

Minute

Licensing Committee

Thursday, 6 July 2017, 10:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

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

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.
- Lillian Rendall, Legal Clerk.
- Elaine Sinclair, Legal Clerk.
- Temporary Inspector Keith Bendall, Police Scotland.

Chair

- Gillian Morrison, Executive Director of Corporate Services (for Item 1).
- Councillor Duncan A Tullock (for Items 2 to 6).

1. Appointment of Chair

The Executive Director of Corporate Services called for nominations for Chair of the Licensing Committee and, after a secret ballot, the result of which was as follows:

- Councillor Barbara Foulkes – 3 votes.
- Councillor Duncan A Tullock – 5 votes.

The Committee resolved that Councillor Duncan A Tullock be appointed Chair of the Licensing Committee.

Councillor Duncan A Tullock took the Chair for the remainder of the meeting.

2. Appointment of Vice Chair

The Chair called for nominations for Vice Chair of the Licensing Committee, and the Committee:

Resolved that Councillor Barbara Foulkes be appointed Vice Chair of the Licensing Committee.

3. Review of Licensing Fees

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

Noted:

3.1. That, on 16 March 2017, the Licensing Sub-committee resolved that the Executive Director of Corporate Services and the Executive Director of Development and Infrastructure should undertake consultation with existing licence holders in respect of the following proposals:

- Registrations of additional performing animals submitted by existing licence holders being charged at 50% of the new registration fee applicable at the time per animal.
- Fees for theatre licences being increased in excess of the minimum 3% increase.

3.2. That the consultations were undertaken during the period 20 March to 14 April 2017, when one holder of a performing animal registration and four theatre licence holders were requested to submit comments in respect of the proposals, referred to at paragraph 3.1 above.

3.3. That one representation was received from Gable End Theatre, attached as Appendix 1 to the joint report by the Executive Director of Corporate Services and the Executive Director of Development and Infrastructure.

The Committee resolved, in terms of delegated powers:

3.4. That fees for registrations of additional performing animals submitted by existing licence holders should be charged at 50% of the new registration fee applicable at the time per animal with immediate effect.

Councillor Barbara Foulkes, seconded by Councillor Owen Tierney, moved that the fee for a theatre licence should increase by 10%, rounded up to the nearest pound.

Councillor Robin W Crichton, seconded by Councillor Steven B Heddle, moved an amendment that the fee for a theatre licence should increase from £62 to £75.

On a vote being taken 3 members voted for the amendment and five for the motion, and the Committee:

Resolved, in terms of delegated powers:

3.5. That the fee for a theatre licence should increase by 10%, from £62 to £69, with immediate effect.

4. Fees for Licensing of Caravan Sites with Permanent Residents

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Environmental Health Manager, the Committee:

Noted:

4.1. That, on 16 March 2017, the Licensing Sub-committee resolved, in terms of delegated powers, that, in order to comply with relevant legislation, charging of fees for registration of caravan sites should cease with immediate effect.

4.2. That the Licensing Sub-committee was also advised that consultation to modernise legislation relating to caravan site licensing was ongoing and included provisions for authorities to charge fees.

4.3. That, in April 2017, the Scottish Government issued Guidance to Local Authorities on the Licensing System for Mobile Homes Sites with Permanent Residents, to which the local authority must have regard.

4.4. That, on 1 May 2017, a new licensing system came into force for mobile homes sites with permanent residents as enacted by Part 1A of the Caravan Sites and Control of Development Act 1960.

4.5. The proposal to set fees relating to caravan site licensing, in line with those currently pertaining to Houses in Multiple Occupation, as outlined in section 7.7 of the report by the Executive Director of Development and Infrastructure.

4.6. That, although a decision in respect of ceasing to charge fees for registration of caravan sites was taken within the last 12 months, in accordance with Standing Order 131, the Chief Executive was satisfied that a material change of circumstance had occurred and, accordingly, Standing Order 130 would not require to be suspended in order to consider the resolutions at paragraphs 4.7 and 4.8 below.

The Committee resolved, in terms of delegated powers:

4.7. That, in respect of caravan sites with permanent residents, the fee for a first site licence, for a period of 5 years, be set at £669, with immediate effect.

4.8. That the fee for a licence renewal should be charged at 50% of the first site licence application fee applicable at the time.

5. Conclusion of Meeting

At 11:00 the Chair declared the meeting concluded

Signed: Duncan A Tullock.