

# Public Document Pack



## CIVIC GOVERNMENT LICENSING COMMITTEE FRIDAY, 20TH OCTOBER, 2023

A MEETING of the CIVIC GOVERNMENT LICENSING COMMITTEE will be held on FRIDAY, 20 OCTOBER 2023 at 10.00 am. The meeting will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS and will be a blended meeting in accordance with Section 43 of the Local Government (Scotland) Act 1973 and can be accessed remotely via Microsoft Teams.

**All Attendees, including members of the public, should note that the public business in this meeting will be livestreamed and video recorded and that recording will be available thereafter for public view for 180 days .**

J. J. WILKINSON,  
Clerk to the Council,

10 October 2023

<b>BUSINESS</b>		
1.	<b>Apologies for Absence</b>	
2.	<b>Order of Business</b>	
3.	<b>Declarations of Interest</b>	
4.	<b>Minute (Pages 3 - 6)</b>  Minute of Meeting held on 22 September 2023 to be approved and signed by the Chairman. (Copy attached.)	5 mins
5.	<b>Licences issued under Delegated Powers (Pages 7 - 12)</b>  (Copy attached.)	5 mins
6.	<b>Items Likely to be Taken in Private</b>  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.	<b>Licensing of Taxi, Private Hire Vehicles and Drivers</b> (Pages 13 - 16)  Hearing to consider grant of Private Hire Driver Licence. Consider objection letter received from Police Scotland (Copy attached.) (licenceholder cited to attend.)	20 mins
8.	<b>Any Other Items Previously Circulated</b>	
9.	<b>Any Other Items which the Chairman Decides are Urgent</b>	

#### 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.**

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**Membership of Committee:** Councillors M.Douglas (Chairman), P. Brown, J Cox, D. Parker, J. Paton-Day, N Richards, F. Sinclair, E. Small, T Weatherston.

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**SCOTTISH BORDERS COUNCIL  
CIVIC GOVERNMENT LICENSING COMMITTEE**

MINUTE of Meeting of the CIVIC GOVERNMENT LICENSING COMMITTEE held in Council Chamber, Council Headquarters, Newtown St. Boswells and via Microsoft Teams on 22 September 2023 at 11.00a.m.

Present: - Councillors M. Douglas (Convener), J. Cox, J. PatonDay, D. Parker, E. Small, F. Sinclair.

Apologies: Councillor P. Brown, N. Richards, T. Weatherston.

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

**1. MINUTE**

There had been circulated copies of the Minute of the Meeting held on 24 February 2023.

**DECISION**

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

**2. LICENSES ISSUED UNDER DELEGATED POWERS**

For Members' information there had been circulated copies of lists of licences dealt with under delegated powers for the periods 13 February 2023 – 5 September 2023.

**DECISION**

**NOTED.**

**3. APPLICATION FOR GRANT OF SHORT TERM LET LICENCE**

3.1 There had been circulated copies of an application in respect of a Short Term Let under the Civic Government (Scotland) Act 1982 – (Licensing of Short-term Lets) Order 2022. Mrs Nina Armstrong, 26 Davidson Place, Newtown St Boswells owned a detached three-bedroom property and had applied for a Home Share Licence.

3.2 Mr Wynne, Licensing Standards and Enforcement Officers explained that Police Scotland, Fire and Rescue Service Scotland, Environmental Health, Planning, Building Standards, Housing Strategy Team and Anti-Social Behaviour unit had been consulted in terms of the application for a Home Share Licence, none of whom had made any representations but three objections had been received from neighbours.

3.3 Mrs Armstrong was present at the meeting and represented by Mr Taylor from Chambers Legal Limited. Mr Taylor explained that he had visited the property at Davidson Place which was the subject of the Home Share Licence, and which had been built in the 1950's. The property consisted of 2 upstairs bedrooms, one which was occupied by Mrs Armstrong's daughter and partner and a small extension, best described as a large single/small double bedroom which was originally built for when Mrs Armstrong could no longer manage the stairs.

