

ANGUS COUNCIL

MINUTE of MEETING of the **CIVIC LICENSING COMMITTEE** held in the Town and County Hall, Forfar on Thursday 5 April 2018 at 10.47 am.

Present: Councillors RICHARD MOORE, BRIAN BOYD, COLIN BROWN, BRENDA DURNO, DAVID FAIRWEATHER, ALEX KING, DAVID LUMGAIR, GAVIN NICOL AND BETH WHITESIDE

Councillor MOORE, Vice Convener, in the Chair.

1. APOLOGIES

An apology for absence was intimated on behalf of Councillor Craig Fotheringham.

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 22 February 2018 was approved as a correct record and signed by the Convener.

With reference to Article 3 (ii) (j) of the minute of meeting of Angus Council of 22 March 2018, it was noted that in relation to Article 12 of the minute of 22 February 2018, the Council had resolved not to delegate authority to the Service Leader – Legal and Democratic to order the immediate suspension of a licence in terms of section 12 of schedule 1 to the Civic Government (Scotland) Act 1982.

4. DELEGATED APPROVALS

There was submitted Report No 111/18 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 18 January 2018 to 7 March 2018.

5. UPDATED REPORT – IMMIGRATION ACT 2016

There was submitted Report No 112/18 by the Head of Legal and Democratic Services, advising members about the impact of the Immigration Act 2016 on the processing of certain types of licence applications.

Discussion took place regarding the additional responsibility and workload particularly impacting the Licensing team, as a result of the Immigration Act 2016 and concern was expressed by members about the lack of additional funding from the Westminster Government to help provide this statutory duty.

The Committee agreed:-

- (i) to note the amendment of the Civic Government (Scotland) Act 1982 by Schedule 5 of the Immigration Act 2016 with regard to taxi and private hire car driver licences;
- (ii) to note the amendment of the Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009 by the Immigration Act 2016 (Consequential Amendments) (Licensing of Booking Offices: Scotland) Regulations 2017 with regard to booking office licences;
- (iii) to note the effect of the changes on application processing for taxi and private hire car driver licences and booking office licences; and

- (iv) to note the intended future requirement for immigration checks in relation to applications for a late hours catering licence.

6. CARAVAN SITE LICENCE – EAST MUIRHEAD OF LOGIE FARM, KIRRIEMUIR

There was submitted Report No 113/18 by the Head of Housing, Regulatory and Protective Services regarding an application received from Graham Galloway, 29 Bellies Brae, Kirriemuir for a Caravan Site Licence on land located at East Muirhead of Logie Farm, by Kirriemuir as set out in Appendix 1 to the Report.

The Report advised that the land which the application related to would be used between the dates specified to allow the owners of caravans attending the Bonfest Music Festival to site their caravans. Once the Festival had ended the land would be returned to its previous use.

The Committee agreed:-

- (i) to grant a caravan site licence to Graham Galloway, 29 Bellies Brae, Kirriemuir, for a site located at East Muirhead of Logie Farm, by Kirriemuir, as detailed in the Appendix to the Report, 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 50; and
- (iii) that the operating period for the site be limited to 4 consecutive days between 16 April 2018 and 16 May 2018 to accommodate the Bonfest Music Festival.

7. THE OPEN GOLF CHAMPIONSHIP, CARNOUSTIE – PROVISION OF TAXI STANCES

There was submitted Report No 114/18 by the Head of Legal and Democratic Services seeking approval for the arrangements for temporary traffic stances for the duration of the Open Golf Championship in Carnoustie in July 2018.

The Committee noted that there was currently one taxi stance located on Station Road as detailed in Appendix 1 to the Report. It was proposed that the use of this location be suspended for the duration of The Open as this was one of the main routes into the event.

The Report advised that it was proposed to create new stances along Links Avenue which would be one way only for the duration of the event (south to north). This would comprise (from south to north):-

- (i) the creation of a stance of two spaces for the dropping off and picking up of disabled passengers;
- (ii) the formation of two holding ranks for approximately 11 vehicles. Fares would not be accepted whilst taxis were queuing in this area; and
- (iii) the formation of 1 rank at the north end of Links Avenue for 4 vehicles. This was where fares would be picked up from the top down.

The Committee agreed:-

- (i) to approve, in principle, and for consultation purposes the proposals as set out in the plans contained in Appendix 1 to this Report and described therein;
- (ii) to delegate authority to the Service Leader – Legal and Democratic:-
 - (a) to consult with persons or organisations appearing to them to be, or to be representative of, the operators of taxis operating in the area; and
 - (b) having regard to the outcome of that consultation exercise, to give notice to the Chief Constable and public notice of the proposal by advertisement; and
- (iii) to note that any objections or representations received would be reported to the meeting of the Civic Licensing Committee on 17 May 2018.

8. 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 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.

9. NEW APPLICATIONS

There was submitted Report No 115/18 by the Head of Legal and Democratic Services regarding an application received for a new licence 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 Drivers Licence (PHCD46)

The Committee considered a letter of representation received from Police Scotland dated 19 January 2018, in relation to an application for a Private Hire Car Drivers licence (PHCD46) received on 11 January 2018.

The applicant was present and addressed the Committee.

PC Reid, Police Scotland, then addressed the Committee on the contents of the letter from Police Scotland dated 19 January 2018.

The Committee agreed that the application be granted, subject to the standard conditions but that the applicant be given a warning of the possible consequences of any future adverse reports.