

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 16 MARCH 2016 at 9.30 a.m.

COUNCILLORS:

Jim Blackwood
Gordon Hughes
Depute Provost John Patrick
Provost Pat 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

CL137. APOLOGIES

Apologies for absence were intimated on behalf of Baillie Joan Paterson and Councillor Paul Garner.

CL138. DECLARATIONS OF INTEREST

No declarations were intimated.

CL139. MINUTE

Decision

The minute of the meeting of the Civic Licensing Committee held on 10 February 2016 was approved.

CL140. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN JANUARY 2016 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 January and 31 January 2016 in terms of the Civic Government (Scotland) Act 1982, and (b) notifications of pending public processions.

Decision

The committee noted the report.

CL141. CIVIC LICENSING ENFORCEMENT – JANUARY 2016

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 2016.

Decision

The committee noted the report.

Councillor Hughes joined the meeting during consideration of the previous item.

CL142. 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.

CL143. LICENSING OF HOUSES IN MULTIPLE OCCUPATION

The committee considered a report by the Chief Governance Officer providing members with an update on the rationale and requirements that underpin the licensing of Houses in Multiple Occupation (HMOs) along with details of the current licensed HMO's in the Falkirk Council area, set out in Appendix 1 to the report.

Decision

The committee noted the report.

CL144. APPLICATION FOR THE GRANT OF A NEW SKIN PIERCING AND TATTOOING LICENCE

The applicant, Ms C, entered the meeting and was accompanied by her mother, Mrs C.

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.

Decision

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

CL145. APPLICATIONS FOR THE GRANT OF 3 NEW PRIVATE HIRE CAR OPERATOR LICENCES

Ms B and Ms M, the two directors of the applicant company, entered the meeting.

The committee considered a report by the Chief Governance Officer on applications received for the grant of 3 private hire car operator licences (a) advising of the background to the applications, and (b) summarising the consultations undertaken and responses received.

Decision

The committee agreed to grant 3 private hire car operator licences for a period of one year, subject to the standard conditions.

CL146. APPLICATION FOR THE GRANT OF A NEW LATE HOURS CATERING LICENCE

Ms A, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application received for the grant of a late hours catering licence (a) advising on 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.

Ms A spoke in support of the application.

Questions were then asked by members of the committee.

Decision

The committee agreed to grant the late hours catering licence for a period of three years, subject to the standard conditions.

CL147. APPLICATION FOR THE VARIATION OF LATE HOURS CATERING LICENCE NUMBER 252

Ms D, Director and Mr D, the day to day manager of the applicant company, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application received for the variation of late hours catering licence No.252 (a) advising on 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.

Decision

The committee agreed to grant the variation of late hours catering licence No.252.

CL148. SUSPENSION HEARING IN RELATION TO TAXI DRIVER LICENCE NO. 344

Mr D, licenceholder, entered the meeting.

The committee considered a report by the Chief Governance Officer (a) detailing the standard of fitness level required for licensed taxi drivers; (b) summarising the medical condition of the licenceholder, and (c) the background and outcome of an independent medical analysis which that licenceholder had recently undertaken.

Mr D was heard in relation to his medical condition.

Questions were asked of the licenceholder by members of the committee.

Mr D was invited to sum up.

Thereafter, the committee agreed to a short adjournment.

The committee adjourned at 10.10 a.m. and reconvened at 10.20 a.m. with all members present as per the sederunt.

Decision

The committee agreed to suspend the taxi driver licence for the unexpired portion of the duration of the licence, in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 11(2)(v) on the ground of public safety.

CL149. SUSPENSION HEARING IN RELATION TO TAXI DRIVER LICENCE NO. 2033

Mr M, licenceholder, entered the meeting.

The committee considered a report by the Chief Governance Officer advising that the licenceholder had omitted to disclose two convictions at the time of submitting his original taxi driver licence application.

Mr M was heard in relation to the reason for these omissions.

Questions were asked of the licenceholder by members of the committee.

Mr M was invited to sum up.

Decision

The committee agreed to take no further action.

CL150. APPLICATION FOR THE RENEWAL OF A SECOND HAND DEALER LICENCE (USED VEHICLES)

Mr M, agent, and 4 employees of the applicant company, entered the meeting. Mr Whittle, Development Management Co-ordinator, Falkirk Council also entered the meeting.

