

**FALKIRK COUNCIL**

**MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 18 JANUARY 2012 at 9.30 A.M.**

**PRESENT:** Provost Reid; Councillors Blackwood, Hughes, Kenna, McLuckie, Nicol, Nimmo and Waddell.

**CONVENER:** Councillor Nicol.

**APOLOGIES:** Councillors Jackson and Thomson.

**ATTENDING:** Chief Governance Officer; Licensing Co-ordinator; Senior Solicitor (F Kobiela); and Committee Officer (A Sobieraj).

**DECLARATIONS** None  
**OF INTEREST:**

**CL61. MINUTE**

There was submitted and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 16 November 2011.

Provost Reid entered the meeting during consideration of the following item of business.

**CL62. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN OCTOBER AND NOVEMBER 2011**

There was submitted Report (circulated) dated 10 January 2012 by the Chief Governance Officer on applications granted under delegated powers between 1 October and 30 November 2011 in terms of the Civic Government (Scotland) Act 1982 and the Marriage (Approval of Places) (Scotland) Regulations 2002.

**NOTED**

**CL63. 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 involve the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7A of the said Act.

**CL64. APPLICATION FOR THE RENEWAL OF A HOUSE IN MULTIPLE OCCUPATION LICENCE**

The applicant's representative and day to day manager, Mr L, and objectors Mr and Mrs C, all entered the meeting.

There was submitted Report (circulated) dated 10 January 2012 by the Chief Governance Officer on an application for the renewal of a house in multiple occupation licence (a) advising of the background to the application; (b) providing confirmation of the premises to be licensed under the terms of the licence; and (c) detailing the consultations undertaken and the responses received.

The applicant's representative, Mr L, advised that he had no preliminary points to make on the competency of the objection. A copy of a letter to the Licensing Section was circulated to the Committee.

The objectors, Mr and Mrs C, spoke in amplification of the objection. Copies of the objection letter and three emails were circulated to the Committee.

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's representative, Mr L, and Mr and Mrs C, objectors, left and were then recalled to the meeting.

**AGREED** to **CONTINUE** consideration for a period of three months to ensure that the undertakings given by the day to day manager were implemented. During the period it would be expected that direct contact would be made by the licence-holder with the objectors and Falkirk Council's Licensing Section would be advised of the steps taken in this regard.

**CL65. APPLICATION FOR THE RENEWAL OF LATE HOURS CATERING LICENCE NO. 113**

The applicant, Ms T, entered the meeting.

There was submitted Report (circulated) dated 10 January 2012 by the Chief Governance Officer on an application for the renewal of a late hours catering licence (a) advising on the background to the application; (b) detailing the consultations undertaken and responses received; (c) setting out the procedural issue that required to be considered in terms of Paragraph 8(5A) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (d) attaching, as appendices 1 and 2 respectively, a letter detailing the background to the matter and a location plan.

Ms T spoke in support of the application.

Questions were then asked by Members of the Committee.

Being satisfied that good cause had been shown as required by paragraph 8(5A) of Schedule 1 of the Civic Government (Scotland) Act 1982, the Committee **AGREED** to **RENEW** the licence for a period of one year, subject to the standard conditions.

Provost Reid left the meeting following consideration of the foregoing item of business.

#### **CL66. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE**

The applicant, Ms A, together with a relative, Mr A, entered the meeting

There was submitted Report (circulated) dated 10 January 2012 by the Chief Governance Officer on an application for the renewal of a late hours catering licence (a) advising on the background to the application; (b) detailing the consultations undertaken and 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.

Ms A spoke in support of the application.

Questions were then asked by Members of the Committee.

In light of the submissions made, **AGREED** that a departure from the Council's policy was justified and therefore to **GRANT** the renewal of the late hours catering licence for a period of one year subject to the standard conditions.

#### **CL67. APPLICATIONS FOR THE RENEWAL OF A TAXI OPERATOR AND TAXI DRIVER LICENCE**

The applicant, Mr M, entered the meeting.

With reference to Minute of Meeting of the Civic Licensing Committee held on 16 November 2011 (Paragraph CL57 refers), there was submitted Report (circulated) dated 10 January 2012 by the Chief Governance Officer on applications for the renewal of a taxi operator and a taxi driver licence (a) advising on the background to the applications; (b) attaching as an appendix, copy of Report submitted to the Civic Licensing Committee on 16 November 2011; (c) detailing the consultations undertaken and the responses received; and (d) detailing the applicant's record. The Committee had continued consideration of the applications to a future meeting in the absence of the applicant.

Mr M spoke in support of the application.

The Chief Governance Officer clarified procedures in relation to consideration of the applicant's spent fixed penalties following which the Committee resolved that justice could not be done without admitting said fixed penalties as part of the process. The list of spent fixed penalties was therefore circulated to the Committee.

Questions were then asked by Members of the Committee.

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

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

The applicant, Mr N was not in attendance. The Licensing Co-ordinator advised that whilst waiting to be heard, the applicant was required to attend another urgent appointment.

There was submitted Report (circulated) dated 10 January 2012 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) detailing the consultations undertaken and the responses received; and (c) detailing the applicant's record.

**AGREED** to **CONTINUE** consideration of the application to a future meeting in the absence of the applicant.

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

The applicant, Mr P, entered the meeting.

There was submitted Report (circulated) dated 10 January 2012 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) detailing the consultations undertaken and the responses received; and (c) detailing the applicant's record.

Mr P spoke in support of the application.

Questions were then asked by Members of the Committee.

#### **AGREED:-**

- (a) that the applicant be given a final opportunity to take the knowledge test and to pass it, and in light of the applicant's intimation at the Committee of his difficulty with written tests, that this test be given orally or with the assistance of a scribe if requested by the applicant;
- (b) that should the applicant fail the knowledge test to authorise the Chief Governance Officer to refuse the licence without further reference to Committee;
- (c) that should the applicant pass the knowledge test that officers arrange for the applicant to sit the Council's medical test and that the applicant provide evidence that he has passed the test;
- (d) that should the applicant pass both tests to authorise the Chief Governance Officer to grant the licence; and
- (e) that should the applicant pass the knowledge test but fail the medical test, that the application be considered at a future meeting of the Committee.

#### **CL70. APPLICATION FOR THE GRANT OF A NEW WINDOW CLEANER LICENCE**

The applicant, Mr T, entered the meeting.

There was submitted Report (circulated) dated 10 January 2012 by the Chief Governance Officer on an application for the grant of a new window cleaner licence (a) advising on the background to the application; (b) detailing the consultations undertaken and the responses received; and (c) detailing the applicant's record.

Mr T spoke in support of the application.

Questions were then asked by Members of the Committee.

**AGREED** to **GRANT** the licence for a period of three years with a warning letter and subject to the standard conditions.