

MINUTE of MEETING of the LICENSING COMMITTEE (PRIVATE) of WEST Lothian Council held within Council Chambers, West Lothian Civic Centre, on 7 September 2016.

Present – Councillors George Paul, Tom Conn, Anne McMillan, Jim Walker

Apologies – Councillor Tony Boyle (Chair), Dave King, John Muir

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The committee confirmed the Minute of its meeting held on 10 August 2016. The Minute was thereafter signed by the Chair.

3. PRIVATE SESSION

The committee resolved under Section 50(A) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting during consideration of the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 3, 12 and 14 of Schedule 7A of the Act.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – TAXI DRIVER'S LICENCE – ITEM 6

The committee noted that the applicant was not present.

The Clerk explained that the applicant's Solicitor had advised that the licence holder was unable to attend the hearing and requested that the hearing be adjourned.

Decision

The committee agreed to a final adjournment to 5 October 2016, the licence holder was to be advised that the hearing would take place on that date, and therefore he should arrange to attend personally, have representation or provide a written response to the suspension request submitted by Police Scotland.

5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – ITINERANT METAL DEALERS AND METAL DEALERS LICENCE CONDITIONS

There were no licence holders in attendance at the meeting.

The Clerk referred the committee to the report (copies of which had been circulated) by the Chief Solicitor inviting them to consider to vary the standard conditions of a number of metal dealer and itinerant dealer's licences following approval of amended standard conditions for licensed metal dealers and itinerant metal dealers by the Council Executive..

The report recommended that the committee, after hearing any representations from any licence holder affected, Police Scotland or the Scottish Fire and Rescue Service consider varying:-

1. All current metal dealer's licences granted prior to 2 August 2016 by revoking the standard conditions to which they were subject and impose the amended standard conditions contained in appendix 1; and
2. All current itinerant metal dealers' licences granted prior to 2 August 2016 by revoking the standard conditions to which they were subject and impose the amended standard conditions contained in appendix 1.

The report advised that under the Civic Government (Scotland) Act 1982, metal dealers, who carry on the business of metal dealing from premises and itinerant metal dealers, who carry on the business of metal dealing by means of visits from place to place, both require to be licensed.

The report explained that the Scottish Government was making changes to the licensing and regulation of metal dealers and itinerant metal dealers. Some of these changes had already taken effect and the remaining changes would take effect on 1 September 2016. A particular change is that from 1 September 2016 cash will no longer be legally acceptable payment for metal by a licensed metal dealer or an itinerant metal dealer.

On 2 August 2016 the Council Executive approved amended standard conditions for licensed metal dealers and itinerant metal dealers.

These amended standard conditions would apply to all metal dealers and itinerant metal dealers licences granted after 2 August 2016. With regard to existing licence holders granted prior to 2 August these licences were subject to the council's outdated standard conditions and required to be varied by the Licensing Committee.

In conclusion the report advised subject to any representation made to the committee by any licence holder affected, Police Scotland or the Scottish Fire and Rescue Service, the committee was invited to consider varying all current metal dealers and itinerant metal dealers' licences.

The Committee asked PC Cruickshank the representative from Police Scotland if she wished to make any submissions. PC Cruickshank advised that she had no comments to make.

### Decision

To agree to vary the standard conditions of all metal dealers and itinerant metal dealers in existence prior to 2 August 2016 with immediate effect.