

FALKIRK COUNCIL

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 1 JUNE 2011 at 9.30 A.M.

PRESENT: Councillors Blackwood, Jackson, Kenna, McLuckie, Nicol, Thomson and Waddell.

CONVENER: Councillor Nicol.

APOLOGIES: Provost Reid and Councillor Nimmo.

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

DECLARATIONS None.

OF INTEREST:

CL14. MINUTE

There was submitted and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 4 May 2011.

CL15. 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.

CL16. APPLICATION FOR THE GRANT OF 3 ADDITIONAL TAXI OPERATOR LICENCES

A Director of the applicant company, Mr B, entered the meeting.

There was submitted Report (circulated) dated 24 May 2011 by the Acting Director of Law and Administration Services on applications for the grant of three additional taxi operator licences (a) advising of the background to the applications; (b) detailing the consultations undertaken and the responses received; and (c) detailing the record of the company Directors.

Mr B spoke in support of the application.

Questions were then asked by Members of the Committee.

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

Mr B, left and was then recalled to the meeting.

AGREED to **GRANT** the licences subject to the standard conditions.

CL17. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr C, entered the meeting together with his representative Mr S.

There was submitted Report (circulated) dated 24 May 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 the responses received.

Mr S, the applicant's representative, spoke in support of the application.

Questions were then asked by Members of the Committee.

Having regard to the submission made on behalf of the applicant and to his undertaking regarding the use of spectacles, Committee **AGREED** that a departure from policy was justified in this case and accordingly **GRANTED** the licence for a period of one year subject to the standard conditions.

CL18. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr M, entered the meeting together with his representative Mr S.

There was submitted Report (circulated) dated 24 May 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; (b) detailing the consultations undertaken and the responses received; and (c) detailing the applicant's record.

Mr S, the applicant's representative, spoke in support of the application.

Questions were then asked by Members of the Committee.

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

The applicant, Mr M, and his representative, Mr S, left and were then recalled to the meeting.

AGREED to **GRANT** the licence for a period of one year subject to the standard conditions with a warning letter detailing the standards expected of taxi drivers.

CL19. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR LICENCE

The applicant, Mr M, entered the meeting together with his representative Mr S.

The objectors Ms G, Mr H and Mr G entered the meeting.

There was submitted Report (circulated) dated 24 May 2011 by the Acting Director of Law and Administration Services on an application for the renewal of a taxi operator 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 S, as a preliminary matter, raised concerns in relation to the competency of the objections. After consideration, the Committee agreed that the objection letters did not fully comply with Schedule 1 of Paragraph 3 of the Civic Government (Scotland) Act 1982 and would not therefore be considered.

The objectors Ms G, Mr H and Mr G then left the meeting.

Mr S, the applicant's representative, spoke in support of the application.

Questions were then asked by Members of the Committee.

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

The applicant, Mr M, and his representative Mr S, left and were then recalled to the meeting.

AGREED to **GRANT** the licence for a period of one year with a warning letter and subject to the standard conditions.

Councillors Waddell and Thomson left the meeting prior to consideration of the following item of business.

CL20. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr L, entered the meeting.

There was submitted Report (circulated) dated 24 May 2011 by the Acting Director of Law and Administration Services on an application for the grant of a new taxi driver licence (a) advising of the background to the application; and (b) detailing the consultations undertaken and the responses received.

Mr L spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED (1) that there had been a material change of circumstances since the decision of Committee taken on 10 February 2011 allowing this application to be considered

within a period of one year from that decision, and (2) **AGREED** to **GRANT** the licence for a period of one year subject to the standard conditions.

CL21. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE

The applicant, Mrs D, entered the meeting together with Mr K, the day to day manager of the Polmont premises and Mr S, the day to day manager of the application premises.

There was submitted Report (circulated) dated 24 May 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 responses received; and (c) attaching as appendices 1 to 3 respectively, the late hours catering policy, the late hours catering conditions and a location plan.

Mrs 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.

In terms of Standing Order 9.1 the Committee agreed that, in order to comply with the requirements of an Internal Audit report, the undernoted item would be considered as a matter of urgency and in public.

CL22. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN APRIL 2011

There was submitted Report (circulated) dated 31 May 2011 by the Acting Director of Law and Administration Services on applications granted under delegated powers between 1 and 30 April 2011 in terms of the Civic Government (Scotland) Act 1982 and the Marriage (Approval of Places) (Scotland) Regulations 2002.

NOTED

FALKIRK COUNCIL

Subject: LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN MAY & JUNE 2011
Meeting: CIVIC LICENSING COMMITTEE
Date: 10 August 2011
Author: CHIEF GOVERNANCE OFFICER

1. INTRODUCTION

- 1.1 The purpose of this report is to provide to members details of all applications made under the Civic Government (Scotland) Act 1982 and the Marriage (Approval of Places) (Scotland) Regulations 2002 which were granted by officers under delegated powers between 1 May 2011 and 30 June 2011.

2. REPORT – 1 MAY TO 30 JUNE 2011

- 2.1 The Appendices to this report provide details of applications granted by officers under delegated powers during May and June. Appendices 1 and 2 detail new and renewal applications made in relation to taxi and private hire.

May 2011 – Appendix 1

Application Type	Private Hire Operator	Private Hire Driver	Taxi Operator	Taxi Driver
New	1	3	1	1
Renewal	7	6	15	33

June 2011 - Appendix 2

Application Type	Private Hire Operator	Private Hire Driver	Taxi Operator	Taxi Driver
New	1	2	1	5
Renewal	14	4	46	23

- 2.2 Appendices 3 and 4 detail the number of all other applications made under the Civic Government (Scotland) Act 1982 and granted by officers under delegated powers during May and June.

May 2011 – Appendix 3

Application	Type	Number
Cinema	Renewal	3
Metal Dealers Exemption Warrant	New	1
Miscellaneous Permission	Temporary	2
Late Hours Catering	Renewal	2
Public Charitable Collection	New	4
Public Entertainment Licence	Temporary	1
Second Hand Dealer	New	1
Second Hand Dealer	Renewal	1
Street Trader (Mobile)	New	2
Street Trader (Mobile)	Renewal	1
Street Trader (Static)	New	1

June 2011 – Appendix 4

Application	Type	Number
Cinema	New	2
Civil Marriages	New	1
Indoor Sports Entertainment	New	1
Late Hours Catering	New	3
Late Hours Catering	Renewal	5
Market Operator	New	1
Metal Dealer	New	1
Miscellaneous Permission	Temporary	3
Public Charitable Collection	New	5
Public Entertainment	New	4
Second Hand Dealer	New	3
Second Hand Dealer	Renewal	3
Skin Piercing and Tattooing	Renewal	1
Street Trader (Mobile)	Temporary	2
Street Trader (Mobile)	New	1
Street Trader (Mobile)	Renewal	2
Street Trader (Static)	Temporary	6
Window Cleaner	Renewal	2

- 2.3 Appendices 5 and 6 detail the parades and marches notified to the licensing authority. This differs from the other applications received as the statutory requirement is for the Licensing Authority to be notified of a proposed parade or march rather than for an organisation to apply for a licence to hold a parade or march. During May 13 such notifications were received and in June 3 notifications were received.

3. RECOMMENDATION

- 3.1 It is recommended that Members note the contents of this report.

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Chief Governance Officer

Date: 2 August 2011

Contact Officer: Alison Barr, Consumer Protection Manager (telephone 501265)

LIST OF BACKGROUND PAPERS

Nil