

**SCOTTISH BORDERS COUNCIL**  
**CIVIC GOVERNMENT LICENSING COMMITTEE**

MINUTE of Meeting of the CIVIC  
GOVERNMENT LICENSING COMMITTEE  
held in COMMITTEE ROOMS 2 AND 3,  
COUNCIL HEADQUARTERS, NEWTOWN  
ST BOSWELLS on Friday, 20 November  
2015 at 10.30 a.m.

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Present:- Councillors W. Archibald, J. Campbell, J. Greenwell, B. Herd, G. Logan,  
D. Paterson (para 5), J. Torrance, T. Weatherston and B White.  
Apologies:- Councillors R. Stewart.  
In Attendance:- Solicitor (R. Kirk), Licensing Team Leader, Licensing Standards and  
Enforcement Officers (Mr I Tunnah and Mr M. Wynne), Democratic Services  
Officer (F Henderson), P.C. P. Robertson, Inspector M. Bennett - Police  
Scotland.

1. **MINUTE**

The Minute of the Meeting of 23 October 2015 had been circulated.

**DECISION**

**APPROVED and signed by the Chairman**

2. **LICENCES ISSUED UNDER DELEGATED POWERS**

There had been circulated copies of lists detailing the Civic Government and  
Miscellaneous Licences issued under delegated powers between 10 October 2015 – 11  
November 2015.

**DECISION**

**NOTED**

3. **LICENSING OF TAXI, PRIVATE HIRE VEHICLES AND DRIVERS - GERARD FOX**

With reference to paragraph 3, of the Minute of 23 October 2015, there had been  
circulated copies of an application submitted by Mr Gerard Fox for the grant of a Taxi  
Driver Licence together with a letter of objection dated 22 September 2015 received from  
Police Scotland. The Clerk advised that Mr Fox had been unable to attend the previous  
meeting due to attending a Funeral. Mr Fox was present at the meeting.

3.1 Inspector Bennett confirmed the information provided in the Police objection that Mr Fox  
had convictions which he had declared and which were listed in the appendix to the Police  
letter. Mr Fox had submitted an application for the grant of a Taxi Driver Licence to  
Scottish Borders Council dated 3 September 2015 and had disclosed his previous  
convictions. There were no police records held in relation to the speeding offences. The  
Police were therefore unable to support the grant of the licence on the basis that the  
applicant was not a fit and proper person to be the holder of such a licence, in terms of  
Schedule 1, paragraph 5(3)(a)(ii) of the Civic Government (Scotland) Act 1982.

3.2 On being invited to address the Committee, Mr Fox advised that all the speeding  
convictions had been incurred while he was employed by a company as a driver carrying  
out multi drop deliveries and had been under pressure to complete the deliveries by a  
specified time. In response to a question, Mr Fox advised that he could not recall all the  
circumstances but had on one occasion been travelling on a dual carriageway in Glasgow  
at 43 mph and had not noticed that the speed limit had reduced to 30mph. Mr Fox  
confirmed that he currently had no penalty points on his drivers' licence. During

questioning by the Committee, Mr Fox advised that he had ceased working for the delivery company in 2011 and had worked for a couple of bus companies since, driving for a tour company being his most recent employment.

#### **DECISION**

**AGREED that the application for a Taxi Drivers Licence submitted by Mr Fox be granted.**

#### **4. LICENSING OF TAXI, PRIVATE HIRE VEHICLES AND DRIVERS - LUKASZ KRIESE**

There had been circulated copies of an application submitted by Lukasz Kriese for the grant of a Taxi Driver Licence together with an information letter dated 30 October 2015 received from Police Scotland. Mr Kriese was present at the meeting.

4.1 Inspector Bennett confirmed the information provided in the Police submission that Mr Kriese had a conviction which he had failed to declare and which was listed in the appendix to the Police letter. Mr Kriese had submitted an application for the grant of a Taxi Driver Licence to Scottish Borders Council dated 21 October 2015. During an interview held on 30 October 2015, within Galashiels Police Station, Mr Kriese admitted his previous conviction for disorderly behaviour or threatening/abusive/insulting words likely to cause harassment, alarm or distress, which he had not declared. Mr Kriese had stated that he had been out drinking with friends and was arrested by Police. He had further stated that due to his high alcohol intake he was unable to recall what had actually taken place. Mr Kriese had received an £80 fixed penalty for the offence.

