

FALKIRK COUNCIL

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 10 FEBRUARY 2011 at 9.30 A.M.

PRESENT: Councillors Blackwood, Hughes, McLuckie, Nicol and Waddell.

CONVENER: Councillor Nicol.

APOLOGIES: Provost Reid; Councillors Jackson, Kenna, Nimmo and Thomson.

ATTENDING: Acting Director of Law and Administration Services; Licensing Co-ordinator (B Douglas); Senior Licensing Assistant (I Renton); Solicitor (F Kobiela); and Committee Officer (A Sobieraj).

DECLARATIONS None.

OF INTEREST:

CL73. MINUTE

There was submitted and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 12 January 2011.

CL74. 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.

CL75. SUSPENSION HEARING IN RELATION TO TAXI OPERATOR LICENCE NO. 069 AND TAXI DRIVER LICENCE NO. 1144 AND AN APPLICATION FOR THE RENEWAL OF TAXI OPERATOR LICENCE NO. 069

The applicant, Mr MacD, entered the meeting.

With reference to Minute of Meeting of the Civic Licensing Committee held on 11 August 2010 (Paragraph CL27 refers), there was submitted Report (circulated) dated 2 February 2011 by the Acting Director of Law and Administration Services giving details on (a) the Suspension Hearing that was part heard on 11 August 2010 in response to a letter of complaint from Central Scotland Police; (b) the continuation of the matter to a future meeting of the Committee; (c) the licenceholder's subsequent court appearance; (d) the formal withdrawal of the Police complaint; and (e) the applicant's recent submission of an application for the renewal of his taxi operator licence.

Mr MacD spoke in support of the application for the renewal of the taxi operator licence.

Questions were then asked by Members of the Committee.

NOTED:-

- (1) the withdrawal by Central Scotland Police of the objection in relation to the taxi operator and driver licences; and
- (2) the licenceholder's application for the renewal of the taxi operator licence.

AGREED:-

- (1) to take no further action with regard to the Suspension Hearing; and
- (2) to renew the taxi operator licence subject to the standard conditions.

CL76. APPLICATION FOR THE GRANT OF A NEW TAXI OPERATOR LICENCE

The applicant, Mr E, entered the meeting.

There was submitted Report (circulated) dated 2 February 2011 by the Acting Director of Law and Administration Services on an application for the grant of a new taxi operator licence (a) advising of the background to the application; (b) highlighting that the vehicle to be licensed is of an age that falls outwith the Council's policy; (c) detailing the consultations undertaken and responses received; and (d) detailing the applicant's record.

Mr E spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED:-

- (1) in light of the submission made that a departure from the Council's policy was justified in this case and therefore to **GRANT** the licence for a period of one year subject to the standard conditions; and
- (2) that, on application for the renewal of the licence, the applicant return to the Committee for determination of the application and not dealt with under delegated powers.

NOTED the applicant's intention to replace his current vehicle by one less than six years old once his current loan is paid off.

CL77. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr L, entered the meeting.

There was submitted Report (circulated) dated 2 February 2011 by the Acting Director of Law and Administration Services on an application for the renewal of a taxi driver licence (a) advising of the background to the application; and (b) detailing the consultations undertaken and responses received.

Mr L spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED to **REFUSE** to renew the licence on the basis that there was good reason for so refusing in terms of paragraph 5(3)(d) of the Civic Licensing (Scotland) Act 1982, namely that the applicant failed to meet the Group 2 DVLA medical standards set out in the Council's policy.

CL78. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE

A representative of the applicant company, Mr D, entered the meeting.

There was submitted Report (circulated) dated 2 February 2011 by the Acting Director of Law and Administration Services 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 the late hours catering policy, the late hours catering conditions and a location plan..

Mr D spoke in support of the application.

Questions were then asked by Members of the Committee.

In light of the submissions made, **AGREED** that a departure from the Council's policy was justified in this case and therefore to **GRANT** the renewal of the late hours catering licence subject to the standard conditions.

CL79. APPLICATION FOR THE GRANT OF A NEW LATE HOURS CATERING LICENCE

The applicant, Mr H, entered the meeting.

There was submitted Report (circulated) dated 2 February 2011 by the Acting Director of Law and Administration Services 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 the late hours catering policy, the late hours catering conditions and a location plan.

Mr H spoke in support of the application.

Questions were then asked by Members of the Committee.

In light of the submissions made, **AGREED** that a departure from the Council's policy was justified in this case and therefore to **GRANT** the late hours catering licence subject to the standard conditions.

CL80. APPLICATION FOR A NEW SKIN PIERCING AND TATTOOING LICENCE

The applicant, Mr M, and his business partner Mr H, entered the meeting.

Mr Oliver, Food and Safety Co-ordinator, Falkirk Council entered the meeting.

The objectors Mr C, Ms M, Ms B, Ms G, Mr F and Mr M, entered the meeting.

There was submitted Report (circulated) dated 2 February 2011 by the Acting Director of Law and Administration Services on an application for the grant of a new skin piercing and tattooing licence (a) advising of the background to the application; (b) detailing the consultations undertaken; and (c) objections received.

The applicant, Mr M, advised that he had no preliminary points to make on the competency of the objections.

The objectors spoke in amplification of their objections. Copies of all objection letters were circulated to the Committee.

Mr Oliver, Environment Health Officer, Falkirk Council spoke in relation to the health and safety standards required for the operation of the licence.

Questions were then asked by Members of the Committee.

AGREED to **CONTINUE** consideration to a future meeting to allow further reasonable enquiries to be made by officers of the Council with regard to matters raised in the objections and to report the results of those enquiries to a future meeting.