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CIVIC GOVERNMENT LICENSING COMMITTEE FRIDAY, 20TH APRIL, 2018

A MEETING of the CIVIC GOVERNMENT LICENSING COMMITTEE will be held in COMMITTEE ROOMS 2 AND 3, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on FRIDAY, 20 APRIL 2018 at 10.30 a.m.

J. J. WILKINSON,
Clerk to the Council,

13 April 2018

BUSINESS		
1.	Apologies for Absence	
2.	Order of Business	
3.	Declarations of Interest	
4.	Minute (Pages 3 - 4) Minute of Meeting held on 19 January 2018 to be noted and signed by the Chairman. (Copy attached.)	2 mins
5.	Licences issued under Delegated Powers (Copy to follow.)	5 mins
6.	Licensing of Street Traders (Pages 5 - 12) Consider application for Grant of Street Trader Licence - Lorraine Sharkey. (Copy application and objection from Dr and Mrs B Auld together with applicants written responses attached.)	20 mins
7.	Items Likely to be Taken in Private Before proceeding with the private business, the following motion should be approved: "That under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be exclude from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 14 of Part 1 of Schedule 7A to the aforementioned Act."	
8.	Minute (Pages 13 - 14)	2 mins

	Private section of Minute of Meeting held on 19 January 2018 to be noted and signed by the Chairman. (Copy attached.)	
9.	Any Other Items Previously Circulated	
10.	Any Other Items which the Chairman Decides are Urgent	

NOTES

1. **Timings given above are only indicative and not intended to inhibit Members' discussions.**
2. **Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

Membership of Committee: Councillors J Greenwell (Chairman), J Brown, D Paterson, N Richards, S Scott, R Tatler, E Thornton-Nicol, G Turnbull, T Weatherston.

Please direct any enquiries to:

Fiona Henderson tel: 01835 826502 e-mail: fhenderson@scotborders.gov.uk

SCOTTISH BORDERS COUNCIL
CIVIC GOVERNMENT LICENSING COMMITTEE

MINUTE of Meeting of the CIVIC
GOVERNMENT LICENSING COMMITTEE
held in COMMITTEE ROOMS 2 AND 3,
COUNCIL HEADQUARTERS, NEWTOWN
ST BOSWELLS on Friday, 19 January 2018
at 10.30 a.m.

Present:- Councillors J. Greenwell (Chairman), J. Brown, D. Paterson, N. Richards, S. Scott, R. Tatler, E. Thornton-Nicol, G. Turnbull.

Apologies:- Councillor T. Weatherston.

In Attendance:- Managing Solicitor – Property and Licensing, Licensing Team Leader, Licensing Standards and Enforcement Officers (Mr I. Tunnah and M. Wynne), Democratic Services Officer (F Henderson), Inspector T Hodges and PC T Ray- Police Scotland.

1.0 **MINUTE**

1.1 The Minute of the Meeting of 15 December 2017.

DECISION

APPROVED and signed by the Chairman.

2.0 **LICENCES ISSUED UNDER DELEGATED POWERS**

2.1 Miscellaneous Licences issued under delegated powers between 2 December 2017 – 10 January 2018.

DECISION

NOTED.

3.0 **PRIVATE BUSINESS**

DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 12 of part 1 of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

4.0 **GRANT OF TAXI DRIVER LICENCE – BENJAMIN GILCHRIST**

4.1 The Committee noted that Police Scotland had withdrawn their representation therefore the application for a Taxi Driver Licence submitted by Benjamin Gilchrist would be granted.

5.0 **MINUTE**

5.1 The Private section of the Minute of 15 December 2017 was approved.

6.0 **PUBLIC BUSINESS**

URGENT BUSINESS

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to keep Members informed.

