

**DRAFT**

**MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 23 APRIL 2014 at 2.00 P.M.**

**COUNCILLORS:**

Jim Blackwood  
Baillie William Buchanan  
Gordon Hughes  
Baillie Joan Paterson  
Depute Provost John Patrick  
Provost Pat Reid  
Sandy Turner

**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 CL4))

In the absence of the Convener on other business, Baillie Joan Paterson chaired the meeting during items CL1 – CL5.

**CL1. APOLOGIES**

Apologies were intimated on behalf of Councillors McNally and Ritchie.

**CL2. DECLARATIONS OF INTEREST**

No declarations were made.

**CL3. MINUTE**

**Decision**

**The minute of the meeting of the Civic Licensing Committee on 19 March 2014 was approved.**

**CL4. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS AND NOTIFICATIONS OF PUBLIC PROCESSIONS RECEIVED IN FEBRUARY 2014**

The Committee considered a report by the Chief Governance Officer detailing (a) applications granted under delegated powers between 1 and 28 February 2014 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.**

**CL5. CIVIC LICENSING ENFORCEMENT – FEBRUARY 2014**

The Committee considered a report by the Chief Governance Officer giving an overview of enforcement action taken with regard to Civic Licensing activities during February 2014.

**Decision**

**The Committee noted the Report.**

Provost Reid entered the meeting during discussion of the foregoing item of business and assumed the chair for the following items of business.

**CL6. 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.

**CL7. APPLICATION FOR THE VARIATION OF LATE HOURS CATERING LICENCE NO. 238**

Mr C and Mr R, directors of the applicant company and Inspector D Gibson and PC Andy Kane, Police Scotland, entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the variation of late hours catering licence no.238 (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received, and (c) attaching as appendices 1 and 2 respectively, the report submitted to Committee on 19 March 2014 and the representation received from Police Scotland in relation to the application.

Inspector Gibson spoke in amplification of the representation made by Police Scotland.

Members of the Committee and Mr C and Mr R asked questions of Inspector Gibson.

Mr C and Mr R spoke in support of the application.

Questions were then asked by Members of the Committee.

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

Mr C, Mr R, Inspector Gibson and PC Kane left and were then recalled to the meeting.

### **Decision**

**The Committee agreed to refuse the variation application on the basis that the premises proposed to be used for the licensed activity are not suitable or convenient for that use having regard to:**

- **the location of the premises;**
- **the nature and extent of the proposed activity;**
- **the possibility of undue public nuisance, and**
- **public order or public safety**

**All in accordance with paragraphs 5(3)(c)(i), (ii), (iv) and (v) of Schedule 1 to the Civic Government (Scotland) Act 1982.**

**Additionally, there was other good reason to refuse the application under paragraph 5(3)(d) of the said Schedule in that the licence sought was contrary to the Council's policy and the Committee was not persuaded that such a departure from policy was justified.**

## **CL8. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE**

Ms M, the applicant, Inspector D Gibson and PC A Kane, Police Scotland all entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the renewal of a taxi driver licence (a) advising of the background to the application, and (b) detailing the consultations undertaken.

Ms Kobiela advised the Committee that the applicant had two pending court proceedings which had yet to be heard. One was a trial and the other an appeal. It was also noted that an extension had been obtained from the Sheriff in terms of the timescale in which this application had to be considered by the Committee. This application now had to be determined by 31 August 2014.

Ms M was then heard in relation to the complaint, advising that she wished the matter to be continued pending the outcome of the trial.

Inspector Gibson advised that Police Scotland were content to allow for the continuation.

### **Decision**

**The Committee agreed to continue consideration of the application to a future meeting pending the outcome of the trial.**

## **CL9. APPLICATION FOR THE GRANT OF A NEW WINDOW CLEANER LICENCE**

The applicant, Mr H, entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the grant of a new window cleaner 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 H spoke in support of the application.

Questions were then asked by Members of the Committee.

### **Decision**

**The Committee agreed to grant the application for a new window cleaner licence for a period of three years subject to the standard conditions.**