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Council Building  
2 High Street  
Perth  
PH1 5PH

15 August 2018

A Meeting of the **Licensing Committee** will be held in the **Council Chamber, 2 High Street, Perth, PH1 5PH** on **Thursday, 23 August 2018** at **10:00**.

If you have any queries please contact Committee Services on (01738) 475000 or email [Committee@pkc.gov.uk](mailto:Committee@pkc.gov.uk).

**JIM VALENTINE**  
**Depute Chief Executive**

***Those attending the meeting are requested to ensure that all electronic equipment is in silent mode.***

**Members:**

Councillor Chris Ahern (Convener)  
Councillor David Illingworth (Vice-Convener)  
Councillor Kathleen Baird  
Councillor Bob Brawn  
Councillor Rhona Brock  
Councillor Audrey Coates  
Councillor Ian James  
Councillor Anne Jarvis  
Councillor Andrew Parrott  
Councillor John Rebbeck  
Councillor Fiona Sarwar  
Councillor Richard Watters  
Councillor Mike Williamson



**Licensing Committee**

**Thursday, 23 August 2018**

**AGENDA**

***MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.***

- 1 WELCOME AND APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE LICENSING COMMITTEE OF 12 JULY 2018 FOR APPROVAL AND SIGNATURE (copy herewith) 5 - 8**
- 4 LICENSING OF PUBLIC ENTERTAINMENT 9 - 14**  
Report by Head of Legal and Governance Services (copy herewith 18/259)

***IT IS RECOMMENDED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEM(S) IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973***

- P1 GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE (1 YEAR) - TD1775**
- P2 GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE (3 YEARS) - TD1781**

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## LICENSING COMMITTEE

Minute of Meeting of the Licensing Committee held in the Council Chambers, Ground Floor, Council Building, 2 High Street, Perth on Thursday 12 July 2018 at 10.00am.

Present: Councillors C Ahern (Convener), D Illingworth (Vice-Convener), B Brawn, F Sarwar and R Watters.

In Attendance: PC L Gregge and PC C Forbes (both Police Scotland); M McLaren, S McQueen, D Merchant, E Archibald, S Michie and A Taylor (all Corporate and Democratic Services).

Apologies for Absence: Councillors K Baird, R Brock, A Coates, I James, A Jarvis, A Parrott, J Rebbeck and M Williamson.

Councillor C Ahern (Convener), Presiding.

### . **WELCOME AND APOLOGIES**

The Convener welcomed all present to the meeting. Apologies for absence were noted as above.

### . **DECLARATIONS OF INTEREST**

There were no Declarations of Interest in terms of the Councillors' Code of Conduct.

### . **MINUTES**

The Minute of Meeting of the Licensing Committee of 24 May 2018 was submitted and approved as a correct record.

### . **LICENSING OF PUBLIC ENTERTAINMENT**

There was submitted a report by the Head of Legal and Governance Services (18/237) proposing to date the Resolution in respect of activities licensable in regard to Public Entertainment.

#### **Resolved:**

- (i) It be agreed that no licence be required for public entertainment where there is no payment of money or monies worth to gain entry to the entertainment.
- (ii) The terms of the proposed resolution for the licensing of places of public entertainment as detailed in Appendix 2 of Report 18/237, be approved.

### . **CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – TAXI FARE REVIEW**

There was submitted a report by the Head of Legal and Governance Services (18/238) outlining the findings of the most recent review of the scale of fares for taxis in Perth and Kinross, which took place in May 2018. The Council is required to carry

out a review of the scale of fares for taxis in Perth and Kinross at intervals of not more than 18 months.

**Resolved:**

- (i) It be agreed that the existing scale of fares and tariffs for taxis in Perth and Kinross remains unchanged, as outlined in Appendix 1 to Report 18/238, provided that no responses are received after it has been advertised in the local press.
- (ii) It be agreed that a further review of the scale of fares and tariffs for taxis in Perth and Kinross be carried out in Summer 2019.

**GRANT OF A LATE HOURS CATERING LICENCE NO. LH0133**

There was submitted a report by the Head of Legal and Governance Services (18/232) regarding Grant of a Late Hours Catering Licence LH0133.

Mr S Geddes, representing the applicant, was in attendance, addressed the Committee and answered members' questions.

**Resolved:**

Late Hours Catering Licence LH0133 be granted for a period of 3 years with effect from 12 July 2018.

