

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 14 FEBRUARY 2008 at 9.30 AM.

PRESENT: Provost Reid; Councillors Hughes, Kenna, McLuckie, McNally, Nicol, Nimmo, Thomson and Waddell.

CONVENER: Councillor Nicol

APOLOGIES: Councillor Blackwood

ATTENDING: Acting Director of Law and Administration Services, Director of Development Services; Solicitor (P Gilmour); Consumer Protection Manager; Senior Licensing Assistant (I Renton) and Committee Services Officer (A Rose).

DECLARATIONS

OF INTEREST: There were no Declarations of Interest

CL41. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 17 January 2008 it having been clarified that with the exception of Councillor Waddell, all members noted on the sederunt were present throughout the meeting.

CL42. 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 Paragraphs 3 and 6 of Part 1 of Schedule 7A to the said Act.

In terms of Standing Order 15.2 (i) the Convener agreed that the order of the agenda be varied by considering item 7 as item 3

CL43. SUSPENSION HEARING IN RELATION TO TAXI OPERATOR LICENCE No. 331 & TAXI DRIVER LICENCE No. 762

Mr D, the licence holder, entered the meeting at this point, together with Mr Sandeman, his representative.

Mr Y, the complainant, entered the meeting at this point, together with two other members of his family, Mrs Y and Ms. Y.

There was submitted Report (circulated) dated 7 February 2008 by the Director of Development Services giving information on the complaint which had given rise to the hearing in relation to taxi operator licence no. 331 & taxi driver licence no.762

There being no preliminary matters raised on the letter of complaint, copies were tabled.

Mr Y, the complainant, was heard in amplification of his complaint.

Questions were then asked of the complainant by the Members and also by Mr Sandeman.

Mr Sandeman was then heard in support of his client's rebuttal of the complaint.

Questions were then asked of Mr Sandeman by Members and the complainant.

AGREED that a short adjournment take place to enable the Committee to consider whether the parties should be entitled to present other witnesses in support of their positions.

The licence holder, Mr Sandeman, the complainant and his family left and were then recalled to the meeting.

AGREED that consideration of the matter be continued to a future meeting of the Committee where both parties will be permitted to present witnesses.

CL44. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR LICENCE

It was noted that the applicant was not in attendance. Having heard advice from the Acting Director of Law and Administration, the Committee agreed to hear the application in the absence of the applicant.

There was then submitted Report (circulated) dated 7 February 2008 by the Director of Development Services on an application for the grant of a new private hire car licence advising on the applicant's record.

AGREED that the application be **REFUSED** on the basis that, in terms of paragraph 5 (3) (a) (ii) of Schedule 1 of the Civic Government (Scotland) Act 1982, the applicant is not a fit a proper person to be the holder of the license.

CL45. APPLICATION FOR THE GRANT OF A NEW TAXI OPERATOR LICENCE

Miss B, the applicant, entered the meeting.

There was submitted Report (circulated) dated 7 February 2008 by the Director of Development Services on an application for the grant of a new taxi operator licence advising (a) on the background to the application, and (b) that the applicant had an unspent conditional offer recorded against her.

The applicant was heard in support of her application.

Questions were then asked of the applicant by Members.

AGREED that the application for a new taxi operator licence be **GRANTED**.

CL46. APPLICATION FOR THE RENEWAL OF A NEW HOUSE IN MULTIPLE OCCUPATION LICENCE

There was submitted Report (circulated) dated 7 February 2008 by the Director of Development Services on an application for the renewal of a house in multiple occupation licence advising on (a) the background to the application, and (b) that a director of the applicant company had a spent conviction recorded against her.

There was no attendance on behalf of the applicant company. The Committee nevertheless agreed to consider the application and heard from Director of Development Services in relation to the report. No investigation of the spent conviction was made.

AGREED that Committee was **MINDED TO GRANT** the licence subject to all outstanding certificates being submitted and being determined as satisfactory by the Director of Development Services, and that, in the event that the certification is not deemed to be satisfactory, the Director of Development Services be authorised to refuse the application without further reference to Committee.

CL47. APPLICATION FOR RENEWAL OF PRIVATE HIRE CAR OPERATOR LICENCE

Mr M, the applicant, entered the meeting at this point.

There was submitted Report (circulated) dated 7 February 2008 by the Director of Development Services on an application for the renewal of private hire car operator licence advising on (a) the background to the application, and (b) that the applicant had spent conditional offers recorded against him.

Following a short recess the Committee **AGREED** that they did not require to hear evidence of spent convictions relating to the applicant and accordingly same were not disclosed to Committee.

The applicant spoke in support of his application, during which he tabled supporting information (character references).

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

The applicant left and was then recalled to the meeting.

Questions were then asked of the applicant by Members.

AGREED to grant the renewal of the licence, with a warning letter, for a period of six months.