- 3.4 Mr Taylor referred to the objections received and in terms of the loss of privacy at the rear of the garden, he explained that 8/10 of the gardens to the rear of the property were overlooked, so privacy was gone. In terms of parking, Mr Taylor had visited on a Sunday evening and observed that many of the residents had made provision for off-street parking for at least 2 cars and there was some parking provision. In terms of noise, Mr Taylor stated that change was difficult for neighbours and the licence, if granted would be reviewed in 3 years, and should there be any problems, there was the potential for an early review. The proposal was for a Bed and Breakfast for someone holidaying in the area, who would use it as a base and be out and about through the day, it was not intended for Hen and Stag parties. Mrs Armstrong would not be an absent Landlord and could control inappropriate behaviour.
- 3.5 On being invited to address the Committee, Mrs Armstrong stated that it was a future investment, having decided to retire early and having reviewed her assets.
- 3.6 Mrs Thornton-Nicol, objector was present at the meeting and explained that planning permission for the extension to the rear of the property was granted in 2019 and built over a period of several months in 2021. Mrs Thornton-Nicol had not objected to the planning application as it had clearly stated in correspondence between the Planning Officer and Applicants Agent that the intent was to future proof her property for her later life. However, this was now a business opportunity, to be operated from a house within a fully residential area, where it was quiet and peaceful and where there were no other businesses operating.
- 3.7 Mrs Thornton-Nicol went on to explain her concerns with regard to undue public nuisance impacting on her privacy within her garden and the risk of poor behaviour, particularly fuelled by alcohol. People staying away from home for whatever reason in this house share would either have to remain in the bedroom space when not out, share living room with Mrs Armstrong or spend their time outside. Mrs Thornton-Nicol recounted an issue which had arisen with a visitor to the property in question when very strong and inappropriate language had been used towards her.
- 3.8 In response, Mr Taylor explained that the gentleman to whom Mrs Thornton-Nicol referred did not live in the property and the altercation had revolved around a dog. Mr Taylor further explained that when purchasing a property, you could quite easily come across the neighbour from hell, but in this case the person would leave after days and one of the advantages of the scheme was to allow monitoring and the objections could be seen as speculative. Mr Taylor further commented that he noted that two objections had been received from the same address and all three appear to have been written by the same hand.
- 3.9 Mrs McKell was present at the meeting via Microsoft teams and was invited to address the Committee. Mrs McKell advised that she had nothing to add but objected to the statement that all three objections had been written by the same hand.
- 3.10 There followed discussion with regard to possible conditions and Mr Kirk explained that in addition to the mandatory conditions required by the Act, the Council's Licensing Policy also made provision for additional conditions which were based on the Guidance issued by the Scottish Government, and which covered anti-social behaviour, parking etc.

**DECISION**  
**AGREED to Grant.**

**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 MINUTE**

The Private Section of the Minute of 24 February 2023 had been circulated.

*The meeting concluded at 11:40 a.m.*

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

**06 September 2023 - 08 October 2023**

<b>NAME OF APPLICANT</b>	<b>TYPE OF LICENCE</b>	<b>DETAILS</b>
Jones Investment Properties Ltd	House in Multiple Occupation	Grant - 8 Bank Court, Galashiels 5 Tenants and 5 Bedrooms
Streets Ahead (Borders)	House in Multiple Occupation	Renewal - Fernlea, Allerton Place, Jedburgh 3 Tenants - 3 Bedrooms
Ian MacLeod	House in Multiple Occupation	Renewal - 61 High Buckholmside, Galashiels 5 Tenants and 5 Bedrooms
Colin Green	House in Multiple Occupation	Renewal - 4 Langlee Drive, Galashiels 5 Bedrooms and 5 Tenants
Joyce MacLeod	House in Multiple Occupation	Renewal - 32 St John Street, Galashiels 4 Bedrooms and 4 Persons
Jeremy Schmid	House in Multiple Occupation	Renewal - Lower Flat, 24 High Street, Galashiels 3 Tenants, 3 Bedrooms
Edwin Thompson	House in Multiple Occupation	Renewal - Lower Flat, 24 High Street, Galashiels 3 Tenants, 3 Bedrooms
Joyce MacLeod	House in Multiple Occupation	Renewal - 75 High Buckholmside, Galashiels 4 Bedrooms 4 Tenants
Peebles Hydro Ltd	House in Multiple Occupation	Renewal - Chambermaids Corridor (Staff Accomodation), Peebles Hydro, Peebles 13 Tenants - 11 Rooms
Peebles March Riders Association	Marches and Parades	September Ride Out - Peebles Sunday 24 September 2023 - 10.00am Annual September Rideout supporting Cornet and mounted cavalcade
Hillside Outside Ltd	Marches and Parades	Marches and Parades - Cycle Event Saturday 30 September 2023 - Sunday 1 October 2023 8.00am - 6.00pm
Kenneth Stuart	Market Operator	Temporary - Borderfest Music Festival - Public Park, Galashiels Saturday 9 September 1.00pm - 10.00pm and Sunday 10 September 2023 1.00pm - 6.00pm

