

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 2 DECEMBER 2015 at 9.30 a.m.

COUNCILLORS: Baillie William Buchanan
Paul Garner
Gordon Hughes
Depute Provost John Patrick
Provost Pat Reid (Convenor)
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, Enforcement Officer (CL92-CL96)
John Sleith, Environmental Health & Trading Standards Manager (CL105)

CL92. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Jim Blackwood and Ann Ritchie.

CL93. DECLARATIONS OF INTEREST

No declarations were intimated.

CL94. MINUTE

Decision

The minute of the meeting of the Civic Licensing Committee held on 4 November 2015 was approved.

CL95. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN OCTOBER 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 October and 31 October 2015 in terms of the Civic Government (Scotland) Act 1982, and (b) notifications of pending public processions.

Decision

The committee noted the report.

CL96. CIVIC LICENSING ENFORCEMENT – OCTOBER 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 October 2015.

The committee noted the report.

CL97. KNOWLEDGE TEST FAILURES

The committee considered a report by the Chief Governance Officer detailing (a) the background to the new practice of allowing officers the discretion to consider whether a fourth attempt to pass the knowledge test be afforded to applicants; (b) summarising three applicants' applications and knowledge test results; (c) the options available to members.

Decision

The committee agreed:-

- (1) to refuse the taxi driver licences in terms of the Civic Government (Scotland) Act 1982, s.13(5) on the grounds that the applicants, Mr S Kazmi and Mr A Brown, having both failed to pass the knowledge test, have failed to satisfy the Authority that they had adequate knowledge of the area to which the licence relates and the layout of the roads in the area, and
- (2) that in light of Mr S Purdie's submission, that he be given another opportunity to take the knowledge test. In the event that he achieves a satisfactory mark in the test and passes the appropriate medical test, the Chief Governance Officer is authorised to grant the application. In the event that the applicant fails the knowledge test, the Chief Governance Officer is authorised to refuse the application. In the event that the applicant passes the knowledge test but not the medical examination, the application will be referred back to committee for further consideration.

CL98. 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.

CL99. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr M, 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) 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.

AGREED to an adjournment in order that clarification be sought in relation to a date specified within the applicant's record.

The applicant was 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 for a period of one year, subject to the standard conditions and with a warning letter.

CL100. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr A, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application received for the grant of a new private hire car 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 A spoke in support of the application.

Questions were then asked by members of the committee.

Decision

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

CL101. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Ms K, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application received 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.

Ms K 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 she 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 taxi driver licence for a period of one year, subject to the standard conditions.

CL102. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr N, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application received for the grant of a new taxi driver licence (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received, and (c) detailing the applicant's record.

Mr N 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 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 taxi driver licence for a period of one year, subject to the standard conditions.

CL103. REQUEST FOR NOTICE OF EXEMPTION FROM CARRYING A GUIDE DOG, A HEARING DOG OR AN ASSISTANCE DOG

The applicant, Mr Y, entered the meeting.

With reference to Minute of Meeting of the Civic Licensing Committee held on 6 May 2009 (Paragraph CL4 refers), the committee considered a report by the Chief Governance Officer on an application received from the licence holder requesting a notice of exemption from the requirement to carry guide dogs, hearing dogs or assistance dogs in his taxi.

The report set out the background to the application and the implications of the Taxi Drivers' Licences (Carrying a Guide Dogs and Hearing Dogs) (Scotland) Regulations 2003, and attaching as appendices, letters from the applicant's GP, outlining his medical condition.

Decision

The committee agreed to grant a notice of exemption from the requirement to carry a guide dog, a hearing dog or an assistance dog, which notice will extend for the period of the licence and will be renewed to reflect the period of any renewed licence for as long as the applicant's medical condition remains unchanged.

CL104. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE

Mr C and Mr R, the two directors of the applicant company, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application received for the renewal of a late hours catering licence (a) advising of the background to the application; (b) referring to the recent amendments made to the policy and conditions applicable to late hours catering licences as it relates to Falkirk Town Centre, and (c) detailing the consultations undertaken and the responses received.

Mr C and Mr R were heard in support of the application.

Questions were then asked by members of the committee.

AGREED that a short adjournment take place.

The applicants were then recalled to the meeting.

Decision

The committee agreed:-

- (1) that there was no justification to depart from Council policy with regard to these premises, and**
- (2) that the following terminal hours be granted for a period of one year, which reflect the Council's policy and conditions applicable to late hours catering licences, within Falkirk Town Centre, namely -**

Sunday to Thursday - 2.30 a.m.

Friday and Saturday – 3.30 a.m.

Sunday to Thursday – 3.30 a.m.*

Friday and Saturday – 4.30 am.*

***during the festive period and on recognised Bank Holidays (as defined in Falkirk Council Licensing Board's Statement of Licensing Policy)**

CL105. APPLICATION FOR THE GRANT OF A NEW SKIN PIERCING AND TATTOOING LICENCE

The applicant, Mr E, together with his friend, Mr K, and Mr Sleith, Environmental Health & Trading Standards Manager, all 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.

Mr E spoke in support of the application.

Mr Sleith was then heard in relation to 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.

CL106. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr M; Sergeant I McGregor and Brian Renton (Licensing Section), both Police Scotland, all 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) detailing

the consultations undertaken and responses received, which included an objection submitted by Police Scotland, and (c) detailing the applicant's record.

Mr M advised that he had no preliminary points to make on the competency of the objection following which it was circulated.

Sergeant McGregor then spoke in amplification of the objection.

There being no questions for Sergeant McGregor from the applicant or members of the committee, the Convener invited the applicant to present his case.

Mr M was then heard in relation to the objection and in support of his application.

Questions were then asked by members of the Committee.

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

The applicant, Mr M, Sergeant McGregor and Brian Renton left and were then recalled to the meeting.

Decision

Having considered carefully the objection from Police Scotland and having had regard to the submission by the applicant which emphasised the passage of time from the last reported road traffic offence and his changed personal circumstances, 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 taxi driver licence for a period of six months, subject to the standard conditions and with a warning letter. Should the applicant apply to renew the licence thereafter, then the application will be remitted back to the committee for consideration.