

FALKIRK COUNCIL

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 13 NOVEMBER 2013 at 9.30 A.M.

COUNCILLORS:

Jim Blackwood
Baillie William Buchanan
Gordon Hughes
Baillie Joan Paterson
Provost Pat Reid (Convener)
Sandy Turner

OFFICERS:

Bryan Douglas, Licensing Co-ordinator
Rose Mary Glackin, Chief Governance Officer
Frances Kobiela, Senior Solicitor
Brian Samson, Licensing Enforcement Officer (for agenda item 5 (minute CL76)
Antonia Sobieraj, Committee Officer

CL72. APOLOGIES

Apologies were intimated on behalf of Depute Provost Patrick and Councillor Ritchie.

CL73. DECLARATIONS OF INTEREST

No declarations were made.

CL74. MINUTE

Decision

The minute of the meeting of the Civic Licensing Committee on 2 October 2013 was approved.

CL75. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS AND NOTIFICATIONS OF PUBLIC PROCESSIONS RECEIVED IN SEPTEMBER 2013

The Committee considered a report by the Chief Governance Officer detailing (a) applications granted under delegated powers between 1 and 30 September 2013 in terms of the Civic Government (Scotland) Act 1982 and the Marriage (Approval of Places) (Scotland) Regulations 2002, and (b) notifications of public processions received during the same period.

Decision

The Committee noted the Report.

CL76. CIVIC LICENSING ENFORCEMENT – SEPTEMBER 2013

The Committee considered a report by the Chief Governance Officer giving an overview of enforcement action taken with regard to Civic Licensing activities during September 2013.

Decision

The Committee noted the Report.

CL77. 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 ground 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.

CL78. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr A, entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the grant of a new private hire car 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 A spoke in support of the application.

Questions were then asked by Members of the Committee.

Decision

The Committee agreed to grant the private hire car licence for a period of one year subject to the standard conditions.

Councillor Hughes entered the meeting prior to consideration of the following item of business.

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

Mr K, Regional Manager of applicant parent company, Mr N, Regional Manager of applicant company, Ms W, day to day manager, and Ms M, an objector, all entered the meeting.

The Committee considered a report by the Chief Governance Officer 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 1 to 3 respectively, the late hours catering policy, the late hours catering conditions and a location plan.

The applicant's representative, Mr K, advised that he had no preliminary points to make on the competency of the objections, following which the two letters of objection were circulated.

Ms M then spoke in amplification of her objection.

Neither the Members of the Committee nor the applicant's representative had any questions for Ms M.

Mr K was then heard in relation to the objections and to the application.

Questions were asked of the applicant by Members of the Committee and the objector present, Ms M.

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

The applicant's representatives Mr K and Mr N, Ms W and Ms M, left and were then recalled to the meeting.

Decision

The Committee agreed that a departure from the Council's policy was justified and therefore to grant the late hours catering licence for a period of one year subject to (a) there being no hot food sold on the premises after 11 p.m., with the exception of hot non alcoholic drinks such as coffee and tea; (b) to the standard conditions, and (c) officers within the Licensing section monitoring the area for any issues including anti social behaviour.

CL80. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE

The applicant, Mr A, entered the meeting.

The Committee considered a report by the Chief Governance Officer 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 1 to 3 respectively, the late hours catering policy, the late hours catering conditions and a location plan.

Mr A spoke in support of the application.

Questions were then asked by Members of the Committee.

Decision

The Committee agreed to renew the late hours catering licence for a period of one year subject to the standard conditions and the following additional conditions:-

- **No hot food will be sold on the premises after 1.30am; and**
- **Between 1.30am and 5am only ready to eat pre-packaged food from the chill cabinet (e.g. sandwiches) will be sold on the premises.**

CL81. ORDER OF BUSINESS

In terms of Standing Order 14.2(i), Provost Reid advised of a variation to the order of business from that detailed on the agenda for the meeting. The following items have been recorded in the order that they were taken.

CL82. APPLICATION FOR THE VARIATION OF A SECOND HAND DEALER LICENCE CONDITIONS

The applicant, Mr B, on behalf of the applicant company, entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the variation of second hand dealer licence conditions (a) advising of the background to the application, and (b) detailing the consultations undertaken and the responses received.

Mr B spoke in support of the application.

Questions were then asked by Members of the Committee.

Decision

The Committee agreed to grant the variation of the second hand dealer licence.

CL83. APPLICATION FOR THE GRANT OF A NEW WINDOW CLEANER LICENCE

The applicant, Mr C, together with his employer, Mr F, Inspector D Gibson and PC A Kane, Police Scotland, entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the grant of a new window cleaner 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.

The applicant, Mr C, advised that he had no preliminary points to make on the competency of the objection submitted by Police Scotland, following which the redacted letter of objection was circulated. The Chief Governance Officer clarified procedures in relation to consideration of the applicant's spent conviction, following which the Committee resolved that justice could not be done without admitting said conviction as part of the process. The unredacted letter of objection was therefore circulated to the Committee.

Inspector D Gibson then spoke in amplification of the objection.

Questions were asked of Inspector Gibson by Members of the Committee. The applicant stated that he had no questions for Inspector Gibson.

Mr C was then heard in relation to the objection and to his application.

Questions were asked of the applicant by Members of the Committee and the representative from Police Scotland.

Mr C spoke in support of the application.

Questions were then asked by Members of the Committee.

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

The applicant, Mr C, Mr F, Inspector D Gibson and PC A Kane, left and were then recalled to the meeting.

Decision

The Committee agreed to grant the window cleaner licence for a period of six months with a warning letter detailing the standards expected of window cleaners and subject to the standard conditions. The applicant will thereafter return to Committee for any further consideration of a licence

CL84. APPLICATION FOR THE GRANT OF A NEW STREET TRADER LICENCE

The applicant, Mr M, Mr F, business partner, and Mr Cochrane, Area Roads Engineer, Falkirk Council, an objector, entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the grant of a new street trader licence (a) advising of the background to the application, and (b) detailing the consultations undertaken and the responses received.

The applicant, Mr M, advised that he had no preliminary points to make on the competency of the objection submitted by Roads Services, Falkirk Council, following which the letter of objection was circulated.

Mr Cochrane then spoke in amplification of the objection.

Questions were asked of Mr Cochrane by Members of the Committee. The applicant stated that he had no questions for Mr Cochrane.

Mr M was then heard in relation to the objection and to his application.

Questions were asked of the applicant by Members of the Committee and the representative from Roads Services.

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

The applicant, Mr M, Mr F, and Mr Cochrane, left and were then recalled to the meeting.

Decision

The Committee agreed to refuse the application for a street trader licence in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 5(3)(c) (i) on the ground that the premises were not suitable for the conduct of the activity having regard to the location, character or condition of the premises.