

FALKIRK COUNCIL

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 19 NOVEMBER 2008 at 9.30 AM.

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

CONVENER: Councillor Nicol

APOLOGY: Provost Reid.

ATTENDING: Director of Development Services; Acting Director of Law and Administration; Consumer Protection Manager; Democratic Services Manager; Senior Solicitor (F Kobiela) and Committee Officer (A Sobieraj).

CL47. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 22 October 2008.

CL48. 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.

CL49. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

There was submitted Report (circulated) dated 12 November 2008 by Director of Development Services on an application for the grant of a new taxi driver licence advising of (a) the background to the application; (b) consultations undertaken and responses received; and (c) the applicant's record.

The applicant, Mr G, entered the meeting.

The applicant spoke in support of his 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, together with a warning letter.

CL50. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER'S LICENCE

The applicant was not in attendance.

Chief Inspector Hutchison and Constable Kane, of Central Scotland Police, entered the meeting.

There was submitted Report (circulated) dated 12 November 2008 by Director of Development Services on an application for the grant of a new private hire car driver's licence advising of (a) the background to the application; (b) consultations undertaken and responses received; and (c) the applicant's record.

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

The Committee **AGREED** to allow the Police representation to be admitted in evidence as it was 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 the letter.

Questions were then asked by Members of the Committee.

AGREED to **REFUSE** to grant the application on the basis that the applicant was not a fit and proper person to be the holder of a new private hire car driver's licence in terms of paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982.

CL51. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE

The applicant, Mr D, entered the meeting.

Chief Inspector Hutchison and Constable Kane, of Central Scotland Police, entered the meeting.

There was submitted Report (circulated) dated 12 November 2008 by the Director of Development Services on an application for the grant of a private hire car driver's licence advising of (a) the background to the application; (b) consultations undertaken and responses received; and (c) the applicant's record.

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

The Committee **AGREED** to allow the Police representation to be admitted in evidence as it was 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 the letter.

The applicant spoke in support of his application.

Questions were then asked by Members of the Committee.

AGREED to **REFUSE** to grant the application on the basis that the applicant was not a fit and proper person to be the holder of a private hire car driver's licence in terms of paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982.

CL52. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR OPERATOR LICENCE

The applicant, Mr O, entered the meeting together with his business partner Mr McL.

Mr Sampson, Licensing Enforcement Officer, Falkirk Council entered the meeting.

Mr B, an objector entered the meeting accompanied by his son.

There was submitted Report (circulated) dated 16 October 2008 by the Director of Development Services on an application for the grant of a new taxi driver licence advising of (a) the background to the application; (b) consultations undertaken and responses received; and (c) the applicant's record.

Mr B spoke in amplification of his letter of objection. A copy of the letter of objection was circulated to the Committee.

The applicant spoke in support of his application.

Questions were then asked by Members of the Committee.

AGREED to **CONTINUE** consideration of this item to allow further investigation of the basis of the objection.

CL53. APPLICATION FOR THE GRANT OF 3 ADDITIONAL TAXI OPERATOR LICENCES AND 1 ADDITIONAL PRIVATE HIRE CAR OPERATOR LICENCE

The applicant, Mr B, entered the meeting.

There was submitted Report (circulated) dated 12 November 2008 by the Director of Development Services on an application for the grant of 3 additional taxi operator licences and 1 additional private hire car operator licence advising of (a) the background to the application; (b) consultations undertaken and responses received; and (c) the applicants' records.

The applicant Mr B spoke in support of his 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.

CL54. APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE

The applicant, Mr L, entered the meeting.

Mr McL, an objector entered the meeting.

There was submitted Report (circulated) dated 14 November 2008 by Director of Development Services on an application for the grant of a public entertainment licence to operate a Paintball business within Loanfoot Wood, Bonnybridge.

Mr McL spoke in amplification of his letter of objection and on behalf of a second objector Ms D. Copies of the letters of objection were circulated to the Committee.

The applicant, Mr L, spoke in support of his application.

Questions were then asked by Members of the Committee.

AGREED that consideration of this item of business be **CONTINUED** to allow an inspection of the site by Committee.

CL55. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE

The applicant, Mrs G, entered the meeting together with her husband.

There was submitted Report (circulated) dated 12 November 2008 by the Director of Development Services on an application for the renewal of a late hours catering licence advising of (a) the background to the application; and (b) consultations undertaken and responses received.

The applicant and her husband spoke in support of her application.

Questions were then asked by Members of the Committee.

AGREED to **GRANT** the licence to the terminal hours of 12.00 midnight between Monday and Thursday, and of 1.00 a.m. between Friday and Sunday subject to the standard conditions.

FALKIRK COUNCIL

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held ON SITE on MONDAY 24 NOVEMBER 2008 commencing at 11.15 A.M.

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

CONVENER: Councillor Nicol

APOLOGIES: Councillors

ATTENDING: Consumer Protection Manager; Food and Safety Regulation Manager; Licensing Coordinator (B Douglas); Environment Coordinator (R Broadley); Solicitor (F Kobiela) and Committee Officer (A Sobieraj).

CL56. 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 item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7A to the said Act.

CL57. APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE

With reference to Minute of Meeting of the Civic Licensing Committee held on 19 November 2008 (minute CL54 refers), there was submitted Report (circulated) dated 14 November 2008 by the Director of Development Services on an application for the grant of a public entertainment licence to operate a Paintball business within Loanfoot Wood, Bonnybridge.

The Convener introduced the parties present.

Mr B, the applicant's agent, was heard in support of the application.

Mr L, the applicant, was heard in support of the application.

Ms D, an objector, was heard in support of her written objection.

Mr McL, an objector, was heard in support of his written objection.

The objectors were concerned with the following issues:-

- the impact of the proposals on the safety of horses and riders as a result of increased noise;
- the loss of amenity and the erosion of open and green space;
- the loss of tranquillity for other users of the area such as walkers and cyclists;
- the effects on badgers, geese, other wildlife and woodland;

- the effects on road safety of increased traffic; and
- the inadequate parking provision and single access point.

The applicant's representative replied addressing the concerns raised.

Mr W, representing owners of the land, was heard in respect of the application.

Questions were then asked by Members of the Committee.

Councillor Patrick, as a local Member for the area, was heard in relation to the application.

Councillor Thomson, as a local Member for the area, was heard in relation to the application.

Councillor Lemetti, as a local Member for the area, was heard in relation to the application.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by a special meeting of the Committee on 8 December 2008.