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CIVIC GOVERNMENT LICENSING COMMITTEE TUESDAY, 29TH MARCH, 2022

A MEETING of the CIVIC GOVERNMENT LICENSING COMMITTEE will be held on TUESDAY, 29 MARCH 2022 at 10.00 am. The meeting will be conducted remotely via Microsoft Teams in accordance with section 43 of the Local Government (Scotland) Act 1973.

J. J. WILKINSON,
Clerk to the Council,

22 March 2022

BUSINESS		
1.	Apologies for Absence	
2.	Order of Business	
3.	Declarations of Interest	
4.	Minute (Pages 3 - 4) Minute of Meeting held on 28 February 2022 to be approved and signed by the Chairman. (Copy attached.)	2 mins
5.	Licences issued under Delegated Powers (Pages 5 - 8) (Copy attached.)	5 mins
6.	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."	
7.	Licensing of Taxi, Private Hire Vehicles and Drivers (Pages 9 - 10) Hearing to consider request for suspension of Taxi Driver Licence. (Copy report from Police Scotland attached.)	45 mins

8.	Minute (Pages 11 - 12) Private section of Minute of Meeting held on 28 February 2022 to be approved and signed by the Chairman. (Copy attached.)	5 mins
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 and T. Weatherston

Please direct any enquiries to Fiona Henderson Tel: 01835 826502
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**SCOTTISH BORDERS COUNCIL
CIVIC GOVERNMENT LICENSING COMMITTEE**

MINUTES of Meeting of the CIVIC
GOVERNMENT LICENSING COMMITTEE
held via Microsoft Teams on Monday, 28
February 2022 at 11.00 a.m.

- Present:- Councillors J. Brown, D. Paterson, N. Richards, S. Scott, R. Tatler,
E. Thornton-Nicol, G. Turnbull and T. Weatherston.
- Apologies:- Councillor J. Greenwell.
- In Attendance:- Managing Solicitor (Property and Licensing), Licensing Standards and
Enforcement Officers (M. Wynne, J. Scott and H. Wood), Inspector J.
McGuigan, Democratic Services Officers (F. Henderson)
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APPOINTMENT OF CONVENER

The Managing Solicitor welcomed everyone to the meeting of the Scottish Borders Licensing Board. In the absence of Councillor Greenwell, Councillor Richards proposed that Councillor Weatherston be appointed as Convener for the meeting. This was seconded by Councillor Turnbull and unanimously agreed.

DECISION

AGREED that Councillor Weatherston be appointed Convener for this meeting.

1. **MINUTE**

The minute of the meeting held on Friday, 17 December 2021 had been circulated.

DECISION

APPROVED and signed by the Chairman.

2. **LICENCES ISSUED UNDER DELEGATED POWERS**

For Members' information there had been circulated copies of lists of licences dealt with under delegated powers for the periods 7 December 2021 – 15 February 2022.

DECISION

NOTED.

3. **LICENSING OF SHORT TERM LETS**

- 3.1 There had been circulated copies of a report by the Clerk, Scottish Borders Civic Government Licensing Committee which advised the Members of the impending introduction of the Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022 which would make the use of accommodation for a short term let an activity for which a licence was required, to summarise the licensing requirements and to advise on the work to be undertaken to ensure that arrangements were in place to meet the legal requirements of the order.

- 3.2 The report explained that Section 44 of the Civic Government (Scotland) Act 1982 ("the 1982 Act") permits the Scottish Ministers to designate an activity as an activity for which a licence shall be required. The Scottish Ministers had laid before the Scottish Parliament the Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022 ("the Order"). The Order was approved by the Scottish Parliament on 19 January 2022.

The effect of the order was that with effect from 1 October 2022 the use of accommodation for short term let was an activity for which a licence was required under the 1982 Act.

- 3.3 Any short term let licence granted by the Council would be subject to mandatory conditions as set out in Schedule 3 of the Order. In addition, the Council can apply its own standard conditions to all licences granted or specific conditions on any particular licence. In terms of timescales, all new short term lets must apply for a licence on or after 1 October 2022. Existing short term lets have until 1 April 2023 to apply for a licence. The Council must consider an application for a short term let licence within a period of six months from receiving the application and determine the application within twelve months. This means that all short term lets should be licensed by 1 April 2024.

**DECISION
NOTED:-**

- (a) the requirements contained in the Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022 which would make the use of accommodation for a short term let an activity for which a licence was required;
- (b) the particular licensing requirements;
- (c) that officers would ensure that arrangements were in place to meet the legal requirements of the order; and
- (d) that further reports would be submitted to the Committee regarding detailed requirements for approval.

4. **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

5. **TAXI DRIVER CONDITION 17**

There had been circulated copies of a letter from the Mr Wynne, Licensing Standards Enforcement Officer requesting an amendment to condition 17 of the taxi driver/private hire conditions.

6. **MINUTE**

The private section of the minute of the meeting held on Friday, 17 December 2021.

