

# ANGUS COUNCIL

MINUTE of MEETING of the **CIVIC LICENSING COMMITTEE** held in the Town and County Hall, Forfar on Thursday 1 June 2017 at 10.15am.

**Present:** Councillors CRAIG FOTHERINGHAM, RICHARD MOORE, BRIAN BOYD, BRENDA DURNO, DAVID FAIRWEATHER, ALEX KING and BETH WHITESIDE.

Councillor FOTHERINGHAM, Convener, in the Chair.

## 1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Colin Brown, David Lumgair and Gavin Nicol.

## 2. DECLARATIONS OF INTEREST

Councillor King declared an interest in item 10 as he was Treasurer of Abbey Theatre Club. He advised that he would not participate in any discussion and voting.

Councillor Boyd declared an interest in item 10 as he had compered at Carnoustie Gala Day for many years. He advised that he would not participate in any discussion and voting.

## 3. COMMITTEE MEMBERSHIP

With reference to Article 8(b) of the minute of meeting of Angus Council of 16 May 2017, the Committee agreed to note the members appointed to this Committee.

## 4. CIVIC LICENSING COMMITTEE - REMIT

There was submitted and noted the remit of the Civic Licensing Committee.

## 5. PUBLIC PROCESSION SUB COMMITTEE

With reference to Article 2(d) of the minute of meeting of this Committee of 5 June 2003, the Committee agreed to appoint Councillors Fotheringham, Moore and King to serve on the Public Procession Sub-Committee which had delegated powers to deal with notifications of public processions where the Chief Constable considered that a procession should be prohibited.

## 6. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 6 April 2017 was approved as a correct record and signed by the Convener.

## 7. DELEGATED APPROVALS

There was submitted Report No 160/17 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 March to 15 May 2017.

## 8. CARAVAN SITE LICENCE – CORBIE KNOWE, LUNAN BAY, INVERKEILOR

There was submitted Report No 161/17 by the Head of Regulatory and Protective Services regarding an application to transfer the Caravan Site Licence in terms of the Caravan Sites and Control of Development Act 1960 from the current licensee to Corbie Consortium, c/o Mr Ally Brown, 1 Beechmount Park, Edinburgh.

The Committee agreed to approve the transfer of the Caravan Site Licence for Corbie Knowe, Lunan Bay, Inverekilor to Corbie Consortium, c/o Mr Ally Brown, 1 Beechmount Park, Edinburgh subject to the site's compliance with the "Model Standards" for caravan sites.

#### **9. CARAVAN SITE LICENCE – GRANTS CARAVAN PARK, STRATHMARTINE, BY DUNDEE**

There was submitted Report No 162/17 by the Head of Regulatory and Protective Services, regarding an application by Carol Anne Hosea, Grants (Craigmills) Caravans, Strathmartine, by Dundee to site 28 holiday static caravans with an operating period of 1 March to 31 January each year. It was noted that confirmation had been received from the Planning Division that the relevant planning permission had been granted for the proposed site.

The Committee agreed:-

- (i) to grant a caravan site licence to Carol Anne Hosea, Grants (Craigmills) Caravans, Strathmartine, by Dundee subject to the site's compliance with the "Model Standards" for caravan sites,
- (ii) that the maximum number of caravans to be stationed on site at any one time be 28, and,
- (iii) that the operating period be 1 March to 31 January (closed for the month of February).

#### **10. PUBLIC ENTERTAINMENT LICENCES – FEES**

With reference to Article 5 of the minute of meeting of this Committee of 23 February 2017, there was submitted Report No 163/17 by the Head of Legal and Democratic Services which invited the Committee to consider what actions, if any, required to be taken in respect of fees charged for Public Entertainment Licences obtained by Community Councils.

The Report advised that in the year to 31 December 2016, two Public Entertainment Licences had been obtained by Community Councils which "under the current fee structure" would have generated income of £1,000. If the Committee were minded to recognise that the role of Community Councils in the Community were such that merited them benefitting from the discount applied to organisations with charitable status then this would result in a reduction in income of £930.

It was noted that 83 Public Entertainment Licences had been granted to charitable organisations in the same period and the reduction in income could possibly be off-set by an increase in the discounted fee applied to organisations with charitable status (and including Community Councils) from £35 to £47.

Discussion took place and the Committee agreed that the Report be deferred to enable officers to submit a new fee structure which should include an increase in the discounted fee applied to organisations with charitable status (and including Community Councils) from £35 to £47 and that the three year licence which was 175% of one year licence fee be increased to 200%.

#### **11. TAXI FARES REVIEW**

With reference to Article 8 of the minute of meeting of this Committee of 23 February 2017, there was submitted Report No 164/17 by the Head of Legal and Democratic Services regarding the review of the Taxi Fare Structure for Angus and representations received in response to an advert in The Courier on 8 March 2017 advising that it was proposed that there would be no amendment to the current fare structure.

