

## FALKIRK COUNCIL

**MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 24 JANUARY 2007 at 9.30 AM.**

**PRESENT:** Depute Provost Wilson; Councillors Kenna, Miller, McCafferty, McNally, Nicol, Pollock, Reid and Spears.

**CONVENER:** Councillor Nicol

**APOLOGY:** Councillor Williamson

**ATTENDING:** Acting Director of Law and Administration Services; Consumer Protection Manager; Solicitor (P Gilmour); Senior Licensing Assistant (I Renton and Committee Services Officer (B Douglas).

### **CL65. MINUTE**

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 5 December 2006.

### **CL66. 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.

### **CL67. APPLICATION FOR GRANT OF NEW TAXI DRIVER LICENCE**

The applicant, Mr C, entered the meeting at this point.

There was submitted Report (circulated) dated 18 January 2007 by the Director of Development Services on an application for a new taxi driver licence advising (a) on the background to the application; and (b) that the applicant had unspent and spent convictions recorded against him.

The applicant was heard in support of his application and on the circumstances of his spent and unspent convictions.

Questions were then asked of the applicant by Members.

**AGREED** that a short adjournment take place to enable the Committee to hear advice from the Acting Director of Law and Administration Services.

The applicant left and was then recalled to the meeting.

**AGREED:-**

- (i) that the application for a new taxi driver licence be **GRANTED**; and
- (ii) that the applicant be issued with a warning letter advising him of standards expected of a Falkirk taxi driver.

The applicant, Mr C, left the meeting at this point.

Councillor Spears entered the meeting during consideration of the foregoing item of business but took no part in the determination thereof.

**CL68. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE**

There was submitted Report (circulated) dated 18 January 2007 by the Director of Development Services on an application for a new taxi driver licence advising on the background to the application.

The applicant was not in attendance.

In view of the applicant's absence and his failure to attain the prescribed level of pass in the Council's Taxi Knowledge test, **AGREED** that the application for a new taxi driver licence be **REFUSED**.

A motion by Councillor Spears that the applicant be given a final chance to attend failed to find a seconder.

**CL69. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE**

There was submitted Report (circulated) dated 18 January 2007 by the Director of Development Services on an application for a new taxi driver licence advising on the background to the application.

The applicant was not in attendance.

In view of the applicant's absence and his failure to attain the prescribed level of pass in the Council's Taxi Knowledge Test, **AGREED** that the application for a new taxi driver licence be **REFUSED**.

**CL70. APPLICATION FOR A NEW TAXI DRIVER LICENCE**

The applicant, Mr R, entered the meeting at this point.

There was submitted Report (circulated) dated 18 January 2007 by the Director of Development Services on an application for a new taxi driver licence advising (a) on the

background to the application; and (b) that the applicant had an unspent conviction recorded against him.

In supplement to the report, a character reference dated 22 January 2007 from First Bus in support of the applicant, was circulated.

The applicant was heard in support of his application and on the circumstances of his unspent conviction.

Questions were then asked of the applicant by Members.

**AGREED** that a short adjournment take place to enable the Committee to hear advice from the Acting Director of Law and Administration Services.

The applicant left and was then recalled to the meeting.

**AGREED:-**

- (i) that the application for a new taxi driver licence be **GRANTED**; and
- (ii) that the applicant be issued with a warning letter advising him of standards expected of a Falkirk taxi driver.

The applicant, Mr R, left the meeting at this point.

The Acting Director of Law and Administration Services advised the Committee that the applicant for Item CL69 had now arrived, his lateness being due to him going in error to Abbotsford House for the meeting. She explained that as the Committee were still sitting it could decide to revisit its earlier decision and consider the matter anew.

Councillor McCafferty, seconded by Councillor Nicol, moved that in view of the late arrival of the applicant that the decision taken earlier by Committee be set aside and that Item CL69 be considered anew.

By way of an amendment, Councillor Miller, seconded by Councillor Pollock, moved that item CL69 be not considered anew.

On a division, the motion defeated the amendment by 7 votes to 2.

Accordingly, **AGREED** that in view of the late arrival of the applicant, that the decision taken earlier by Committee for item CL69 be set aside and the matter considered anew at the end of the meeting.

## **CL71. APPLICATION FOR THE GRANT OF A NEW STREET TRADER LICENCE**

There was submitted Report (circulated) dated 18 January 2007 by the Director of Development Services on an application for a new street trader licence advising (a) on the background to the application; and (b) that the applicant had spent and unspent convictions recorded against him.

The applicant was not in attendance.

The Consumer Protection Manager advised that the applicant had submitted a letter explaining the reasons for his inability to attend the meeting, the reason being a prior commitment which could not be re-arranged.

**AGREED** that consideration of the matter be continued to the next meeting of the Committee.

#### **CL69. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE**

With reference to item CL69 and the decision to revisit this matter, the applicant, Mr I, entered the meeting at this point.

The applicant was heard in support of his application and on the circumstances surrounding his late arrival today.

Questions were then asked of the applicant by Members.

**AGREED** that a short adjournment take place to enable the Committee to hear advice from the Acting Director of Law and Administration Services.

The applicant left and was then recalled to the meeting.

**AGREED** that the applicant be offered a final opportunity to pass the Council's Taxi Knowledge Test and that, subject to him obtaining the prescribed mark and successfully passing a medical, it be delegated to the Director of Development Services to grant a new taxi driver licence and also to refuse a licence should the applicant fail either of these tests. The applicant was informed that the Knowledge Test could be in the form of an Oral Test if he wished.

The applicant, Mr I, left the meeting at this point.