

# ANGUS COUNCIL

MINUTE of MEETING of the **CIVIC LICENSING COMMITTEE** held in the Town and County Hall, Forfar on Thursday 23 February 2017 at 10.20am.

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

Councillor KING, Convener, in the Chair.

## 1. APOLOGIES

There were no apologies intimated.

## 2. DECLARATIONS OF INTEREST

Councillor Fairweather declared an interest in item 8 as he had been contacted by a taxi operator but had made no comment. He advised that he would participate in any discussion and voting.

Councillor Boyd declared an interest in item 5 as he had compared at Carnoustie Gala Day for many years. 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 5 January 2017 was approved as a correct record and signed by the Convener.

## 4. DELEGATED APPROVALS

There was submitted Report No 92/17 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 1 December 2016 to 23 January 2017.

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

## 5. PUBLIC ENTERTAINMENT LICENCES - FEES

With reference to Article 8 of the minute of meeting of this Committee of 25 February 2016, there was submitted Report No 93/17 by the Head of Legal and Democratic Services which invited the Committee to consider representations received in respect of fees charged for certain types of public entertainment licences.

The Committee heard from Morag Lindsay on behalf of Arbroath and District Community Council who asked the Committee to consider giving a discount to Community Councils as this would help them fulfil their community role.

The Committee then heard from Ed Oswald, a member of Carnoustie Gala Committee who advised them that the committee, which had been established since 1989 had organised a gala week in Carnoustie every year. However, the organisation was not regulated by OSCR and therefore would not qualify for a discount applied to organisations with charitable status and this would result in the Carnoustie Gala Committee having to pay a much larger fee than in previous years.

The Committee agreed:-

- (i) to note that the fee structure detailed in Appendix 1 to the Report had been approved by this Committee on 25 February 2016 for public entertainment licences which created a scale of fees based on the capacity of the venue/event;
- (ii) to note that the new fee structure contained a flat rate fee for registered charities;
- (iii) to note the terms of the representations received in respect of an organisation which is not a registered charity and which organises an event which requires a public entertainment licence;
- (iv) to recognise the roll of the Community Councils as such that merits them benefitting from the discount applied to organisations with charitable status; and
- (v) that a further Report be submitted to a future Civic Licensing Committee detailing the financial implications of giving Community Councils a discount as this would reduce income to the Council unless the fee structure was adjusted to ensure the proposal was cost neutral.

*Councillor Boyd re-joined the meeting.*

## **6. PUBLIC ENTERTAINMENT LICENCES**

With reference to Article 6 of the minute of meeting of this Committee of 15 August 2013, there was submitted Report No 94/17 by the Head of Legal and Democratic Services inviting the Committee to consider whether it wished to re-visit what type of events require Public entertainment Licences, particularly in connection with major sporting events. A copy of the resolution was attached as Appendix 1 to the Report.

The Report advised that last year representations had been received from the organisers of the Senior Open which was being held at Carnoustie Golf Links. The Council was invited to consider whether the Senior Open, which it was never disputed, was a major sporting event required a Public Entertainment Licence. The representations were based on an exemption in the 1982 Act which exempted the requirement for a Public Entertainment Licence for "an athletic or sports ground being used as such".

The Committee agreed to remove the requirement that required a Public Entertainment Licence for the use of premises for a major sporting event, but only in respect of a major sporting event taking place in a sports ground ("sports ground" being defined as "any place where sports or other competitive activities take place in the open air and where accommodation had been provided for spectators, consisting of artificial structures or of natural structures artificially modified for the purpose").

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

With reference to Article 6 of the minute of meeting of this Committee of 6 August 2015, there was submitted Report No 95/17 by the Head of Legal and Democratic Services advising members of further developments regarding the testing of taxis and private hire vehicles in Angus.

The Committee agreed:-

- (i) to note that Tayside Contracts had advised that they were unable to undertake taxi and private hire car vehicle inspections in Angus;
- (ii) to note that arrangements with Dundee City Council to use their testing facilities for Angus vehicles had worked well and would continue;
- (iii) to note that agreement has been reached with Dundee City Council to offer MOTs at the same time as vehicle inspections at a cost of £11; and

- (iv) that a consultation exercise be undertaken with the trade to ascertain their views on the current service and the possibility of local garages being used to carry out vehicle inspections.

## **8. TAXI FARES REVIEW**

With reference to Article 8 of the minute of meeting of this Committee of 7 January 2016, there was submitted Report No 96/17 by the Head of Legal and Democratic Services regarding the proposed review of the taxi fare structure for Angus and representations received following public advertisement of the proposed new scales.

The Committee heard from Mr Mitchell Murray, 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 due to the rise in garage costs, servicing costs and Angus Council fees.

After discussion and consideration of the representations received, the Committee agreed that there would be no increase in the current fare structure.

## **9. TAXI STANCE - KIRRIEMUIR**

With reference to Article 5 of the minute of meeting of this Committee of 25 February 2016, there was submitted Report No 97/17 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 Report advised that following the introduction of this taxi stance, objections to its placement had been received from the Kirriemuir Business Community. As a result, a survey, incorporating spot checks, took place between Tuesday 29 November 2016 and Monday 19 December 2016 by Angus Council Roads Service which indicated that the taxi operators and taxi drivers rarely used the High Street stance and that there was spare capacity in the nearby Bank Street taxi stance. The findings of the survey were detailed in Appendix C to the Report.