**GRANT OF A SECOND HAND MOTOR VEHICLE DEALERS LICENCE NO. MD254**

There was submitted a report by the Head of Legal and Governance Services (18/236), together with an e-mail of objection dated 7 June 2018, regarding Grant of Second Hand Motor Dealers Licence No. MD254.

The applicant was in attendance, addressed the Committee and answered members' questions.

**Resolved:**

Second Hand Motor Vehicle Dealer's Licence MD254 be granted for a period of 1 year with effect from 12 July 2018.

**IT WAS AGREED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973.**

**SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE NO TD1234**

There was submitted a report by the Head of Legal and Governance Services (18/235) together with a letter of objection from Police Scotland dated 29 May 2018 in terms of Schedule 1, Paragraph 11(2)(a) of the Civic Government (Scotland) Act 1982 regarding suspension of Taxi/Private Hire Car Driver's Licence (TD1234).

The representative from Police Scotland advised the Committee that they had now withdrawn their request for suspension. Thereafter, Art. ... was withdrawn from the agenda.

. **GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE TD1749**

There was submitted a report by the Head of Legal and Governance Services (18/233) together with a letter of representation dated 18 April 2018 from Police Scotland regarding Grant of Taxi/Private Hire Car Driver's Licence No. TD1749.

The applicant failed to attend.

The representative from Police Scotland addressed the Committee and answered Members' questions.

FOLLOWING AN ADJOURNMENT THE COMMITTEE RECONVENED.

**Resolved:**

Taxi/Private Hire Car Driver's Licence TD1749 be granted for a period of 1 year with effect from 12 July 2018.

. **GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE TD1759**

There was submitted a report by the Head of Legal and Governance Services (18/234) together with a letter of representation dated 6 June 2018 from Police Scotland regarding Grant of Taxi/Private Hire Car Driver's Licence No. TD1759.

The Committee noted that this item had been withdrawn from the agenda at the request of the applicant.

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# PERTH AND KINROSS COUNCIL

## Licensing Committee

23 August 2018

### Licensing of Public Entertainment

#### Report by Head of Legal and Governance Services (18/259)

#### PURPOSE OF REPORT

To advise the Licensing Committee of the outcome of the statutory consultation process in respect of the decision of the Committee, at its meeting on 12 July 2018, to update the Resolution in respect of activities which are to be licensed as Public Entertainment and to approve the new resolution.

#### 1. BACKGROUND/MAIN ISSUES

- 1.1 The Council, as a Licensing Authority, regulates the licensing of Public Entertainment under the Civic Government (Scotland) Act 1982 (“the Act”).
- 1.2 A public entertainment licence is required for the use of premises as a place of public entertainment. Section 41 of the Act originally defined a “place of public entertainment” as:
  - “any place where ***on payment of money or money’s worth***, members of the public are admitted or may use any facilities for the purposes of entertainment or recreation...”
- 1.3 Section 9 of the Act permits the Licensing Authority to vary a resolution previously made by it by passing a new resolution. The Committee, at its meeting on 12 July 2018, considered and approved the proposed resolution for the licensing of places of public entertainment attached at Appendix 1.
- 1.4 Before any proposed resolution can be passed, section 9(6) of the Act requires that the proposal be published in local newspaper, together with a notice stating (a) that the Council intends to make the resolution and (b) that representations in relation to the resolution may be made in writing to the local authority within 28 days of the first publication of the notice.
- 1.5 The proposal was published in The Courier on 19 July 2018. The period of 28 days has now passed and no representations have been received.
- 1.6 Once a final resolution has been passed, it must thereafter be published again in a local newspaper, along with a notice confirming that from the specified date it will be an offence to engage in activities detailed in the resolution without a licence. The specified date must be no sooner than nine months from the day on which the resolution was made.

## 2 PROPOSAL

- 2.1 It is proposed that the Committee approve the resolution for the licensing of places of public entertainment at Appendix 1. It is also proposed that the specified date will be 1 June 2019.

## 3 RECOMMENDATIONS

- 3.1 It is recommended that the Committee approves the resolution set out in Appendix 1 to this report.