4.2 On being invited to address the Committee, Mr Kriese advised that the offence had occurred nearly 7 years previously when he had arrived in the Country from Poland and had been very young. He had omitted to include it on his application as he could not recall the incident, or what precisely had occurred. The Chairman confirmed with Mr Kriese whether he required an interpreter and was advised that he understood English. Mr Kriese confirmed during questioning that he had a temporary job until the following week at Mainetti, Jedburgh and had been offered a job in Galashiels as a Taxi Driver. Mr Kriese confirmed that he had been driving in the UK since 2011. Councillor Logan, seconded by Councillor Weatherston proposed that the licence be granted.

#### **DECISION**

**AGREED that the application for a Taxi Drivers Licence submitted by Mr Kriese be granted.**

#### **MEMBERS**

Councillor Paterson joined the meeting during consideration of the following application.

#### **5. LICENSING OF TAXI, PRIVATE HIRE VEHICLES AND DRIVERS - CHRISTIAN SCHERFLING**

There had been circulated copies of an application submitted by Christian Scherfling for the grant of a Taxi Driver Licence together with an information letter dated 30 October 2015 received from Police Scotland. Mr Scherfling was present at the meeting.

5.1 Inspector Bennett confirmed the information provided in the Police submission that Mr Scherfling had convictions which he had declared and which were listed in the appendix to the Police letter. Mr Scherfling had submitted an application for the grant of a Taxi Driver Licence to Scottish Borders Council dated 27 October 2015. During an interview held on 29 October 2015, within Jedburgh Police Station, Mr Scherfling admitted his previous convictions for speeding and having no insurance which he had declared. Mr Scherfling had stated that the speeding offence related to Mr Scherfling driving his motor vehicle car on the A68 at Lauder above the 60mph speed limit. In respect of the conviction for driving without insurance, this related to Mr Scherfling being stopped driving a van, which had been purchased the day before, and which he wrongly believed was covered by the motor insurance he had for his motor car.

- 5.2 On being invited to address the Committee, Mr Scherfling advised that he had purchased the van on a Saturday in order to move house on the Sunday and had not realised that the insurance already in place for his motor car would not cover him to drive other vehicles. Mr Scherfling had been offered a job as a taxi driver in Kelso. Following questioning, it was agreed to approve the application for the grant a Taxi Drivers Licence submitted by Mr Scherfling.

**DECISION**

**AGREED that the application for a Taxi Drivers Licence submitted by Mr Scherfling be granted.**

6. **LICENSING OF MARKET OPERATORS**

With reference to paragraph 4 of the Minute of 23 October 2015, there had been circulated copies of an application submitted by Galashiels Market CIC for the grant of a Market Operator's Licence together with a copy of an email from the Road User Engineer advising he was content for the licence to be issued with the following conditions (a) the market will not take place over the Braw Lads weekend; and (b) the market will attempt to accommodate all other requests to utilise the area as much as they could i.e. Army, Sky. The application was in respect of an Outdoor and Indoor traditional market selling fruit and veg, fish, meat, clothing, cakes and jewellery etc, although no hot food or catering would be available. The hours of operation would be Friday and Saturday 8 a.m. and 4 p.m. between October 2015 and October 2016. Mrs Abby Keay was present at the meeting.

- 6.1 On being invited to address the Committee, Mrs Keay advised that the Market would be held on a Friday and Saturday on a weekly basis and that stalls within the stall area would be hired out for a fee. In response to a question about vehicles being brought into the stall area with stock, Mrs Keay advised that vehicles would be allowed into the area to unload and would then be removed. The only exception to this would be in respect of a generator for the Fish Van and this would be the only vehicle allowed in the stall area. It was confirmed that arrangements would be made to separate the stalls from any traffic. In response to the comments made by the Road User Engineer, Mrs Keay assured Members that every attempt would be made to accommodate all other requests to utilise the area, including waiver of pitch fee. Members accepted Mrs Keay's assurances and indicated that Council Officials and Police Scotland would monitor the market activity.

**DECISION**

**AGREED that the application for Market Operators Licence submitted by Galashiels Market CIC be granted.**

**SUMMARY OF PRIVATE BUSINESS**

**LICENSING OF TAXI, PRIVATE HIRE VEHICLES AND DRIVERS – MR STUART AYRE**<sup>1</sup>. The Committee considered a briefing note by the Solicitor to the Committee with regard to an appeal received from Mr Ayre.

*The meeting concluded at 11.50 a.m.*