

The background of the slide features a large, light blue watermark of the City of Vancouver's coat of arms. The crest is shield-shaped and divided into four quadrants. The top-left quadrant shows a beaver, the top-right a stag, the bottom-left a sailing ship, and the bottom-right a grizzly bear. Above the shield is a crown with four maple leaves. A banner at the bottom contains the motto 'A NE FOR A'.

AGENDA ITEM

3

Minute

Minute of meeting of the Civic Licensing Committee held in the Municipal Buildings, Falkirk on Wednesday 15 June 2016 at 9.30 a.m.

Councillors:

Jim Blackwood
Baillie Joan Paterson
Depute Provost John Patrick
Provost Pat Reid (convener)
Sandy Turner

Officers:

Bryan Douglas, Licensing Co-ordinator
Jack Frawley, Committee Services Officer
Rose Mary Glackin, Chief Governance Officer
Frances Kobiela, Senior Solicitor
Brian Samson, Licensing Enforcement Officer

CL28. Apologies

Apologies for absence were intimated on behalf of Councillors Garner, Hughes and Ritchie.

CL29. Declarations of Interest

Councillor Blackwood declared a non financial interest in items CL36 and CL37 by virtue of having prior knowledge of the licence holder, in consequence of which he recused himself from consideration of the items, having regard to the objective test in the Code of Conduct.

CL30. Minute

Decision

The minute of the meeting of the Civic Licensing Committee held on 18 May 2016 was approved.

CL31. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN APRIL 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 and 30 April 2016 in terms of the Civic Government (Scotland) Act 1982, and (b) notifications of pending public processions.

Decision

The committee noted the report.

CL32. Knowledge Test Failure

The committee considered a report by the Chief Governance Officer (a) summarising one applicant's application 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 applicant, Mr Adams, having failed to pass the knowledge test, has failed to satisfy the Authority that he had adequate knowledge of the area to which the licence relates and the layout of the roads in the area.

CL33. Civic Licensing Enforcement – April 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 April 2016.

Decision

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 Taxi Driver Licence

Mr T, the applicant, accompanied by Mr S and Miss W his agents 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 S 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 an Electronic Treadmill Test to show that he meets the DVLA Group 2 Regulations Standards. Should the applicant fail the test the application will be considered at a future meeting of the Civic Licensing Committee. Should the applicant pass the test, the Chief Governance Officer is authorised to grant the licence for a period of one year subject to the standard conditions.

In accordance with his declaration of interest, Councillor Blackwood left the meeting prior to consideration of the following item.

CL36. Suspension Hearing in Relation to Taxi Driver No. 0391

Mr McA, the licence holder, his agents Mr S and Miss W, and Sergeant M White, Police Scotland entered the meeting.

The committee considered a report by the Chief Governance Officer (a) referring to a letter of complaint dated 5 May 2016, submitted by Police Scotland requesting the suspension of the licence holder's taxi driver licence ; (b) setting out the details of the complaint, (c) and advising that a hearing under paragraph 11 of schedule 1 of the Civic Government (Scotland) Act 1982 required to be held.

Mr S, agent for the licence holder, advised that he had no preliminary points to make on the competency of the complaint following which the letter of complaint was circulated.

Sergeant White was heard in relation to the letter of complaint.

Mr S was then heard in relation to the complaint.

Questions were then asked by the committee.

The committee agreed to a short adjournment at 10.15 a.m. and reconvened at 10.25 a.m. with all members present as per the sederunt with the exception of Councillor Blackwood.

The committee agreed to hear further from Mr S in mitigation of any possible suspension.

The committee agreed to a short adjournment at 10.30 a.m. and reconvened at 10.35 a.m. with all members present as per the sederunt with the exception of Councillor Blackwood.

Decision

The committee agreed to suspend the licence for a period of two weeks with effect from one minute past midnight on Sunday 19 June 2016 until midnight on Sunday 3 July 2016, in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 11 (2) (a) on the ground that the applicant is not a fit and proper person to be the holder of such a licence.

CL37. Suspension Hearing in Relation to Taxi Operator No. 391

Mr McA, the licence holder, his agents Mr S and Miss W, and Sergeant M White, Police Scotland entered the meeting.

The committee considered a report by the Chief Governance Officer (a) referring to a letter of complaint dated 5 May 2016, submitted by Police Scotland requesting the suspension of the licence holder's taxi driver licence ; (b) setting out the details of the complaint, (c) and advising that a hearing under paragraph 11 of schedule 1 of the Civic Government (Scotland) Act 1982 required to be held.

Mr S, agent for the licence holder, advised that he wished to raise a preliminary point on the competency of the complaint as in a letter of complaint dated 10 March 2015 it was stated that no complaint would be made against the licence holder's taxi operator licence. Sergeant White advised that the letter requesting suspension of the licence holder's taxi operator licence was a later letter, being dated 5 May 2016 following changes in circumstances. The committee agreed to hear the complaint, following which the letter of complaint was circulated.

Sergeant White was heard in relation to the letter of complaint.

Mr S was then heard in relation to the complaint.

Questions were then asked by the committee.

Decision

The committee agreed to take no further action.

Councillor Blackwood rejoined the meeting prior to consideration of the following item.

CL38. Suspension Hearing in Relation to Taxi Driver Licence No. 1899

Mr S, the licence holder, his partner Ms S and Sergeant M White, Police Scotland entered the meeting.

The committee considered a report by the Chief Governance Officer (a) referring to a letter of complaint dated 20 May 2016, submitted by Police Scotland requesting the immediate suspension of the licenceholder's taxi driver licence; (b) setting out the details of the complaint, and (c) advising that a hearing under paragraph 11 of schedule 1 of the Civic Government (Scotland) Act 1982 required to be held.

Mr S advised that he had no preliminary points to make on the competency of the complaint following which the letter of complaint was circulated.

Sergeant White was heard in relation to the letter of complaint.

Questions were then asked by the licence holder and the committee.

Mr S was then heard in relation to the complaint.

Questions were then asked by the committee.

The committee agreed to a short adjournment at 11.55 a.m. and reconvened at 12.10 p.m. with all members present as per the sederunt.

Decision

The committee agreed to take no further action but instructed officers that should a renewal application be made for this licence that it will be determined by committee.