

## Minute

### Licensing Committee

Thursday, 27 April 2023, 11:15.

Council Chamber, Council Offices, School Place, Kirkwall.



### Present

Councillors Duncan A Tullock, David Dawson, Rachael A King, W Leslie Manson, Gwenda M Shearer and Owen Tierney.

### Clerk

- Angela Kingston, Committees Officer.

### In Attendance

- Gavin Mitchell, Head of Legal and Governance.
- Sheila Tulloch, Service Manager (Legal Services).
- Elaine Sinclair, Legal Clerk.

### Observing

- Kevan Price, Licensing Officer.
- Lillian Rendall, Legal Clerk.

### Apologies

- Councillor Steven B Heddle.
- Councillor Kristopher D Leask.

### Declarations of Interest

- No declarations of interest had been intimated.

### Chair

- Councillor Duncan A Tullock.

## 1. 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.

## **2. Disclosure of Exempt Information**

The Committee noted the proposal that the public be excluded from the meeting for consideration of Item 4, 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.

## **3. Application for Renewal of Late Hours Catering Licence**

### **Tesco Store, 18 Pickaquoy Road, Kirkwall**

Hardish Purewal, representing the applicant, Tesco Stores Limited and Brenda Fenion, was present via a remote link (Microsoft Teams) during consideration of this item.

After consideration of a report by the Corporate Director for Strategy, Performance and Business Solutions, copies of which had been circulated, and after hearing a report from the Service Manager (Legal Services), the Committee:

Noted:

**3.1.** That, on 27 January 2023, Tesco Stores Limited and Brenda Fenion lodged an application for renewal of late hours catering licence in respect of Tesco Store, 18 Pickaquoy Road, Kirkwall, for a period of three years, which requested the following late hours catering trading hours:

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

**3.2.** That the operating hours between 19/20 and 23/24 December inclusive each year above, requested by Tesco Stores Limited and Brenda Fenion, were outwith Council policy.

**3.3.** That no objections or representations had been received in respect of the application from Tesco Stores Limited and Brenda Fenion for renewal of a late hours catering licence.

After hearing representations from Hardish Purewal in support of the application from Tesco Stores Limited and Brenda Fenion for renewal of a late hours catering licence in respect of Tesco Store, 18 Pickaquoy Road, Kirkwall, on the motion of Councillor Duncan A Tullock, seconded by Councillor David Dawson, the Committee:

Resolved, in terms of delegated powers:

**3.4.** That the application from Tesco Stores Limited and Brenda Fenion 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 to 24:00 Mondays to Saturdays during January to November inclusive each year.
- 23:00 to 05:00 on 19/20 to 23/24 December inclusive each year.

- 23:00 to 24:00 Mondays to Saturdays on the remaining trading days during December each year.

#### **4. Application for Short-term Lets Licence**

On the motion of Councillor Duncan A Tullock, seconded by Councillor Rachael A King, 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 paragraph 6 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

The applicant, and A N Other, supporting the applicant, were present during consideration of this item.

The objector's representative was present via a remote link (Microsoft Teams) during consideration of this item.

After consideration of a report by the Corporate Director for Strategy, Performance and Business Solutions, copies of which had been circulated, and after hearing a report from the Service Manager (Legal Services), the Committee:

Resolved, in terms of delegated powers, what action should be taken with regard to an application for a short-term lets 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.**

## **5. Conclusion of Meeting**

At 11:43 the Chair declared the meeting concluded.

Signed: Duncan A Tullock.