The committee considered a report by the Chief Governance Officer on an application for the renewal of a second hand dealer licence (used vehicles) (a) advising of the background to the application; (b) summarising the consultations undertaken and the responses received, and (c) confirming that a letter of objection had been received in respect of the renewal application.

The Licensing Co-ordinator advised that the objectors, Mr & Mrs H, were unable to attend this meeting.

The agent, Mr M, advised that he had no preliminary points to make on the competency of the letter of objection.

The Licensing Co-ordinator referred to a submission from the applicant company in response to the letter of objection. The committee agreed that both the letter of objection and the submission be circulated.

Mr M was heard in support of his client's application and in relation to concerns raised in the objection and the action taken to address specific issues.

Questions were then asked by members of the committee.

Mr Whittle was then heard in relation to specific planning issues referred to in the letter of objection.

Decision

The committee agreed to grant the renewal of the second hand dealer licence (used vehicles) for a period of 3 years, subject to the standard conditions.

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

Mr S, applicant, entered the meeting.

One objector, Mr D entered the meeting accompanied by his agent, Mr S and Ms B, Interpreter. Mr S, agent, advised that the other objector, Mr N, would not be attending as he was currently out of the country.

The committee considered a report by the Chief Governance Officer on an application for the grant of a new taxi operator licence (a) advising on the background to the application; (b) summarising the consultations undertaken and responses received; (c) detailed the applicant's record; (d) confirming that two letters of objection had been received in respect of the application, and (e) referring to the meeting of the Civic Licensing Committee held on 13 January 2016 when the applicant had requested a continuation, due to him being unable to attend due to illness.

Mr S, agent, referred to the meeting on 13 January 2016 and sought clarification on whether medical evidence had been submitted by the applicant confirming that he had attended his GP.

The Licensing Co-ordinator advised that a letter had been received from the applicant's GP confirming that Mr S, had attended a GP appointment on 13 January 2016.

The letters of objection were circulated to members. The applicant had also submitted two letters of support, and with the agreement of the objectors' agent, these were also circulated to members.

Mr S, agent, was heard in relation to his clients' objections to the application.

No questions were asked of the agent by the applicant or members of the committee.

The applicant, Mr S, was then heard in support of his application and in response to issues raised in the letters of objection.

Questions were asked of the applicant by Mr S, agent and by members of the committee.

Both parties were invited to sum up.

Thereafter, the committee agreed to a short adjournment.

The committee adjourned at 12.10 p.m. and reconvened at 12.20 p.m. with all members present as per the sederunt

Decision

The committee agreed to grant the new taxi operator licence for a period of one year, subject to the standard conditions.

CL152. SUSPENSION HEARING IN RELATION TO TAXI DRIVER LICENCE NO. 1889

Mr S, the licenceholder, entered the meeting. One complainant, Mr D entered the meeting accompanied by his agent, Mr S and Ms B, Interpreter. Mr S, agent, advised that he was also representing another complainant, Mr N, but that he would not be attending as he was currently out of the country. Four other complainers also entered the meeting, namely, Mr S S, Mr H P, Mr J S, and Mr K S.

Members were advised of the background to the complaint which relates to two letters of complaint submitted to the licensing section, alleging that the taxi driver is not a fit and proper person to be the holder of a taxi driver licence. Six taxi drivers and one private hire car driver had also made complaints against the licenceholder, and each had attended the licensing offices and submitted individual statements.

The two letters of complaint, witness statements and two letters of support submitted on behalf of the licenceholder, were circulated to members of the committee.

Mr S, agent, was heard in relation to his clients' letters of complaint.

Mr H P, on behalf of the other 3 complainants in attendance, was heard in relation to their complaints.

The licenceholder, Mr S, was then heard in response to the issues and concerns raised in the complaints.

Questions were asked of the licenceholder by Mr S, agent and by members of the committee.

Both parties were invited to sum up.

Thereafter, the committee agreed to a short adjournment.

The committee adjourned at 12.55 p.m. and reconvened at 1.05 p.m. with all members present as per the sederunt

Decision

The committee agreed to take no further action.