

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

COUNCILLORS: Jim Blackwood
Baillie William Buchanan
Gordon Hughes
Depute Provost John Patrick
Provost Pat Reid (Convener)
Ann Ritchie

OFFICERS: Bryan Douglas, Licensing Co-ordinator
Frances Kobiela, Senior Solicitor
Brian Samson, Licensing Enforcement Officer
Antonia Sobieraj , Committee Services Officer

CL140. APOLOGIES

Apologies were intimated on behalf of Baillie Paterson and Councillor McNally.

CL141. DECLARATIONS OF INTEREST

No declarations were intimated.

CL142. MINUTE

Decision

The minute of the meeting of the Civic Licensing Committee on 18 February 2015 was approved.

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

CL143. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN JANUARY 2015 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 January 2015 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.

CL144. CIVIC LICENSING ENFORCEMENT – JANUARY 2015

The committee considered a report by the Chief Governance Officer giving an overview of enforcement action taken with regard to Civic Licensing activities during January 2015.

The committee noted the report.

CL145. 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.

CL146. APPLICATION FOR THE GRANT OF A NEW SECOND HAND DEALER LICENCE

The applicant, Ms M, on behalf of the applicant company, entered the meeting.

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

Ms M spoke in support of the application.

Questions were then asked by Members of the Committee.

Decision

The committee agreed to grant the licence for a period of three years subject to the standard conditions but with a variation in relation to the following conditions:-

- (a) The condition requiring that records be maintained in a bound book to be varied to enable such records to be maintained electronically; and**
- (b) The condition prohibiting the activity of pawn broking in the same premises as a second hand dealer to be removed.**

CL147. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER 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 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 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 with a stern warning letter detailing the standards expected of taxi drivers and subject to the standard conditions.

CL148. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER 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 taxi driver licence (a) advising of the background to the application, and (b) summarising the consultations undertaken and responses received.

Mr S spoke in support of the application.

Questions were then asked by Members of the Committee.

Decision

The committee agreed:-

- (a) that the applicant be given a final opportunity to take and pass the knowledge test;**
- (b) that should the applicant fail the knowledge test, to authorise the Chief Governance Officer to refuse the licence without further reference to Committee;**
- (c) that should the applicant take and pass the knowledge test, officers would arrange for the applicant to sit the Council's medical test;**
- (d) that should the applicant pass both tests, to authorise the Chief Governance Officer to grant the taxi driver licence; and**
- (e) that should the applicant pass the knowledge test but fail the medical test, that the application be considered at a future meeting of the Committee.**

CL149. 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) summarising the consultations undertaken and 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:-

- (a) that the applicant be given a final opportunity to take and pass the knowledge test;
- (b) that should the applicant fail the knowledge test, to authorise the Chief Governance Officer to refuse the licence without further reference to Committee;
- (c) that should the applicant take and pass the knowledge test, officers would arrange for the applicant to sit the Council's medical test;
- (d) that should the applicant pass both tests, to authorise the Chief Governance Officer to grant the taxi driver licence; and
- (e) that should the applicant pass the knowledge test but fail the medical test, that the application be considered at a future meeting of the Committee.

CL150. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr L, 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, and (b) summarising the consultations undertaken and responses received.

Mr L spoke in support of the application.

Questions were then asked by Members of the Committee.

Decision

The committee agreed:-

- (a) that the applicant be given a final opportunity to take and pass the knowledge test;
- (b) that should the applicant fail the knowledge test, to authorise the Chief Governance Officer to refuse the licence without further reference to Committee;
- (c) that should the applicant take and pass the knowledge test, officers would arrange for the applicant to sit the Council's medical test;
- (d) that should the applicant pass both tests, to authorise the Chief Governance Officer to grant the taxi driver licence; and

- (e) that should the applicant pass the knowledge test but fail the medical test, that the application be considered at a future meeting of the Committee.

CL151. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr S, was not in attendance.

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 been invited to sit the knowledge test on four separate occasions but had on no occasion attended to undertake the test. No reason for non attendance was given despite the Licensing section's efforts to obtain clarification. The committee agreed to consider this item in the applicant's absence.

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.

CL152. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr C, 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 C spoke in support of the application.

Questions were then asked by Members of the Committee.

Decision

The committee agreed that the applicant undergo a medical but should he fail the test, that the application be considered at a future meeting of the Committee and should the applicant pass the medical to grant the licence for a period of one year with a stern warning letter detailing the standards expected of taxi drivers and subject to the standard conditions.