

DRAFT
AGENDA ITEM 3

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 3 SEPTEMBER 2014 at 9.30 A.M.

COUNCILLORS:

Jim Blackwood
Baillie Buchanan
Gordon Hughes
Depute Provost Patrick
Provost Pat Reid (Convener)
Anne Ritchie
Sandy Turner

OFFICERS:

Bryan Douglas, Licensing Co-ordinator
Jack Frawley, Committee Officer
Rose Mary Glackin, Chief Governance Officer
Isabel Renton, Licensing Assistant
Brian Samson, Licensing Enforcement Officer (for agenda item 5 (minute CL64))
Antonia Sobieraj, Committee Officer

CL60. APOLOGIES

Apologies were intimated on behalf of Baillie Paterson and Councillor McNally.

CL61. DECLARATIONS OF INTEREST

No declarations were made.

CL62. MINUTE

Decision

The minute of the meeting of the Civic Licensing Committee on 11 August 2014 was approved.

CL63. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS AND NOTIFICATIONS OF PUBLIC PROCESSIONS RECEIVED IN JULY 2014

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

CL64. CIVIC LICENSING ENFORCEMENT - JULY 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 July 2014.

Decision

The Committee noted the Report.

CL65. 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.

CL66. 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.

CL67. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr L, entered the meeting.

The Committee considered a report by the Chief Governance Officer 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 L spoke in support of the application.

Questions were then asked by Members of the Committee.

Decision

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

CL68. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

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

The Committee considered a report by the Chief Governance Officer 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.

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

Questions were then asked by Members of the Committee.

Decision

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

CL69. APPLICATIONS FOR THE RENEWAL OF TAXI OPERATOR AND TAXI DRIVER LICENCE

The applicant, Mr K, entered the meeting.

The Committee considered a report by the Chief Governance Officer on applications for the renewal of a taxi operator and a taxi driver licence (a) advising of the background to the applications; (b) detailing the consultations undertaken and the responses received, and (c) outlining a request from the applicant that both licences be granted for a period of 3 years.

Mr K spoke in support of the application.

Questions were then asked by Members of the Committee.

Decision

The Committee agreed to renew the licences subject to the standard conditions.

Having considered the submission made in respect of the duration of the licences, the Committee was not persuaded that a departure from policy

was warranted. The licences were accordingly granted for a period of one year. However, the Committee also agreed to recommend to the Executive that a review of the policy should be undertaken by a Policy Development Panel.

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

CL70. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

Prior to commencement of this item of business, Councillor Ritchie declared a non financial interest by virtue of her having prior knowledge of the matter, in consequence of which she recused herself from consideration of the item, having regard to the objective test in the Code of Conduct, and left the meeting.

The applicant, Mr McC, was not in attendance. However, he had submitted a letter intimating his apologies and responding to the objection submitted by Police Scotland.

Inspector D Gibson and PC A Kane were in attendance as representatives of Police Scotland.

The Committee thereafter agreed to proceed with consideration of the matter in the applicant's absence.

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.

There being no preliminary matters raised, the letter of objection from Police Scotland and the applicant's response were circulated.

Inspector Gibson then spoke in amplification of the letter of objection.

Questions were asked of Inspector Gibson by Members of the Committee.

Decision

The Committee noted that the applicant had not been given notice of the additional submissions made by Police Scotland and consequently agreed to continue consideration of the application to a future meeting to enable the applicant to be present.

Councillor Ritchie re-entered the meeting following consideration of the foregoing item of business.

CL71. APPLICATION FOR THE GRANT OF A NEW LATE HOURS CATERING LICENCE

Two Directors of the applicant company, Mr R and Mr C, and Inspector D Gibson and PC A Kane, Police Scotland, 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.

Mr R and Mr C, advised that they had no preliminary points to make on the competency of the representation submitted by Police Scotland, but confirmed that they had submitted additional clarification of various matters within the application and in response to the representation together with photographs of the areas around the premises. Thereafter this information and the letter of representation were circulated.

Inspector D Gibson then spoke in amplification of the letter of representation, and following clarification from the applicants, intimated that it was now withdrawn.

Questions were then asked by Members of the Committee.

Decision

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

The Committee also agreed that, in relation to the late hours catering policy, the Executive should be asked to undertake a review of it by way of a Policy Development Panel.