### Author(s)

| Name       | Designation       | Contact Details                                                      |
|------------|-------------------|----------------------------------------------------------------------|
| D Merchant | Licensing Manager | <a href="mailto:civlicensing@pkc.gov.uk">civlicensing@pkc.gov.uk</a> |

### Approved

| Name         | Designation                        | Date          |
|--------------|------------------------------------|---------------|
| Lisa Simpson | Head of Legal & Governance Service | 9 August 2018 |

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Council Text Phone Number 01738 442573

## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

| <b>Strategic Implications</b>                       | <b>Yes / None</b> |
|-----------------------------------------------------|-------------------|
| Community Plan / Single Outcome Agreement           | <b>Yes</b>        |
| Corporate Plan                                      | <b>Yes</b>        |
| <b>Resource Implications</b>                        |                   |
| Financial                                           | <b>Yes</b>        |
| Workforce                                           | <b>No</b>         |
| Asset Management (land, property, IST)              | <b>None</b>       |
| <b>Assessments</b>                                  |                   |
| Equality Impact Assessment                          | <b>None</b>       |
| Strategic Environmental Assessment                  | <b>None</b>       |
| Sustainability (community, economic, environmental) | <b>None</b>       |
| Legal and Governance                                | <b>Yes</b>        |
| Risk                                                | <b>Yes</b>        |
| <b>Consultation</b>                                 |                   |
| Internal                                            | <b>Yes</b>        |
| External                                            | <b>None</b>       |
| <b>Communication</b>                                |                   |
| Communications Plan                                 | <b>None</b>       |

### 1. Strategic Implications

#### Community Plan/Single Outcome Agreement

The proposals set out in this report will support the delivery of the Perth and Kinross Community Plan/Single Outcome Agreement in terms of the following priorities:

- Promoting a prosperous, inclusive and sustainable economy
- Creating a safe and sustainable place for future generations

#### Corporate Plan

The proposals set out in this report will support the delivery of the Corporate Plan in terms of the following priorities:

- Promoting a prosperous, inclusive and sustainable economy
- Creating a safe and sustainable place for future generations

## **2. Resource Implications**

### **2.1 Financial**

The costs associated with the amendment of the resolution will be met from licensing fee income. The fee for licences will cover the cost of the administration of the licensing process.

### **2.2 Workforce**

A change in the resolution may see an increase in applications being received however staff workload will be managed should any additional workload arise.

## **3. Assessments**

### **3.1 Equality Impact Assessment**

Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) and are not considered to be relevant

### **3.2 Strategic Environmental Assessment**

Not applicable

## **4. Consultation**

### **4.1 Internal**

Health and Safety have been consulted and no adverse comments were received.

### **4.2 External**

If approved, changes to the resolution will be advertised and the public will have an opportunity to make representations.

## **5. Communication**

Not applicable

## **6. BACKGROUND PAPERS**

Not applicable

## **7. APPENDICES**

Appendix 1 – Draft Resolution.

## Appendix 1

### Resolution

“Perth and Kinross Council, the Licensing Authority for the Perth and Kinross area, in terms of Section 2 of the Civic Government (Scotland) Act 1928, hereby resolve:-

1. that from 1 June 2019, a licence known as a Public Entertainment Licence” shall be required for the use of the activities and premises as listed below where “any place where ***on payment of money or money’s worth***, members of the public are admitted or may use any facilities for the purposes of entertainment or recreation...”
2. that the foregoing resolution is made in relation to the whole of the Perth and Kinross area, being the area of the licensing authority.”

### Proposed premises that would require a Public Entertainment Licence

- Community Centres
- Children’s Activity Centres
- Public Halls
- Church Halls (when not being used for purposes connected with the religious body owning or occupying the hall)
- Ice Rinks
- Private Halls
- Educational Establishments (when not being used for the purposes of education)
- Leisure and Sports Centres/Grounds (when not being used for sporting purposes)
- Agricultural/Estate land whilst not being used for such
- Parks
- Proprietary Clubs e.g. Golf Clubs, Bowling Clubs (when not being used for these purposes)
- Licensed Premises within the meaning Licensing (Scotland) Act 2005
- Circuses/Fairground/s
- Theatres
- Marquees

### Proposed activities that would require a Public Entertainment Licence

- Dances e.g. Barn Dances, Ceilidh’s, Disco’s
- Fighting, e.g. Boxing/Cage Fighting or wrestling
- Concerts
- Ice Skating
- Activity involving inflatable structures
- Activity involving Assault courses
- Indoor/Outdoor play areas
- Equestrian activities, e.g. Show jumping/dressage, cross country
- Fairground ride/s
- Go-Karting
- Theatrical performances (plays, musicals etc.)

