

## **Minute**

### **Licensing Committee**

Thursday, 20 August 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.
- Roddy Mackay, Head of Planning, Development and Regulatory Services (for Items 1 to 4).
- 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 – Items 4 and 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 application 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. Raised Structures**

Councillor Robin W Crichton declared a financial interest in this item, in that he was providing managerial support to Orkney Auction Mart Ltd, premises which could potentially host events utilising raised structures, but concluded that his interest did not preclude his involvement in the discussion.

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:

**4.1.** That, in terms of section 89 of the Civic Government (Scotland) Act 1982, the Council had a statutory remit to determine applications for consent for the use of raised structures, being a platform, stand, staging or other similar structure, for the provision of raised seated or standing accommodation.

**4.2.** That section 89 of the Civic Government (Scotland) Act 1982 did not contain any provision specifying a height below which consent for a raised structure would not be required.

**4.3.** That, in terms of Building Standards Guidance, certain security measures, including protective guarding, required to be put in place for structures which had a height of 600 millimetres or more.

**4.4.** That research conducted with other Scottish local authorities identified that a majority only required an application for consent to be submitted in respect of raised structures of heights of 600 millimetres or more in accordance with the Building Standards Guidance.

**4.5.** The options in respect of introducing a minimum height specification for raised structures requiring an application for consent to be submitted in terms of section 89 of the Civic Government (Scotland) Act 1982, as detailed in section 8 of the joint report by the Executive Director of Corporate Services and the Executive Director of Development and Infrastructure, with the preferred option being Option 3, namely to introduce a minimum height specification of 600 millimetres or more, below which an application for consent would not be required.

Councillor Barbara Foulkes, seconded by Councillor Duncan A Tullock, moved that:

(1) The Council should adopt the following interpretation of “raised structure” for the purpose of the requirement in section 89 of the Civic Government (Scotland) Act 1982 of obtaining consent from the Council for the use thereof:

- A platform, stand, staging or similar structure for the provision of raised seated or standing accommodation that is 600 millimetres or more in height.

(2) In all other cases, where the height of the raised structure was less than 600 millimetres, consent shall be deemed to be in place, with no application for formal consent requiring to be submitted.

Councillor Robin W Crichton moved an amendment that the Council should not introduce any minimum height specification for raised structures requiring an application for consent and continue the status quo, requiring consent for a raised structure of any height to be applied for.

On receiving no seconder, his amendment fell, and the Committee:

Resolved, in terms of delegated powers:

**4.6.** That the Council should adopt the following interpretation of “raised structure” for the purpose of the requirement in section 89 of the Civic Government (Scotland) Act 1982 of obtaining consent from the Council for the use thereof:

- A platform, stand, staging or similar structure for the provision of raised seated or standing accommodation that is 600 millimetres or more in height.

**4.7.** That, in all other cases, where the height of the raised structure was less than 600 millimetres, consent shall be deemed to be in place, with no application for formal consent requiring to be submitted.

## **5. Application for Renewal 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 renewal 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 12:30 the Chair declared the meeting concluded.

Signed: Duncan A Tullock.