The Committee heard from Mr Scott Ferrier, Taxi Operator, Forfar who urged the Committee to approve option 2 as detailed in the Appendix to the Report. He advised that an increase was required to help alleviate the various costs and overheads incurred by the Taxi Operators.

The Committee agreed:-

- (i) that Option 1 be adopted and that there would be no increase in the current fee structure; and

- (ii) that the implementation date be delegated to the Head of Legal and Democratic Services.

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

With reference to Article 7 of the minute of meeting of this Committee of 23 February 2017, there was submitted Report No 165/17 by the Head of Legal and Democratic Services advising members of the further developments regarding the testing of taxis and private hire vehicles in Angus following a consultation exercise which had taken place between 10 March and 10 April 2017 where representations were invited from Taxi and Private Hire Car Operators in Angus.

The Committee heard from Ms Wendy Boath, Forfar Taxis and discussion took place regarding a number of differences between the Dundee City Council's Vehicle Inspection check list and Angus Council's Vehicle Inspection check list.

The Committee agreed:-

- (i) to note the responses received in relation to the consultation exercise undertaken with the trade to ascertain their views on the current vehicle inspection service provided by Dundee City Council and the possibility of local garages being used to carry out vehicle inspections;
- (ii) that the Head of Legal and Democratic Services consult with local businesses permitted to conduct MOT Testing to ascertain their willingness to provide vehicle inspections within Angus;
- (iii) to defer adopting Dundee City Council's Vehicle Inspection check list to allow clarification on a number of issues; and
- (iv) that a further Report be submitted to a future Civic Licensing Committee detailing the responses received in relation to the forthcoming consultation exercise.

## **13. TAXI STANCE KIRRIEMUIR**

With reference to Article 9 of the minute of meeting of this Committee of 23 February 2017, there was submitted Report No 166/17 by the Head of Legal and Democratic Services regarding the potential amendments to the Taxi Stance provision in High Street, Kirriemuir, as detailed in Appendices A and B to the Report.

The Committee considered correspondence received from Mr Penman, in connection with the Taxi Stance and Mr Ferrier, Taxi Driver/Operator, addressed the Committee.

After hearing from Mr Hill, Interim Service Manager, Roads, the Committee agreed:-

- (i) to remove the Taxi Stance located outside Number 6 High Street, Kirriemuir as detailed in the Report and on the plan marked Appendix A and as described in Appendix B attached to the Report; and
- (ii) that delegated authority be given to the Head of Legal and Democratic Services to implement the proposal.

## **14. REVIEW OF ADVERTISING ON TAXIS AND PRIVATE HIRE CARS**

There was submitted Report No 167/17 by the Head of Legal and Democratic Services regarding a review of the current arrangements for advertising on taxis and private hire cars.

Ms Wendy Boath, Forfar Taxis, addressed the Committee and highlighted a number of apparent discrepancies in connection with advertising.

The Committee agreed:-

- (i) to note the current guidance on advertising on taxis and private hire cars;

- (ii) to amend the guidance to the extent provided for in Appendix 2 to the Report; and
- (iii) that the Licensing Standards Officer investigate the concerns highlighted by Ms Boath.

## **15. 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 item, 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.

## **16. NEW APPLICATIONS**

There was submitted Report No 168/17 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) Window Cleaner's Licence (WC17)**

With reference to Article 10(c) of the minute of meeting of this Committee of 6 April 2017, the Committee considered a letter of objection received from Police Scotland dated 16 March 2017 in relation to an application for a Window Cleaner's Licence (WC17) received on 18 January 2017.

The applicant was not present.

PC Forbes addressed the Committee on the contents of the objection letter from Police Scotland dated 16 March 2017.

The Committee agreed that the application be refused on the grounds that there was good reason for refusing the application.

### **(b) Street Trader's Licence Fixed Pitch (ST10)**

The Committee considered information received from the Head of Technical and Property Services dated 24 May 2017 in relation to an application for a Street Trader's Licence-fixed pitch received on 5 April 2017 (ST10).

The Committee noted that the application was in respect of two fixed pitch sites:-

- (a) site one James Chalmers Road, Kirkton Industrial Estate, Arbroath for the hours 8.00am to 3.00pm Monday to Friday; and
- (b) site two Kings Drive, Victoria Park, Arbroath for the hours 8.00am to 5.00pm on Saturdays and 12 noon to 5.00pm on Sundays.

The applicant was present and addressed the Committee.

The Committee agreed that the application be granted subject to the standard conditions and to the following additional conditions:-

- (i) site one – that the van is sited such that customers are not queuing on the main carriageway of James Chalmers Road, and Police Scotland were satisfied with the arrangements. The licence to trade at this location would be withdrawn should the adjacent land be developed; and
- (ii) site two – that the applicant obtains the permission of the land owner on which the van will be sited. The applicant will not be permitted to trade when the road is closed or restricted due to events in Victoria Park and that Police Scotland are satisfied with the arrangements.