

# ANGUS COUNCIL

MINUTE of MEETING of the **CIVIC LICENSING COMMITTEE** held in the Town and County Hall, Forfar on Thursday 6 April 2017 at 10.25am.

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

Councillor KING, Convener, in the Chair.

## 1. APOLOGIES

An apology for absence was intimated on behalf of Councillor Paul Valentine.

## 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 23 February 2017 was approved as a correct record and signed by the Convener.

## 4. DELEGATED APPROVALS

There was submitted Report No 442/17 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 24 January to 8 March 2017.

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

There was submitted Report No 443/17 by the Head of Regulatory and Protective Services regarding an application received from Graham Galloway, 62 Glamis Road, Kirriemuir for a Caravan Site Licence on land located at East Muirhead of Logie Farm, by Kirriemuir.

The Report advised that the land to which the application related 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 ended the land would be returned to its previous use.

The Committee agreed:-

- (i) to grant a caravan site licence to Graham Galloway, 62 Glamis Road, Kirriemuir, 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 12; and
- (iii) that the operating period be 28 April to 1 May 2017.

## 6. AMENDMENT TO CARAVAN SITE LICENCE – NORTH MAINS OF DUN, MONTROSE

There was submitted Report No 444/17 by the Head of Regulatory and Protective Services, regarding an application by David Warden on behalf of D & J Warden (Farming) LLP, North Mains of Dun, Montrose for an amendment to the existing temporary worker's Caravan Site Licence for North Mains of Dun Farm. The amendment would increase the maximum number of caravans that could be accommodated on site from four to six and see the operating period change to 1 February to 30 November (currently 1 May to 16 November).

The Committee agreed:-

- (i) that the temporary workers' Caravan Site Licence be amended in order to allow a maximum number of six caravans on site; and
- (ii) that the site operating period be changed to 1 February to 30 November annually.

**7. TRANSFER OF CARAVAN SITE LICENCE – THRUMS CARAVAN SITE, MARYTON, KIRRIEMUIR**

There was submitted Report No 445/17 by the Head of Regulatory and Protective Services regarding an application for a transfer of the caravan site licence for Thrums Caravan Site, Maryton, by Kirriemuir previously held by Crown Parks Estates.

The Committee agreed to approve the transfer of the Caravan Site Licence for Thrums Caravan Site, Maryton, by Kirriemuir to M B Developments, The Hoose, Kinloch, Blairgowrie.

**8. CHANGES TO LEGISLATION IN RESPECT OF THE LICENSING OF RESIDENTIAL CARAVAN SITES**

There was submitted Report No 446/17 by the Head of Legal and Democratic Services advising members of the changes to legislation in respect of the licensing of residential caravan sites and the timetable for implementing these changes.

The Report advised that the Housing (Scotland) Act 2014 had made significant changes to the 1960 Act and the Committee noted that the changes would only relate to sites licensed to have permanent residents. The changes would not apply to sites not licensed for residential occupation (even though there may be a residential occupation on the site). Details of the current licensed caravan sites in Angus to which the changes affected were detailed in Appendix 1 to the Report.

Discussion took place and it was noted that under the new licensing scheme the local authority would be able to charge a fee for handling a first site licence application and for a licence renewal, however, as this was a new licensing regime it was not clear at this stage how much officer time would be involved in processing first applications and renewals, therefore the situation may need to be monitored with a view to ensuring that the fees charged adequately reflected the cost of administering the new licence regime.

The Committee agreed:-

- (i) to note that the Housing (Scotland) Act 2014 had made significant changes to the Caravan Sites and Control of Development Act 1960 in respect of the licensing of residential caravan sites;
- (ii) to note the changes to the licensing of residential caravan sites including the establishment of a fit and proper person test in respect of the applicant for a residential caravan site licence and any person involved with the day to day management of the site (including a site manager appointed by the site owner to manage the site);
- (iii) to note that those who already hold a site licence issued under the previous licensing regime will have until 1 May 2019 to apply for a new site licence and that the new regime would come into force on 1 May 2017 for those who were applying for a site licence for the first time;
- (iv) the fee structure for handling a first site licence application and for a licence renewal as set out in Appendix 2 to the Report, but that the situation be monitored with a view to ensuring that the fees charged adequately reflected the cost of administering the new licensing regime.

## **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 447/17 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) Private Hire Car Driver's Licence (PHCD42)**

The Committee considered a letter of representation received from Police Scotland dated 16 March 2017, in relation to an application for a Private Hire Car Driver's Licence (PHCD42) received on 27 February 2017.

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 (TD73)**

The Committee considered a letter of representation received from Police Scotland dated 20 March 2017, in relation to an application for a Taxi Driver's Licence (TD73) received on 12 January 2017.

The Committee noted that the applicant was unable to attend the meeting and had submitted a letter dated 20 March 2017, a copy of which had been circulated to members.

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

### **(c) Window Cleaner's Licence (WC17)**

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.

The Committee agreed that the application be deferred to the next meeting on 1 June 2017 to allow the applicant to attend.

### **(d) Street Trader's Licence Fixed Pitch (ST9)**

The Committee noted that the Street Trader's Licence (ST9) received on 16 February 2017 in respect of a Fixed Pitch situated at Denburn Way, Brechin had now been granted under delegated authority following no objections being received.

## **11. APPLICATION TO RENEW LICENCE FOR HOUSE IN MULTIPLE OCCUPATION**

The Committee noted that the application to renew the licence for a House in Multiple Occupation under the Housing (Scotland) Act 2006, by NHS Tayside in respect of property at Staff Residence, Stracathro Hospital, Brechin had now been granted under delegated authority.

## **12. CURRENT LICENCE – REPRESENTATIONS/OBJECTIONS**

There was submitted Report No 449/17 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 (WC16)**

With reference to Article 14(a) of the minute of meeting of this Committee of 23 February 2017, the Committee reconsidered information in relation to a Window Cleaner's Licence (WC16), advising that the licence holder had a pending case against him as detailed in the letter from Police Scotland dated 3 January 2017.

The licence holder was not present.

The Committee agreed to continue the suspension of the licence holder's Window Cleaner's Licence until 30 September 2017 as the licence holder was not a fit and proper person to hold the licence.