

ANGUS COUNCIL

MINUTE of MEETING of the **CIVIC LICENSING COMMITTEE** held in the Town and County Hall, Forfar on Thursday 2 November 2017 at 11.09 am.

Present: Councillors CRAIG FOTHERINGHAM, RICHARD MOORE, BRIAN BOYD, COLIN BROWN, BRENDA DURNO, DAVID FAIRWEATHER, ALEX KING, DAVID LUMGAIR, GAVIN NICOL and BETH WHITESIDE.

Councillor FOTHERINGHAM, Convener, in the Chair.

1. APOLOGIES

There were no apologies intimated.

2. DECLARATIONS OF INTEREST

The Committee agreed to note that no declarations of interest were made.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 14 September 2017 was approved as a correct record and signed by the Convener.

4. DELEGATED APPROVALS

There was submitted Report No 368/17 by the Head of Legal and Democratic Services, detailing applications for licences under the Civic Government (Scotland) Act 1982 and other miscellaneous Acts which had been granted/renewed by the Head of Legal and Democratic Services in accordance with the Scheme of Delegation appended to Standing Orders.

The Committee agreed to note the applications detailed in the Appendix to the Report, granted/renewed under delegated powers during the period 18 August to 11 October 2017.

5. COMMENCEMENT OF SECTIONS 165 AND 167 OF THE EQUALITY ACT 2010

There was submitted Report No 369/17 by the Head of Legal and Democratic Services, regarding the commencement of a review of the arrangements for wheelchair accessible taxis and private hire vehicles in the Angus area.

The Committee agreed to hear Councillor Speed, who addressed the Committee and advised them of the various difficulties that she had encountered when using or trying to book a vehicle with wheelchair accessibility for members of her family who were wheelchair users.

Discussion took place during which it was noted that of the 187 taxis/private hire vehicles licensed in Angus, only 14 vehicles were wheelchair accessible.

The Committee agreed:-

- (i) to note the commencement, in full, of Sections 165 to 167 of the Equality Act 2010 as of 6 April 2017; and
- (ii) that a consultation exercise commence to inform the decision as to whether there was an unmet need in respect of the provision of wheelchair accessible taxi and private hire vehicles in Angus; which consultation to include:-
 - (a) wheelchair users;
 - (b) the taxi and private hire trade;
 - (c) groups and agencies involved in protecting and promoting the interests of users of wheelchair accessible vehicles;
 - (d) other agencies involved in the licensing of taxi and private hire vehicles; and
 - (e) local bus companies.

6. EXTENDED HOURS OVER FESTIVE PERIOD FOR LATE HOURS CATERING PREMISES

There was submitted Report No 370/17 by the Head of Legal and Democratic Services asking members to consider whether they wished to agree a policy in respect of extended hours over each Christmas and New Year period.

The Committee agreed to approve an extension at the end of trading on Christmas Eve, Christmas Day, Hogmanay and New Year's Day only for all late hours catering premises in Angus as follows:

- If Christmas Eve, Christmas Day, Hogmanay and New Year's Day fall on a Sunday, Monday, Tuesday, Wednesday or Thursday then, on that day, the Committee will permanently permit premises to trade for the hours 11.00 pm to 1.00 am;
- If Christmas Eve, Christmas Day, Hogmanay and New Year's Day fall on a Friday or a Saturday then, on that day, the Committee will permanently permit premises to trade for the hours 11.00 pm to 2.00 am.

7. ELECTRONIC COMMUNICATIONS

There was submitted Report No 371/17 by the Head of Legal and Democratic Services, which requested members to determine whether they wished to accept and issue certain documents by means of electronic communication in terms of paragraph 16A of Schedule 1 to the Civic Government (Scotland) Act 1982 ("the 1982 Act") and in respect of miscellaneous licences arising by separate enactment responsibility for which rests with the Civic Licensing Committee.

The Committee agreed:-

- (i) that with regard to all civic licences processed in terms of Schedule 1 to the 1982 Act, to accept:
 - (a) applications for the grant or renewal of a licence in terms of paragraph 1;
 - (b) objections or representations in terms of paragraph 3; and
 - (c) notifications of a change to a licence in terms of paragraph 9by means of electronic communication;
- (ii) that with regard to all civic licences processed in terms of the 1982 Act, to determine to give or refuse to give:
 - (a) notices in terms of paragraphs 5, 9, 10, 11 or 12; and
 - (b) reasons in terms of paragraph 17by means of electronic communication;
- (iii) to delegate to the Head of Legal and Democratic Services to determine:
 - (a) the form of electronic communication by which applications, objections, representations or notifications may be made or given;
 - (b) the electronic address to be used for making or giving applications, objections, representations or notifications;
 - (c) any means of authentications (in addition to electronic signature), that are acceptable; and
 - (d) to publicise, as appropriate; and
- (iv) to permit the use of electronic communication in respect of all miscellaneous licences (with the exception of Houses in Multiple Occupation) arising by separate enactment responsibility for which rests with the Civic Licensing Committee.

8. NEW APPLICATION

There was submitted Report No 372/17 by the Head of Legal and Democratic Services, regarding an application received for a new licence under the Civic Government (Scotland) Act 1982 which required to be determined by the Committee, as detailed in the Appendix to the Report.

(a) Street Trader's Licence – Fixed Pitch (ST11)

The Committee considered a number of objections in relation to an application for a Street Trader's Licence received on 21 July 2017 from Dimitar Iliev Marinov, 40 Stoneycroft Lane, Arbroath in respect of a fixed pitch site at Keptie Road, Arbroath, during the hours of Monday to Sunday, 8.00 am to 4.00 pm as detailed on the plan attached as Appendix 2 to the Report.

The applicant was present and addressed the Committee, after which members asked various questions and addressed the issue of the proposed fixed pitch being within 500m of Arbroath High School.

Ms Scothern, an objector, then addressed the Committee regarding the unsuitability of the fixed pitch.

The Committee noted the contents of an objection dated 28 July 2017 from the Roads and Transport Business Unit advising that the width of the carriageway in the layby would be reduced by the siting of the burger van and this could lead to access issues for service and emergency vehicles.

The applicant then summed up.

The Committee agreed that the application be refused on the grounds that the premises were not suitable for the conduct of the activity having regard to the location of the premises, the nature and extent of the proposed activity and the kind of persons likely to be in the premises in that:-

- (i) the siting of a burger van in the layby at Keptie Road, Arbroath could lead to access issues for service and emergency vehicles and this in turn could lead to public safety concerns; and
- (ii) the proposed site was in breach of condition 16 of a Street Trader's Licence as it fell within the 500 metre exclusion zone around Arbroath High School.