

**MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 5 NOVEMBER 2014 at 9.30 A.M.**

**COUNCILLORS:**

Baillie William Buchanan  
Gordon Hughes  
Baillie Joan Paterson  
Depute Provost John Patrick  
Provost Pat Reid (Convener)  
Sandy Turner

**OFFICERS:**

Bryan Douglas, Licensing Co-ordinator  
Arlene Fraser, Committee Services Officer  
Rose Mary Glackin, Chief Governance Officer  
Frances Kobiela, Senior Solicitor  
Brian Samson, Licensing Enforcement Officer (for agenda item 5 (minute CL92))

**CL87. APOLOGIES**

Apologies were intimated on behalf of Councillors Blackwood, McNally and Ritchie.

**CL88. DECLARATIONS OF INTEREST**

No declarations were made.

**CL89. MINUTE**

**Decision**

**The minute of the meeting of the Civic Licensing Committee on 1 October 2014 was approved.**

**CL90. 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.

**CL91. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN SEPTEMBER AND NOTIFICATIONS OF PUBLIC PROCESSIONS PENDING**

The Committee considered a report by the Chief Governance Officer detailing (a) applications granted under delegated powers between 1 and 30 September 2014 in terms of the Civic Government (Scotland) Act 1982 and the Marriage (Approval of Places) (Scotland) Regulations 2002, and (b) notifications of pending public processions.

## **Decision**

**The Committee noted the Report.**

### **CL92. CIVIC LICENSING ENFORCEMENT – SEPTEMBER 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 September 2014.

## **Decision**

**The Committee noted the Report.**

### **CL93. 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.

### **CL94. APPLICATION FOR THE GRANT OF A NEW HOUSE IN MULTIPLE OCCUPATION LICENCE**

Ms Q, applicant, accompanied by Mr V, the day to day manager of the premises, entered the meeting.

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.

Ms Q 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.**

Councillor Hughes entered the meeting after consideration of the foregoing item of business.

### **CL95. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE**

The applicant, Mr M, 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 responses received, and (c) detailing the applicant's record.

Mr M spoke in support of the application.

#### **Decision**

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

### **CL96. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE**

The applicant, Mr M, 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 M spoke in support of the application.

Questions were then asked by Members of the Committee.

#### **Decision**

**The Committee agreed to renew the taxi driver licence for a period of one year subject to the standard conditions and with a warning letter.**

### **CL97. SUSPENSION HEARING IN RELATION TO TAXI DRIVER LICENCE NO.1572**

The Licensing Co-ordinator advised that, due to an administrative error in the citation process, he sought continuation of the matter to a future meeting to allow the licence holder to be cited in the correct manner.

#### **Decision**

**The Committee agreed to continue consideration of the matter to a future meeting.**

### **CL98. APPLICATION FOR THE GRANT OF A NEW MARKET OPERATOR LICENCE – FALKIRK HIGH STREET**

The applicant, Ms S, was accompanied by Mr Y.

The Committee were advised that 2 objections had been received in relation to the application and that representatives of the objectors, were in attendance.

The Convener advised that due to one of the objections being received outwith the statutory objection period, the Committee required to determine whether or not to entertain the late objection.

Mr Reid, Manager, on behalf of the Growth & Investment Unit, Falkirk Council outlined the background and reasons for the objection not being made on time.

The Convener agreed to a short adjournment at 10.20 a.m. to enable the Committee to consider the submission. The meeting reconvened at 10.25 a.m. with all Members present as per the sederunt.

**AGREED** that the Committee were not satisfied that there was sufficient reason why the objection was not made in time as required by paragraph 3(2) of Schedule 1 to the Civic Government (Scotland) Act 1982 and accordingly it would not be entertained.

Pete Reid left the meeting at this point.

The Committee considered a report by the Chief Governance Officer on an application for the grant of a new market operator licence (a) advising of the background to the application; (b) providing details of the location and proposed operation, and (c) detailing the consultations undertaken and the responses received, which included comments from the Roads Authority and an objection from Falkirk Towns Ltd.

Ms S advised that she had no preliminary points to make on the competency of the letter of objection from Falkirk Towns Ltd, following which the letter was circulated.

Alastair Mitchell, Falkirk BID Manager, on behalf of Falkirk Towns Ltd, was heard in support of the objection and in clarification of questions raised by Members.

Ms S, applicant, circulated to Members, a petition signed in support of her application. She was then heard in support of her application, and in clarification of questions raised by Members.

Both parties were invited to sum up.

During his summing up, Mr Mitchell made reference to a Minute which detailed a decision taken by Argyll and Bute Council on an application for the grant of a market operator's licence made by the applicant, said decision having been referred to earlier in his submission.

The Clerk advised that as the Minute was a public document it could, if the applicant had no objection, be circulated to Members. The applicant confirmed she had no objection to the Minute being circulated.

The Convener agreed to an adjournment at 12 noon. The meeting reconvened at 12.15 p.m. with all Members present as per the sederunt.

## **Decision**

The Committee refused to grant the new market operator licence application on the ground that the premises are not suitable or convenient for the conduct of the activity having regard to (i) the location, character or condition of the premises, and (ii) the nature and extent of the proposed activity, all in accordance with the terms of the Civic Government (Scotland) Act 1982, Schedule 1, s.5(3)(c)(i) & (ii).

### **CL99. APPLICATION FOR THE GRANT OF A NEW MARKET OPERATOR LICENCE – LA PORTE PRECINCT, GRANGEMOUTH**

The applicant, Ms S, was accompanied by Mr Y.

The Committee were advised that an objection had been received in relation to the application and that representatives of the objector were in attendance.

The Committee considered a report by the Chief Governance Officer on an application for the grant of a new market operator licence (a) advising the background to the application; (b) providing details of the location and proposed operation, and (c) detailing the consultations undertaken and the responses received, which included comments from the Roads Authority and an objection from Falkirk Towns Ltd.

Ms S advised that she had no preliminary points to make on the competency of the letter of objection from Falkirk Towns Ltd, following which the letter was circulated.

Alastair Mitchell, Falkirk BID Manager on behalf of Falkirk Towns Ltd, was heard in support of the objection and in clarification of questions raised by Members.

Ms S, applicant, circulated to Members, a petition signed in support of her application. She was then heard in support of her application, and in clarification of questions raised by Members.

Both parties were invited to sum up.

The Convener agreed to an adjournment at 12.40 p.m. The meeting reconvened at 12.55 p.m. with all Members present as per the sederunt.

## **Decision**

The Committee agreed to grant the application for a new market operator licence for a shortened period only, covering two markets from 18 March to 22 March 2015 and 17 June to 21 June 2015, subject to such conditions as the Chief Governance Officer determines to be reasonable, having specific regard to the concerns raised in the objection.

## **CL100. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE**

The applicant, Mr M, was not in attendance.

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 and responses received.

The Committee noted that the applicant had, on 3 occasions, failed to pass the knowledge test and had been invited to re-sit the test on 2 separate occasions, but was unable to attend.

### **Decision**

**The Committee refused to grant the taxi driver licence application 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 and the layout of the roads in the area.**