agreed:

- (i) to approve and formally adopt the terms of the revised licence conditions attached as Annex 2 of the report;
- (ii) to authorise the Head of Corporate Support or such officers as she may appoint to arrange for the publication of the new conditions in such manner as she sees fit, in accordance with Section 3B of the Civic Government (Scotland) Act 1982, per paragraph 3.6 below; and
- (iii) that the revised conditions shall take effect from the day immediately following the date of publication in terms of the previous paragraph.

3. APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE

a. Bpositive Fitness Solutions

An application had been received from Bpositive Fitness Solutions for the grant of a public entertainment licence (PEL) to operate bootcamp-style fitness classes at the

Greenhills, Prestonpans, and Port Seton Community Centre. The application had attracted a letter of representation from Police Scotland.

Mr Robert Baillie was present to speak to the application.

The Legal Adviser explained the procedure and advised that the application was before the Sub-Committee on account of the letter of representation from Police Scotland regarding the operating hours of the area to be licenced.

PC Lackenby confirmed that Police Scotland were not objecting to the application, but rather were requesting that due consideration be given to the potential for disturbance in the local area.

Mr Baillie spoke to his application. He advised that use of the Greenhills area of Prestonpans had not caused any disturbance, and clients who attended classes had confirmed that the early-morning classes could not be heard from the closest residences.

Mr Baillie answered questions from Members. He advised that up to 40 people attended sessions, but that morning sessions involved only 15-20 people. Times for sessions had been discussed with clients and the proposed time of 6.30am was necessary to facilitate attendance before the working day. He advised that there was no local association of bootcamp operators, but felt that this would be a valuable resource.

Responding to questions from Members, Ms Fitzpatrick advised that previous applications to operate bootcamps had not come before the committee because they had not attracted any objections or representations.

Members considered conditions relating to amplified music, but the Convener proposed that no conditions be imposed as there were currently no concerns over excessive noise. Mr Baillie confirmed that amplified sound was used at the changeover between exercises.

Decision

The Sub-Committee unanimously agreed to grant the licence.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Committee agreed to exclude the public from items 4-6 in terms of paragraph 6 (information relating to the business affairs of particular persons) of Schedule 7A to the Local Government (Scotland) Act 1973.

4. APPLICATION FOR THE GRANT OF A WINDOW CLEANER LICENCE

The Sub-Committee refused the application.

5. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The Sub-Committee agreed to grant the application.

6. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE

This application was withdrawn.