



Agenda Item 3

Minute

Minute of meeting of the Civic Licensing Committee held in the Municipal Buildings, Falkirk on Wednesday 15 January 2020 at 9.30 a.m.

Councillors: David Aitchison
David Balfour
Lorna Binnie
Jim Blackwood
Jim Flynn
Dennis Goldie
Gordon Hughes (Convener)
John Patrick

Officers: Bryan Douglas, Licensing Co-ordinator
Arlene Fraser, Committee Services Officer
Rose Mary Hoey, Legal Services Manager (Interim)
Frances Kobiela, Senior Solicitor

CL87. Apologies

Apologies were intimated on behalf of Provost Buchanan and Depute Provost Ritchie.

CL88. Declarations of Interest

There were no declarations made.

CL89. Minute

The minute of Meeting of the Civic Licensing Committee held on 11 December 2019 was approved.

CL90. List of Applications Granted under Delegated Powers in November 2019, Notifications of Public Processions Pending, and Breakdown of Taxi and Private Hire Licences in Operation

The committee considered a report by the Chief Governance Officer detailing the applications granted under delegated powers during November 2019 in terms of the Civic Government (Scotland) Act 1982.

Decision

The committee noted the report.

CL91. Knowledge Test Failure

The committee considered a report by the Chief Governance Officer providing details on applications for new taxi driver licences, the knowledge test opportunities, and the options available.

Decision

The committee:-

- (1) refused to grant the taxi driver licence in terms of the Civic Government (Scotland) Act 1982, Section 13(5) for Mr Davidson, on the grounds that he, having failed to pass the knowledge test, had failed to satisfy the Authority that he had adequate knowledge of the area to which the licence relates; the layout of roads in the area and of the Council's licence conditions, and**
- (2) agreed to give Mr Fraser a final opportunity to take and pass the knowledge test, and**
 - i. should Mr Fraser fail the knowledge test, to authorise the Chief Governance Officer to refuse the application without further reference to committee in terms of the Civic Government (Scotland) Act 1982, Section 13(5) on the ground that the applicant, having failed to pass the knowledge test, has failed to satisfy the Authority that he had adequate knowledge of the area to which the licence relates; the layout of roads in the area and of the Council's licence conditions, and**
 - ii. should, Mr Fraser pass the knowledge test, to instruct officers to arrange for the applicant to undertake a medical; and should he fail the medical to remit the matter back to committee for consideration; should the applicant pass the medical, to authorise the Chief Governance Officer to grant the taxi driver licence.**

CL92. 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.

CL93. Application for the Grant of a New Taxi Driver

The applicant, Mr C, was not in attendance. Sergeant D Bellingham and PC G Hutchison, Police Scotland entered the meeting.

With reference to minute of meeting of the Civic Licensing Committee held on 11 December 2019 (CL86) refers, the committee considered a report by the Chief Governance Officer providing details of an application for the grant of a new taxi driver licence, the consultations carried out, the responses received, and detailing the applicant's record.

The Licensing Co-ordinator advised that the applicant had failed to attend the previous meeting of the committee, and that the applicant had been cited to attend today's meeting, but again was not in attendance.

The committee agreed to determine the application in the applicant's absence.

The Licensing Co-ordinator advised that a letter of objection had been received from the Chief Constable in respect of the application.

The committee agreed to the letter of objection being circulated.

Sergeant Bellingham, the Chief Constable's representative was heard in relation to the letter of objection.

A member asked a question of Sergeant Bellingham.

The committee agreed to a short adjournment. On reconvening all members were present as per the sederunt.

Decision

The committee refused to grant the new taxi driver licence in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 5(3)(ii) on the ground that the applicant is not a fit and proper person to be the holder of such a licence.

CL94. Application for the Renewal of a House in Multiple Occupation Licence

Mr H, Day to Day Manager, Ms H, Senior Manager, Mr B, chartered accountant of the applicant company; and Mr M, objector to the application, entered the meeting.

With reference to minute of meeting of the Civic Licensing Committee held on 11 December 2019 (CL85) refers, the committee considered a report by the Chief Governance Officer providing details of an application for the renewal of a new house in multiple occupation licence.

The letter of objection had previously been circulated at the meeting on 11 December.

The objector had since lodged the additional information and documentation which he wished to be considered as part of his objection. Mr H, the representative of the applicant company confirmed that he was in receipt of the additional documentation.

Mr H advised that he had a preliminary point to raise regarding the appropriateness of the DVD footage which had been lodged by the objector. He was of the opinion that the content of the recordings was not appropriate and therefore should not be viewed or heard by the committee.

After hearing from the objector and Mr H, the committee agreed to a short adjournment. On reconvening, all members were present as per the sederunt.

The committee heard from the Licensing Co-ordinator and the Senior Solicitor in relation to the footage which had been submitted.

After discussion, the committee allowed the DVD footage to be viewed but to restrict the viewing of one of the recordings.

A copy of the additional information and documentation submitted by the objector was circulated to members.

Mr M, objector was heard in relation to his objection. The DVD footage was shown to the committee at this time.

The applicant's representative, Mr H, was invited to ask questions of the objector.

Questions were then asked by members of the committee.

The Licensing Co-ordinator advised that additional information had been submitted by the applicant company. Copies of the additional information was circulated to the objector and members of the committee.

The committee agreed to a short recess. On reconvening, all members were present as per the sederunt.

Mr H spoke in support of the application.

Questions were asked by the objector.

Questions were then asked by members of the committee.

Councillor Flynn left the meeting during the questions being asked by members.

Thereafter, the objector and the applicant were invited to sum up.

The committee agreed to an adjournment. On reconvening, all members were present as per the sederunt, with the exception of Councillor Flynn.

Decision

The committee agreed to renew the house in multiple occupation licence for a period of 3 years, subject to the standard conditions.

The committee recommended that officers from the Council's Licensing Section monitor the situation between the licence holders and the adjoining neighbours. The licence holder was reminded of the licence conditions that they require to provide an emergency contact number to the adjoining neighbours. The committee also encouraged both parties to set up a communication process to help alleviate any issues which may arise.