

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 17 JUNE 2015 at 1.00 P.M.

COUNCILLORS: Jim Blackwood
Baillie William Buchanan
Baillie Joan Paterson
Depute Provost John Patrick
Provost Pat Reid (Convener)
Sandy Turner

OFFICERS: Jack Frawley, Committee Services Officer
Rose Mary Glackin, Chief Governance Officer
Frances Kobiela, Senior Solicitor
Isabel Renton, Senior Licensing Assistant
Brian Samson, Enforcement Officer (for items 1 – 5 (CL29 – 33))

ALSO ATTENDING Sergeant Iain McGregor, Police Scotland (for item 13 (CL41))
Police Constable Andy Kane, Police Scotland (for item 13 (CL41))

CL29. APOLOGIES

Apologies were intimated on behalf of Councillors Hughes and Ritchie.

CL30. DECLARATIONS OF INTEREST

No declarations were made at this point in the meeting.

CL31. MINUTE

Decision

The minute of the meeting of the Civic Licensing Committee held on 20 May 2015 was approved.

CL32. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN APRIL 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 30 April 2015 in terms of the Civic Government (Scotland) Act 1982, and (b) notifications of pending public processions.

Decision

The committee noted the report.

CL33. CIVIC LICENSING ENFORCEMENT – APRIL 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 April 2015.

The committee noted the report.

CL34. 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.

CL35. APPLICATION FOR THE GRANT OF A NEW LATE HOURS CATERING 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 late hours catering licence (a) advising of (i) the background to the application, and (ii) the consultations undertaken and the responses received, (b) detailing the applicants record, and (c) attaching as appendices, the late hours catering policy, the late hours catering conditions, a location plan, and a plan, informed by feedback from the Council's Estates Unit, indicating the area to be cleaned of litter and debris emanating from the shop in the proposed additional condition.

Mr A spoke in support of the application.

Questions were then asked by members of the committee.

Decision

The committee agreed that a departure from policy was justified in the circumstances of the application and consequently to grant the late hours catering licence for a period of one year subject to the standard conditions and an additional condition that the licence holder be responsible for cleaning the area indicated in Appendix 4 of the report of litter and debris emanating from the premises.

Prior to consideration of the following item Provost Reid declared a non financial interest in item CL36 by virtue of having prior knowledge of the applicant, in consequence of which he recused himself from consideration of the item, having regard to the objective test in the Code of Conduct.

Provost Pat Reid left the meeting and Baillie Paterson assumed the chair for the following item of business.

CL36. 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; (b) summarising the consultations undertaken and responses received, and (c) detailing the applicant's record.

Mr L spoke in support of the application.

Questions were then asked by members of the committee.

Decision

The committee agreed:

- (i) that the applicant be given a final opportunity to take and pass the knowledge test;**
- (ii) that, should the applicant fail the knowledge test, the Chief Governance Officer is authorised to refuse the licence without further reference to committee;**
- (iii) that, should the applicant take and pass the knowledge test, officers would arrange for the applicant to sit the Council's medical test;**
- (iv) that, should the applicant pass both tests, the Chief Governance Officer is authorised to grant the taxi driver licence, and**
- (v) that, should the applicant pass the knowledge test but fail the medical test, the application be considered at a future meeting of the committee.**

Following consideration of the previous item Provost Reid re-entered the meeting and reassumed the chair.

CL37. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr W, was not in attendance.

Having heard from the Licensing Co-ordinator that the applicant had been given the opportunity to attend but had declined to do so on the basis that he had another job, the committee determined to consider the application in his 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.

Decision

The committee agreed to refuse 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 he has adequate knowledge of the area to which the licence relates and the layout of roads in the area.

CL38. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr U, 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) setting out the medical requirements for taxi drivers; (b) summarising the consultations undertaken and responses received, and (c) detailing the applicant's record. The result of a recent eye examination undertaken by the applicant dated 4 May 2015 was tabled.

Mr U spoke in support of his 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 and additional conditions that the licence holder:

- (i) at all times will have a spare set of glasses available in the private hire care vehicle, and**
- (ii) must undergo an annual eye sight test and submit a copy of the test results to the licensing authority.**

CL39. REQUEST FOR NOTICE OF EXEMPTION FROM CARRYING A GUIDE DOG, A HEARING DOG OR AN ASSISTANCE DOG

The applicant, Mr H, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application from the licence holder for a notice of exemption from the requirement to carry a guide dog and a hearing dog or an assistance dog. The report set out the background to the application and the implications of the 'Taxi Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2003.

Mr H spoke in support of his application.

Questions were then asked by members of the committee.

While the committee noted the submissions made by the licence holder, it considered the accompanying letter from his G.P. to be of limited assistance in determining whether medical grounds for an exception had been established. The committee was minded to grant a temporary exemption but to seek further medical advice.

Decision

The committee agreed:

- (i) to grant a notice of exemption from the requirement to carry a guide dog, a hearing dog or an assistance dog for a temporary period until 30 September 2015;
- (ii) to instruct officers to arrange for the licence holder to undertake a suitable medical test to determine the extent of his animal hair allergy, the cost of which is to be met by the Authority, and
- (iii) to remit the matter back to committee for consideration once the test results are available or prior to the expiration of the temporary licence, whichever is the earlier.

CL40. APPLICATION FOR THE GRANT OF A NEW STREET TRADER LICENCE FOR WHEELED REFUSE BIN/REFUSE CONTAINER CLEANING

The applicant, Mr S, accompanied by Ms K, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application for the grant of a new street trader licence for wheeled refuse bin/refuse container cleaning (a) summarising the consultations undertaken and responses received; (b) detailing the applicant's record, and (c) detailing the method of operation.

Mr S spoke in support of the application.

Questions were then asked by members of the committee.

Decision

The committee agreed to grant the street trader licence for wheeled refuse bin/refuse container cleaning for a period of one year subject to the standard conditions and additional conditions that the licence holder ensures that:

- (i) no waste water from the cleaning operation is discharged into any road, gulley or water course;
- (ii) rock salt is used on roads after any accidental spillages in the winter months in periods of frosty weather, and
- (iii) the vehicle is cleaned each evening at a designated wash bay to ensure that no odours should come from the vehicle when it is parked in a residential street.

CL41. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr C, was not in attendance. Sergeant I McGregor and Police Constable A Kane, Police Scotland entered the meeting.

Having heard from the Licensing Co-ordinator that the applicant had been properly cited the committee agreed to determine the application in his 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.

Sergeant McGregor spoke in objection to the application.

Questions were then asked by members of the committee.

Decision

The committee agreed to refuse to grant the taxi driver licence in terms of the Civic Government (Scotland) Act 1982:

- (i) Section 13 (5) on the ground that the applicant, having failed to pass the knowledge test, has failed to satisfy the Authority that he has adequate knowledge of the area to which the licence relates and the layout of roads in the area, and
- (ii) Schedule 1 paragraph 5(3)(a)(ii) on the ground that the applicant is not a fit and proper person to be the holder of such a licence.