

**MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 19 MARCH 2014 at 9.30 A.M.**

**COUNCILLORS:**

Jim Blackwood  
Gordon Hughes  
Baillie Joan Paterson  
Depute Provost John Patrick  
Provost Pat Reid  
Ann Ritchie

**OFFICERS:**

Shona Barton, Committee Services Officer  
Bryan Douglas, Licensing Co-ordinator  
Rose Mary Glackin, Chief Governance Officer  
Frances Kobiela, Senior Solicitor  
Francesca Pozzo, Student  
Isobel Renton, Licensing Assistant (for agenda item 7 (minute CL126))  
Brian Samson, Licensing Enforcement Officer (for agenda item 5 (minute CL124))

**CL120. APOLOGIES**

An apology was intimated on behalf of Councillor Turner.

**CL121. DECLARATIONS OF INTEREST**

No declarations were made.

**CL122. MINUTE**

**Decision**

**The minute of the meeting of the Civic Licensing Committee on 19 February 2014 was approved.**

**CL123. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS AND NOTIFICATIONS OF PUBLIC PROCESSIONS RECEIVED IN JANUARY 2014**

The Committee considered a report by the Chief Governance Officer detailing (a) applications granted under delegated powers between 1 and 31 January 2014 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.**

**CL124. CIVIC LICENSING ENFORCEMENT – JANUARY 2014**

The Committee considered a report by the Chief Governance Officer giving an overview of enforcement action taken with regard to Civic Licensing activities during January 2014.

**Decision**

**The Committee noted the Report.**

**CL125. 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.

**CL126. APPLICATION FOR THE GRANT OF A NEW HOUSE IN MULTIPLE OCCUPATION LICENCE**

The Committee considered a report by the Chief Governance Officer on an application for the grant of a new house in multiple occupation licence (a) advising of the background to the application; (b) providing confirmation of the premises to be licensed under the terms of the licence, and (c) detailing the consultations undertaken and the responses received.

**Decision**

**The Committee agreed to grant the licence for a period of three years subject to the standard conditions.**

**CL127. APPLICATION FOR THE GRANT OF A NEW SECOND HAND DEALER LICENCE**

The applicant, Mr Y, entered the meeting and was accompanied by his wife, Mrs Y.

The Committee considered a report by the Chief Governance Officer on an application for the grant of a new second hand dealer licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received; (c) detailing the consultations undertaken and the responses received, and (d) detailing the applicant's record.

Mr Y spoke in support of the application.

Questions were then asked by Members of the Committee.

### **Decision**

**The Committee agreed to grant the licence for a period of three years subject to the standard conditions.**

## **CL128. APPLICATION FOR THE VARIATION OF LATE HOURS CATERING LICENCE NO. 238**

Mr C and Mr R, directors of the applicant company, entered the meeting.

The Committee considered a report by the Chief Governance Officer on an application for the variation of late hours catering licence no.238 (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 proposed menu, the late hours catering policy and the late hours catering conditions.

Mr C and Mr R spoke in support of the application. They advised that they wished for the application to be amended to include the serving of hot food until the terminal hour sought of 4 a.m.

Questions were then asked by Members of the Committee.

The Committee noted that Police Scotland had made comment in relation to the application, and had requested that CCTV be installed in the premises if the application were granted. It was also noted that the comments from Police Scotland had been made in relation to the application for cold food only being served between 1.30 a.m. and 4.00 a.m.

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

Mr C and Mr R left and were then recalled to the meeting.

Having heard from the Licensing Co-ordinator who advised that representatives from Police Scotland would be in attendance later in the meeting, the Committee **AGREED** to continue consideration of the matter to later in the meeting to allow Police Scotland to make comment on the application in relation to the hot food element being served after 1.30 a.m.

**CL129. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE**

Mr S, the applicant, 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, and (b) detailing the consultations undertaken.

Mr S spoke in support of the application.

Questions were then asked by Members of the Committee.

**The Committee agreed to grant the licence for a period of one year, subject to the standard conditions and the applicant having passed the Council's medical test.**

**CL130. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR LICENCE**

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

The Committee considered a report by the Chief Governance Officer 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, on behalf of the applicant, spoke in support of the application.

Questions were then asked by Members of the Committee.

**Decision**

**The Committee agreed to renew the taxi operator licence for a period of one year subject to the standard conditions and with a warning letter detailing the standards expected of taxi operators.**

The applicant's representative asked that a Statement of Reasons be provided.

**CL131. APPLICATION FOR THE VARIATION OF LATE HOURS CATERING LICENCE NO. 238**

Mr C and Mr R, Directors of the Applicant Company and Inspector D Gibson and PC A Kane, Police Scotland all entered the meeting.

With reference to the decision taken earlier in the meeting (minute CL128), the Committee gave further consideration to the application for the variation of late hours catering licence no. 238.

Inspector Gibson, Police Scotland was heard in clarification of the consultation response which had been provided in relation to the application. Inspector Gibson advised that given that the applicants now wished to amend the application to include the serving of hot food between 1.30 a.m. and 4.00 a.m. that Police Scotland would have to give consideration to this change in circumstance.

Thereafter, the committee agreed to consider the terms of the original application for only cold food sales from 1.30 a.m. to 4.00 a.m.

### **Decision**

**The Committee agreed to grant the variation to late hours catering licence no. 238 for a period of 6 months subject to the standard conditions and the following additional conditions:-**

- **The premises will be open until 4am on Thursday to Sunday evenings only**
- **No hot food will be sold on the premises after 1.30am, and**
- **A CCTV system is to be installed in the premises**

### **CL132. SUSPENSION HEARING IN RELATION TO TAXI DRIVER LICENCE NO. 1734**

The licenceholder, Mr M, and Inspector D Gibson and PC A Kane, Police Scotland, all entered the meeting.

With reference to the Minute of Meeting of the Committee held on 19 February 2014 (Paragraph CL119 refers), the Committee reconsidered a report by the Chief Governance Officer advising of a letter of complaint submitted by Police Scotland in respect of the licenceholder seeking a suspension of his taxi driver licence under paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982.

Mr M advised that he had no preliminary points to make on the competency of the complaint following which the letter of complaint was circulated.

Inspector Gibson then spoke in amplification of the complaint.

Members of the Committee and Mr M asked questions of Inspector Gibson.

Mr M was then heard in relation to the complaint, advising that he wished the matter to be continued pending the outcome of the court proceedings.

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

The licenceholder, Mr M, Inspector Gibson and PC Kane left and were then recalled to the meeting.

## **Decision**

**The Committee agreed to continue consideration of the application to a future meeting pending the outcome of the court proceedings.**