

## ANGUS COUNCIL

MINUTE of MEETING of the **CIVIC LICENSING COMMITTEE** held in the Town and County Hall, Forfar on Thursday 12 May 2016 at 10.40 am.

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

Councillor KING, Convener, in the Chair.

### 1. **APOLOGIES/SUBSTITUTES**

There were no apologies intimated.

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

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

### 3. **MINUTE OF PREVIOUS MEETING**

The minute of meeting of this Committee of 31 March 2016 was approved as a correct record and signed by the Convener.

### 4. **DELEGATED APPROVALS**

There was submitted Report No 195/16 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 11 March to 20 April 2016.

### 5. **APPLICATION TO LICENCE A HOUSE IN MULTIPLE OCCUPATION**

There was submitted Report No 196/16 by the Head of Legal and Democratic Services, on a new application to licence a House in Multiple Occupation under the Housing (Scotland) Act 2006, by Andrew Gray, in respect of property at Coffee Lodge, Balhousie Farm, Muirdrum, Carnoustie which required to be determined by the Committee.

The Committee also considered representations received from the applicant, the Planning Enforcement Officer and the Senior Building Standards Officer.

The Committee noted that the applicant was not present.

Discussion took place regarding the number of persons applied for and the number of sinks to be provided.

The Committee noted that the application required to be determined before its next scheduled meeting and agreed that the application be refused on the grounds that the building failed to comply with the standards set out in the Statutory Guidance for Local Authorities Licensing of houses in multiple occupation.

### 6. **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.

## 7. NEW APPLICATIONS

There was submitted Report No 197/16 by the Head of Legal and Democratic Services regarding 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) Taxi Driver's Licence (TD64)

The Committee considered a letter of objection received from Police Scotland dated 28 February 2016, in relation to an application for a taxi driver's licence (TD64) received on 28 January 2016.

The Committee noted that the letter of objection referred to spent convictions and determined in all the circumstances that justice could be done without admitting the details of these convictions. The Committee therefore disregarded the spent convictions.

The applicant was present and addressed the Committee.

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

### (b) Taxi Driver's Licence (TD65)

The Committee considered an application for a taxi driver's licence (TD65) received on 19 January 2016 and noted that the applicant had failed to complete his knowledge test.

The applicant was not present.

The Committee noted that the application required to be determined before its next scheduled meeting and agreed that the application be refused on the grounds that the applicant was not a fit and proper person to hold a licence.

### (c) Late Hours Catering Licence (LHC18)

The Committee considered an application for a Late Hours Catering licence (LHC18) received on 17 December 2015 and noted that Police Scotland had now withdrawn their objection dated 11 January 2016 to the application.

The Committee noted that the application had consequently been granted under delegated authority.

### (d) Late Hours Catering Licence (LHC19)

The Committee considered an application for a Late Hours Catering licence (LHC19) received on 15 February 2016 from McDonald's Restaurants in respect of premises at Ethiebeaton Park, Arbroath Road, Monifieth for the hours Monday to Sunday 11.00pm to 5.00am for both the restaurant and drive-thru. This would allow both the restaurant and drive-thru to operate 24 hours per day, seven days per week, which did not comply with the adopted policy.

The applicant was present and addressed the Committee during which he advised that the restaurant would provide a welcome break for travellers on the busy adjacent A92.

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

**(e) Private Hire Car Driver's Licence (PHCD38)**

The Committee considered a letter of representation received from Police Scotland dated 9 March 2016, in relation to an application for a private hire car driver's licence (PHCD38) received on 24 February 2016.

The applicant was not present.

The Committee noted that the application required to be determined before its next scheduled meeting and agreed that the application be refused on the grounds that the applicant was not a fit and proper person to hold a licence.

**(f) Private Hire Car Driver's Licence (PHCD39)**

The Committee considered a letter of representation received from Police Scotland dated 4 April 2016, in relation to an application for a private hire car driver's licence (PHCD39) received on 3 March 2016.

The applicant was not present.

The Committee noted that the application required to be determined before its next scheduled meeting and agreed that the application be refused on the grounds that the applicant was not a fit and proper person to hold a licence.

**8. RENEWAL APPLICATIONS**

There was submitted Report No 198/16 by the Head of Legal & Democratic Services regarding applications received for the renewal of licences under the Civic Government (Scotland) Act 1982 and other miscellaneous Acts which required to be determined by the Committee as detailed in the Appendix to the Report.

**(a) Late Hours Catering Licence (LHC20)**

The Committee considered a letter of representation received from Police Scotland dated 23 March 2016, in relation to an application for a Late Hours Catering licence (LHC20) received on 7 March 2016.

The applicant's agent was present and addressed the Committee.

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

**(b) Window Cleaner's Licence (WC14)**

The Committee considered an application for the renewal of a window cleaner's licence (WC14) received on 30 December 2015 and noted that the applicant had now submitted a copy of his Public Liability Insurance Certificate.

The Committee noted that the application had consequently been granted under delegated authority.

**(c) Window Cleaner's Licence (WC15)**

The Committee considered an application for the renewal of a window cleaner's licence (WC15) received on 3 March 2016 and noted that the letter of representation from Police Scotland dated 28 March 2016 had been withdrawn.

The Committee noted that the application had consequently been granted under delegated authority.

**(d) Street Trader's Licence (ST8)**

The Committee considered a letter of objection received in relation to an application for a Street Trader's licence (ST8) received on 18 March 2016.

The applicant was not present.

The Committee agreed to defer consideration of the application to allow the applicant to attend the Civic Licensing Committee to be held on 4 August 2016.