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CIVIC GOVERNMENT LICENSING COMMITTEE FRIDAY, 1ST MARCH, 2024

A MEETING of the CIVIC GOVERNMENT LICENSING COMMITTEE will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on FRIDAY, 1 MARCH 2024 at 11.00 am. This 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 .

N. McKINLAY
Director of Corporate Governance

20 February 2024

BUSINESS		
1.	Apologies for Absence	
2.	Order of Business	
3.	Declarations of Interest	
4.	Minute (Pages 3 - 4) Minute of Meeting held on 26 January 2024 to be approved and signed by the Chairman. (Copy attached.)	2 mins
5.	Licences issued under Delegated Powers (Pages 5 - 8) (Copy attached.)	
6.	Application for Grant of Short Term Let Licence (Pages 9 - 12) Consider an application for Short Term Let Licence received from J. Clamp and S. Johnston, 1C Havelock Place, Hawick, TD9 7BE. <u>Representations / objections received:</u> Consultees - none.	20 mins

	Other – eight objections (one letter) (copies of application summary and objections attached.)	
7.	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.”	
8.	Any Other Items Previously Circulated	
9.	Any Other Items which the Chairman Decides are Urgent	
10.	Minute (Pages 13 - 16) Private section of Minute of Meeting held on 26 January 2024 to be approved and signed by the Chairman. (Copy attached.)	2 mins

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 M. Douglas (Chairman), J. Cox, D. Parker, J. PatonDay, N. Richards, F. Sinclair, E. Small and T. Weatherston

Please direct any enquiries to Fiona Henderson Tel: 01835 826502
E-Mail: fhenderson@scotborders.gov.uk

**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 26 January 2024 at 10.30a.m.

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

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

1.0 MINUTE

There had been circulated copies of the Minute of the Meeting held on 15 December 2023.

DECISION

APPROVED the minute for signature by the Convener.

2.0 LICENSES ISSUED UNDER DELEGATED POWERS

For Members' information there had been circulated copies of lists of licences dealt with under delegated powers for the period 5 December 2023 – 15 January 2024.

DECISION

NOTED.

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

3.0 LICENSING OF TAXIS, PRIVATE HIRE VEHICLES AND DRIVERS

Hearing to consider suspension of Taxi Driver Licence

There had been circulated copies of a letter from the LSEO dated 14 December 2023 together with a series of Appendices in relation to a Taxi Driver Licence and a taxi vehicle licence.

4.0 MINUTE

The Private Section of the Minute of 15 December 2024 had been circulated.

**DECISION
AGREED.**

The meeting concluded at 11.20 a.m.

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

16 January 2024 - 18 February 2024

NAME OF APPLICANT	TYPE OF LICENCE	DETAILS
Tweed Foundation	Marches and Parades	Tweed Foundation - Opening of the 2024 Tweed Salmon Season Thursday, 1st February 2024 - 9.30am - 11.00am
Daniel Howard	Metal Dealers Licence	Metal Dealer - Daniel Howard, Kilnknowe Caravan Park, Galashiels Monday to Sunday - 8.00am - 5.00pm All Metals
Hawick Reivers Association	Public Charitable	Street Collections - Hawick 23 March 2024
SSAFA	Public Charitable	Street Collections - Various Towns in SBC Area Various Dates throughout 2024
Smailholm Village Hall	Public Entertainment Licence	Grant - Smailholm Village Hall Sunday to Thursday 8.00am to 12 midnight; Friday and Saturday 8.00am to 1.00am
Live Borders Peebles Community Centre	Public Entertainment Licence	Renewal - Live Borders Peebles Community Centre Monday to Sunday 9.00am - 9.00pm Exhibitions and Parties
Claire Hardie	Public Entertainment Licence	Temporary - Point to Point Races, Friars Haugh, Kelso Sunday 11 February 2024 11.00am - 6.00pm
Robert Middlemiss	Private Hire Vehicle	Grant - 1/PV8 - Blue Vauxhall Zafira - LG67 LWT - 6 Passengers
Eric Robertson	Private Hire Vehicle	Grant - 1/PV15 - Grey Mitsubishi Shogun Sport - W14 ECK - 6 Passengers
John Lauder	Private Hire Vehicle	Grant - 1/PV19 - White Ford Tourneo Custom - CU68 VJV - 8 Passengers
Peter Hogg Of Jedburgh Ltd	Private Hire Vehicle	Grant - 3/PV15 - Grey Peugeot Expert - SF16 ADO - 4 Passengers
Keith Gibb	Private Hire Vehicle	Grant - 4/PV23 - White Ford Transit - EA65 ZTP - 8 Passengers
Woods Of Berwick Ltd	Private Hire Vehicle	Renewal (WAV) - 1/PV36 - Silver Peugeot Boxer - WA11 MGE - 8 Passengers
A G Lees Car Sales	Second Hand Dealers Licence	Renewal - A G Lees Car Sales, Galashiels Monday to Friday 8.30am - 5.00pm and Saturday 9.00am to 5.00pm Second Hand Motor Vehicles and Spares

