

FALKIRK COUNCIL

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 9 MARCH 2011 at 9.30 A.M.

PRESENT: Councillors Blackwood, Hughes, Kenna, McLuckie, Nicol and Thomson.

CONVENER: Councillor Nicol.

APOLOGIES: Councillors Jackson, Nimmo and Waddell.

ATTENDING: Acting Director of Law and Administration Services; Licensing Co-ordinator (B Douglas); Senior Solicitor (F Kobiela); and Committee Officer (A Sobieraj).

DECLARATIONS None.

OF INTEREST:

CL81. MINUTE

There was submitted and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 10 February 2011.

CL82. 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.

Councillors Kenna and Thomson left the meeting prior to consideration of the following item of business.

CL83. APPLICATION FOR A NEW SKIN PIERCING AND TATTOOING LICENCE (CONTINUATION)

The applicant, Mr M, and his business partner Mr H, entered the meeting.

Mr Oliver, Food and Safety Co-ordinator, Falkirk Council entered the meeting.

The objectors Ms M, Ms B, Ms G, Mr F and Mr M entered the meeting.

With reference to Minute of Meeting of the Civic Licensing Committee held on 10 February 2011 (Paragraph CL80 refers), there was submitted Report (circulated) dated 2 March 2011 by the Acting Director of Law and Administration Services on an application for the grant of a new skin piercing and tattooing licence (a) advising of the background to the application; (b) detailing the consultations undertaken; and (c) objections received. The matter had been continued at the previous meeting to allow further reasonable enquiries to be made by officers of the Council with regard to matters raised in the objections and to report the results of these enquiries to a future meeting.

The Licensing Co-ordinator advised that officers of the Council had been unable to obtain the requested information with regard to matters raised in the objections.

Ms B, an objector, spoke in relation to matters raised in the objections at the previous meeting and clarified her efforts to seek substantiation of the issues raised.

Mr M spoke in support of the application. Mr H also provided clarification on a number of matters.

Questions were then asked by Members of the Committee.

Mr Oliver, Food and Safety Co-ordinator, Falkirk Council spoke in relation to the health and safety standards required for the operation of the licence and confirmed that the applicant met the requirements in relation to infection control.

AGREED that a short adjournment take place to enable the Committee to consider the submissions.

The applicant, Mr M, his business partner Mr H, and objectors Ms M, Ms B, Ms G, Mr F and Mr M left and were then recalled to the meeting.

Not being satisfied that the applicant had demonstrated a sufficient level of knowledge, skill, training and experience in relation to the activities to be licensed, the Committee **AGREED** to **REFUSE** the application, in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 5(3)(a)(ii) on the ground that the applicant is not a fit and proper person to be the holder of such a licence.

NOTED the view expressed by the Committee that should the applicant be better able to demonstrate the requisite knowledge, skill, training and experience at a future date, it would be minded to consider that to be a material change of circumstances in terms of Paragraph 6 of Schedule 1 to the said Act.

Councillors Kenna and Thomson re-entered the meeting following consideration of the foregoing item of business.

CL84. ORDER OF BUSINESS

In terms of Standing Order 15.2(i), Councillor Nicol advised of a variation to the order of business from that detailed on the agenda for the meeting. The following items have been recorded in the order that they were taken.

CL85. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE

No representative of the applicant company was in attendance. Following further information from the Licensing Co-ordinator, the Committee agreed to consider the application in the applicant's absence.

There was submitted Report (circulated) dated 1 March 2011 by the Acting Director of Law and Administration Services on an application for the renewal of a late hours catering licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received; and (c) attaching as appendices 1 to 3 respectively, the late hours catering policy, the late hours catering conditions and a location plan.

Questions were then asked by Members of the Committee.

AGREED that a departure from the Council's policy was justified in this case and therefore to **RENEW** the late hours catering licence, subject to the standard conditions.

CL86. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE (CONTINUATION)

The applicant, Mr S, Chief Inspector G Taylor, Chief Inspector G Fitzcharles and Mr N McLean, Licensing Officer, Central Scotland Police, all entered the meeting.

With reference to Minutes of Meetings of the Civic Licensing Committee held on 8 September and 17 November 2010 (Paragraphs CL38 and CL57 refer), there was submitted Report (circulated) dated 1 March 2011 by the Acting Director of Law and Administration Services on an application for the renewal of a taxi driver licence (a) advising of the background to the application; (b) attaching as an appendix, copies of Reports submitted to the Civic Licensing Committee on 8 September and 17 November 2010; (c) detailing the consultations undertaken and responses received; and (d) detailing the applicant's record.

