

## Minute

### Licensing Committee

Thursday, 8 July 2021, 12:00.

Microsoft Teams.



### Present

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

### Clerk

- Angela Kingston, Committees Officer.

### In Attendance

- Gavin Mitchell, Head of Legal Services.
- Garry Burton, Leisure and Culture Service Manager.
- Gary Foubister, Trading Standards Manager.
- Elaine Sinclair, Legal Clerk.
- Donald Wilson, Roads Authority Officer.

### Observing

- Lillian Rendall, Legal Clerk.
- Rebecca McAuliffe, Press Officer.

### Apology

- Councillor Barbara Foulkes.

### Declarations of Interest

- No declarations of interest were 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. 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 (recorded vote).

## **3. Application for Temporary Public Entertainment Licence**

### **Funfair – Bignold Park, Kirkwall – 8 July to 1 August 2021**

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

Noted:

**3.1.** That, on 17 June 2021, Thomas Vance Smith, Glasgow, (the applicant) submitted a partial application for a temporary public entertainment licence in respect of a funfair on a permitted site at Bignold Park, Kirkwall, from 8 July to 1 August 2021 inclusive.

**3.2.** That the application, referred to at paragraph 3.1 above, was incomplete, as no documentation in relation to insurance and safety certification for the funfair rides had been provided.

**3.3.** That, in accordance with standard, published Council procedures for consideration of applications for public entertainment licences, no licence would be issued until evidence of public liability insurance for £10 million and safety certification for each funfair ride was received by the Licensing Service.

**3.4.** That the application stated that the maximum number of persons to be admitted to the premises at any one time would be 500, and sought the following operating dates and times:

- Opening on Thursday, 8 July at 18:00 to 21:00.
- Friday, 9 July at 18:00 to 21:00.
- Saturday, 10 and Sunday, 11 July at 13:00 to 21:00, with three operating periods between 13:00 to 14:45; 15:00 to 17:45; and 18:00 to 21:00, to permit turnover of attendees.
- Monday, 12 to Friday, 16 July at 18:00 to 21:00.
- Saturday, 17 and Sunday, 18 July at 13:00 to 21:00, with three operating periods between 13:00 to 14:45; 15:00 to 17:45; and 18:00 to 21:00, to permit turnover of attendees.
- Monday, 19 to Friday, 23 July at 18:00 to 21:00.
- Saturday, 24 and Sunday, 25 July at 13:00 to 21:00, with three operating periods between 13:00 to 14:45; 15:00 to 17:45; and 18:00 to 21:00, to permit turnover of attendees.
- Monday, 26 to Friday 30, July at 18:00 to 21:00.

- Saturday, 31 July and Sunday, 1 August at 13:00 to 21:00, with three operating periods between 13:00 to 14:45; 15:00 to 17:45; and 18:00 to 21:00, to permit turnover of attendees.

**3.5.** That, on 17 June 2021, a copy of the application was issued to various consultees, following which the Roads Service advised that they had concerns regarding the licence application due to no parking being provided within the permitted site; however the issue of parking was outwith the scope of the purpose of the licence.

**3.6.** That, on 18 June 2021, the applicant indicated to the Licensing Service that he might consider amending the proposed dates of operation, given that the date of the meeting of the Licensing Committee fell on the day on which he intended to commence operating; however, to date, no further information had been received.

**3.7.** That, on 24 June 2021, the Licensing Service advised the applicant of current COVID-19 travel advice regarding travelling to the Scottish islands, noting that pre-testing before arrival in Orkney would be appreciated; however, to date, no response had been received.

**3.8.** That, on 28 June 2021, Police Scotland advised they could not complete consideration of the application or provide comment, due to a lack of response from the applicant.

**3.9.** That, although the applicant had been invited to attend, he was not present for consideration of this item.

On the motion of Councillor Duncan A Tullock, seconded by Councillor Robin W Crichton, the Committee resolved, in terms of delegated powers:

**3.10.** That the application from Thomas Vance Smith, Glasgow, for a temporary public entertainment licence in respect of a funfair on a permitted site at Bignold Park, Kirkwall, from 8 July to 1 August 2021 inclusive, be refused as, in the Committee's opinion:

- The location was not suitable for the proposed activity for the length of time sought by the applicant.
- The nature and extent of the proposed activity was not suitable at the proposed location.
- Noise associated with the proposed activity would raise the possibility of undue public nuisance.
- Vehicle manoeuvres at the proposed location would raise issues regarding public safety.

#### **4. Conclusion of Meeting**

At 12:24 the Chair declared the meeting concluded.

Signed: Duncan A Tullock.