

SCOTTISH BORDERS COUNCIL CIVIC GOVERNMENT LICENSING COMMITTEE

MINUTES 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 am

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4.1 The Committee noted that Police Scotland had withdrawn their representation therefore the application for a Taxi Driver Licence submitted by Benjamin Gilchrist would be granted.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