

FALKIRK COUNCIL

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 23 FEBRUARY 2012 at 9.30 A.M.

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

CONVENER: Councillor Nicol.

APOLOGIES: Councillors Hughes, Jackson, Nimmo and Thomson.

ATTENDING: Depute Chief Governance Officer; Licensing Co-ordinator; Solicitor (P Gilmour); and Committee Officer (A Sobieraj).

DECLARATIONS None
OF INTEREST:

CL71. MINUTE

There was submitted and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 18 January 2012.

CL72. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN DECEMBER 2011

There was submitted Report (circulated) dated 15 February 2012 by the Chief Governance Officer on applications granted under delegated powers in December 2011 in terms of the Civic Government (Scotland) Act 1982 and the Marriage (Approval of Places) (Scotland) Regulations 2002.

NOTED

CL73. 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.

CL74. 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.

CL75. APPLICATIONS FOR THE GRANT OF 2 ADDITIONAL PRIVATE HIRE CAR LICENCES

A Director of the applicant company, Mr B, entered the meeting.

There was submitted Report (circulated) dated 15 February 2012 by the Chief Governance Officer on applications for the grant of two additional private hire car licences (a) advising of the background to the applications; (b) detailing the consultations undertaken and the responses received; and (c) detailing the records of the company Directors.

Mr B spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED to GRANT the licences subject to the standard conditions.

CL76. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE (CONTINUATION)

The applicant, Mr N, entered the meeting.

With reference to Minute of Meeting of the Civic Licensing Committee held on 18 January 2012 (Paragraph CL68 refers), there was submitted Report (circulated) dated 15 February 2012 by the Chief Governance Officer on an application for the grant of a new taxi driver licence (a) advising of the background to the application; and (b) attaching as an appendix, copy of the Report submitted to the Civic Licensing Committee on 18 January 2012. The application had been continued at the previous meeting to enable the applicant to be in attendance.

Mr N 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 and pass the knowledge test;
- (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 undertake the Council's medical 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.

CL77. APPLICATION FOR THE GRANT OF A NEW LATE HOURS CATERING LICENCE

The applicant, Mrs D, together with Mr K, personal assistant and Mr S, day to day manager, entered the meeting.

There was submitted Report (circulated) dated 15 February 2012 by the Chief Governance Officer on an application for the grant of a new late hours catering licence (a) advising of 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.

Mrs D 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 late hours catering licence for a period of one year subject to the standard conditions.

Councillor Nicol observed that there required to be a discussion in future by Committee on the duration of Late Hours Catering Licences.

CL78. APPLICATION FOR THE GRANT OF A NEW LATE HOURS CATERING LICENCE

The applicant, Mr T, entered the meeting. When requested by the Convener to confirm that he had received the copy of the Report by the Chief Governance Officer dated 15 February 2012 relating to the application, Mr T indicated that this had not been received. The Licensing Co-ordinator confirmed that the Report had been sent timeously by first class post to the applicant.

After consideration the Committee **AGREED** that the Licensing Co-ordinator provide the applicant with a copy of the Report and that time be allowed for the applicant to read the Report. The application would be considered following the next item on the agenda.

The applicant, Mr T, thereafter left the meeting.

CL79. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE

The applicant, Mr J, together with day to day manager, Mr R, entered the meeting

There was submitted Report (circulated) dated 15 February 2012 by the Chief Governance Officer 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 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.

Mr J 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 **RENEW** the late hours catering licence for a period of one year subject to the standard conditions.

CL80. APPLICATION FOR THE GRANT OF A NEW LATE HOURS CATERING LICENCE - CONTINUED

The applicant, Mr T, re-entered the meeting.

With reference to Paragraph CL78 above, there was submitted Report (circulated) dated 15 February 2012 by the Chief Governance Officer on an application for the grant of a new late hours catering licence (a) advising of 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.

Mr T spoke in support of the application, moving an amendment to the application being that the operating hours requested on a Sunday were until 12 midnight and not 1.30 a.m. as detailed on the application form and Report.

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 late hours catering licence for a period of one year subject to:-

- (a) the terminal operating hour on a Sunday being amended to 12 midnight; and
- (b) the standard conditions.

CL81. APPLICATION FOR THE GRANT OF AN ADDITIONAL TAXI OPERATOR LICENCE

The applicant, Mr F, entered the meeting.

There was submitted Report (circulated) dated 15 February 2012 by the Chief Governance Officer on an application for the grant of an additional taxi operator 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 F spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED to **GRANT** the licence subject to the standard conditions.

CL82. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr L, entered the meeting.

There was submitted Report (circulated) dated 15 February 2012 by the Chief Governance Officer on an application for the grant of a new taxi driver 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 L 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 reminding the applicant of the standards expected of taxi drivers and subject to the standard conditions.

CL83. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr C, together with his father Mr C, Chief Inspector G Taylor and PC S Leishman, Central Scotland Police, all entered the meeting.

There was submitted Report (circulated) dated 15 February 2012 by the Chief Governance Officer on an application for the grant of a new taxi driver 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.

The applicant's father, raised by way of a preliminary point in relation to the objection lodged by Central Scotland Police, that criminal court proceedings were pending in relation to one incident detailed in the letter of objection and submitted that to disclose information on this matter would be prejudicial to his son and material relating to the incident should not be admissible in today's proceedings

Chief Inspector Taylor advised that the Committee was not a court of law and due to the serious nature of the incident, the Police were of the opinion that the letter of objection should be considered in full.

Following legal advice from the Depute Chief Governance Officer, the letter of objection was circulated.

Questions were asked of Chief Inspector Taylor by Members of the Committee and the applicant's father.

Mr C and his father, Mr C, were then heard in relation to the objection.

Questions were asked of Mr C and his father, Mr C, by Members of the Committee and Chief Inspector Taylor.

AGREED following further legal advice to **CONTINUE** consideration to a future meeting pending the outcome of the court proceedings.

CL84. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr W, entered the meeting.

There was submitted Report (circulated) dated 15 February 2012 by the Chief Governance Officer on an application for the renewal of a taxi driver 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 W spoke in support of the application.

Questions were then asked by Members of the Committee.

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

CL85. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr W, entered the meeting.

There was submitted Report (circulated) dated 15 February 2012 by the Chief Governance Officer on an application for the renewal of a taxi driver 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 W spoke in support of the application.

Questions were then asked by Members of the Committee.

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

Provost Reid left the meeting prior to consideration of the following item of business.

CL86. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr G, entered the meeting.

There was submitted Report (circulated) dated 15 February 2012 by the Chief Governance Officer on an application for the renewal of a taxi driver 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 G 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 consider the application and to **RENEW** the licence for a period of one year, subject to the standard conditions.