**CIVIC GOVERNMENT AND MISCELLANEOUS LICENCES
ISSUED UNDER DELEGATED POWERS**

16 February - 08 March 2022

NAME OF APPLICANT	TYPE OF LICENCE	DETAILS
Eildon Housing Association	House in Multiple Occupation	Renewal - 29 Station Avenue, Duns - 4 Persons
Eildon Housing Association	House in Multiple Occupation	Renewal - 10 Huntlyburn Terrace, Melrose - 4 Persons
Eildon Housing Association	House in Multiple Occupation	Renewal - 25 Huntlyburn Terrace, Melrose - 3 Persons
Eildon Housing Association	House in Multiple Occupation	Renewal - 26 Huntlyburn Terrace, Melrose - 3 Persons
Eildon Housing Association	House in Multiple Occupation	Renewal - 27 Huntlyburn Terrace, Melrose - 3 Persons
Eildon Housing Association	House in Multiple Occupation	Renewal - 28 Huntlyburn Terrace, Melrose - 3 Persons
Eildon Housing Association	House in Multiple Occupation	Renewal - 29 Huntlyburn Terrace, Melrose - 3 Persons
Eildon Housing Association	House in Multiple Occupation	Renewal - 30 Huntlyburn Terrace, Melrose - 3 Persons
Eildon Housing Association	House in Multiple Occupation	Renewal - 1-4 High Tweed Mill, Galashiels - 4 Persons
McDonald's Restaurants Limited	Late Hours Catering Licence	Material Change of Manager - Danielle Hamilton, McDonalds Restaurant, Galashiels
WM Morrison, Supermarket Ltd	Late Hours Catering Licence	Renewal - Morrisons, Hawick Monday to Sunday 11.00pm - 12.00midnight - Supermarket and Petrol Filling Station
Heartland Market	Market Operator	Temporary - near Tapestry Building, Galashiels Saturday 5 March and Saturday 2 April 2022 - 10.00am - 2.00pm
Craig Stanners	Metal Dealer - Itinerant	Material Change - Scrap Metal - Ford Ranger T111 CWS Monday to Friday 8.00am - 5.00pm and Saturday 8.00am - 12.00noon
David Cook	Private Hire Driver	Grant- 1/PD20
John Hutchison	Private Hire Driver	Grant - 4/PD9
Colin James Hutchison	Private Hire Driver	Grant - 4/PD10
Braw Lads' Gathering	Public Charitable	Street Collections - Galashiels Friday 22nd April and Wednesday 29th June and Saturday 2nd July 2022
British Red Cross	Public Charitable	Street Collection - Scottish Borders Friday 6th May - Friday 13th May 2022
Vale Of Leithen Social Club	Public Entertainment	Temporary - Memorial Hall, Innerleithen - Tribute Bands and Disco Saturday 26 February 2022 - 6.00pm - 1.00am

Buccleuch Hunt Ball Committee	Public Entertainment	Temporary - Floors Castle Saturday 26 February 2022 - 6.00pm - 2.00am
John Cowe	Metal Dealer	Renewal - John Cowe Motors, Swinton Monday to Saturday 8.00am - 5.00pm Ferrous and Non Ferrous Metal
Campbell Auto Hub	Second Hand Dealers Licence	Grant - Campbells Auto Hub, Selkirk Monday to Friday 9.30am - 4.30pm and Saturday and Sunday 10.00am - 3.00pm Motor vehicles, motor cycles, mopeds, trailers and parts thereof
Tweedbank Thistle Football Club	Small Lotteries	Grant
Jedforest Instrumental Band	Small Lotteries	Grant
Hawick United Amateur Football Club	Small Lotteries	Grant
Selkirk Bhoys Celtic Supporters Club	Small Lotteries	Renewal
Duns Show (Industrial Section)	Small Lotteries	Renewal
Birgham Community Development Trust	Small Lotteries	Renewal
Rotary Club Of Hawick	Small Lotteries	Renewal
Duns Rugby Football Club	Small Lotteries	Renewal
Borders Young Musicians	Small Lotteries	Renewal
Matthew Walter	Street Trader	Grant - Matthew Walter (Joe's Ices) Ice Cream Tricycle Sunday to Saturday 7.00am - 11.00pm
Sally Hogg	Street Trader	Grant - Sally Hogg T/A as Jolly Sausage Sunday to Saturday 6.30am - 10.00pm Duns Industrial Estate Sale of fast food and drinks
Steven Napier	Street Trader	Material Change - Change of Vehicle - Ford Transit SL01 UVN Monday to Sunday 9.00am - 11.00pm Sale of Ice Cream, Confectionary and Drinks
Thomas Hickmott	Street Trader	Material Change - Change of Vehicle - CN67 DZY
Desmond Whitley	Taxi Driver Licence	Grant - 2/TD75
Michael Halliburton	Taxi Driver Licence	Grant - 2/TD271
John Laurie	Taxi Driver Licence	Grant - 4/TD61
Roman Zelewski	Taxi Driver Licence	Renewal - 2/TD117

Lorna Armstrong	Taxi Driver Licence	Renewal - 3/TD58
Michael Hogg	Taxi Driver Licence	Renewal - 3/TD53
William Brownlee	Taxi Vehicle Licence	Grant - 2/TV1 Vauxhall Insignia Turbo - KM15 OGJ - 4 Persons
Allan Ferguson	Taxi Vehicle Licence	Grant - 2/TV20 - Black Hyundi - E067 ARX - 4 Persons
Andrew Rae	Taxi Vehicle Licence	Grant - 2/TV87 - Silver Vauxhall Insignia SRI - SG67 M22 - 4 Persons
Mark Stennett	Taxi Vehicle Licence	Grant - 4/TV41 - White Skoda Rapid - SE14 AYK - 4 Persons
Steven MacFarlane	Taxi Vehicle Licence	Renewal - 2/TV6 - Black Ford Galaxy Titanium - G16 ECA - 6 Persons
Graham Gray	Taxi Vehicle Licence	Renewal - 2/TV46 - White Skoda Octavia - SY13 PPY - 4 Persons
Tomasz Hojanski	Taxi Vehicle Licence	Renewal - 2/TV83 - Blue Ford S Max - WK6 LFT - 6 Persons

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