

DRAFT
AGENDA ITEM 3

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 20 APRIL 2016 at 9.30 a.m.

COUNCILLORS:

Jim Blackwood
Paul Garner
Gordon Hughes
Baillie Joan Paterson
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

CL1. APOLOGY

An apology for absence was intimated on behalf of Baillie Buchanan.

CL2. DECLARATIONS OF INTEREST

No declarations were intimated.

CL3. MINUTE

Decision

The minute of the meeting of the Civic Licensing Committee held on 16 March 2016 was approved.

CL4. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN FEBRUARY 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 February and 29 February 2016 in terms of the Civic Government (Scotland) Act 1982, and (b) notifications of pending public processions.

Decision

The committee noted the report.

Councillor Hughes entered the meeting during discussion of the previous item of business.

CL5. CIVIC LICENSING ENFORCEMENT – FEBRUARY 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 February 2016.

Decision

The committee noted the report.

CL6. KNOWLEDGE TEST FAILURE

The committee considered a report by the Chief Governance Officer (a) summarising two applicants' applications and knowledge test results, and (b) the options available to members.

Decision

The committee agreed to refuse the taxi driver licences in terms of the Civic Government (Scotland) Act 1982, s.13(5) on the grounds that the applicants, Ms Paris and Mr McCallum, 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.

CL7. 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.

CL8. APPLICATION FOR THE VARIATION OF STREET TRADER LICENCE NO. 1280

The applicant, Mr C, entered the meeting accompanied by his wife.

The committee considered a report by the Chief Governance Officer detailing an application received for the variation of a street trader licence and attaching as an appendix, the proposed location plan.

Mr C spoke in support of the application.

Questions were then asked by members of the committee.

Decision

The committee agreed to grant the variation of street trader licence No.1280.

CL9. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr K, 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 on the background to the application; (b) summarising the consultations undertaken and responses received, and (c) detailing the applicant's record.

Mr K spoke in support of the application.

Questions were then asked by members of the committee.

Decision

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

CL10. 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 for the grant of a new private hire car driver licence (a) advising on 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 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.

CL11. APPLICATION FOR THE RENEWAL OF TAXI DRIVER LICENCE NO. 1981

The applicant, Mr M, entered the meeting.

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

Mr M spoke in support of the application.

Questions were then asked by members of the committee.

Decision

The committee agreed to grant the renewal of taxi driver licence No.1981, with a warning letter.

CL12. SUSPENSION HEARING IN RELATION TO TAXI DRIVER LICENCE NO. 1606

Sergeant M White and PC A Kane, both representatives of Police Scotland, entered the meeting. The licenceholder, Mr M, was not in attendance.

The committee considered a report by the Chief Governance Officer (a) referring to a letter of complaint dated 17 March 2016, submitted by Police Scotland requesting the immediate suspension of the licenceholder's taxi driver licence; (b) setting out the details of the complaint; (c) summarising the decision taken by the Chief Governance Officer, and (d) advising that a hearing under paragraph 11 of schedule 1 of the Civic Government (Scotland) Act 1982 required to be held.

After hearing from the Licensing Co-ordinator, the committee agreed to hold the hearing in the absence of the licenceholder and the letter of complaint was circulated to members.

PC Kane was heard in relation to the letter of complaint.

Questions were asked by members of the committee.

Decision

The committee agreed to suspend the licence for the unexpired portion of its duration, in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraphs 11 (2)(a) & (c), on the basis that, in the opinion of the committee, the licenceholder was not a fit and proper person to be the holder of such a licence, and the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or safety. The Committee additionally determined that the licence should be suspended immediately in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 11(10).