

## FALKIRK COUNCIL

**MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 12 SEPTEMBER 2007 at 9.30 AM.**

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

**CONVENER:** Councillor Nicol.

**APOLOGIES:** Councillors McNally and Nimmo.

**ATTENDING:** Director of Development Services; Acting Director of Law and Administration Services; Consumer Protection Manager; Senior Licensing Assistant (I Renton) and Committee Services Officer (B Douglas).

**ALSO ATTENDING:** Chief Inspector McGregor and PC Simpson, Central Scotland Police.

In terms of Standing Order 15. 2(1) the Convener agreed that the order of the agenda be varied by considering items 4 and 5 as items 3 and 4.

### **CL7. MINUTE**

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 15 August 2007.

### **CL8. 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.

Councillor Hughes entered the meeting in advance of the following item.

### **CL9. APPLICATION FOR THE RENEWAL OF TAXI OPERATOR LICENCE**

The applicant's agent Mr Sandeman entered the meeting at this point.

With reference to the Minute of Meeting of the Civic Licensing Committee held on 15 August 2007 (paragraph CL4 refers), there was submitted Report (circulated) dated 5 September 2007 by the Director of Development Services on an application for the renewal of a taxi operator licence advising on the background to the application.

The applicant was not in attendance.

There being no preliminary matters, the applicant's agent Mr Sandeman was heard in support of his client's application.

Mr W, driver of the car in respect of which the taxi licence was sought, entered the meeting at this point.

Questions were then asked of Mr Sandeman and Mr W by Members.

**AGREED** that a short adjournment take place to enable the Committee to consider the submissions and to hear advice from the Acting Director of Law and Administration Services.

Mr Sandeman and Mr W left and were then recalled to the meeting.

**AGREED** that the application for the renewal of a taxi operator licence be refused on the ground referred to in paragraph 5, sub paragraph 3(d) of Schedule 1 of the Civic Government (Scotland) Act 1982, namely that there was other good reason for refusing the application.

Mr Sandeman and Mr W left the meeting at this point.

#### **CL10. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE**

The applicant, Mr K, his agent, Mr Sandeman, Chief Inspector McGregor and PC Simpson entered the meeting at this point.

There was submitted report (circulated) dated 5 September 2007 by the Director of Development Services on an application for the renewal of a taxi driver licence advising (a) on the background to the application; (b) that the applicant had previously revealed unspent convictions and conditional offers recorded against him; and (c) on a late letter of objection received from Central Scotland Police following consultation thereon.

Having heard from Chief Inspector McGregor in explanation of the late submission of the police letter of objection, the Committee considered that sufficient reason had been provided for the objection being submitted outwith the time limit and accordingly resolved to entertain the objection, in terms of section 3(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

Copies of the letter were then tabled.

Mr Sandeman, advised that a matter referred to in the Report to Committee was the subject of court proceedings due to be heard on 22 November 2007. He accordingly sought a continuation of the item to a date subsequent thereto to enable proper investigation to be carried out and the court proceedings to be held. Mr Sandeman also intimated consent, on behalf of his client, to request to the sheriff to extend the 6 month time limit.

**AGREED** that consideration of the matter be continued to a future meeting of the Committee.

The applicant, Mr Sandeman, Chief Inspector McGregor and PC Simpson left the meeting at this point.

#### **CL11. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR LICENCE**

The applicant Mr T entered the meeting at this point.

With reference to the Minute of Meeting of the Civic Licensing Committee held on 15 September 2007 (paragraph CL5 refers), there was submitted Report (circulated) dated 5 September 2007 by the Director of Development Services on an application for the renewal of a taxi operator licence advising on the background to the application.

The applicant was heard in support of his application.

Questions were then asked of the applicant by Members.

**AGREED** that a short adjournment take place to enable the Committee to consider the submission and to hear advice from the Acting Director of Law and Administration Services.

The applicant left and was the recalled to the meeting.

#### **AGREED:-**

1. That the application for the renewal of a taxi operator licence be granted for a period of one year;
2. That, as a condition of the licence, the applicant will be required to attend at Abbotsford House, Bainsford every three months to display evidence of insurance documentation; and
3. That the matter be brought back to committee for consideration should a subsequent application for renewal be submitted.

The applicant Mr T left the meeting at this point.

#### **CL12. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE**

The applicant, the applicant's agent, Ms Baykal, Gair and Gibson, Solicitors, Chief Inspector McGregor and PC Simpson entered the meeting at this point.

There was submitted Report (circulated) dated 5 September 2007 by the Director of Development Services on an application for the renewal of a taxi driver licence advising (a) on the background to the application; (b) that the applicant had previous spent and an unspent conditional offers recorded against him, and (c) on a late letter of objection received from Central Scotland Police following consultation that thereon.

Having heard from Chief Inspector McGregor in explanation of the late submission of a Police letter of objection, the Committee considered that sufficient reason had been provided for the objection being submitted outwith the time limit and accordingly resolved to entertain the objection, in terms of section 3(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

Copies of the letter were then tabled.

The Chief Constable's representative was heard in relation to the Police letter of objection.

Questions were then asked of the Chief Constable's representative by Members.

The applicant's agent, Ms Baykal, was heard in support of her client's application.

Questions were then asked of the applicant's agent by members of the Committee.

**AGREED** that a short adjournment take place to enable the Committee to hear advice from the Acting Director of Law and Administration Services.

The applicant, the applicant's agent, Chief Inspector McGregor and PC Simpson left and then were recalled to the meeting.

**AGREED:-**

1. That consideration of the matter be continued to the next meeting of the Committee to enable further information in relation to the insurance cover for the taxi operator licence to be obtained, and
2. That the applicant provide the licensing authority with credit card statements and bank statements relating to insurance payments made and any other information which might be required.

The applicant, the applicant's agent, Chief Inspector McGregor and PC Simpson left the meeting at this point.

### **CL13. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE**

The applicant Mr G entered the meeting at this point.

There was submitted Report (circulated) dated 5 September 2007 by the Director of Development Services on an application for the renewal of a taxi driver licence (a) advising on the background to the application, and (b) that the applicant had a previous spent conviction, unspent conviction and a conditional offer recorded against him.

The applicant was heard in support of his application.

**AGREED** that the application for the renewal of a taxi driver licence be **GRANTED**.

The applicant left the meeting at this point.