

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 1 OCTOBER 2014 at 9.30 A.M.

COUNCILLORS: Jim Blackwood
Baillie Buchanan
Gordon Hughes
John McNally
Baillie Paterson
Depute Provost Patrick
Provost Pat Reid (Convener)
Sandy Turner

OFFICERS: Alison Barr, Consumer Protection Manager
Arlene Fraser, Committee Services Officer
Rose Mary Glackin, Chief Governance Officer
Isabel Renton, Licensing Assistant
Brian Samson, Licensing Enforcement Officer (for agenda item 5 (minute CL64))

CL72. APOLOGY

An apology was intimated on behalf of Councillor Ann Ritchie.

CL73. DECLARATIONS OF INTEREST

No declarations were made.

CL74. MINUTE

Decision

The minute of the meeting of the Civic Licensing Committee on 3 September 2014 was approved.

CL75. 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.

CL76. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS AND NOTIFICATIONS OF PUBLIC PROCESSIONS RECEIVED IN AUGUST 2014

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

Depute Provost Patrick joined the meeting during consideration of the foregoing item of business.

CL77. CIVIC LICENSING ENFORCEMENT – AUGUST 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 August 2014.

Decision

The Committee noted the Report.

CL78. 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.

CL79. APPLICATION FOR THE VARIATION OF A SECOND HAND DEALER LICENCE CONDITIONS

The applicants, Mr M and Mr G, on behalf of the applicant company, entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the variation of the conditions attached to a second hand dealer licence (a) advising of the background to the application, and (b) detailing the consultations undertaken and the responses received.

Mr M spoke in support of the application.

Questions were then asked by Members of the Committee.

Decision

The Committee agreed to grant the variation of the second hand dealer licence.

CL80. APPLICATION FOR THE RENEWAL OF LATE HOURS CATERING LICENCE NO.48

The applicant, Mr D, entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the renewal of a late hours catering licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received, and (c) attaching as

appendices 1 to 3 respectively, the late hours catering policy, the late hours catering conditions and a location plan.

Questions were then asked by Members of the Committee.

Decision

The Committee agreed that there remained justification to depart from Council policy with regard to these premises and to renew late hours catering licence No.48 for a period of three years.

CL81. APPLICATION FOR THE RENEWAL OF LATE HOURS CATERING LICENCE NO.45

The applicant, Mr D, entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the renewal of a late hours catering licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received, and (c) attaching as appendices 1 to 3 respectively, the late hours catering policy, the late hours catering conditions and a location plan.

Questions were then asked by Members of the Committee.

Decision

The Committee agreed that there remained justification to depart from Council policy with regard to these premises and to renew late hours catering licence No.45 for a period of three years.

CL82. APPLICATION FOR THE RENEWAL OF A WINDOW CLEANER LICENCE

The applicant, Mr C, entered the meeting.

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

Mr C spoke in support of the application.

Questions were then asked by Members of the Committee.

Decision

The Committee agreed to renew the window cleaner licence for a period of three years subject to the standard conditions.

CL83. APPLICATION FOR THE GRANT OF A NEW WINDOW CLEANER LICENCE

The applicant, Mr S, 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 responses received, and (c) detailing the applicant's record.

Mr S spoke in support of the application.

Questions were then asked by Members of the Committee.

Decision

The Committee agreed to grant the window cleaner licence with a warning letter, for a period of three years subject to the standard conditions.

CL84. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr B, together with his employer, Mr B, 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 responses received, and (c) detailing the applicant's record.

Mr B spoke in support of the application.

Decision

The Committee agreed to instruct officers to arrange for the applicant to undertake a medical and should the applicant pass the medical to grant the private hire car driver licence with a warning letter, subject to the standard conditions.

CL85. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr McC, 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 grant of a new private hire car driver licence (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received, and (c) detailing the applicant's record.

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

Inspector Gibson then spoke in amplification of the letter of objection.

Mr McC advised that, at this point he had no questions for Police Scotland but, due to a forthcoming Court appearance, sought a continuation of the matter.

Decision

The Committee agreed to continue consideration of the application to a future meeting pending the outcome of the court proceedings.

CL86. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

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

With reference to Minute of Meeting of the Civic Licensing Committee held on 19 March 2014 (Paragraph CL.132 refers), 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; (b) detailing the consultations undertaken and responses received, which included an objection submitted by Police Scotland, and (c) detailing the applicant's record.

Mr M advised that he had no preliminary points to make on the competency of the objection following which it was circulated.

Inspector Gibson then spoke in amplification of the objection.

Members of the Committee asked questions of Inspector Gibson.

Mr M was then heard in relation to the objection and his application.

Questions were then asked by Members of the Committee.

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

The applicant, Mr M, Inspector Gibson and PC Kane left and were then recalled to the meeting.

Decision

The Committee agreed to renew the taxi driver licence with a warning letter, subject to the standard conditions. However, the Committee expressed concern about the applicant's actions and, in light of these concerns, determined that the licence should be granted for only six months. Should the applicant apply to renew the licence thereafter, then the application will be remitted back to the Committee for consideration.