

AGENDA ITEM 3
DRAFT

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 19 FEBRUARY 2014 at 9.30 A.M.

COUNCILLORS:

Jim Blackwood
Gordon Hughes
Baillie Joan Paterson (DC)
Depute Provost John Patrick
Provost Pat Reid (C)
Ann Ritchie

OFFICERS:

Shona Barton, Committee Services Officer
Bryan Douglas, Licensing Co-ordinator
Rose Mary Glackin, Chief Governance Officer
Frances Kobiela, Senior Solicitor
Brian Samson, Licensing Enforcement Officer (for agenda item 5 (minute CL112))

CL108. APOLOGIES

Apologies were intimated on behalf of Baillie Buchanan and Councillor Turner.

CL109. DECLARATIONS OF INTEREST

No declarations were made.

CL110. MINUTE

Decision

The minutes of the meetings of the Civic Licensing Committee on 15 January 2014, and Special Civic Licensing Committee on 30 January 2014 were approved.

CL111. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS AND NOTIFICATIONS OF PUBLIC PROCESSIONS RECEIVED IN DECEMBER 2013

The Committee considered a report by the Chief Governance Officer detailing (a) applications granted under delegated powers between 1 and 31 December 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.

CL112. CIVIC LICENSING ENFORCEMENT – DECEMBER 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 December 2013.

Decision

The Committee noted the Report.

CL113. 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.

CL114. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR LICENCE

The applicant, Mr M, 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 M 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.

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.

Councillor Hughes entered the meeting following conclusion of the foregoing item of business.

CL115. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR LICENCE

The applicant, Mr F, entered the meeting and was accompanied by his accountant Mr H.

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) narrating a request from the applicant for dispensation from the condition requesting certain information to be affixed to the licensed vehicle by means of stickers.

Mr F 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 as approved but with a variation to condition 11 to allow the sign referred to, to be a magnetic sign of similar size and design supplied by the Licensing authority and paid for by the applicant. The licenceholder will be excused the duty to display the sign when undertaking wedding and corporate hire work but must affix it to the vehicle when undertaking other taxi activities. The magnetic sign must be kept within the vehicle at all times.

CL116. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr F, was not in attendance.

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. The Committee noted that the applicant had been invited to sit the knowledge test on four separate occasions but had never attended to do so, the last three of those occasions eliciting no response from the applicant

Decision

The Committee refused to grant the taxi driver licence application in terms of the Civic Government (Scotland) Act 1982, Section 13 (5) on the ground that the applicant, having failed to pass the knowledge test, has failed to satisfy the Authority that he had adequate knowledge of the area to which the licence relates and the layout of the roads in the area.

CL117: 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.

CL118. SUSPENSION HEARING IN RELATION TO TAXI DRIVER LICENCE NO.0062

The licenceholder, Mr C, together with his representative Mr S and Inspector P Rollo and PC A Kane, Police Scotland, all entered the meeting.

The Committee considered a report by the Chief Governance Officer advising of a letter of complaint submitted by Police Scotland in respect of the licenceholder, seeking a suspension of his taxi driver licence under paragraph 11 Schedule 1 to the Civic Government (Scotland) Act 1982.

Mr S advised that he had no preliminary points to make on the competency of the complaint following which the letter of complaint was circulated.

Inspector Rollo then spoke in amplification of the complaint.

Members of the Committee and Mr S stated that they had no questions for Inspector Rollo.

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

Questions were asked of Mr S by Members of the Committee and by Inspector Rollo.

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

The licenceholder, Mr C, Mr S, Inspector Rollo and PC Kane, left and were then recalled to the meeting

The Committee agreed that Mr C was no longer a fit and proper person to be the holder of a taxi driver licence and agreed to suspend the licence. Before reaching a view on the length of the suspension, the Committee heard Mr S present his case in terms of mitigation.

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

The licenceholder, Mr C, Mr S, Inspector Rollo and PC Kane, left and were then recalled to the meeting

Decision

The Committee found that the licenceholder was no longer a fit and proper person to hold the licence in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 11 (2) (a). Accordingly, the Committee agreed to suspend the licence from 1 March 2014 to 30 April 2014 (inclusive).

CL119. SUSPENSION HEARING IN RELATION TO TAXI DRIVER LICENCE NO.1734

The licenceholder Mr M was not in attendance. Inspector Rollo and PC Kane were in attendance as representatives of Police Scotland.

The Committee considered a report by the Chief Governance Officer advising of a letter of complaint submitted by Police Scotland in respect of the licenceholder seeking a suspension of his taxi driver licence under paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982.

The Committee were satisfied that appropriate notification had been made to the licenceholder and agreed to proceed with consideration of the matter in his absence.

There being no preliminary matters, the letter of complaint from Police Scotland was circulated.

Inspector Rollo then spoke in amplification of the complaint.

Questions were asked of Inspector Rollo and PC Kane by Members of the Committee.

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

Inspector Rollo and PC Kane, left and were then recalled to the meeting

Decision

The Committee agreed to continue consideration of the matter to the next meeting of the Committee on 19 March 2014 to allow the licenceholder one last opportunity to attend.