- 6.2 Prior to the conclusion of the meeting, the Managing Solicitor provided the members with a briefing note, the purpose of which was to make them aware of the ongoing Scottish Government consultation regarding the guidance to be provided in connection with a new non mandatory licensing regime for sexual entertainment venues. The Air Weapons and Licensing (Scotland) Act 2015 makes provision for the creation a new non mandatory licensing regime for such venues and the provisions when commenced would allow local authorities to licence these venues under the Civic Government(Scotland) Act 1982. When the provision within the Air Weapons and Licensing (Scotland) Act 2015 becomes effective, local authorities would have to decide whether or not they wished to licence establishments of this nature. To do so, local authorities must pass a resolution which must specify a date when it was to take effect, which date was to be at least one year from the date the resolution was passed and must also prepare a policy statement. Both the resolution and the policy statement should be published at the same time and in the same manner not less than 28 days prior to the resolution taking effect. Where no resolution was in place then no licence would be required to operate a sexual entertainment venue.
- 6.3 In addition, Section 74 of the Air Weapons and Licensing (Scotland) Act 2015 would repeal the existing mandatory licensing regime for theatres which was currently governed by the Theatre Act 1968. When brought into force, Section 74 would enable local authorities to licence theatres under the public entertainment requirements within the Civic Government (Scotland) Act 1982. As with sexual entertainment venues, local authorities would have to consider whether to licence theatres under the 1982 Act and pass an appropriate resolution accordingly. **Both of these provisions were likely to be implemented during the course of 2018 and thought would therefore require to be given to them in the very near future.**

**DECISION
NOTED.**

The meeting concluded at 10.40 a.m.

Civic Government (Scotland) Act 1982 APPLICATION FOR GRANT/RENEWAL OF A STREET TRADER LICENCE	23 FEB 2018 LICENSING UNIT
<i>Please read the attached guidance notes before completing this form</i>	

Question 1 or 2, and all other questions must be answered. Please use block capitals.

1. To be completed if applicant is a private individual

Full name (if you are a married woman, give your maiden name too)	Surname SHARKEY	
	Forenames LORRAINE	
Home Address	[REDACTED]	
Post Code	[REDACTED]	
Telephone No. (business hours)	[REDACTED]	
E-mail Address	[REDACTED]	
Age, Date and Place of Birth	[REDACTED]	[REDACTED]
	Place of Birth [REDACTED]	
Is applicant to carry out the day to day management of the street trading?	YES	
If not, give full name, address and date of birth of any manager.		
Contact telephone number		
E-Mail Address		

2. To be completed if applicant is not a private individual (e.g. Company or partnership)

Full name		
Address and Postcode of Principal or Registered Office		
Telephone number and email address		
Names, private addresses and dates of birth of directors, partners or other persons responsible for its management		
Name, address and telephone number of manager		
Age, date and place of birth of manager	Age	Date of Birth
	Place of Birth	

Date Rec'd 23/2/18	Fee Paid £205 Cmg.	Date to Police, ✓ Fire, EHO, ✓ Trading Standards, ✓ Transport and ✓ Environ Standards ✓ Planny ✓ 7/3	Reply no obs ✓ Page 5 JH - no obs	Objectors 1 Red ✓ 2-7/3/18	Granted/Refused
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E HEALTH CMC

Site notes ✓

<p>3. (a) Do you currently hold a licence or permit for street trading?</p> <p>(b) Have you ever applied for and been refused a licence/permit for street trading or had a Street Traders Licence suspended?</p>		<p>NO</p> <p>NO</p>
<p>4.(a) State locality in which you propose to trade</p> <p>(i) Do you propose to trade from particular location(s) only?</p> <p>(ii) If YES, Please identify location(s) by reference to street names or a sketch map if necessary</p> <p>(b) If you propose to trade from any location which is not on the carriageway of any street, are you the owner of the site(s)?</p> <p><u>If not, a letter of consent from the owner of every such site must accompany this application</u></p>	<p>YES</p> <p>AREA ADJACENT TO 9 BLACKBULL STREET, DUNS</p> <p>18 MURRAY STREET, DUNS</p> <p>YES</p>	
<p>5.</p> <p>(a) Specify the proposed days and hours of opening</p> <p>(b) Specify period of the licence (maximum 3 years)</p>	<p>MONDAY – FRIDAY 11AM-2PM</p> <p>3 YEARS</p>	
<p>6. Nature of goods/services in which you propose to trade</p>	<p>HOMEBAKING/TAKEAWAY</p>	
<p>7. Address of premises at which the goods will be stored when not being offered for sale</p>	<p>9 BLACKBULL STREET, DUNS</p>	
<p>8. State type and registration number of any vehicle or give details of any stall, kiosk or other structure to be used for street trading.</p>	<p>SMALL GAZEBO AND TABLE TO BE USED FOR STREET TRADING</p>	

