

MINUTE

B – PUBLIC

Licensing Committee

Council Chamber, Town Hall, Lerwick

Wednesday 10 September 2014 at 2.15pm

Present:

G Smith	A Cooper
A Duncan	C Smith

Apologies:

M Bell	P Campbell
G Robinson	A Westlake

In Attendance (Officers):

Chief Inspector E Graham, Police Scotland
M Craigie, Executive Manager – Transport Planning
J Holden, Team Leader – Development Management
D Manson, Lead Environmental Health Officer
P Sutherland, Solicitor
B Kerr, Communications Officer
L Adamson, Committee Officer

Chair

Mr G Smith, Chair of the Committee, presided.

Circular

The circular calling the meeting was held as read.

Declarations of Interest

None

14/14 Minutes

The minutes of the Licensing Committee held on 22 July 2014, having been circulated, were confirmed on the motion of Mr C smith seconded by Mr Duncan.

15/14 ICD Scrap Haulage Ltd Metal Dealers Licence

The Committee considered a report by the Team Leader – Environmental Health (ES-10-14-F) which sought a decision on an application for a Metal Dealers Licence submitted by ICD Scrap Haulage Ltd, due to adverse representations or objections received to the grant of the application from Development Service - Planning.

In introducing the application, the Lead Environmental Health Officer said that the Committee is asked to decide whether the unacceptable environmental impact as set out in the objection would make the premises unsuitable for the activity of metal dealing, and if the Committee agree then they must refuse the application. She advised however, that the Licensing Authority should not refuse an application if the concern can be addressed by placing conditions on the Licence. She said that in regard to this application, Development Control – Planning have indicated that if the storage or recovery of reusable metal were to take place within the building regarded and defined as the premises the metal dealers licence would be acceptable in planning terms. This would mitigate the adverse effects on the amenity of neighbouring residents caused by such activities in this

location taking place in the open, without screening. The Lead Environmental Health Officer confirmed therefore, that it would be possible to grant the licence with additional conditions to resolve the Planning concerns.

The Chair welcomed questions from Members, to the representatives of the applicant and objector who were in attendance at the meeting.

A Member enquired on the practicality of working with the scrap metal inside a building, when he presumed that some of the material would be large in size. Mrs B Leslie, the applicant, advised that most of the non-ferrous material, which has most value, would be worked with inside the building. The other metals would be transferred into the bulk trailers outside, for exporting.

Mrs Leslie advised on the Company's intention in the future, to seek planning permission for a storage area outwith the building.

The Chair referred to the two separate issues relating to the application, where he advised that planning matters will be dealt with by the Planning Committee, while this Committee is to consider the granting of a Metal Dealers Licence for the business. He added that the objections, although from the Planning Service, relate to the licensing function rather than to Planning permission.

Mr C Smith advised of his concern in regard to the excessive opening hours being applied for, from 7am to 11pm 7 days per week. Mrs Leslie advised that their previous licence included the applied for opening hours of 7am to 11pm 7 days per week, which she explained gave them scope for materials to be moved at times to fit in with the arrival and departure of shipments. She added that the business does not always operate 7 days a week.

The Chair referred to the objection from Development Control – Planning which includes a suggestion for screening to be provided unless all the scrap metal can be stored in containers or within the building. The Team Leader – Development Management said that if assurance can be given that the scrap metal is to be kept in the building this would ensure that the amenity of the neighbourhood is guaranteed and there would be no issues in regard to a Planning decision. He added that he was aware that the Company has proposals in mind for works outside the building, but as no detail has been provided the Planning Service are unable to make a judgement on such proposals.

In response to a question from the Chair, the Team Leader – Development Management said that from his viewing of the operations at the Lower Scord, there is an element of activity on site. He said that the scrap metal activity on site is particularly open to view due to the elevation of the main road looking down onto the site.

In response to a question, Mrs Leslie confirmed that the metal is not shredded at the Lower Scord site, but is transported directly into the containers as it has arrived onto the site.

The Chair thanked the representative of the applicant and the objector for the information provided to the Committee.

Mr Cooper said that the business is proven as a facility the community needs to tidy up scrap metal in Shetland, however he had concerns on the openness of the site and that there is no screening, particularly from the passing traffic. Mr C Smith agreed that the scrap metal operation is required in Shetland, but said that in his opinion, the applicant

needs to do more in regard to screening the site and to work with the Planning Service to comply with the planning permission. Mrs Leslie explained how there has been some confusion in the Planning Service in regard to land ownership at the site, where she advised that ICD Scrap Haulage Ltd own just part of the site. She added that there is an opening into the neighbouring party's site, which is to be closed off, to prevent access into their yard.

Mr Cooper questioned whether the Committee can grant a licence for a specific shorter period of time. The Solicitor advised that although a Licence is generally granted for a period of 3 years, the Licensing Authority would have the discretion to grant a Licence for a shorter period.

In response to a question, Mrs Leslie advised that the company currently employs one part-time and 5 full-time members of staff.

Mr Cooper moved that the Licence be granted for a period of one year, to allow the company to continue to trade whilst the issues with the Planning conditions are being resolved, which includes, as far as possible, the screening of the site. Mr Duncan seconded.

Decision:

The Committee **RESOLVED** to approve the Licence for a period of one year.

On the motion of Mr G Smith, seconded by Mr C Smith the Committee resolved in terms of subsection 4 of Section 50A of the Local Government (Scotland) Act 1973 to exclude the public from this meeting during consideration of the following agenda item on the grounds that it is likely that, if the public were present, there would be disclosure of exempt information as defined in paragraph 6 of Part I of Schedule 7A to the said Act.

(The Committee adjourned for a period of 10 minutes, to allow representation from Police Scotland to attend the meeting).

16/14 **Application for Grant of a Taxi Driver's Licence**

The Committee considered a report by the Executive Manager – Transport Planning which sought a decision on one application for a Taxi Driver's Licence, to which there had been adverse representations from Police Scotland and that cannot be granted by Officers under delegated authority.

The Committee decided to admit, for consideration, observations from the Police concerning previous convictions of the applicants. Copies of the Police observations were then circulated to Members.

Decision:

The Committee **RESOLVED** to:

1. Approve the grant of a taxi driver's licence 1

The meeting concluded at 3pm.

CHAIR