

**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, 20 April 2018 at  
10.30 a.m.

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

Apologies:- Councillor N. Richards.

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 19 January 2018.

**DECISION**

**NOTED and signed by the Chairman.**

**2.0 LICENCES ISSUED UNDER DELEGATED POWERS**

2.1 Miscellaneous Licences issued under delegated powers between 14 March 2018 – 11 April 2018.

**DECISION**

**NOTED.**

**3.0 LICENSING OF STREET TRADERS**

- 3.1 There had been circulated copies of an application for the Grant of Street Traders Licence submitted by Lorraine Sharkey, a letter of objection and a copy of the applicants written response to the objection. Mr Sharkey, the applicants brother, was present at the meeting on her behalf as she had been hospitalised and was undergoing surgery.
- 3.2 Mr Wynne, Licensing Standards and Enforcement Officer explained that the application was for a Street Traders Licence to operate between 11 a.m. and 2 p.m. on Monday – Friday of each week selling homebaking and takeaway food. The food would be prepared off site and sold from a portable gazebo erected at the front of 18 Murray Street, Duns.
- 3.3 An objection had been received from Dr and Mrs B M Auld in terms of parking and traffic issues, potential disruption to traffic exiting and arriving at Murray Street, potential for litter and the effect on the aesthetic environment. There were no representations or objections by Police Scotland.
- 3.4 Mr Sharkey explained that the gazebo was similar to those used at the Farmers Market and the intention was to serve one hot dish per day together with homebaking and gluten free products. There would be no fizzy drinks for sale and he did not envisage any parking problems. In terms of potential for rubbish, it was reported that there were two litter bins provided within a 50m radius of the proposed site which should accommodate any increase in litter, although Mr Sharkey was prepared to provide a further bin. Mr Sharkey advised that the hot food and homebaking would be prepared off site and that the preparation area already had all the required approvals. The gazebo would be in situ for a limited period on

a daily basis and as such would have a minimal impact on any aesthetic environment. The Members raised concerns with regard to the impact on established businesses within the vicinity, whether the route between the site and the Secondary school was safe for children and the stability of the gazebo. The Clerk advised that the impact on established business was not a matter the Committee could take into account and that the act provided that the trading location must be more than 100 yards away from an established business selling similar goods. In addition, Ms Sharkey would require to obtain a food hygiene certificate of compliance from Environmental Health.

**DECISION**

**GRANTED with the additional provision of a further litter bin.**

4.0 **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**

5.0 **MINUTE**

5.1 The Private section of the Minute of 19 January 2018 was approved.

*The meeting concluded at 11am.*