S And I Thomson	Second Hand Dealers Licence	Renewal - S And I Thomson, Galashiels Monday to Friday 8.00am - 5.00pm, Saturday 8.00am - 5.00pm Second Hand Motors and Spares
David Hardy	Skin Piercing/Tattoo	Grant - Timebomb, Galashiels Monday to Saturday - 10.00am - 6.00pm every day Tattooing
Carol Shanley	Skin Piercing/Tattoo	Grant - Branxholme Castle, Hawick Thursday - 11.00am - 4.00pm and Friday - 11.00am - 8.00pm Tattooing
Andrew Robson	Skin Piercing/Tattoo	Grant - Timebomb, Galashiels Monday to Saturday - 10.00am - 6.00pm Tattooing
Struan Lacon	Skin Piercing/Tattoo	Grant - 52 Bank Street, Galashiels Monday - Saturday 10.00am - 6.00pm Skin Piercing
Rachael Roberts	Skin Piercing/Tattoo	Renewal - Unit 2, The Stables, Haining Estate, Selkirk Pre-Booked appointment only Tattooing
Jane Rae	Home sharing	Grant - Mill Cottage, Dean Road, Newstead, Melrose, TD6 9RN
Mark Sydenham	Home sharing	Grant - Steward's House, Larriston, Newcastleton, TD9 0SL
Uta And Jason Varty	Home sharing	Grant - Bowden House, Bowden, Melrose, TD6 0ST
Wendy Sethi	Home sharing	Grant - Old Telephone Exchange, Tweedsmuir, ML12 6QN
Abygail Wiczysty	Secondary letting	Grant - Driftwood, 3 Armatage Street, Eyemouth, TD14 5HS
Catherine Kidd-Stephenson	Secondary letting	Grant - Over Thickside Farmhouse, Over Thickside, Jedburgh, TD8 6QX
Chris Wilson	Secondary letting	Grant - 1 Gateshaw Cottages, Kelso, TD5 8AH
Helen Scott-Watson	Secondary letting	Grant - Church View, Main Street, Kirk Yetholm, Kelso, TD5 8PF
Jennifer Gill	Secondary letting	Grant - 3A Strand, Innerleithen, EH44 6HT
Lauren Broomhead	Secondary letting	Grant - 56a Horsemarket, Kelso, TD5 7AE
Lilian Morrison	Secondary letting	Grant - 4 St Abbs Head, Eyemouth, TD14 5QF
Lilias Morrison	Secondary letting	Grant - 3 St Abbs Head, Eyemouth, TD14 5QF
Lilias Morrison	Secondary letting	Grant - 2 St Abbs Head, Eyemouth, TD14 5QF
Lilias Morrison	Secondary letting	Grant - 1 St Abbs Head, Eyemouth, TD14 5QF
Lynne Smith	Secondary letting	Grant - 2 Swinton Mill Farm Cottages, Coldstream, TD12 4JS
Lynsey Rennie	Secondary letting	Grant - 51 Whitehaugh Park, Peebles, EH45 9DB

MSG Capital Ltd	Secondary letting	Grant - Lower Tweedknowe, Tweedmount Road, Melrose, TD6 9ST
QH HAWICK LTD	Secondary letting	Grant - Flat 1, 4 Cross Wynd, Hawick, TD9 9EG
QH HAWICK LTD	Secondary letting	Grant - Flat 2, 4 Cross Wynd, Hawick, TD9 9EG
Shona Haslam	Secondary letting	Grant - The Old Gaol, The Courthouse, High Street, Peebles, EH45 8SW
James Horsburgh	Street Trader Licence	Renewal - James Horsburgh Monday, Tuesday, Thursday and Friday - 9.00am - 5.00pm Galashiels, Melrose, Selkirk, Peebles and surrounding areas Fresh Fish, Eggs and fish dressing
Neil Fox	Street Trader Licence	Grant - Pop-Up Gazebo Monday to Sunday 8.00am - 10.00pm Various Private and Public Events and Festivals throughout SBC Area Hot and Cold Food and Drink
Muir Philip	Street Trader Licence	Grant - Nissan NV400 - BX70 BKN Mon to Sun - 9.00am to 11.00pm Various locations throughout SBC Area Sale of Fish and Chips
Conal McEwan	Taxi Driver Licence	Grant - SB/TD238
John MacKintosh	Taxi Driver Licence	Renewal - SB/TD014
Steven Wylie	Taxi Driver Licence	Renewal - SB/TD015
Jason Barnett	Taxi Driver Licence	Renewal - SB/TD016
Neil Crowe	Taxi Driver Licence	Renewal - SB/TD018
Ewan Connor	Taxi Driver Licence	Renewal - SB/TD020
James Robertson	Taxi Driver Licence	Renewal - SB/TD022
Daniel Krata	Taxi Driver Licence	Renewal - SB/TD023
Michael Hogg	Taxi Driver Licence	Renewal - SB/TD035
John Downie	Taxi Driver Licence	Renewal - SB/TD234
Adrienne Telford	Taxi Driver Licence	Renewal - SB/TD235
Rory Gielty	Taxi Driver Licence	Renewal - SB/TD236
Sarah Holland	Taxi Driver Licence	Renewal - SB/TD237
Akbar Agha-Khan	Taxi Driver Licence	Renewal - SB/TD239
Lisa Dawkins	Taxi Driver Licence	Renewal - SB/TD240
Dominik Kubicki	Taxi Driver Licence	Renewal - SB/TD241
Schan Doogan	Taxi Driver Licence	Renewal - SB/TD242
Allan Drummond	Taxi Driver Licence	Renewal - SB/TD243

