

# SCOTTISH BORDERS COUNCIL CIVIC GOVERNMENT LICENSING COMMITTEE

MINUTES of Meeting of the CIVIC  
GOVERNMENT LICENSING COMMITTEE  
held in COUNCIL CHAMBER, COUNCIL  
HEADQUARTERS, NEWTOWN ST  
BOSWELLS - Blended on Friday, 20 October  
2023 at 10.00 am

Present: - Councillors M. Douglas (Convener), J. Cox, J. PatonDay, N. Richards, E.  
Small, F. Sinclair, T. Weatherston.

Apologies: Councillors P. Brown, D. Parker.

In Attendance: - Managing Solicitor (Property and Licensing), Licensing Standards and  
Enforcement Officer (M. Wynne), Licensing Officers – (S. Lackenby and T.  
Thomson), PC S. Dishington, Sergeant G. Wood (Police Scotland),  
Democratic Services Officer (F. Henderson).

## 1. ORDER OF BUSINESS

The Chair varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.

## 2. MINUTE

There had been circulated copies of the Minute of the Meeting held on 22 September 2023.

### DECISION

**AGREED to approve the Minute for signature by the Chairman.**

## 3. 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 6 September 2023 – 8 October 2023.

### DECISION

**NOTED.**

### URGENT BUSINESS

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chair 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 make an early decision or to keep Members informed.

#### 3.0 SHORT TERM LET LICENCING

3.1 With reference to para 13 of the Minute of the Scottish Borders Council held on 31 August 2023, there had been circulated a briefing note to update Members and seek views on whether it was necessary to apply all of the mandatory conditions to temporary exemptions, with regard to the imposition of the mandatory licensing conditions as set out in the 1982 Act on any temporary exemptions which were issued to the requirement to hold permanent licence.

3.2 It had previously been agreed that the Council's short term lets licensing policy be amended to allow temporary exemptions to the requirement to hold a permanent licence

for holiday home swap purposes. The Act allowed Licensing Authorities to grant such temporary exemptions for 6 weeks during a 12 month period. In making this amendment to the policy, Council instructed the Director of Corporate Governance to bring a further paper providing clarity. It was explained that the Act provided that Licensing Authorities may attach conditions to any temporary exemptions granted and guidance issued by the Scottish Government stated that a licensing authority might not apply all the mandatory conditions. Despite this, it was apparent that all other Licensing Authorities who had decided to allow temporary exemption applications were making it clear within their policies that any temporary exemptions issued would be subject to the mandatory conditions as set out in the 1982 Act. The Mandatory conditions had been circulated with the briefing note for ease of reference. Following discussion, it was agreed that the draft paper for Council would be circulated to the members and any comments members may have be forwarded to the Clerk prior to the draft paper being finalised.

#### **DECISION**

**AGREED that the draft paper for Council be forwarded to members and any comments be forwarded to the Clerk as soon as possible.**

#### **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 it involved the likely disclosure of exempt information as defined in Paragraph 14 of Part I of Schedule 7A to the Act.**

### **SUMMARY OF PRIVATE BUSINESS**

#### **4.0 LICENSING OF TAXIS, PRIVATE HIRE VEHICLES AND DRIVERS**

##### **Hearing to consider grant of Taxi Driver Licence**

There had been circulated copies of an application for the grant of a Taxi Drivers Licence together with a letter from Police Scotland, dated 26 September 2023 for information. A letter of support from a potential employer had also been circulated.

*The meeting concluded at 10.30 am*