

SCOTTISH BORDERS COUNCIL CIVIC GOVERNMENT LICENSING COMMITTEE

MINUTE of Meeting of the CIVIC
GOVERNMENT LICENSING COMMITTEE
held in Committee Rooms 2 and 3 on Friday,
14 December 2018 at 11.00 am

Present:- Councillors J. Greenwell (Chairman), J. Brown, D. Paterson, N. Richards,
S. Scott, R. Tatler, E. Thornton-Nicol, T. Weatherston.

Apologies:- Councillor G. Turnbull.

In Attendance:- Managing Solicitor – Property and Licensing, Licensing Officer (Christine
Watson), Leader, Licensing Standards and Enforcement Officers (Mr I.
Tunnah and Mr M. Wynne), Democratic Services Officer (F. Henderson),
Chief Inspector A. McLean- Police Scotland

1. **MINUTE**

The Minute of the Meeting of 16 November 2018 had been circulated.

DECISION

APPROVED and signed by the Chairman.

2. **LICENCES ISSUED UNDER DELEGATED POWERS**

There had been circulated copies of the Civic Government and Miscellaneous Licences issued under delegated powers between 6 November 2018 – 4 December 2018.

DECISION

NOTED.

3. **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 12 of part 1 of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

DECLARATION OF INTEREST

Councillor Tatler declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

4. **LICENSING OF STREET TRADERS**

There had been circulated copies of a letter from Police Scotland dated 28 November 2018, requesting that a Street Traders Licence be revoked in terms of Paragraph 11(2)(a) of Schedule 1 of the 1982 Act. There had also been circulated copies of the insurance policy and a statement from the Licence holder. Although cited to attend the Licence holder was not present. Chief Inspector McLean reported that the Police had significant concerns with regard to the road worthiness of the vehicle being used. The Committee

agreed to suspend the Street Traders Licence with immediate effect pending a further hearing in order that the Licence Holder be in attendance.

5. **LICENSING OF TAXI, PRIVATE HIRE VEHICLES AND DRIVERS**

There had been circulated copies of letters from Police Scotland dated 13 and 23 November 2018, requesting immediate suspension of a Taxi Drivers Licence in terms paragraph 12(1) of Schedule 1 of the Civic Government (Scotland) Act 1982 and in terms of paragraph 11(2)(a) and/or (2)(c) of Schedule 1 of the same Act as the Licence holder was no longer a fit and proper person to hold the licence. There had also been circulated copies of a letter from the Licence Holders representative, requesting a postponement to January 2019. The Committee agreed that the suspension of the Taxi Drivers Licence continue until such time as the Licence holder was able to attend a hearing.

6. **MINUTE**

The Private section of the Minute of 16 November 2018 was approved.

URGENT BUSINESS

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman 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 keep Members informed.

7. **REQUEST FOR REVOCATION OF TAXI DRIVER LICENCE**

With reference to paragraph 5 of the Private Minute of 25 May 2018, the Clerk reminded Members that the decision made at the meeting had been appealed and the Judges ruling had been received. The Clerk advised that once he had had time to consider the ruling a copy would be sent to all Committee Members for information.

8. **RETIREMENT**

At the conclusion of the meeting, the Chairman thanked Chief Inspector MacLean and wished him well for his imminent retirement.

The meeting concluded at 11.20 a.m.