Andrew Gray	Taxi Driver Licence	Renewal - SB/TD244
Keith Bisset	Taxi Driver Licence	Renewal - SB/TD245
M Arham Ltd	Taxi Vehicle Licence	Substitution - 2/TV5 - Grey Volkswagen Sharan - FL19 XNU - 4 Passengers
James Collins	Taxi Vehicle Licence	Substitution - 4/TV8 - White Vauxhall Astra - KX65 DRV - 4 Passengers



**Civic Government Licensing Committee
22 September 2023**

**SUMMARY OF LICENCE APPLICATION
The Civic Government (Scotland) Act 1982 –
(Licensing of Short-term Lets) Order 2022**

Application Details:

Application type: **Short Term Lets Licence – New / First Application**
Type of licence applied for: **Secondary Letting**

Applicant Details:

Name: **James Clamp and Shirley Johnston**

Property Details:

Address: **1C Havelock Place, Hawick, TD9 7BE**

Type of property: **Flat**

Number of bedrooms: **Two**
in property.

Maximum No. of occupants: **Four - Six**
you hope to accommodate
within the property at any one
time.

Statutory Consultation Process – Representations / Objections

Police Scotland – **None**
Scottish Fire & Rescue Service – **None**
Environmental Health Section – **None**
Planning & Regulatory Services – **None**
Building Standards – **None**
Housing Strategy Team (Private Landlord Registration) – **None**
Anti-Social Behaviour Unit - **None**

Statutory Display of Site Notice – Representations / Objections

One letter of objection (8 signatures) – see attached.

Licensing Services Team Leader
Licensing Unit, Council Offices,
Council Headquarters, Newtown St Boswells TD6 0SA

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- 9 NOV 2023

Legal & Licensing

8 November 2023

Licensing Unit
Council Offices
Scottish Borders Council Headquarters
NEWTOWN ST BOSWELLS
TD6 0SA

Dear Sirs

We, the undersigned residents, wish to register **our objection** to the application for a Short Term Let Licence being granted in respect of **1C Havelock Place, Hawick TD9 7BE** on the following grounds:

- Residents in the immediate neighbourhood (at 1A, 1B, 3A, 3B Havelock Place and at all properties within 7 Havelock Street) are without exception either homeowners or long term tenants and therefore an arrangement to accommodate short term tenants is not compatible with existing residential arrangements.
- Previous experience of this property (1C Havelock Place) being rented out by the applicant to short term tenants has been to serve a commercial purpose - e.g. providing workers with a base in preference to a stable home environment for a family - where noise disruption, inconsiderate behaviour, police visits, waste disposal nuisance and mess were regular occurrences.
- Previous experience of tenants at 1C Havelock Place - being rented out by the applicant - unilaterally discarding substantial amounts of unwanted household items into the cellar at the premises, where access to neighbourhood utilities is essential, creating a serious fire hazard. Responsibility for this was not readily accepted by the applicant and the eventual clearance of unwanted items had to be undertaken by a resident in the block.
- The block accommodating properties at 1 and 3 Havelock Place have shared facilities (stairwell, drying green, waste disposal storage area, etc) and the top floor accommodation at 1C Havelock Place is simply not suitable for short term occupants especially when neighbouring residents have vested interests in maintaining their premises/surroundings.
- The applicant has a shared responsibility to maintain property features, which affect the other homeowners of properties at 1 and 3 Havelock Place. To our knowledge, the applicant has demonstrated little desire to communicate with the other homeowners.

We, the undersigned residents, wish to register our objection to the application for a Short Term Let Licence being granted in respect of 1C Havelock Place, Hawick TD9 7BE

Name	Address (inc Postcode)	Signature
JOY NEWSON	[Redacted]	[Redacted]
JACKIE ELIOT	[Redacted]	[Redacted]
MATTHEW YOUNG	[Redacted]	[Redacted]
ANDREW Mc WATTERS	[Redacted]	[Redacted]
THOMAS MCGLONE	[Redacted]	[Redacted]
Joene Scott	[Redacted]	[Redacted]
JOHN SCOTT	[Redacted]	[Redacted]
SHONA YOUNG	Landlord [Redacted]	[Redacted]

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