Antonia Strang Steel	Market Operator	Temporary - Philiphaugh Estate, Selkirk Saturday 23 September 2023 10.00am - 6.00pm
Hillside Outside Ltd	Market Operator	Temporary - Pirn Farm Field Innerleithen Friday 29 September, Saturday 30 September and Sunday 1 October 2023 (Friday 29 September 2.00pm - 9.00pm) (Saturday 30 September and Sunday 1 October 7.00am - 11.00pm)
Angela Walker	Market Operator	Temporary - Yetholm Border Shepherds Show - The Haugh, Yetholm Saturday 7 October 2023 7.30am - 7.00pm
The Rotary Club Of Peebles	Public Charitable	Street Collections - High Street, Peebles (Morrocco Earthquake Appeal) Saturday 23 Septemer 2023
Kenneth Stuart	Public Entertainment	Temporary - Funfair - Burnfoot, Hawick Thursday 21 September - 6.30pm - 9.30pm; Friday 22 September - 6.30pm - 9.00pm; and Saturday 23 September 2023 - 1.00pm - 9.00pm
Kenneth Stuart	Public Entertainment	Temporary - Funfair - Borderfest - Public Park, Galashiels Friday 8 September 2023 6.00pm - 9.30pm; Saturday 9 September 2023 1.00pm - 10.00pm; and Sunday 10 September 2023 1.00pm - 6.00pm
Martin Slater	Public Entertainment	Temporary - Funfair, Duns Showfield Wednesday 6 September - Sunday 10 September 2023 ; Wednesday - Friday 5.00pm - 8.30pm ; Saturday 1.30pm - 8.30pm ; Sunday 1.30pm - 5.00pm
Kenneth Stuart	Public Entertainment	Temporary - Funfair - Victoria Park, Peebles Thursday, 6th April 2023 6.00pm - 9.30pm, Friday, 7th April 2023 6.00pm - 10.00pm, Saturday , 8th April 2023 2.00pm - 9.30pm Saturday 9 April 2022 2.00pm - 9.30pm
Alison Weall	Public Entertainment	Temporary - Funfair - Langlee Carnival (Community Centre Car Park, Galashiels) Saturday 9 September 2023 11.00am - 3.00pm
Antonia Strang Steel	Public Entertainment	Temporary - Country and Food Festival (Philiphaugh Estate, Selkirk) Saturday 23 September 2023 10.00am - 6.00pm
Johanna Nicolson	Public Entertainment	Temporary - Annual Agricultural Show and Dance (Ellemford Show) Saturday 30 September 2023 9.00am - 5.00pm and 8.00pm - 12.00midnight
Tempest Brewing Co Ltd	Public Entertainment	Temporary - Tempest Brewery Oktoberfest Event - Live Bands Friday, 22nd September 2023 - 4.00pm - 9.00pm and Saturday, 23rd September - 1.00pm - 8.00pm 2023
Ruairidh MacRae	Private Hire Driver	Grant - SB/PD022



