

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 18 FEBRUARY 2015 at 9.30 A.M.

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

OFFICERS: Bryan Douglas, Licensing Co-ordinator
Arlene Fraser, Committee Services Officer
Rose Mary Glackin, Chief Governance Officer
Frances Kobiela, Senior Solicitor

CL130. APOLOGY

An apology was intimated on behalf of Councillor Ritchie.

CL131. DECLARATIONS OF INTEREST

No declarations were intimated.

CL132. MINUTE

Decision

The minute of the meeting of the Civic Licensing Committee on 14 January 2015 was approved.

CL133. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN DECEMBER 2014 AND NOTIFICATIONS OF PUBLIC PROCESSIONS PENDING

The committee considered a report by the Chief Governance Officer detailing (a) applications granted under delegated powers between 1 and 31 December 2014 in terms of the Civic Government (Scotland) Act 1982 and the Marriage (Approval of Places) (Scotland) Regulations 2002, and (b) notifications of pending public processions.

Decision

The committee noted the report.

CL134. CIVIC LICENSING ENFORCEMENT – DECEMBER 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 December 2014.

Decision

The committee noted the report.

CL135. 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.

CL136. APPLICATION FOR THE GRANT OF A NEW STREET TRADER LICENCE

The applicant, Mr C, entered the meeting.

With reference to Minute of Meeting of the Civic Licensing Committee held on 14 January 2015 (paragraph CL128 refers), the committee considered a report by the Chief Governance Officer on an application for the grant of a new street trader (mobile) 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 Council's Estates Unit had made comment on the application and, in particular, that if the licence be granted, that the licence holder, if trading at a particular location for a period exceeding five minutes, shall ensure the collection and removal of any paper, food wrapping, food, litter or refuse, containers or drinks containers within a 25m zone.

Mr C spoke in support of the application and in response to the comment made by the Council's Estates Unit.

Questions were then asked by members of the committee.

Decision

The committee agreed to grant the street trader licence for a period of 3 years, with a warning letter and subject to the standard conditions. An additional condition was also applied, namely that if the licence holder trades at a particular location for a period exceeding five minutes, he shall ensure the collection and removal of any paper, food wrapping, food, litter or refuse, containers or drinks containers, attributable to the licensed activity, within a 25m zone.

CL137. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER 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 taxi driver licence (a) advising of the background to the application; (b) summarising the consultations undertaken and 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 instruct officers to arrange for the applicant to undertake a medical and should the applicant pass the medical, to grant the application for a new taxi driver licence for a period of one year, subject to the standard conditions. Should the applicant fail the medical examination, the application will be submitted again to the Civic Licensing Committee for further consideration.

CL138. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

Having heard from the Licensing Co-ordinator that the applicant was not in attendance, nor had she made contact with the Licensing Section, the committee determined to consider the application in the applicant's absence.

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) summarising the consultations undertaken and responses received, and (c) detailing the applicant's record.

The committee **NOTED** that the applicant had failed the knowledge test on her first attempt and had been invited to re-sit the knowledge test on five separate occasions, but had been unable to attend on each occasion. At the last invitation, the applicant advised that she no longer wished to be a taxi driver and that she would submit a letter to this effect, however, to date, no letter has been received.

Decision

The committee refused to grant the taxi driver licence 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 she had adequate knowledge of the area to which the licence relates and the layout of the roads in the area.

CL139. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr O, and his employer, Mr M, both 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 M spoke in support of Mr O's application.

Questions were then asked by members of the committee.

Decision

The committee agreed to renew the private hire car driver licence for a period of one year, subject to the standard conditions and with a warning letter.