

FALKIRK COUNCIL

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 16 JANUARY 2013 at 9.30 A.M.

PRESENT: Provost Reid; Councillors Blackwood, D Goldie, McLuckie, McNally, Nicol and Ritchie.

CONVENER: Councillor Nicol.

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

CL79. APOLOGIES

Apologies were intimated on behalf of Councillors Buchanan, Hughes and Turner.

CL80. DECLARATIONS OF INTEREST

Councillor Ritchie declared a non financial interest in Item 14 (minute CL93) by virtue of her being acquainted with the applicant's family and considered that she required to recuse herself from consideration of the item, having regard to the objective test in the Code of Conduct.

Councillor Ritchie advised that she had a slight acquaintance with the applicant in Item 12 (minute CL91) but did not consider that it amounted to a declarable interest under the Code.

Provost Reid advised that he was an occasional user of the premises referred to in Item 11 (minute CL90) but did not consider that it amounted to a declarable interest under the Code.

CL81. MINUTE

There was submitted and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 15 November 2012.

CL82. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS AND NOTIFICATIONS OF PUBLIC PROCESSIONS RECEIVED IN OCTOBER AND NOVEMBER 2012

There was submitted Report (circulated) dated 8 January 2013 by the Chief Governance Officer detailing (a) applications granted under delegated powers between 1 October to 30 November 2012 in terms of the Civic Government (Scotland) Act 1982 and the

Marriage (Approval of Places) (Scotland) Regulations 2002; and (b) notifications for public processions received during the same period.

NOTED.

CL83. 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 ground 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.

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 GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Ms R, entered the meeting.

There was submitted Report (circulated) dated 8 January 2013 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.

Ms R 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 subject to the standard conditions and dependant on the applicant sitting the Council's medical examination and providing evidence to show that she has met the DVLA Group 2 Regulations Standards.

CL86. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr K, entered the meeting.

There was submitted Report (circulated) dated 8 January 2013 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 K 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 subject to the standard conditions.

CL87. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr V, entered the meeting.

There was submitted Report (circulated) dated 20 December 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 V spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED:-

- (1) that the applicant be given a final opportunity to take and pass the knowledge test;
- (2) that, should the applicant fail the knowledge test, the Chief Governance Officer is authorised to refuse the licence without further reference to Committee in terms of the Civic Government (Scotland) Act 1982 Section 13 (5);
- (3) that, should the applicant pass the knowledge test, officers will arrange for the applicant to sit the Council's medical examination and the applicant shall thereafter provide evidence to show that he has met the DVLA Group 2 Regulations Standards;
- (4) that, should the applicant pass both tests, the Chief Governance Officer is authorised to grant the licence; and
- (5) that, should the applicant pass the knowledge test but fail the medical test, the application will be further considered at a future meeting of the Committee.

CL88. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr G, entered the meeting.

There was submitted Report (circulated) dated 8 January 2013 by the Chief Governance Officer on an application for the renewal of a private hire car 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.

AGREED to **RENEW** the licence for a period of one year subject to the standard conditions and with a warning letter detailing the standards expected of private hire car drivers.

CL89. APPLICATION FOR THE GRANT OF A NEW LATE HOURS CATERING LICENCE

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

There was submitted Report (circulated) dated 8 January 2013 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 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.

Mr A spoke in support of the application.

Questions were then asked by Members of the Committee.

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

Mr A left and was then recalled to the meeting.

AGREED that a departure from the Council's policy was justified and therefore to **GRANT** the licence from 11 p.m. to 5 a.m. for a period of six months subject to the standard conditions and the following additional conditions:-

- (1) No hot food will be sold on the premises after 1.30 a.m.;
- (2) Between 1.30 a.m. and 5 a.m. only ready to eat pre-packaged food from the chill cabinet (e.g. sandwiches) will be sold on the premises; and
- (3) For the purpose of this licence 'hot food' refers to baked goods from the in-store bakery on the premises. No other form of hot food will be sold.

In light of the non-standard nature of this application, **AGREED** that the licence will be monitored for its duration and any application for a renewal of the licence will be referred to Committee for determination.

CL90. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE

The Licensing Co-ordinator advised that the applicant, Ms A, was not present at the meeting. The Committee then requested the Licensing Co-ordinator to contact the applicant by telephone to ascertain if she would be attending and, being mindful that the following agenda items required consideration of Police objections, to allow Police representatives to arrive.

The Committee at 11.00 a.m. **AGREED** that a 15 minute adjournment take place to allow the Licensing Co-ordinator to contact the applicant and for the Police to arrive.

The Committee re-convened at 11.15 a.m. with all Members present as per the sederunt, with the exception of Councillor D Goldie.