David Fairnell	Private Hire Driver	Grant - SB/PD023
Nigel Rosewell	Private Hire Driver	Grant - SB/PD024
Richard Hardy	Private Hire Driver	Grant - SB/PD026
Thomas Russell	Private Hire Driver	Renewal - SB/PD028
Eric Robertson	Private Hire Vehicle	Grant - 1/PV7 - White Volkswagen Amarok - RE10 VER - 4 Passengers
Shirley Purves	Private Hire Vehicle	Grant - 2/PV2 - Blue Vauxhall Vivaro - YT19 UBC - 8 Passengers
All Seasons Philipburn Ltd	Private Hire Vehicle	Grant - 2/PV6 - White Citroen Space Tourer - RBZ 2568 - 7 Passengers
Peter Hogg Of Jedburgh Ltd	Private Hire Vehicle	Grant - 3/PV11 - Blue Ford Tourneo - ST65 SXP - 8 Passengers
Peter Hogg Of Jedburgh Ltd	Private Hire Vehicle	Grant - 3/PV12 - Blue Ford Transit - SP66 WPM - 8 Passengers
Tweedline Taxis Limited	Private Hire Vehicle	Grant - 4/PV20 - Red Vauxhall Insignia - VUI 9604 - 4 Passengers
Woods Of Berwick Ltd	Private Hire Vehicle	Renewal - 1/PV31 - White Iveco Minibus - GN08 VTF - 8 Passengers
Woods Of Berwick Ltd	Private Hire Vehicle	Renewal - 1/PV35 - White Ford Transit - LD63 LLT - 8 Passengers
Keith Gibb	Private Hire Vehicle	Renewal - 4/PV16 - Silver Vauxhall Vivaro Minibus - SA63 HGY - 8 Passengers
Tweedline Taxis Limited	Private Hire Vehicle	Renewal - 4/PV69 - Silver Ford Focus - DF16 ODH - 4 Passengers
The KLE (Berwick) Group Ltd	Private Hire Vehicle	Material Change - 1/PV34 - White Partner Tepee - SF15 CYT - 4 Passengers
Shirley Purves	Private Hire Vehicle	Material Change - 2/PV11 - Blue Ford Transit - J50 DJS - 8 Passengers
Shona Easingwood	Short Term Lets	Grant - Home Letting - Taobh Na Mara, The Mount, Coldingham Sands, TD14 5PA
Anthony Plummer	Short Term Lets	Grant - Home Letting - Springfield Cottage, Mainhouse Farm, Kelso, TD5 8AA
Oliver Jepsen	Short Term Lets	Grant - Home Letting - 73/2 Kingsland Terrace, Rosetta Road, Peebles, EH45 8HH
Rupert Kendal	Short Term Lets	Grant - Home Letting - Berryhill Cottage, Grantshouse, TD11 3RL
Donna Epton	Short Term Lets	Grant - Home Sharing - Kerfield Cottage, Innerleithen Road, Peebles, EH45 8BG
Guy Wotherspoon	Short Term Lets	Grant - Home Sharing - Glede Knowe Guest House, 16 St Ronan's Terrace, Innerleithen, EH44 6RB
Anne McNeil	Short Term Lets	Grant - Home Sharing - Hillcrest, Coldingham Road, Eyemouth, TD14 5AN
Ian Cross	Short Term Lets	Grant - Secondary Letting - 47 Leithen Road, Innerleithen, EH44 6HX
Timothy Earle	Short Term Lets	Grant - Secondary Letting - 1 Howpasley Cottage, Howpasley, Hawick, TD9 7PS
Rupert Kendal	Short Term Lets	Grant - Secondary Letting - The Little Lodge , Berryhill House, Grantshouse, TD11 3RL
Zabriskie Property Limited	Short Term Lets	Grant - Secondary Letting - Stravaig, 41C Leithen Road, Innerleithen, EH44 6HX
Nicola Selhuber	Short Term Lets	Grant - Secondary Letting - Shepherd's Hut, Cypress Lodge, Hassendeanburn, Hawick, TD9 8RU

