

FALKIRK COUNCIL

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 13 MARCH 2013 at 9.30 A.M.

PRESENT: Councillors Blackwood, Buchanan, D Goldie, Hughes, McLuckie, Nicol, Ritchie and Turner.

CONVENER: Councillor Nicol.

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

CL110. APOLOGIES

Apologies were intimated on behalf of Provost Reid and Councillor McNally.

CL111. DECLARATIONS OF INTEREST

No declarations were made.

CL112. MINUTE

There was submitted and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 14 February 2013.

CL113. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS AND NOTIFICATIONS OF PUBLIC PROCESSIONS RECEIVED IN JANUARY 2013

There was submitted Report (circulated) dated 5 March 2013 by the Chief Governance Officer detailing (a) applications granted under delegated powers between 1 and 31 January 2013 in terms of the Civic Government (Scotland) Act 1982 and the Marriage (Approval of Places) (Scotland) Regulations 2002; and (b) notifications of public processions received during the same period.

CL114. 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 Paragraphs 3 & 6 of Part 1 of Schedule 7A to the said Act.

CL115. CIVIC LICENSING ENFORCEMENT - JANUARY AND FEBRUARY 2013

There was submitted Report (circulated) dated 7 March 2013 by the Chief Governance Officer giving an overview of enforcement action taken with regard to Civic Licensing activities during January and February 2013.

NOTED

Not having been in attendance at the previous meeting of Committee, Councillors Ritchie and Buchanan took no part in the following item of business. Councillor Ritchie left the meeting for the duration of the item, returning at the commencement of item CL117.

CL116. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr B, entered the meeting.

With reference to Minute of Meeting of the Civic Licensing Committee held on 14 February 2013 (Paragraph CL104 refers), there was submitted Report (circulated) dated 5 March 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) attaching as an appendix, a copy of a Report submitted to the Civic Licensing Committee on 14 February 2013. The application had been continued on 14 February 2013 to a future meeting to obtain clarification about the applicant's hearing from the General Practitioner who had undertaken the medical examination.

Mr B 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.

Councillor Hughes entered the meeting prior to consideration of the following item of business.

CL117. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr G, entered the meeting.

There was submitted Report (circulated) dated 5 March 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 G spoke in support of the application and submitted a letter from his General Practitioner providing details of a previous medical condition which had affected his driving over the period covering the driving convictions on 7 July 2011 and 26 March 2012. The letter was circulated among the Committee Members.

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.

CL118. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr McC, a colleague and taxi driver, Mr McK, Inspector P Rollo and PC S Leishman, Central Scotland Police, all entered the meeting.

There was submitted Report (circulated) dated 5 March 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.

The applicant, Mr McC, advised that he had no preliminary points to make on the competency of the objection submitted by Central Scotland Police, following which the letter of objection was circulated.

Inspector P Rollo then spoke in amplification of the objection.

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

Mr McK, on behalf of the applicant, Mr McC, was then heard in relation to the objection and to the application. The applicant, Mr McC, provided additional points of clarification.

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

AGREED to **CONTINUE** consideration of the application to the June meeting of the Committee to enable the applicant to seek professional medical advice for his condition.

CL119. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr C, Inspector P Rollo and PC S Leishman, Central Scotland Police, all entered the meeting.

With reference to Minutes of Meetings of the Civic Licensing Committee held on 23 February and 5 September 2012 (Paragraphs CL83 and CL49 refer), there was submitted Report (circulated) dated 5 March 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; (c) detailing the applicant's record, and (d) attaching as appendices, copies of Reports submitted to the Civic Licensing Committee on 23 February and 5 September 2012. The application had been continued to a future meeting (i) on 23 February 2012 pending the outcome of the court proceedings; and (ii) on 5 September 2012 in accordance with the Sheriff's extension of time until 31 December 2012.

The applicant, Mr C, advised that he had no preliminary points to make on the competency of the objection submitted by Central Scotland Police, following which the letter of objection was circulated.

Inspector P Rollo then spoke in amplification of the objection.

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

Mr C was then heard in relation to the objection and to his application.

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

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

The applicant, Mr C, Inspector P Rollo and PC S Leishman, left and were then recalled to the meeting.

Councillor D Goldie, seconded by Councillor Nicol, moved that the application be refused 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.

By way of an amendment, Councillor Buchanan, seconded by Councillor Turner, moved that the application be approved for the standard period of one year and that any subsequent application for a renewal of the licence should be referred to Committee for determination.

On a division, 5 Members voted for the motion and 3 voted for the amendment.

Accordingly, **AGREED** to **REFUSE** the application for a taxi driver 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.