The Licensing Co-ordinator then advised that the applicant had been involved in a road accident that morning and was unable to attend but wished the matter to be considered in her absence. Having heard from the Licensing Co-ordinator, the Committee agreed to consider the application in the applicant's absence.

There was submitted Report (circulated) dated 8 January 2013 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 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 and therefore to **RENEW** the late hours catering licence for a period of three years subject to the standard conditions.

CL91. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr McC, Inspector D Gibson and PC S Leishman, Central Scotland Police, all entered the meeting.

There was submitted Report (circulated) dated 8 January 2013 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 McC raised by way of a preliminary point that there had been inaccurate information presented in the original objection letter lodged by Central Scotland Police in relation to his convictions in that they related to another person of the same name. This information was later corrected by Central Scotland Police. One inaccuracy however remained, that being the nature of one particular conviction. Mr McC submitted that this would be prejudicial to himself. In response, Inspector Gibson apologised for the original incorrect information relating to another person but did not have any information on Police record in relation to the nature of the aforementioned conviction.

After consideration, the Committee determined that the inaccuracies relating to the other person had been adequately acknowledged and corrected by Central Scotland Police. The Committee therefore resolved to consider the police objection letter but indicated that Central Scotland Police must provide conclusive clarification in respect of the conviction identified by the applicant.

Inspector D Gibson then spoke in amplification of the objection and indicated that he had no further information in relation to the conviction referred to by the applicant.

Questions were asked of Inspector Gibson by Members of the Committee and the applicant.

Mr McC was then heard in relation to the objection.

Questions were asked of the applicant by Members of the Committee and Central Scotland Police.

AGREED that a short adjournment take place to enable Committee to consider the submissions and to allow the representatives of Central Scotland Police to obtain clarification on the court conviction referred to by the applicant.

The applicant, McC, Inspector D Gibson and PC S Leishman, left and were then recalled to the meeting.

Inspector D Gibson then clarified the details of the conviction identified by the applicant and confirmed that the information as presented by the applicant was correct.

Following further questions asked by Members of the Committee **AGREED** to **GRANT** the licence for a period of one year subject to the standard conditions and with a warning letter detailing the standards expected of taxi drivers.

CL92. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr C, together with his representative, Mr S, Inspector D Gibson and PC S Leishman, Central Scotland Police, all entered the meeting.

There was submitted Report (circulated) dated 8 January 2013 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 representative, Mr S, raised by way of preliminary point, the inaccuracy of information presented in the objection letter lodged by Central Scotland Police. This related to two matters which were not convictions as presented. These instances however did not affect the competency of the objection submitted by Central Scotland Police, following which the letter of objection was circulated.

Inspector D Gibson then spoke in amplification of the objection.

Questions were asked of Inspector Gibson by Members of the Committee. The applicant's representative stated that he had no questions for Inspector Gibson.

Mr S was then heard in relation to the objection and this included clarifying the specific charge in relation to one incident.

Questions were asked of the applicant's representative by Members of the Committee. The representative from Central Scotland Police stated that he had no questions for the applicant's representative.

The applicant, Mr C, together with his representative, Mr S, Inspector D Gibson and PC S Leishman, left and were then recalled to the meeting.

After consideration, the Committee **AGREED** that the application would be considered following the next item on the agenda to allow the representatives of Central Scotland Police to obtain clarification on the specific charge in relation to one incident identified by the applicant's representative.

The applicant, Mr C, together with his representative, Mr S, Inspector D Gibson and PC S Leishman, thereafter left the meeting.

In accordance with her declaration of interest, Councillor Ritchie left the meeting prior to consideration of the following item of business.

CL93. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr M, and Inspector D Gibson, Central Scotland Police, entered the meeting.

There was submitted Report (circulated) dated 8 January 2013 by the Chief Governance Officer on an application for the grant of a new private hire car 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, Mr M, advised that he had no preliminary points to make on the competency of an objection submitted by Central Scotland Police, following which the letter of objection was circulated.

Inspector D Gibson then spoke in amplification of the objection.

Questions were asked of Inspector Gibson by Members of the Committee. The applicant stated that he had no questions for Inspector Gibson.

Mr M was then heard in relation to the objection.

Questions were asked of the applicant by Members of the Committee and Central Scotland Police.

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

Councillor Ritchie re-entered the meeting following consideration of the foregoing item of business.

CL94. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE - CONTINUED

The applicant, Mr C, together with his representative, Mr S, and Inspector D Gibson and PC S Leishman, Central Scotland Police, re-entered the meeting.

Inspector D Gibson provided clarification on the specific charge in relation to one incident identified by the applicant's representative.

Questions were then asked by Members of the Committee.

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

The applicant's representative requested a Statement of Reasons.