Jane D'Souza	Short Term Lets	Grant - Secondary Letting - Staffin, 6 Witchester Street, Newcastleton, TD9 0RH
The Thornbank Cottage Partnership	Short Term Lets	Grant - Secondary Letting - Thornbank Cottage, School Road, Coldingham, TD14 5NS
Alison Russell	Short Term Lets	Grant - Secondary Letting - 45a Woodmarket, Kelso, TD5 7AT
Nicola Woodhead	Short Term Lets	Grant - Secondary Letting - Brieryhill Cottage, Hawick, TD9 7LL
Benjamin Tindall	Short Term Lets	Grant - Secondary Letting - The Blue Cabin, Cove Harbour, Cockburnspath, TD15 5XD
Jamie Andrew	Short Term Lets	Grant - Secondary Letting - Courtyard Cottage, Frogo Mains, Duns, TD11 3RA
Robert Logan	Short Term Lets	Grant - Secondary Letting - 118 Glendinning Terrace, Galashiels, TD1 2JP
John Loder	Short Term Lets	Grant - Secondary Letting - Upper Chatto Shepherd's Cottage, Kelso, TD5 8AN
Nigel Ainslie	Street Trader Licence	Renewal - G329 OHD - Ice Cream Van Monday - Sunday 9.00am - 10.00pm Throughout SBC Area and at Events and Festivals in SBC Area
Lee McAllister	Taxi Driver Licence	Grant - SB/TD164
Ahmad Altawil	Taxi Driver Licence	Grant - SB/TD165
Robert Irvine	Taxi Driver Licence	Grant - SB/TD169
Keith Gibb	Taxi Driver Licence	Grant - SB/TD173
Jeremy Gow	Taxi Driver Licence	Grant - SB/TD174
Gary McEwen	Taxi Driver Licence	Grant - SB/TD176
Hafiza Yasmeen	Taxi Driver Licence	Grant - SB/TD190
Robert Scott	Taxi Driver Licence	Renewal - SB/TD122
Waseem Ahmed	Taxi Driver Licence	Renewal - SB/TD159
Diane Farquhar	Taxi Driver Licence	Renewal - SB/TD166
Alistair Wilson	Taxi Driver Licence	Renewal - SB/TD167
John Jackson	Taxi Driver Licence	Renewal - SB/TD168
Brenda Robertson	Taxi Driver Licence	Renewal - SB/TD170
Stewart Turnbull	Taxi Driver Licence	Renewal - SB/TD171
Brian Hunter	Taxi Driver Licence	Renewal - SB/TD172
Danielle Stennett	Taxi Driver Licence	Renewal - SB/TD175
Michael McAulay	Taxi Driver Licence	Renewal - SB/TD177
David McLean	Taxi Driver Licence	Renewal - SB/TD178
Ian Skene	Taxi Driver Licence	Renewal - SB/TD179
Andrew Rae	Taxi Driver Licence	Renewal - SB/TD181

Ian Henderson	Taxi Driver Licence	Renewal - SB/TD188
Edward Conway	Taxi Driver Licence	Renewal - SB/TD189
John Allardyce-Lewis	Taxi Driver Licence	Renewal - SB/TD191
Gordon Bowers	Taxi Vehicle Licence	Grant - 2/TV75 - Silver Nissan Qashqai - SN16 WHT - 4 Passengers
Steven McCudden	Taxi Vehicle Licence	Grant - 2/TV76 - Blue Volkswagen Tiguan - P100 EDA - 6 Passengers
Tomasz Hojanski	Taxi Vehicle Licence	Grant - 2/TV83 - Silver Ford Galaxy - EG19 YML - 6 Passengers
Schan Doogan	Taxi Vehicle Licence	Grant - 2/TV105 - Brown Seat Alhambra - MK70 HGF - 6 Passengers
Lukasz Sroczyk	Taxi Vehicle Licence	Renewal - 2/TV11 - White Skoda Octavia - SG67 WCE - 4 Passengers
Kenneth Leslie	Taxi Vehicle Licence	Renewal - 4/TV57 - Silver Dacia Stepway - SK66 JXZ - 4 Passengers
Shirley Purves	Taxi Vehicle Licence	Material Change - 2/TV2 - Black Skoda Superb - W40 DRP - 4 Passengers
Shirley Purves	Taxi Vehicle Licence	Material Change - 2/TV3 - Silver Vauxhall Vivaro - DU15 ZWM - 8 Passengers
M Arham Ltd	Taxi Vehicle Licence	Material Change - 2/TV56 - Grey Citroen Space Tourer - PX17 LMY - 8 Passengers
M Arham Ltd	Taxi Vehicle Licence	Material Change - 2/TV66 - Blue Citroen Grand Picasso - HF66 MDN - 6 Passengers
M Arham Ltd	Taxi Vehicle Licence	Material Change - 1/TV67 - Blue Citroen Grand Picasso - KP16 VAF - 6 Passengers
Neil Mitchinson	Substitute Vehicle	Substitution - 2/TV85 - Grey Skoda Superb - NE12 CAB - 4 Passengers

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