

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 20 MAY 2015 at 9.30 A.M.

COUNCILLORS: Jim Blackwood
Gordon Hughes
Depute Provost John Patrick
Provost Reid (Convener)
Ann Ritchie
Sandy Turner

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

CL15. ORDER OF BUSINESS

In terms of Standing Order 15.2(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.

CL16. APOLOGIES

Apologies were intimated on behalf of Baillies Buchanan and Paterson.

CL17. DECLARATIONS OF INTEREST

Councillor Ritchie declared a non financial interest in item CL27 by virtue of having prior knowledge of the applicant, in consequence of which she recused herself from consideration of the item, having regard to the objective test in the Code of Conduct.

CL18. MINUTE

Decision

The minute of the meeting of the Civic Licensing Committee on 22 April 2015 was approved.

CL19. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN MARCH 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 March 2015 in terms of the Civic Government (Scotland) Act 1982, and (b) notifications of pending public processions.

Decision

The committee noted the report.

CL20. CIVIC LICENSING ENFORCEMENT – MARCH 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 March 2015.

The committee noted the report.

CL21. 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.

CL22. APPLICATION FOR THE GRANT OF A NEW SKIN PIERCING AND TATTOOING LICENCE

The applicant, Ms D, was accompanied by her mother, Mrs D.

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 D 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.

CL23. 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, and (b) summarising the consultations undertaken and responses received.

After hearing from the applicant in relation to his application, the committee **NOTED** that Mr R withdrew his application for a new taxi driver licence.

CL24. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr A, 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.

After hearing from the applicant in relation to his application, the committee **NOTED** that Mr A withdrew his application for a new taxi driver licence.

CL25. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr T, was 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.

Mr T 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, 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.**

CL26. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE NO.154

The applicant, Mr P, was accompanied by his wife, Mrs P.

The committee considered a report by the Chief Governance Officer on an application for the renewal of a late hours catering licence no.154 (a) advising of the background to the application; (b) the applicant's record, and (c) detailing the consultations undertaken and the responses received, and (d) attaching as appendices 1 & 2 respectively, the late hours catering policy and the late hours catering conditions.

Mr P spoke in support of the application.

Questions were then asked by members of the committee.

Decision

The committee agreed to renew late hours catering licence No.154 for a period of three years.

In accordance with her declaration of interest, Councillor Ritchie left the meeting prior to consideration of the following item of business.

CL27. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr S, was accompanied by his wife, Mrs S and his agent, Mr S. Mr A, Mr C, Mr D and Mr McV, objectors were also in attendance.

The committee considered a report by the Chief Governance Officer on an application for a new private hire car driver licence (a) advising of the background to the applicant; (b) detailing the consultations undertaken and the responses received; (c) detailing the applicant's record, and (d) referring to the seven letters of objections received in respect of the application.

The applicant's agent, Mr S, raised a preliminary point relating to two material errors contained in the report. The Licensing Co-ordinator confirmed that the two dates referred to were incorrect, and offered apologies to both the applicant and Mr S. Thereafter, the seven letters of objection were circulated.

Mr D, objector, who had been nominated as the objectors' representative was heard in relation to the objections and in clarification of questions raised by Members.

No questions were asked of Mr D by the applicant's agent.

Mr S was then heard in support of his client's application.

Mr D asked questions of Mr S.

Questions were asked of the applicant's agent by Members of the committee.

Both parties summed up.

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

The applicant, his agent, wife and objectors left and were then recalled to the meeting.

Decision

The committee agreed to instruct officers to arrange for the applicant to undertake a medical; and should he fail the medical to remit the matter back to committee for consideration; should the applicant pass the medical, to authorise the Chief Governance Officer to grant the private hire car driver licence, subject to the standard conditions.

Councillor Ritchie re-joined the meeting.

CL28. APPLICATION FOR THE VARIATION OF STREET TRADER LICENCE NO. 995

The applicant, Mr R, was in attendance.

The committee considered a report by the Chief Governance Officer on an application for the variation of a street trader licence no.995 (a) advising of the background to the application, including the proposed changes to the current trading schedule and proposed location plan set out in Appendices 1 to 3; (b) the consultations undertaken and the responses received, and (c) attaching as appendices 4 to 5 the street trader's policy and street trader's conditions.

Mr R was heard in support of his variation application, the responses received and in clarification of questions raised by Members.

Decision

The committee refused the application for the variation of street trader licence No. 995 as there was no justification to depart from Council policy to allow trading within 500m of a school.