

FALKIRK COUNCIL

MINUTE of SPECIAL MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 27 MARCH 2007 at 9.30 am.

PRESENT: Depute Provost Wilson, Councillors McNally, Nicol, Pollock, Reid and Williamson

CONVENER: Councillor Nicol (for Items CL79 –CL84)
Councillor Williamson (for Item CL85)

APOLOGIES: Councillors Kenna, Miller and McCafferty

ATTENDING: Acting Director of Law and Administration Services; Solicitor (P Gilmour); Consumer Protection Manager; Senior Licensing Assistant (I Renton); Licensing Enforcement Officer (B Samson) (for item CL81) and Committee Services Officer (B Douglas)

ALSO

ATTENDING: Chief Inspector Hutchison and PC Bridges (Central Scotland Police) (for item CL81) and Station Officer Boulstridge (Central Scotland Fire and Rescue Service) (for item CL84).

CL79. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 14 February 2007.

CL80. 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 I of Schedule 7A to the said Act.

CL81. APPLICATION FOR NEW LATE HOURS CATERING LICENCE

The applicant, Mr K and his wife entered the meeting at this point.

With reference to Minute of Meeting of the Civic Licensing Committee held on 14 February 2007 (Paragraph CL78 refers) there was submitted Report (circulated) dated 21 March 2007 by the Director of Development Services on an application for a new late hours catering licence advising (a) on the background to the application; and (b) on invited comments received from Central Scotland Police on social conditions prevalent in the Manor Street area primarily between 12 midnight and 2.00 am.

Chief Inspector Hutchison was heard in amplification of the Police comments.

The Licensing Enforcement Officer confirmed that having studied CCTV footage of the Manor Street area for the period 4 February to 6 March 2007, there were no occasions of anti-social behaviour or disturbances noted.

The applicant confirmed he had nothing to add to the submissions made.

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, his wife, Chief Inspector Hutchison, PC Bridges and Mr Samson left and were then recalled to the meeting.

AGREED that the application for a new late hours catering licence be granted for a period of one year.

The applicant, his wife, Chief Inspector Hutchison, PC Bridges and Mr Samson left the meeting at this point.

CL82. APPLICATION FOR THE GRANT OF AN ADDITIONAL NEW PRIVATE HIRE CAR OPERATOR LICENCE

The applicant Mr McF entered the meeting at this point.

There was submitted Report (circulated) dated 21 March 2007 by the Director of Development Services on an application for an additional new private hire car operator licence advising (a) on the background to the application; and (b) that the applicant had a spent conviction, spent conditional offers and an unspent conditional offer recorded against him.

The applicant was heard in support of his application.

Questions were then asked of the applicant by Members.

AGREED to grant the application for an additional new private hire car operator licence.

The applicant left the meeting at this point.

CL83. APPLICATION FOR NEW SECOND HAND DEALER LICENCE

There was submitted Report (circulated) dated 21 March 2007 by the Director of Development Services on an application for a new second hand dealer licence advising (a) on the background to the application; and (b) that the applicant had previous spent and unspent convictions recorded against him.

The Consumer Protection Manager explained that the applicant had advised that neither he or his legal representative would be able to attend the meeting.

Having heard legal advice from the Acting Director of Law and Administration Services on the options available to Committee in the absence of the applicant or his representative, the Committee **AGREED** to consider the application.

AGREED to grant the application for a new second hand dealer licence for a period of one year.

CL84. APPLICATION FOR THE GRANT OF A NEW HOUSE IN MULTIPLE OCCUPATION LICENCE

The applicant MY and objectors Mr and Mrs G and their legal representative, Miss Neilson, Mr M, Councillor Patrick and Station Officer Boulstridge entered the meeting at this point.

There was submitted Report (circulated) dated 21 March 2007 by the Director of Development Services on an application for a new house in multiple occupation licence advising (a) on the background to the application; (b) that following consultation, Central Scotland Fire and Rescue Service had issued the applicant with a schedule of requested works to the premises, some of which remained outstanding; (c) of a number of objections received regarding the application; and (d) that the applicant had spent and unspent convictions recorded against her.

By way of preliminary matters, the applicant requested that consideration of the matter be deferred to another meeting of the Committee as her legal representative was unable to be present.

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, objectors and Station Officer Boulstridge left and were then recalled to the meeting.

Having considered the applicant's request for a deferral and in light of the fact that the applicant's agent has been informed of the Committee date on 17 March 2007 and had not made any alternative arrangements to ensure his client would be represented today, the Committee **AGREED** not to defer consideration of the matter to another meeting of the Committee.

Sub Officer Boulstridge provided the Committee with a position update in respect of outstanding works.

Questions were then asked of Sub Officer Boulstridge by Members.

Copies of the letters of objection were tabled.

Mrs Neilson, agent for the objectors, Mr and Mrs G, spoke in support of her clients' objection.

Mr M, an objector, spoke in support of his written objection.

Mrs G, an objector, spoke in support of both her and her husband's written objection.

Councillor J Patrick, an objector, spoke in support of his written objection.

Questions were then asked of the objectors by Members and also the applicant.

The applicant was heard in support of her application.

Questions were then asked of the applicant by Members and also the objectors.

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, the objectors and Sub Officer Boulstridge left the meeting.

On reconvening, only the applicant and the objector, Mr G, re-entered the meeting:

AGREED that the application for a new house in multiple occupation licence be **REFUSED** on the grounds referred to in paragraph 5, sub-paragraph 3(c)(i) and (iv) of Schedule 1 of the Civic Government (Scotland) Act 1982, namely that the premises are not suitable for the conduct of the activity having regard to:- (a) the location; and (b) the possibility of undue public nuisance.

The applicant and Mr G, an objector, left the meeting at this point.

Councillor Nicol declared an interest in the following item of business and withdrew from the meeting.

CL85. APPLICATION FOR PUBLIC ENTERTAINMENT LICENCE

The applicant's agent, Mr Neilson and Mr Evans and Mr Taylor, representatives of the applicant, and Mr W and Ms H, both objectors, entered the meeting at this point.

There was submitted Report (circulated) dated 21 March 2007 by the Director of Development Services on an application for a new public entertainment licence advising (a) on the background to the application; and (b) on letters of objection received.

By way of preliminary matters, the Acting Director of Law and Administration Services explained that all objectors had been written to asking for confirmation that they had submitted a letter of objection. Of the original 22 letters of objection received, only 17 objectors subsequently confirmed they had submitted an objection, consequently the outstanding 5 objections should not be considered.

The Committee **AGREED** to not consider the letters received from the 5 objectors who had failed to respond.

The Acting Director of Law and Administration Services explained that the 17 remaining letters of objection were identical in content and suggested that only the letters of objection pertaining to the 2 objectors in attendance be circulated.

Both letters of objection and the letter in support of the application were then circulated to Members.

Mr W, an objector, was heard in support of his letter of objection.

Ms H, an objector, was heard in support of her letter of objection.

Questions were then asked of the objectors by Members.

The applicant's agent Mr Neilson and representative Mr Evans spoke in support of the application.

In support of the application a booklet containing photographs illustrating other similar developments were circulated to Members and the objectors.

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

All parties left and were then recalled to the meeting.

AGREED that the application for a new public entertainment licence be **GRANTED**.

The applicant's agent Mr Neilson, the applicant's representatives Mr Evans and Mr Taylor and objectors Mr W and Ms H left the meeting at this point.