



Agenda Item 3

Minute

DRAFT

Minute of meeting of the Civic Licensing Committee held in the Municipal Buildings, Falkirk on Wednesday 22 August 2018 at 9.30 a.m.

Councillors: David Aitchison
David Balfour
Lorna Binnie
Robert Bissett
Jim Blackwood
Provost William Buchanan
Gordon Hughes (Convener)
Jim Flynn
James Kerr
Depute Provost Ann Ritchie

Officers: Bryan Douglas, Licensing Co-ordinator
Arlene Fraser, Committee Services Officer
Rose Mary Hoey, Interim Legal Services Manager

CL34. Apologies

There were no apologies.

CL35. Declarations of Interest

Councillor Aitchison declared a non-financial declaration in agenda items 7 & 9 (CL40 & CL42) by virtue of having prior knowledge of both applicants and recused himself from consideration of these items, having regard to the objective test in the Code of Conduct.

Depute Provost Ritchie declared a non-financial interest in agenda item 9 (CL42) by virtue of having prior knowledge of the applicant and recused herself from consideration of the item, having regard to the objective test in the Code of Conduct.

CL36. Minute

Decision

The minute of the meeting of the Civic Licensing Committee held on 14 June 2018 was approved.

CL37. List of Applications Granted Under Delegated Powers in June and July 2018, Notifications of Public Processions Pending, Breakdown of Taxi and Private Hire Licences in Operation

The committee considered a report by the Chief Governance Officer detailing the applications granted under delegated powers during June and July 2018 in terms of the Civic Government (Scotland) Act 1982.

Decision

The committee noted the report.

CL38. Knowledge Test Failure

The committee considered a report by the Chief Governance Officer providing details of an application for a new taxi driver licence, the knowledge test opportunities, and the options available to members.

The applicant was not in attendance and had submitted no additional information in support of his application.

Decision

The committee refused 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 had adequate knowledge of the area to which the licence relates; the layout of roads in the area of the Council's licence conditions.

CL39. 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 grounds 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.

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

CL40. 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 received 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 L spoke in support of the application.

Questions were then asked by members of the committee.

The committee agreed to a short adjournment at 10.00 a.m. and reconvened at 10.05 a.m. with all members present as per the sederunt, with the exception of Councillor Aitchison.

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.

Councillor Aitchison re-joined the meeting prior to consideration of the following item.

CL41. Application for the Grant of Three New Taxi Operator Licences

Mr B, the day to day manager of the applicant company, entered the meeting.

The committee considered a report by the Chief Governance Officer providing information on an application for the grant of three new taxi operator licences, the consultations carried out and responses received.

Mr B was heard in support of the application.

Questions were then asked by members of the committee.

The committee agreed to a short adjournment at 10.15 a.m. and reconvened at 10.30 a.m. with all members present as per the sederunt.

Decision

The committee agreed to grant 3 new taxi operator licences, subject to the proposed vehicles being within the age and specification policy and the appropriate insurance documentation; V5 certificates and taxi inspection test certificates being submitted to the satisfaction of officers, and subject to the standard conditions for the period of one year.

In accordance with their declarations, Councillor Aitchison and Depute Provost Ritchie left the meeting prior to consideration of the following item.

CL42. Application for the Grant of Three New Taxi Operator Licences and Two Private Hire Car Operator Licences

The applicant, Mr McB, entered the meeting.

The committee considered a report by the Chief Governance Officer providing information on an application for the grant of three new taxi operator licences and two private hire car operator licences, the consultations carried out and responses received.

Mr McB was heard in support of the application.

Questions were then asked by members of the committee.

The committee agreed to a short adjournment at 10.40 a.m. and reconvened at 10.45 a.m. with all members present as per the sederunt, with the exception of Councillor Aitchison and Depute Provost Ritchie.

Decision

The committee, having been satisfied that there was justification to depart from the Council's current vehicle age and specification policy, agreed to grant 3 new taxi operator licences and 2 new private hire car operator licences, subject to the appropriate insurance documentation; V5 certificates and taxi inspection test certificates being submitted to the satisfaction of officers, and subject to the standard conditions for a period of one year.

Councillor Aitchison and Depute Provost Ritchie re-joined the meeting prior to consideration of the following item.

Councillors Flynn and Kerr left the meeting prior to consideration of the following item.

CL43. Application for the Grant of a Temporary Public Entertainment Licence – Fairground

The applicant, Mr M, his agent Mr McD; Sergeant Mackenzie and PC Hutchison, Police Scotland, entered the meeting.

The committee considered a report by the Chief Governance Officer advising on the background to an application for the grant of a temporary public entertainment licence to operate a fairground at the Stenhouse Estate, Tryst Road, Stenhousemuir.

A letter of concern had been submitted by the Chief Constable, Police Scotland in respect of the application.

The applicant's agent confirmed that he had no objection to the Chief Constable's letter being circulated to members.

A letter from Richard Lyle, MSP supporting the application was also circulated.

Sergeant Mackenzie, the Chief Constable's representative was heard in relation to the letter of representation.

There being no questions from the licence holder, a member asked a question of Sergeant Mackenzie.

Mr McD was then heard in relation to his client's application.

There were no questions to Mr McD from Sergeant Mackenzie. Members asked questions of Mr McD.

Both parties were invited to sum up.

The committee agreed to a short adjournment at 12.10 p.m. and reconvened at 12.45 p.m. with all members present as per the sederunt, with the exception of Councillors Flynn and Kerr; and Depute Provost Ritchie.

Decision

The committee agreed to grant the temporary public entertainment licence, provided the applicant provides all appropriate supporting documentation, subject to the standard conditions, and to the following additional conditions, namely:-

- (1) that the fairground would be enclosed by fencing, with one access/egress point and that during Fridays and Saturdays there would be 2 SIA registered stewards at the entrance to the fairground and 2 SIA registered stewards patrolling the interior;**
- (2) the risks of alcohol use and measures taken to prevent drunkenness at the Fair will be added to the risk assessment;**
- (3) that after the event, a debrief meeting would take place between the applicant and representatives from Police Scotland.**

The applicant's agent gave an undertaking that his client would raise with the Showmen's Guild, the subject of PVG checks for persons working in a fairground environment.