Mr S spoke in support of the application.

Chief Inspector G Taylor then spoke in amplification of the original and subsequent Police letters of observations, copies of which had been circulated to the Committee.

Having regard to the lapse of time since the matter had been last before Committee, **AGREED** to consider it of new, there being no objection to that course of action by any party.

Questions were then asked by Members of the Committee.

AGREED that a short adjournment take place to enable the Committee to consider the submissions.

The applicant, Mr S, Chief Inspector G Taylor, Chief Inspector G Fitzcharles and Mr N McLean left and were then recalled to the meeting.

AGREED to **REFUSE** the application, in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 5(3)(a)(ii) on the ground that the applicant is not a fit and proper person to be the holder of such a licence.

CL87. CONTINUATION OF SUSPENSION HEARING IN RELATION TO LATE HOURS CATERING LICENCES NOs. 046, 047, 049, 073 AND 184 AND RENEWAL OF LATE HOURS CATERING LICENCE NO. 073

The applicant, Mrs D, and her representative Mrs Hamilton, entered the meeting.

Chief Inspector G Taylor, Chief Inspector G Fitzcharles and Mr N McLean, Central Scotland Police, all entered the meeting.

With reference to Minutes of Meetings of the Civic Licensing Committee held on 20 October and 17 November 2010 (Paragraphs CL32 and CL63 refer), there was submitted Report (circulated) dated 1 March 2011 by the Acting Director of Law and Administration Services (a) outlining the nature of the complaint in relation to licence nos. 046, 047, 049, 073 and 184; (b) attaching as an appendix, copies of Reports submitted to the Civic Licensing Committee on 20 October and 17 November 2010; and (c) detailing an application received for the renewal of the late hours catering licence no. 073. The Suspension Hearing was continued on 17 November 2010 to a future meeting to take place after the conclusion of court proceedings or should they not conclude as anticipated in January/February 2011, to the next available meeting of the Committee.

The Convener sought clarification from Mrs Hamilton that she was satisfied that the matter be considered of new with the present Members, on the basis that there had been a significant time lapse since the matter was previously considered. Mrs Hamilton advised that she had no objection to the matter being heard of new.

Mrs Hamilton was heard in relation to the personal circumstances of Mr D and submitted a letter from his General Practitioner. Mrs Hamilton also confirmed that Mr D was no longer a Director of the company and was not responsible for its management. Mrs D was the sole Director of the company.

AGREED that a short adjournment take place to enable representatives of Central Scotland Police to consider the submission made and whether they accepted that Mr D was not currently involved in the management of the licensed activity.

The applicant, Mrs D, and her representative Mrs Hamilton, Chief Inspector G Taylor, Chief Inspector G Fitzcharles and Mr D McLean left and were then recalled to the meeting. Councillor McLuckie had withdrawn from the meeting prior to the reconvening of the meeting.

Chief Inspector Taylor advised that, having given due consideration to the submission made, Central Scotland Police accepted that Mr D was not currently involved in the licensed activity and consequently he would not insist on the complaint being further heard further. He advised, however, that the Police may submit a complaint in the future should circumstances change. Chief Inspector Taylor advised, moreover, that the Police position would be the same with regard to the renewal application for licence no 073, in that the objection would not be insisted upon standing the change in circumstances.

Following discussion in relation to a number of procedural matters, the Committee **AGREED** that a short adjournment take place to enable the Committee to consider the submissions.

The applicant, Mrs D, and her representative Mrs Hamilton, Chief Inspector G Taylor, Chief Inspector G Fitzcharles and Mr N McLean left and were then recalled to the meeting.

AGREED:-

- (1) **NOT TO SUSPEND** licence nos. 046, 047, 049, 073 and 184; and
- (2) to **RENEW** the late hours catering licence no.073.

CL88. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER'S LICENCE

The applicant, Mr C, entered the meeting.

There was submitted Report (circulated) dated 1 March 2011 by the Acting Director of Law and Administration Services on an application for the grant of a new taxi driver's licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received; and (c) detailing the applicant's record.

Mr C spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED to **GRANT** the licence for a period of one year with a warning letter detailing the standards expected of taxi drivers and subject to the standard conditions.