

FALKIRK COUNCIL

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 12 MARCH 2008 at 9.30 AM.

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

CONVENER: Councillor Nicol

ATTENDING: Director of Development Services; Acting Director of Law and Administration Services; Consumer Protection Manager; Solicitor (P Gilmour); Senior Licensing Assistant (I Renton) and Committee Services Officer (A Rose).

CL48. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 14 February 2008.

CL49. 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.

CL50. SUSPENSION HEARING IN RELATION TO TAXI OPERATOR LICENCE No. 331 & TAXI DRIVER LICENCE No. 762

Councillor Blackwood informed the Committee that he had not been present at the previous meeting when this matter had been heard. Councillor Blackwood therefore took no part in the decision on this matter.

Mr D, the licence holder, entered the meeting at this point, together with Mr Sandeman, his representative.

With reference to Minute of Meeting of the Civic Licensing Committee held on 14 February 2008 (Paragraph CL43 refers), Committee gave further consideration to Report (circulated) dated 7 February 2008 by the Director of Development Services and an additional Report (circulated) dated 5 March 2008 on a complaint which had given rise to the hearing in relation to taxi operator licence no. 331 and taxi driver licence no. 262.

It was noted that the complainant, Mr Y, was not in attendance. Following an adjournment to hear advice from the Acting Director of Law and Administration, the Committee **AGREED** to proceed with the hearing.

Mr Sandeman informed the Committee that due to the non-attendance of the complainant he did not wish to call any witnesses or add to his previous submission. Mr Sandeman therefore summed up his case.

AGREED that no action be taken in relation to the complaint.

Following the conclusion of the foregoing item of business, Provost Reid left the meeting.

CL51. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr M, entered the meeting at this point.

There was submitted Report (circulated) dated 5 March 2008 by the Director of Development Services on an application for the renewal of a taxi driver licence advising of (a) the background to the application, and (b) the applicant's record.

The applicant was heard in support of his application.

AGREED to grant the renewal of the licence with the standard conditions for the usual period of one year with a warning letter.

CL52. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr R, entered the meeting at this point.

There was submitted Report (circulated) dated 5 March 2008 by the Director of Development Services on an application for the renewal of a taxi driver licence advising of (a) the background to the application, and (b) the applicant's record.

The applicant spoke in support of his application and in addition provided a letter of reference from his employer which, with the Committee's approval, the Convener read out.

AGREED to grant the renewal of the licence with standard conditions for the usual period of one year.

CL53. APPLICATION FOR RENEWAL OF TAXI DRIVER LICENCE

The applicant, Mr W, entered the meeting at this point.

Chief Inspector R Hutchison and Sergeant D Simpson, of Central Scotland Police, entered the meeting at this point.

There was submitted Report (circulated) dated 5 March 2008 by the Director of Development Services on an application for the renewal of a taxi driver licence advising of (a) the background to the application; (b) the results of consultation with Central Scotland Police, and (c) the applicant's record.

Chief Inspector Hutchison responded to a request by the Convener to explain why his comments had been received by Falkirk Council outwith the statutory 21 days allowed.

Committee **AGREED** to allow the Police representation to be admitted in evidence as they were satisfied with the sufficiency of the reasons provided. A copy of the letter of objection from the Police was then circulated to the Committee.

Chief Inspector Hutchison spoke in amplification of his letter.

The applicant spoke in support of his application. In addition, a copy of a letter of reference from his employer was, with the approval of Committee, circulated.

Following a short recess, the Committee **AGREED** to **REFUSE** to grant the application on the basis that the applicant is not a fit and proper person to be the holder of a licence in terms of paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982.

Following the conclusion of the foregoing item of business, Provost Reid re-entered the meeting.

CL54. APPLICATION FOR RENEWAL OF TAXI OPERATOR LICENCE

The applicant, Mr M, entered the meeting at this point.

There was submitted Report (circulated) dated 5 March 2008 by the Director of Development Services on an application for the renewal of a taxi operator licence advising of (a) the background to the application, and (b) the applicant's record. The Director of Development Services further advised that due to the withdrawal of an appeal against the suspension of his taxi driver licence, the applicant does not currently hold a taxi driver's licence.

The Committee **AGREED** that they did not require to hear evidence of spent convictions relating to the applicant and accordingly these were not disclosed to Committee.

The applicant spoke in support of his application.

AGREED to grant renewal of this licence for the usual period of one year subject to the standard conditions together with an additional condition requiring the applicant to submit documentation from his insurance company confirming his insurance for the vehicle is at all times in force to Falkirk Council.