9. Subject to the provisions of the Rehabilitation of Offenders Act 1974, has any party named in 1 or 2 above been convicted of any crime or offence? NO If YES, give details below

Date	Court	Offence	Sentence

Continue on a separate page if necessary

10. Declaration.

A. * I declare that I am/We declare that we are complying with Paragraph 2(2) of Schedule 1 of the Civic Government (Scotland) Act 1982 regulating the display of a site notice for a period of 21 days from today, at or near the premises so that it can be conveniently read by the public.

* Delete A, B or C as appropriate

I/ We declare that the particulars given on this form are correct to the best of my knowledge and belief.

I/ We understand that the information supplied by me/us as detailed in this form may be stored on a computer system by this Authority for the purpose of Licensing and that information may be disclosed to the police and other relevant parties for vetting and background enquiries whilst processing this application.

I/We understand that this authority is under a duty to protect the public funds it administers and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Signature of Applicant:

[Redacted Signature]

Date: 21.2.18.

Signature of Agent (if applicable):

Date:

18 Murray Street
Duns
TD11

12-2-2018

To Whom It May Concern

I, Shirley Gill, residing at 18 Murray Street Duns consent to Lorraine Sharkey, Homebaker erecting a stall in the grounds of my property for the purpose of selling produce.

Yours faithfully,

A solid black rectangular box redacting the signature of Shirley Gill.

Shirley Gill

LICENSING (SCOTLAND) ACT 2005
NOTICE OF OBJECTIONS/REPRESENTATIONS



SCOTTISH BORDERS LICENSING BOARD
Licensing Unit, Council Headquarters, Newtown St Boswells TD6 0SA
(Tel: 01835 826662; Fax 01835 826693; E-mail liquorandlicensing@scotborders.gcsx.gov.uk)

Name and Address of Premises

Proposed Gazebo at the front of 18 MURRAY STREET DUNS BERWICKSHIRE

Name and Address of Objector DR AND MRS B M AULD

[REDACTED]

Nature of Objections/Representations

WE OBJECT TO THE ABOVE FOR THE FOLLOWING REASONS.

1. **PARKING AND TRAFFIC ISSUES .**
2. **POTENTIAL DISRUPTION TO TRAFFIC EXITING AND ARRIVING AT OUR DRIVE**
3. **POTENTIAL FOR LITTER**
4. **EFFECT ON OUR AESTHETIC ENVIRONMENT**

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CIVIC GOVERNMENT LICENSING COMMITTEE – 20 APRIL 2018

APPLICATION FOR GRANT OF STREET TRADER LICENCE – L SHARKEY

**APPLICANT'S RESPONSES TO POINTS CONTAINED IN OBJECTION
RECEIVED FROM DR & MRS B M AULD**

1. Parking and Traffic Issues

“There will be minimal parking and traffic uses as the stall will be directed at passing pedestrian and local school children, with limited restricted opening times. Also there are currently parking facilities in the area to accommodate local visitors”

2. Potential Disruption to Traffic Exiting and Arriving at our Drive

“I would refer to my previous answer above”

3. Potential for Litter

“There are currently 2 litter bins within a 50m radius of the proposed site which should accommodate any increased litter problems. The likelihood is that clients will take any provisions away with them to eat at a later time or alternative site”

4. Affect on Aesthetic Environment

“The proposed gazebo will be in situ for a limited period on a daily basis and as such will have a minimal impact on any aesthetic environment”

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