

## ANGUS COUNCIL

MINUTE of MEETING of the **CIVIC LICENSING COMMITTEE** held in the Town and County Hall, Forfar on Thursday 6 August 2015 at 10.50am

**Present:** Councillors ALEX KING, CRAIG FOTHERINGHAM, BRIAN BOYD, LYNNE DEVINE, DAVID FAIRWEATHER, SHEILA HANDS, JIM HOUSTON, DAVID LUMGAIR, BOB SPINK and PAUL VALENTINE

Councillor KING, Convener, in the Chair.

### 1. **APOLOGIES**

There were no apologies intimated.

### 2. **DECLARATIONS OF INTEREST**

The Committee agreed to note that no declarations of interest were made.

### 3. **MINUTES OF PREVIOUS MEETINGS**

The minute of meeting of this Committee held on 14 May and the minute of the special meeting of this Committee of 3 June 2015 were approved as correct records and signed by the Convener.

### 4. **DELEGATED APPROVALS**

There was submitted Report No 266/15 by the Head of Legal and Democratic Services, detailing applications for licences under the Civic Government (Scotland) Act 1982 and other miscellaneous Acts which had been granted/renewed by the Head of Legal and Democratic Services in accordance with the Scheme of Delegation appended to Standing Orders.

The Committee agreed to note the applications, detailed in the Appendix to the Report, granted/renewed under delegated powers during the period 28 April to 9 July 2015.

### 5. **EXTENDED HOURS OVER 2015 FESTIVE PERIOD FOR LATE HOURS CATERING PREMISES**

There was submitted Report No 267/15 by the Head of Legal and Democratic Services, regarding the extension of hours for late hours catering premises over the 2015 festive period.

The Committee agreed to approve an extension of one additional hour at the end of trading on Christmas Eve (Thursday), Christmas Day (Friday), Hogmanay (Thursday) and New Year's Day (Friday) only for all late hours catering premises in Angus which would permit late hours catering premises to operate on Christmas Eve and Hogmanay until 1am and on Christmas Day and New Year's Day until 2am.

### 6. **INSPECTION OF TAXIS AND PRIVATE HIRE CARS**

With reference to Article 6 of the minute of meeting of this Committee of 14 May 2015, there was submitted Report No 268/15 by the Head of Legal and Democratic Services advising members of further developments regarding the testing of taxis and private hire vehicles in Angus.

The Committee agreed to hear Mr Gibson, Chairman of Angus Taxi Association, who wished to address the Committee regarding the testing of taxis and private hire vehicles in Angus.

Mr Gibson addressed the Committee and advised them that many drivers had expressed their dissatisfaction with having to travel to Dundee for their annual taxi test and the trade had felt that the use of suitably qualified and resourced local garages could equally provide the required annual test.

The Committee then heard from Mrs Hunter, Head of Legal and Democratic Services who advised the Committee that due to the closure of the police garage in Forfar and having previously used the Dundee City Council's facilities in the past, officers considered that the use of the Council premises, albeit Dundee City Council premises was an appropriate interim solution.

Mrs Hunter also advised the Committee that the proposal to use the existing Dundee City Council facility would be reviewed within the first half of 2016. The purpose of waiting to carry out the review for that period was to allow the transfer of fleet services to Tayside Contracts to settle and to assess whether or not the Tayside Contract's Vehicle inspection facility could be used by Angus Council for the taxi inspections. However, if Tayside Contracts could not facilitate the taxi testing, Officers would investigate the use of suitably qualified and resourced local garages and key to this would be the ability of the Council to resource multiple test sites to ensure quality control and the appetite of garages to take on the testing at rates comparable to those secured through Dundee.

Following discussion, the Committee agreed:-

- (i) to note that Police Scotland had concluded their review of the testing station at Forfar and had closed the unit with effect from 1 April 2015;
- (ii) to approve the interim arrangements with Dundee City Council to use their testing facility, subject to a further review in 2016; and
- (iii) that quarterly meetings be held between relevant Officers of the Council and representatives of the Angus Taxi Association to discuss the issue of mutual interest.

## **7. POLICY ON INTENTIONAL BALLOON AND CHINESE/SKY LANTERN RELEASES**

There was submitted Report No 269/15 by the Head of Legal and Democratic Services which set out the hazards posed by the intentional release of helium filled latex balloons and Chinese/sky lanterns and the growing evidence of the damage they caused. The Report also recommended that the Committee impose a standard condition on the grant of Public Entertainment Licences prohibiting the intentional release of helium filled latex balloons and Chinese/sky lanterns at events in respect of which the licence was granted.

The Committee agreed to impose a standard condition on the grant of Public Entertainment Licences prohibiting the intentional release of helium filled latex balloons and Chinese/sky lanterns at events in respect of which the licence/extension was granted.

## **8. TAXI FARES REVIEW**

With reference to Article 5 of the minute of meeting of this Committee of 15 May 2014, there was submitted Report No 270/15 by the Head of Legal and Democratic Services regarding the proposed review of the taxi fares structure for Angus as required by Section 17 of the Civic Government (Scotland) Act 1982.

The Committee agreed to commence the process of reviewing the taxi fares fixed for the Angus local authority area as required by Section 17 of the Civic Government (Scotland) Act 1982 and that all taxi operators licensed in Angus be written to and asked their proposals for any changes. Operators to be given one calendar month to respond.

