

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 22 APRIL 2015 at 9.30 A.M.

COUNCILLORS:

Jim Blackwood
Baillie William Buchanan
Gordon Hughes
Baillie Joan Paterson
Depute Provost John Patrick
Provost Pat Reid (Convener)
Ann Ritchie
Sandy Turner

OFFICERS:

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 CL5))
Antonia Sobieraj, Committee Services Officer

CL1. APOLOGIES

No apologies were intimated.

CL2. DECLARATIONS OF INTEREST

No declarations were intimated.

CL3. MINUTE

Decision

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

CL4. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN FEBRUARY 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 28 February 2015 in terms of the Civic Government (Scotland) Act 1982, and (b) notifications of pending public processions.

Decision

The committee noted the report.

CL5. CIVIC LICENSING ENFORCEMENT – FEBRUARY 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 February 2015.

The committee noted the report.

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. 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.

CL8. APPLICATION FOR THE GRANT OF A NEW SKIN PIERCING AND TATTOOING LICENCE

The applicant, Ms McL, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application for the grant of a new skin piercing and tattooing licence (a) advising of the background to the application; (b) outlining the licence conditions; (c) detailing the consultations undertaken and responses received, and (d) summarising the experience and training of the proposed tattooist.

Ms McL spoke in support of the application.

Questions were then asked by Members of the committee.

Decision

The committee agreed to grant the skin piercing and tattooing licence for a period of one year subject to the standard conditions.

CL9. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR OPERATOR LICENCE

Mr M, as representative of the applicant company and the day to day manager, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application for the grant of a private hire car operator 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 licence for a period of one year subject to the standard conditions.

CL10. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr J, 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 J 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 the opportunity to take and pass the knowledge test;**
- (b) that, should the applicant fail the knowledge test, the Chief Governance Officer is authorised 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, the Chief Governance Officer is authorised 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.**

NOTE: the Committee noted that the applicant was eligible (if feasible within the timescale) to take the knowledge test a maximum of three times before the deadline for determining the application which is currently 31 May 2015.

CL11. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Ms McM, together with her partner Mr C, 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; (b) summarising the consultations undertaken and responses received, and (c) detailing the applicant's record.

Ms McM 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.

CL12. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR LICENCE

The applicant, Mr W, was not in attendance. The Licensing Co-ordinator advised that the applicant had submitted apologies advising that he was unable to attend but had no objection to the application being heard in his absence. The committee thereafter agreed to consider the application in the applicant's absence.

The committee considered a report by the Chief Governance Officer on an application for the renewal of a taxi operator licence and for a variation of the licence conditions; (a) advising of the background to the application, and (b) summarising the consultations undertaken and responses received.

Decision

The committee agreed to renew the licence for a period of one year subject to the standard conditions but with the variation to condition 13 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 applicant will be excused the duty to display the sign when the vehicle is not undertaking licensed taxi activities and will be kept within the vehicle at all other times.

CL13. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER 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 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 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 with a warning letter detailing the standards expected of taxi drivers and subject to the standard conditions.

CL14. SUSPENSION HEARING IN RELATION TO TAXI DRIVER LICENCE NO.391

The licenceholder, Mr McA, together with his representative Mr S, and Inspector D Gibson and Sergeant I McGregor, Police Scotland, all entered the meeting.

The committee considered a report by the Chief Governance Officer advising of (a) a letter of complaint submitted by Police Scotland in respect of the licenceholder seeking a suspension of his taxi driver licence.

Mr S, the licenceholder's representative, raised as a preliminary point, the ongoing court action and the potential for prejudice to his client if the complaint was considered before that action was concluded.

After consideration of the request from the licenceholder's representative, the committee agreed it should have sight of the letter of complaint before determining how to proceed.

Following confirmation that neither the licenceholder nor his representative had an objection, the letter of complaint was circulated.

Inspector Gibson confirmed, on behalf of Police Scotland, that he had no objection to adjourning hearing pending conclusion of the court action.

No questions were asked of Inspector Gibson by Members of the committee or the licenceholder's representative.

Decision

The committee agreed to continue consideration of the matter until the court proceedings had been concluded.