



**MINUTES OF THE MEETING OF THE  
LICENSING SUB-COMMITTEE OF THE CABINET**

**THURSDAY 13 JUNE 2013  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

Councillor J McNeil (Chair)  
Councillor F McAllister  
Councillor J Caldwell  
Councillor J Williamson  
Councillor J McMillan  
Councillor D Grant

**Council Officials Present:**

Mr I Forrest, Legal Adviser

**Others Present**

Insp A Harborow, Police Scotland  
PC H Bowsher, Police Scotland

**Clerk:**

Mrs F Stewart, Committees Assistant

**Apologies:**

None

**Declarations of Interest:**

None

## **SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION**

The Licensing Sub-Committee unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraph 6 (information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

### **1. Applications for Grant of Taxi/Private Hire Car Driver's Licence**

The Sub-Committee considered one application for grant of a licence and this was refused.

### **2. Application for Renewal of Taxi/Private Hire Car Driver's Licence**

The Sub-Committee considered one application for renewal of a licence and this was agreed.

### **3. LICENSING OF SECOND HAND DEALERS AND WINDOW CLEANERS**

The Executive Director (Support Services) had submitted a report to advise the Sub-Committee of a request received from Police Scotland that the Council resolve to include second hand dealing and window cleaning among the activities for which a licence under the Civic Government (Scotland) Act is required.

The Legal Adviser stated that the Council had received a letter dated 30 May 2013 requesting that the Council make resolutions to license those activities, both optional in terms of the Act. He advised that there were three options available to Members; to refuse to grant the request, to initiate a public consultation regarding the request or to grant the request and authorise the Corporate Legal Adviser to initiate the process of creating resolutions. Should Members agree to the third option, it was anticipated that the new licences would be introduced this time next year at the earliest. Should Members decide that a public consultation was appropriate, it was expected that licences would be introduced at the end of 2014, if the outcome was in favour of licensing those activities. The Legal Adviser also pointed out that, in respect of second hand dealing, the resolution would need to confirm the class of activities which would be covered, the most obvious being second hand cars.

The Police Inspector stated that licensing second hand dealers and window cleaners would greatly assist with the prevention and detection of crime. He advised that there had been reports of bogus window clears and evidence of serious organised crime in connection with second hand dealers. He added that West Lothian and Midlothian undertake licensing for these groups and that Borders Council licensed second hand dealers only. He also requested that, should Members agree to proceed to initiate the process of licensing these two groups, the Police were consulted on the terms of the resolutions.

The Chair stated that it was important for the Council to work with the Police and to co-operate in the prevention of crime. Licensing these groups would also safeguard the public.

Members consulted the Police and the Legal Adviser on a number of points, including the criteria to be met to require a licence and the renewal dates of such licences. The Legal Adviser advised that charities were specifically excluded from the legislation.

### **Decision**

The Sub-Committee considered the terms of the request from Police Scotland and agreed to grant the request, authorising the Corporate Legal Advisor and such staff as she may appoint to initiate the process of creating resolutions. The proposed wording of the resolutions would be brought before the Sub-Committee at the September meeting for consideration.

### **ADDITIONAL BUSINESS**

The Legal Adviser stated that a number of objections had been received in relation to consultations on an amended resolution following a report on Late Hours Catering licences which came before the Sub-Committee on 13 September 2012. As a result it would be necessary to convene an additional meeting during Recess. The Committee Clerk agreed to make the necessary arrangements for the middle of August.