The Committee agreed:-

- (i) to consult with organisations appearing to be, or to be representative of, the operators of taxis operating in their area (as required by Section 19(1) of the Civic Government (Scotland) Act 1982) in respect of the proposed removal of the taxi stance provision in High Street, Kirriemuir, as detailed in the Report and shown on the Plan attached to the Report;
- (ii) that in the absence of any objection or representation, give notice of the proposal to the chief constable and give public notice of the proposal by advertisement in at least one newspaper circulating in the area (as required by Section 19(4) of the Civic Government (Scotland) Act 1982);
- (iii) that in the absence of any objection or representation, obtain the consent of the roads authority to the proposal; and
- (iv) to implement the proposal.

## **10. APPLICATION TO PLACE ADVERTISEMENT ON A TAXI VEHICLE**

There was submitted Report No 98/17 by the Head of Legal and Democratic Services regarding an application to place an advertisement on taxi vehicle number T466 received on the 19 January 2017 from Robert Innes, the details of which were contained in Appendix 1 to the Report.

Mr Innes was present and addressed the Committee.

The Committee agreed to grant permission to place an advertisement on taxi vehicle number T466.

## 11. 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.

## 12. NEW APPLICATIONS

There was submitted Report No 99/17 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) Taxi Driver's Licence (TD68)

The Committee considered a letter of objection received from Police Scotland dated 12 February 2017, in relation to an application for a Taxi Driver's Licence (TD68) received on 25 November 2016.

The applicant was present and addressed the Committee.

PC Scanlon, Police Scotland, then addressed the Committee on the contents of the letter from Police Scotland dated 12 February 2017.

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

### (b) Taxi Driver's Licence (TD69)

The Committee considered a letter of objection received from Police Scotland dated 30 December 2016, in relation to an application for a Taxi Driver's Licence (TD69) received on 8 December 2016.

The applicant was not present.

The Committee noted that the applicant had a pending case and agreed that the application be deferred to the next meeting of the Civic Licensing Committee on 6 April 2017.

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

The Committee considered a letter of objection received from Police Scotland dated 28 December 2016 in relation to an application for a Window Cleaner's Licence (WC17) received on 7 December 2016.

The Committee noted that the applicant had spent convictions, outline details of which were contained within Appendix A of the letter from Police Scotland dated 28 December 2016.

PC Scanlon, Police Scotland, advised the Committee of the age and nature of the spent convictions and the Committee unanimously agreed that, in the circumstances, it was in the interest of justice that Appendix A be circulated to members. The Committee then noted the outline details of the spent convictions.

The applicant was present and addressed the Committee.

PC Scanlon then addressed the Committee and gave details of the applicants current convictions detailed in the letter from Police Scotland dated 28 December 2016.

The applicant then summed up.

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.

**(d) Late Hours Catering Licence (LHC23)**

The Committee considered a letter of objection dated 13 December 2016 from Mr Fraser MacKenzie, Planning Officer (Development Standards) in relation to an application for a Late Hours Catering Licence (LHC23).

The applicant was present and addressed the Committee.

Mr Hunter, Development Standards Manager then addressed the Committee on the terms of the correspondence and gave details of the current position.

The Committee agreed that the Late Hours Catering Licence (LHC23) be granted for the hours Sunday to Thursday 11 pm to 12 midnight and Friday and Saturday 11 pm to 1 am.

**(e) Private Hire Car Driver's Licence (PHCD41)**

The Committee considered an application for a Private Hire Car Driver's Licence (PHCD41) received on 31 October 2016 and noted that the applicant had not undertaken a medical examination which was a requirement for the licence.

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 the licence.

**13. RENEWAL APPLICATIONS**

There was submitted Report No 100/17 by the Head of Legal and Democratic Services regarding applications received for the renewal of licences under the Civic Government (Scotland) Act 1982 and other miscellaneous Acts which were required to be determined by the Committee, as detailed in the Appendix to the Report.

**(a) Taxi Driver's Licence (TD70)**

The Committee considered an application for a Taxi Driver's Licence (TD70) received on 30 December 2016 and noted that a letter of representation from Police Scotland dated 7 February 2017, had been received outwith the statutory 21 day period.

The Clerk advised the Committee that the letter had been submitted late due to an administrative error on the Council's behalf.

The Committee agreed that it was satisfied there was sufficient reason for the lateness of the letter and accordingly it was then circulated to the Committee.

The applicant was not present.

The Committee agreed that the application be deferred to the next scheduled Committee meeting on 6 April 2017 to allow the applicant to attend.

**(b) Second Hand Dealer's Licence (SHD11)**

The Committee considered an objection received from the Development Standard's Manager dated 19 December 2016 in relation to an application for a Second Hand Dealer's Licence (SHD11) received on 13 December 2016.

The applicant was not present.

The Committee then heard from Mr Hunter, Development Standards Manager, who advised that enforcement action was taking place.

Members then asked questions of Mr Hunter, PC Scanlon, Police Scotland and the Licensing Standards Officer, Mr Gillespie.

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

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

There was submitted Report No 101/17 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)**

The Committee considered 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:-

- (i) to suspend the licence holder's Window Cleaner's Licence until 6 April 2017 as the licence holder was not a fit and proper person to hold the licence; and
- (ii) to reconsider the position at the meeting on 6 April 2017, and that the licence holder be advised to attend.