## **9. THE LICENSING OF TAXIS AND PRIVATE HIRE CARS TO CARRY SIX PASSENGERS**

There was submitted Report No 271/15 by the Head of Legal and Democratic Services seeking authority to review the Council's policy on the licensing of taxis and private hire cars to carry over five passengers and to agree interim measures pending the outcome of that review.

The Report advised that discussions had taken place between Officers of Angus Council and Dundee City Council and it was noted that Dundee City Council employed a more detailed analysis before determining whether to permit a vehicle to carry over five passengers. The list of vehicles which were licensed by Dundee City Council to carry over five passengers (and the number permitted in respect of each vehicle) was attached as Appendix 1 to the Report.

Discussion took place regarding the suitability of certain vehicles detailed in the Appendix to the Report and it was agreed that further clarification would be sought on makes and models from Dundee City Council prior to the list being finalised.

The Committee agreed:-

- (i) to authorise the Head of Legal and Democratic Services to review the Council's policy on the licensing of taxis and private hire cars to carry over five passengers; and
- (ii) that, as an interim measure, the Council would licence certain vehicles to carry over five passengers.

#### **10. MIGRANT WORKER CARAVAN SITES – PROPOSED SHORT LIFE WORKING GROUP**

With reference to Article 8 of the minute of meeting of the Development Standards Committee of 10 March 2015, there was submitted Report No 272/15 by the Head of Legal and Democratic Services regarding the establishment of a Short Life Working Group to review the conditions applied by the Council in respect of caravan site licences granted under the Caravan Sites and Control of Development Act 1960 and, in particular, in relation to caravan sites predominantly occupied by migrant/seasonal workers.

The Committee agreed:-

- (i) to establish a Short Life Working Group;
- (ii) to review the conditions applied by the Council in respect of caravan site licences granted under the Caravan Sites and Control of Development Act 1960 and, in particular, in relation to caravan sites predominantly occupied by migrant/seasonal workers;
- (iii) to nominate Councillors King, Fotheringham, Devine and Spink to serve on the Short Life Working Group;
- (iv) to instruct the Head of Legal and Democratic Services to identify relevant officers to support the work of the Short Life Working Group, and to make arrangements for it to meet as and when required; and
- (v) to instruct the Head of Legal and Democratic Services to report the conclusions of the Short Life Working Group to this Committee in due course.

#### **11. LOCHLANDS CARAVAN PARK, FORFAR**

There was submitted Report No 273/15 by the Strategic Director of Communities regarding an application to extend the existing caravan site at Lochlands Caravan Park, Dundee Road, Forfar and increase the number of holiday caravans on site to 171.

The Report proposed the issue of one caravan site licence for the whole site with three distinct areas identified as detailed in the plan attached to the Report. The special conditions section of the licence would reflect the differing planning consent which applied and would also identify the three distinct operating periods permitted for each part of the site. This licence would replace and consolidate the two existing site licences and incorporate the areas recently granted planning consent.

The Committee agreed:-

- (i) to grant a caravan site licence to William Stewart, Lochlands Caravan Park, Dundee Road, Forfar subject to the site's compliance with the "Model Standards" for holiday caravan sites; and
- (ii) that the maximum number of caravans to be stationed on site at any one time be 171.

## 12. EXCLUSION OF PUBLIC AND PRESS

The Committee resolved, in terms of Standing Order 27(2) that the public and press be excluded from the meeting during consideration of the following items, so as to avoid the possible disclosure of information which was exempt in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973, Paragraphs 3 and 6.

## 13. NEW APPLICATIONS

There was submitted Report No 274/15 by the Head of Legal and Democratic Services on applications received for new licences under the Civic Government (Scotland) Act 1982 which required to be determined by the Committee, as detailed in the Appendix to the Report.

### (a) Street Trader's Licence (ST7)

The Committee considered a letter of representation received from Police Scotland dated 18 June 2015, in relation to an application for a Street Trader's Licence (ST7) received on 26 May 2015.

Mr Sim, the applicant's agent was present and addressed the Committee.

PC Elaine Simpson, Police Scotland then addressed the Committee on the contents of the letter from Police Scotland dated 18 June 2015.

The Committee agreed that the application be granted, subject to the standard conditions.

### (b) Second Hand Dealer's Licence (SHD8)

The Committee considered a letter of objection received from Police Scotland dated 21 May 2015, along with a memorandum from Trading Standards dated 21 May 2015 in relation to an application for a Second Hand Dealer's Licence (SHD8) received on 18 May 2015.

The applicant was present and addressed the Committee.

PC Elaine Simpson, Police Scotland, then addressed the Committee on the contents of the letter from Police Scotland dated 21 May 2015.

The Committee agreed that the application be granted, subject to the standard conditions.

## 14. CURRENT LICENCE – REPRESENTATIONS/OBJECTIONS

There was submitted Report No 275/15 by the Head of Legal and Democratic Services regarding a representation received in relation to a current licence holder under the Civic Government (Scotland) Act 1982, which required to be determined by the Committee, as detailed in the Appendix to the Report.

### (a) Window Cleaner's Licence (WC13)

The Committee considered information in relation to a window cleaner's licence (WC13), advising that the licence holder had a pending conviction against him, as detailed in the letter from Police Scotland dated 30 June 2015.

The licence holder was present and addressed the Committee.

After hearing from PC Elaine Simpson, the Committee agreed to note the representations meantime regarding the window cleaner's licence pending the outcome of the court decision.