

# **SCOTTISH BORDERS COUNCIL CIVIC GOVERNMENT LICENSING COMMITTEE**

MINUTES of Meeting of the CIVIC  
GOVERNMENT LICENSING COMMITTEE  
held in Committee Rooms 2 and 3 on Friday,  
20 July 2018 at 10.00 am

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

Apologies:- Councillors E. Thornton-Nicol, T. Weatherston.

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

1. **MINUTE**

The Minute of the Meeting of 22 June 2018.

**DECISION**

**NOTED and signed by the Chairman.**

2. **LICENCES ISSUED UNDER DELEGATED POWERS**

Miscellaneous Licences issued under delegated powers between 14 June – 11 July 2018.

**DECISION**

**NOTED.**

3. **LICENSING OF STREET TRADERS**

**GRANT OF STREET TRADER LICENCE – CHIA LOK LEE**

There had been circulated copies of an application for a material change to the Street Traders Licence held by Chia Look Lee, together with a letter of objection. Mr and Mrs Lee were present.

3.1 Licensing Standards and Enforcement Officer, Mr Wynne, explained that the Street Trader Licence had been issued in January 2018 for various locations throughout the Borders. Mr Lee now wished to operate from set locations with set times and an objection had been received from the owners of Herges on the Loch.

3.2 There was no representation from Police Scotland.

3.3 On being invited to address the Committee, Mr Craig advised that he had no objection to Mr Lee trading, however the provision of the car parking in question was a condition when planning permission had been granted to build the restaurant. The provision of further Units had been approved and car parking would be required for them. Mr Craig referred to SBC guideline No. 20 – *‘where the licensee carries on business from a stall or fixed stance such stall or stance shall not be located within a 100 metre radius of any shop or business premises in which are sold goods or articles of the same description as, or similar description to, those sold by the licensee.’* and questioned where the

measurement would be taken from i.e. Herges land boundary. On a personal note Mr Craig was of the opinion that the view from the restaurant would be spoiled.

- 3.4 On being invited to address the Committee, Mr Lee explained that his business was a mobile kitchen, selling Chinese takeaway. On receipt of his licence a number of locations had initially been trialled. Mr Lee had now applied for set locations on set days at set times as there had been a positive response, particularly at Tweedbank. In terms of the 100 metres guideline cited by Mr Craig, he had sought advice from the SBC Roads Department and had been advised that this did not apply. Mr Lee was of the opinion that he was not directly competing with Herges Restaurant as the venue was a sit down restaurant and he had a younger client base looking for cheaper, takeaway food. Mr Lee had supplied a series of photographs showing the position of the mobile kitchen and vehicle which required to be attached to the mobile kitchen at all times. There had been no other complaints from Residents within the area.

#### **VOTE**

*Councillor Paterson, seconded by Councillor Tatler, moved that the application be granted subject to planning permission being obtained.*

*Councillor Scott moved as an amendment that the application be refused. There was no seconder for this motion.*

#### **DECISION**

**AGREED** that the application for a material change submitted by Mr C Lee be granted, subject to the required planning permission being granted.

### **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. **GRANT OF TAXI DRIVER LICENCE – KEVIN CHISHOLM**

The Committee considered an application for the grant of a Taxi Driver Licence submitted by Kevin Chisholm and agreed to grant the application.

6. **GRANT OF TAXI DRIVER LICENCE – CSABA ORTUTAY**

The Committee considered an application for the grant of a Taxi Driver Licence submitted by Csaba Ortutay and agreed to grant the application.

7. **GRANT OF TAXI DRIVER LICENCE – IAN HYDE**

The Committee considered an application for the grant of a Taxi Driver Licence submitted by Ian Hyde and agreed that the application be refused.

8. **MINUTE**

The Private section of the Minute of 22 June 2018 was approved.

*The meeting concluded at 10.55 a.m.*