

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, 20 September
2019 at 10.45 am

- Present:- Councillors J. Greenwell (Chairman), J. Brown, D. Paterson, N. Richards,
R. Tatler, E. Thornton-Nicol.
- Apologies:- Councillors S. Scott, G. Turnbull, T. Weatherston.
- In Attendance:- Managing Solicitor – Property and Licensing, Licensing Team Leader,
Licensing Standards and Enforcement Officers (Mr I. Tunnah and Mr M.
Wynne), Democratic Services Officer (F. Henderson), Inspector J. McGuigan
and PC J Fortune - Police Scotland.

1.0 **MINUTE**

The Minute of the Meeting of 23 August 2019 had been circulated.

DECISION

APPROVED and signed by the Chairman.

2.0 **LICENCES ISSUED UNDER DELEGATED POWERS**

There had been circulated copies of the Civic Government and Miscellaneous Licences issued under delegated powers between 9 July 2019 to 3 September 2019.

DECISION

NOTED.

3.0 **LATE HOURS CATERING – ALFONSO CROLLA**

There had been circulated copies of an application for Renewal of a late hours catering licence from Alfonso Crolla together with a number of letters of objection/representation. The Clerk highlighted that the application was for a renewal of late hours catering which Mr Crolla had held for a number of years. Mr and Mrs Crolla were present at the meeting. The Clerk confirmed with them that they had been made aware of the procedure. No one was present to speak in respect of the written concerns raised regarding the application and Members confirmed they had received them with the Agenda for the meeting.

- 3.1 Licensing Standards and Enforcement Officer, Mr. Wynne confirmed that Mr Crolla had operated a late hours catering licence at his fish and chip shop for the hours applied for in the renewal application since 2007 and had no knowledge of any complaints being received as a result of the fish and chip shop late trading hours. He was aware that representations had been made when the late hours were granted at that time.
- 3.2 Inspector McGuigan confirmed that Police Scotland had no comment to make in relation to the application and in response to a question from Members advised that anti-social behaviour had not been reported as an issue related to the operation of the premises.
- 3.3 On being invited to address the Committee, Mrs Crolla explained that the application was for a renewal of the late hours catering licence and there had not been any problems with

the operation of the late hours previously. Mrs Crolla referred to the objections lodged which included; traffic noise after midnight, playing of loud music and slamming car doors, significant problems during the 7s tournament relating to drunkenness, anti-social behaviour, littering and urinating in doorways. Mrs Crolla went on to say that the Fish and Chip shop was not responsible for the concerns raised and that the extended hours to 1 a.m. were only required twice per year, namely for the 7s Tournaments and Civic Week. For the remainder of the year the premises close at 12.15 a.m. on Friday and Saturday and 11.30p.m. Sunday – Thursday. The late hours is mainly used in the summer months and in the winter months for deep cleaning the premises. She stressed that the Police had never been called to the premises in relation to the late hours operating.

- 3.4 There followed discussion between the Members who expressed concern regarding the matters raised in the written representations, however, there was consensus that the operation of the premises late hours should be renewed. It was suggested that other routes be taken to address the concerns highlighted, such as input by the local Community Council and contact with Police Scotland to report any matters of a criminal nature at the time they occur.

DECISION

AGREED that the application submitted by Mr Crolla for the renewal of a Late Hours Catering Licence be granted.

4.0 LICENSING OF STREET TRADERS - JOHN SCLATER

- 4.1 There had been circulated copies of an application for a Street Trader Licence from John Sclater together with supporting information and a letter of objection. Mr Sclater and his Fiancée were present at the meeting. Miss Langford who had submitted the letter of objection was also present. The Clerk confirmed with them that they had been made aware of the procedure.
- 4.2 Licensing Standards and Enforcement Officer, Mr. Wynne advised that Mr Sclater had applied for a Street Trader Licence to allow him to serve hot and cold snacks between 7 a.m. and 4 p.m. Monday – Friday and between 8 a.m. and 1 p.m. on a Saturday within the layby on the A68, East Craigsford layby 150 metres south of Earlston. Mr Sclater had applied for and been granted planning permission, permission to use the layby from Transport Scotland and the required certificate of compliance for his vehicle.
- 4.3 On being invited to address the Committee, Mr Sclater explained that he had followed all procedures and applied for all required permissions, the planning permission requiring a notice to be displayed within the layby. The process had taken longer than anticipated, resulting in him requiring to re-apply for a Street Trader Licence. Mr Sclater further explained that he had addressed all the points raised by the objector in his supporting information. The litter would be his responsibility as stipulated in his permission to use the layby so there would be less litter there than there was at present as he would be ensuring that all litter was correctly disposed of during his operating hours. In terms of feeding the ponies, he understood completely the owner's concerns and having been brought up around horses, would never harm them or allow anyone else to do so. He would display Notices asking customers not to park over the access gate or feed the ponies. Mr Sclater had already purchased a modern petrol generator which was a low noise output of 65 decibels (normal conversation is 60 and a household vacuum cleaner was 70) all of which would be lower than passing lorries /tractors. In respect of road safety, Mr Sclater advised that he had initially applied to Transport Scotland for permission to trade from the larger layby approx. 300 metres from the site but this had been refused on road safety concerns. He had been advised that trading had been permitted from the East Craigsford Lay-by and Mr Sclater had applied and been granted consent from Transport Scotland to trade from the layby for one year and renewal would be dependent on there being no issues.

- 4.4 On being invited to address the Committee, Miss Langford explained that she owned mini ponies which were stabled within the field next to the layby. These ponies were ridden by toddlers at any time of the day, who had to pass the van to access the arena further down the layby. Miss Langford emphasised that the layby was an accident black spot and Police Scotland were aware of this. She further explained that the gate for the field was directly at the entrance to the layby and vehicles speed into the layby, which was already busy and would become busier if there was a snack van within it. There had been many vets' bills as a result of animals being fed by people using the layby. Miss Langford was concerned about the noise which would make the animals jumpy and referred to her own daughter, who was disabled, riding the pony. Miss Langford also referred to flooding which had previously occurred in the layby, requiring the ponies to be moved further into the field.
- 4.5 In response to questions from the Committee, Mr Sclater confirmed that he was prepared to put up any notices which were required and to prevent feeding of the ponies during his operating times. Members were of the unanimous opinion that Mr Sclater had taken extensive measures to alleviate the objector's concerns and could not be held accountable for the actions of other users of the public road or layby.

DECISION

AGREED that the application submitted by Mr Sclater for the grant of Street Trader Licence be granted.

5.0 **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 14 of part 1 of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

6.0 **Minute**

The Private section of the Minute of 23 August 2019 was approved.

The meeting concluded at 11.25 a.m.