

**FALKIRK COUNCIL**

**MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 4 DECEMBER 2013 at 9.30 A.M.**

**COUNCILLORS:**

Jim Blackwood  
Baillie William Buchanan  
Gordon Hughes  
Baillie Joan Paterson  
Depute Provost Patrick  
Provost Pat Reid (Convener)  
Anne Ritchie

**OFFICERS:**

Bryan Douglas, Licensing Co-ordinator  
Rose Mary Glackin, Chief Governance Officer  
Frances Kobiela, Senior Solicitor (for agenda item 7 (minute CL96))  
Brian Samson, Licensing Enforcement Officer (for agenda item 5 (minute CL89))  
Antonia Sobieraj, Committee Officer

**CL85. APOLOGIES**

Apologies were intimated on behalf of Councillors McNally and Turner.

**CL86. DECLARATIONS OF INTEREST**

None.

**CL87. MINUTE**

**Decision**

The minute of the meeting of the Civic Licensing Committee on 13 November 2013 was approved.

**CL88. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS AND NOTIFICATIONS OF PUBLIC PROCESSIONS RECEIVED IN OCTOBER 2013**

The Committee considered a report by the Chief Governance Officer detailing (a) applications granted under delegated powers between 1 and 31 October 2013 in terms of the Civic Government (Scotland) Act 1982 and the Marriage (Approval of Places) (Scotland) Regulations 2002, and (b) notifications of public processions received during the same period.

**Decision**

**The Committee noted the Report.**

**CL89. CIVIC LICENSING ENFORCEMENT - OCTOBER 2013**

The Committee considered a report by the Chief Governance Officer giving an overview of enforcement action taken with regard to Civic Licensing activities during October 2013.

**Decision**

**The Committee noted the Report.**

**CL90. ORDER OF BUSINESS**

In terms of Standing Order 14.2(i), Provost Reid advised of a variation to the order of business from that detailed on the agenda for the meeting. The following items have been recorded in the order that they were taken.

**CL91. EXCLUSION OF PUBLIC**

**RESOLVED** in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public for the following items of business on the ground that they would involve the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7A to the said Act.

**CL92. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE**

The applicant, Mr R, entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the grant of a new taxi driver licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received, and (c) detailing the applicant's record.

Mr R spoke in support of the application.

Questions were then asked by Members of the Committee.

### **Decision**

**The Committee agreed that the applicant should undergo a medical examination. Should he fail the test the application will be remitted back to Committee for further consideration but, should he pass the test the Chief Governance Officer is authorised to grant the licence for a period of one year subject to the standard conditions and with a warning letter detailing the standards expected of taxi drivers.**

Councillor Hughes entered the meeting during consideration of the following item of business.

### **CL93. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR LICENCE**

The applicant, Mr W, entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the renewal of a taxi operator licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received, and (c) detailing the applicant's record.

Mr W spoke in support of the application.

Questions were then asked by Members of the Committee.

### **Decision**

**The Committee agreed to renew the licence for a period of one year subject to the standard conditions and with a warning letter detailing the standards expected of taxi operators.**

**Having been advised that the applicant also held a taxi driver licence, the Committee determined that, should a renewal application for that licence be received, authority to grant it without appearance before the Committee should be delegated to the Chief Governance Officer provided that there was no change in the applicant's circumstances in the intervening period.**

### **CL94. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE**

The applicant, Mr G, entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the grant of a new private hire car driver licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received, and (c) detailing the applicant's record.

Mr G spoke in support of the application.

Questions were then asked by Members of the Committee.

### **Decision**

**The Committee agreed that the applicant should undergo a medical examination. Should he fail the test the application will be remitted back to Committee for further consideration but, should he pass the test the Chief Governance Officer is authorised to grant the licence for a period of one year subject to the standard conditions and with a warning letter detailing the standards expected of private hire car drivers.**

## **CL95. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER LICENCE**

Prior to commencement of this item of business, Councillor Ritchie advised that she was acquainted with the applicant but did not consider that the nature of this acquaintance which wasn't a close one, gave rise to a declarable interest under the Code.

The applicant, Mr P, entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the renewal of a private hire car driver licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received, and (c) detailing the applicant's record.

Mr P spoke in support of the application.

Questions were then asked by Members of the Committee.

### **Decision**

**The Committee agreed to renew the licence for a period of one year subject to the standard conditions and with a warning letter detailing the standards expected of private hire car drivers.**

The Convener agreed an adjournment at 9.50 a.m. prior to full consideration of the following item of business. The meeting reconvened at 11.30 a.m. with all Members present as per the sederunt.

**CL96. SUSPENSION HEARING IN RELATION TO TAXI DRIVER LICENCE NO. 0820**

The licenceholder, Ms M, together with her colleague, Mr McK and Inspector D Gibson and PC A Kane, Police Scotland, all entered the meeting.

The Committee considered a report by the Chief Governance Officer advising of (a) a letter of complaint submitted by Police Scotland in respect of the licenceholder seeking a suspension of her taxi driver licence, and (b) a decision taken by the Chief Governance Officer not to suspend the licence under paragraph 12 of Schedule 1 to the Civic Government (Scotland) Act 1982 but to submit the complaint under paragraph 11 of the said Schedule to Committee for consideration.

The licenceholder, Ms M, advised that she had no preliminary points to make on the competency of the complaint following which the letter of complaint was circulated.

Inspector Gibson then spoke in amplification of the complaint.

Questions were asked of Inspector Gibson by Members of the Committee. The licenceholder stated that she had no questions for Police Scotland.

Mr McK, on behalf of the licenceholder, was then heard in relation to the complaint.

Questions were asked of the licenceholder by Members of the Committee. Inspector Gibson stated that he had no questions for the licenceholder.

**AGREED** that a short adjournment take place to enable Committee to consider the submissions.

The licenceholder, Ms M, her colleague, Mr McK, Inspector D Gibson and PC A Kane, left and were then recalled to the meeting

Following further questions about the licenceholder's personal circumstances, Baillie Paterson, seconded by Councillor Hughes, moved that the licence not be suspended in recognition that the matter would require shortly to be considered again by the Committee in relation to the recently submitted licence renewal application.

By way of an amendment, Councillor Blackwood, seconded by Depute Provost Patrick, moved that the licence be suspended for the unexpired portion of its duration on the basis that the licenceholder was no longer a fit and proper person to hold the licence and that the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety. In reaching this view the explanation offered by or on behalf of the licenceholder about her actions in the period prior to driving the taxi on the occasion which gave rise to the complaint was a material consideration. In light of this, and having regard to public safety, it was also moved as part of the amendment that the circumstances of the case justified immediate suspension of the licence all in accordance with paragraphs 11 (2) (a) & (c), 11 (10) and 11 (11) of the said Schedule.

On a division, 3 Members voted for the motion and 4 for the amendment.

## Decision

The Committee agreed to suspend the licence with immediate effect for the unexpired portion of its duration, in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraphs 11 (2) (a) & (c), 11 (10) and 11 (11) on the basis that, in the opinion of the Committee, the licenceholder was no longer a fit and proper person to hold the licence and that the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or safety.