

Minute

Licensing Committee

Thursday, 18 June 2020, 11:30.

Microsoft Teams.



Present

Councillors Duncan A Tullock, Barbara Foulkes, Alexander G Cowie, Norman R Craigie, Robin W Crichton, Steven B Heddle, J Harvey Johnston and Owen Tierney.

Clerk

- Hazel Flett, Senior Committees Officer.

In Attendance

- Gillian Morrison, Executive Director of Corporate Services.
- Gavin Mitchell, Head of Legal Services.
- David Brown, Environmental Health Manager (for Items 1 to 4).
- Elaine Sinclair, Legal Clerk.

Police Scotland:

- Sergeant Richard Morris.

Observing

- Lillian Rendall, Legal Clerk.

Declaration of Interest

- Councillor Robin W Crichton – Item 5.

Chair

- Councillor Duncan A Tullock.

1. Disclosure of Exempt Information

The Committee noted the proposal that the public be excluded from the meeting for consideration of Item 5, as the business to be discussed involved the potential disclosure of exempt information of the classes described in the relevant paragraphs of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

2. Suspension of Standing Orders

The Committee **suspended** Standing Order 8.11 to enable members to participate in the meeting from a remote location, as a party had the right to be heard in person or through a representative and the decision to be made was as a result of a quasi-judicial or regulatory hearings process, such as a planning application or an appeal.

3. Form of Voting

The Committee resolved that, should a vote be required in respect of the applications to be considered at this meeting, notwithstanding Standing Order 21.4, the form of voting should be by calling the roll or recorded vote.

4. Application for Renewal of Late Hours Catering Licence

Audrey Ferrie, Legal Director, Pinsent Masons LLP, representing the applicant, Tesco Stores Ltd and Andy Tennant, was present during consideration of this item.

After consideration of a report by the Executive Director of Corporate Services, copies of which had been circulated, and after hearing a report from the Head of Legal Services, the Committee:

Noted:

4.1. That, on 20 January 2020, Tesco Stores Ltd and Andy Tennant lodged an application for renewal of late hours catering licence in respect of the Tesco Store, 18 Pickaquoy Road, Kirkwall, for a period of three years.

4.2. The application for renewal of late hours catering licence requested the following late hours catering trading hours:

- 23:00 – 24:00 Mondays to Saturdays during January to November inclusive each year.
- 23:00 – 05:00 on 19/20 to 23/24 December inclusive each year.
- 23:00 – 24:00 Mondays to Saturdays on the remaining non-24-hour days during December each year.

4.3. That no objections or representations had been received in respect of the application for renewal of late hours catering licence lodged by Tesco Stores Ltd and Andy Tennant.

After hearing representations from Audrey Ferrie, representing the applicant, Tesco Stores Ltd and Andy Tennant, in support of the application, on the motion of Councillor Duncan A Tullock, seconded by Councillor Barbara Foulkes, the Committee:

Resolved, in terms of delegated powers:

4.4. That the application from Tesco Stores Ltd and Andy Tennant for renewal of late hours catering licence in respect of the Tesco Store, 18 Pickaquoy Road, Kirkwall, be granted for a period of three years, subject to the Council's standard conditions, and with the following operating hours:

- 23:00 – 24:00 Mondays to Saturdays during January to November inclusive each year.
- 23:00 – 05:00 on 19/20 to 23/24 December inclusive each year.
- 23:00 – 24:00 Mondays to Saturdays on the remaining non-24-hour days during December each year.

5. Application for Grant of Taxi Driver's Licence

Councillor Robin W Crichton declared a non-financial interest in this item, being the holder of a taxi driver's licence, but concluded that his interest did not preclude his involvement in the discussion.

On the motion of Councillor Duncan A Tullock, seconded by Councillor Barbara Foulkes, the Committee resolved that the public be excluded from the meeting for this item on the grounds that it involved the disclosure of exempt information as defined in paragraphs 6 and 14 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

After consideration of a report by the Executive Director of Corporate Services, copies of which had been circulated, and after hearing a report from the Head of Legal Services, the Committee:

Resolved, in terms of delegated powers, what action should be taken with regard to an application for grant of a taxi driver's licence.

The above constitutes the summary of the Minute in terms of the Local Government (Scotland) Act 1973 section 50C(2) as amended by the Local Government (Access to Information) Act 1985.

6. Conclusion of Meeting

At 12:00 the Chair declared the meeting concluded.

Signed: