

ANGUS COUNCIL

MINUTE of MEETING of the **CIVIC LICENSING COMMITTEE** held in the Town and County Hall, Forfar on Thursday 25 February 2016 at 10.30am.

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

There were no apologies intimated.

2. DECLARATIONS OF INTEREST

Councillor Boyd declared an interest in Item 10(c) as the applicant was known to him. He advised that he would not participate in any discussion and voting and would leave the meeting during consideration of this item.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 7 January 2016 was approved as a correct record and signed by the Convener.

4. DELEGATED APPROVALS

There was submitted Report No 92/16 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 9 December 2015 to 22 January 2016.

5. TAXI STANCES - KIRRIEMUIR

With reference to Article 9 of the minute of meeting of this Committee of 5 November 2015, there was submitted Report No 93/16 by the Head of Legal and Democratic Services regarding potential amendments to the taxi stance provision in Reform Street and High Street, Kirriemuir, as detailed in Appendices A and B to the Report.

The Report advised that it was proposed that the current taxi stance arrangement be altered by removing the single berth taxi rank currently located outside No. 9-11 Reform Street, Kirriemuir and replacing it with a single berth rank which was currently a public parking bay, on the north side of High Street, Kirriemuir, east of its junction with Tannage Brae, outside No. 6 High Street, Kirriemuir (opposite the site of the relocated post office).

The Report indicated that the requisite statutory advertisement and consultation had taken place following which two letters of objection had been received, which had been circulated to members prior to the meeting.

The Committee agreed:-

- (i) to approve the relocation of the taxi stance provision in Reform Street, Kirriemuir to High Street, Kirriemuir, as detailed in the Report and shown on the plan attached to the Report; and
- (ii) to authorise the Head of Legal and Democratic Services to implement the proposal.

6. LAND 300M NORTH WEST OF EAST DENSIDE FARM, MONIKIE

There was submitted Report No 94/16 by the Strategic Director – Communities regarding an application from AGM Forbes, Omachie Farm House, Drumsturdy Road, Kingennie for a temporary workers' caravan site licence to site 12 static caravans pitches on land 300m north east of East Denside Farm, Monikie.

The Committee agreed:-

- (i) to grant a temporary workers' caravan site licence to AGM Forbes for a maximum of 12 static caravans on land 300m north east of East Denside Farm, Monikie on condition that the site would be configured in accordance with the plans submitted to Environmental Health; and
- (ii) to note that the site would operate between 1 February to 31 October annually.

7. LAND AT CHARLETON FARM, CHARLETON, MONTROSE

There was submitted Report No 95/16 by the Strategic Director – Communities regarding an application received from Mr Peter Stirling, Windyhills Farm, by Arbroath for a temporary workers' caravan site licence to site 4 static caravan pitches on land at Charleton Farm.

The Report indicated that the farm already had in place a temporary workers site licence for 15 static caravans, however this application related to a new part of the farm (separate from the current site) but still within the boundaries of the farm.

The Committee agreed:-

- (i) to grant a temporary workers' caravan site licence for a maximum of 4 static caravans on land at Charleton Farm, Charleton, Montrose on condition that the site would be configured in accordance with the plans submitted to Environmental Health; and
- (ii) to note that the site would operate between 1 April to 31 August annually.

8. REVIEW OF FEE STRUCTURE – PUBLIC ENTERTAINMENT LICENCE FEES

There was submitted Report No 96/16 by the Head of Legal and Democratic Services which recommended an increase in the fees charged in respect of applications for public entertainment licences issued under the Civic Government (Scotland) Act 1982 and other miscellaneous statutes.

The Report advised that it was proposed that there would be an increasing scale fee for larger events with the discount remaining for Registered Charities. It was also proposed that the reduced cost for renewal be abolished and replaced with a three year licence charged at 175% of the one year licence. This would reduce the administrative burden on Council departments and external consultees as well as offering a further discount to premises within Angus.

The Committee agreed to approve the revised structure, as detailed in Appendix 1 to the Report, effective from 1 September 2016.

9. EXCLUSION OF PUBLIC AND PRESS

The Committee resolved, in terms of Standing Order 28(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.

10. NEW APPLICATIONS

There was submitted Report No 97/16 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) Private Hire Car Driver's Licence (PHCD37)

The Committee considered an application for a private hire car driver's licence (PHCD37) received on 9 September 2015 and noted that the applicant had not passed a satisfactory medical examination.

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.

(b) Taxi Driver's Licence (TD63)

The Committee considered a letter of representation received from Police Scotland dated 21 December 2015, in relation to an application for a taxi driver's licence (TD63) received on 7 December 2015.

The applicant was present and addressed the Committee.

Sergeant Bethway, Police Scotland, then addressed the Committee on the contents of the letter from Police Scotland dated 21 December 2015.

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

Councillor Boyd, having declared an interest at Article 2 above, left the meeting during consideration of the following item.

(c) Second Hand Dealer's Licence (SHD9)

The Committee considered a letter of objection dated 7 January 2016, in relation to an application for a second hand dealer's licence (SHD9) received on 4 December 2015.

The applicant was present and addressed the Committee, during which he advised them that his intention was to operate on a part-time basis with only two cars being for sale at any one time and then being contained within his private drive.

The Committee noted that planning permission would be required for a change of use.

The Committee agreed that the application be deferred to allow the applicant to submit a planning application.

Councillor Boyd re-joined the meeting at this stage.

11. RENEWAL APPLICATIONS

There was submitted Report No 98/16 by the Head of Legal & Democratic Services regarding an application received for the renewal of a licence under the Civic Government (Scotland) Act 1982 and other miscellaneous Acts which was required to be determined by the Committee as detailed in the Appendix to the Report.

(a) Taxi Operator's Licence (TO6)

The Committee considered a letter of objection received from Police Scotland dated 20 January 2016 in relation to an application for a Taxi Operator's Licence (TO6) received on 24 December 2015.

The applicant was present and addressed the Committee.

The Committee noted that the offence was not relevant to a taxi operator's licence and agreed that the application be renewed subject to the standard conditions.

12. CURRENT LICENCE – REPRESENTATIONS/OBJECTIONS

There was submitted Report No 99/16 by the Head of Legal and Democratic Services regarding representations/objections received in connection with a current licence holder under the Civic Government (Scotland) Act 1982 which required to be considered 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 20 January 2016 in relation to a taxi driver's licence.

The contents of a letter received from the applicant's agent was read out by the Convener, thereafter the licenceholder addressed the Committee.

The Committee then heard from Sergeant Iain Bethway regarding the contents of the letter from Police Scotland dated 20 January 2016.

Various questions were asked of the licenceholder.

Sergeant Bethway, Police Scotland and the licenceholder then summed up.

The Committee agreed that no action be taken regarding the taxi driver's licence but that he be issued with a warning of the possible consequences of any future adverse reports.