

The background of the slide features a large, light blue watermark of the City of Vancouver's coat of arms. The crest is a shield divided into four quadrants. The top-left quadrant shows a city skyline with a bridge. The top-right quadrant features a stag's head with antlers. The bottom-left quadrant depicts a sailing ship on the water. The bottom-right quadrant shows a grizzly bear standing on its hind legs. Above the shield is a crown with four maple leaves. A banner at the bottom of the shield contains the motto "CITY OF VANCOUVER".

AGENDA ITEM

3

MINUTE

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 13 JANUARY 2016 at 9.30 a.m.

COUNCILLORS:

Jim Blackwood
Baillie William Buchanan
Paul Garner
Gordon Hughes
Baillie Joan Paterson (Convener)
Depute Provost John Patrick
Ann Ritchie
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, Enforcement Officer

CL107. ORDER OF BUSINESS

In terms of Standing Order 14.2(i), Baillie Paterson 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.

CL108. APOLOGY

An apology for absence was intimated on behalf of Provost Reid.

CL109. DECLARATIONS OF INTEREST

Councillor Ritchie declared a non-financial interest in Items CL122 and CL123 by virtue of having prior knowledge of the applicants, in consequence of which she recused herself from consideration of the items, having regard to the objective test in the Code of Conduct.

CL110. MINUTE

Decision

The minute of the meeting of the Civic Licensing Committee held on 2 December 2015 was approved.

CL111. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN NOVEMBER 2015 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 November and 30 November 2015 in terms of the Civic Government (Scotland) Act 1982, and (b) notifications of pending public processions.

Decision

The committee noted the report.

CL112. CIVIC LICENSING ENFORCEMENT – NOVEMBER 2015

The committee considered a report by the Chief Governance Officer giving an overview of enforcement action taken with regard to Civic Licensing activities during November 2015.

The committee noted the report.

CL113. KNOWLEDGE TEST FAILURES

The committee considered a report by the Chief Governance Officer (a) summarising two applicants' applications and knowledge test results, and (b) the options available to members.

Decision

The committee agreed to refuse the taxi driver licences in terms of the Civic Government (Scotland) Act 1982, s.13(5) on the grounds that the applicants, Mr Purdie and Mr Somerville, having both failed to pass the knowledge test, have failed to satisfy the Authority that they had adequate knowledge of the area to which the licence relates and the layout of the roads in the area.

CL114. 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.

CL115 APPLICATION FOR THE GRANT OF A NEW LATE HOURS CATERING LICENCE

Mr McD, agent and Mr C, employee of the applicant company, 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) summarising the consultations undertaken and responses received, and (c) detailing the applicant company's record.

Decision

The committee agreed to grant the late hours catering licence for a period of one year subject to the standard conditions.

CL116. APPLICATION FOR THE VARIATION OF A LATE HOURS CATERING LICENCE

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

The committee considered a report by the Chief Governance Officer on an application received for the variation of a late hours catering licence (a) advising of the background to the application; (b) referring to the recent amendments made to the policy and conditions applicable to late hours catering licences as it relates to Falkirk Town Centre, and (c) detailing the consultations undertaken and the responses received.

Mr C and Mr R were heard in support of the application.

Questions were then asked by members of the committee.

AGREED that a short adjournment take place.

The applicants were then recalled to the meeting.

Decision

The committee refused the application for the variation of a late hours catering licence as there was no justification to depart from Council policy with regard to these premises.

Councillor Ritchie left the meeting after consideration of the previous item of business.

CL117. APPLICATION FOR THE GRANT OF A NEW TAXI OPERATOR LICENCE

Members were advised that two letters of objection had been received in respect of the application and that both had been received within the 28 days permitted for objections.

The two objectors, Mr N and Mr D entered the meeting accompanied by their agent, Mr S and Mr K, Interpreter.

The Licensing Co-ordinator advised that the applicant, Mr S, had contacted the Licensing Office on 11 January stating that he was unable to attend due to illness and requested that the matter be continued. Mr S, had also confirmed that he had an appointment with his GP today.

Discussion took place on the continuation request made by the applicant.

Decision

The committee agreed to continue the application to a future meeting of the Civic Licensing committee to allow the applicant to be in attendance.

CL118. SUSPENSION HEARING IN RELATION TO TAXI DRIVER LICENCE NO.1889

Two of the complainants, Mr N and Mr D entered the meeting accompanied by their agent, Mr S. Three additional complainants, Mr T, Mr P and Mr S were also in attendance.

Members were advised of the background to the complaint and the requests received seeking the suspension of the taxi driver licence.

The Licensing Co-ordinator advised that the appellant, Mr S, had contacted the Licensing Office on 11 January stating that he was unable to attend due to illness and requested that the matter be continued. Mr S, had also confirmed that he had an appointment with his GP today.

Discussion took place on the continuation request made by the appellant.

Decision

The committee agreed to continue the matter to a future meeting of the Civic Licensing committee to allow the applicant to be in attendance.

Councillor Ritchie left the meeting following the foregoing item of business.

CL119. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR OPERATOR LICENCE

Mr M, a Director of the applicant company, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application received for the grant of a new private hire car operator licence (a) advising of the background to the application; (b) summarising the consultations undertaken and responses received, and (c) detailing the applicant's record.

Decision

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

CL120. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr H, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application received 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 H spoke in support of the application.

Questions were then asked by members of the committee.

Decision

The committee agreed to instruct officers to arrange for the applicant to undertake a medical; and should he fail the medical to remit the matter back to committee for consideration; should the applicant pass the medical, to authorise the Chief Governance Officer to grant the taxi driver licence for a period of one year, subject to the standard conditions and with a warning letter.

CL121. APPLICATIONS FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER AND PRIVATE HIRE CAR OPERATOR LICENCE

The applicant, Ms F, entered the meeting.

The committee considered a report by the Chief Governance Officer on applications received for the grant of a new private hire car driver licence and private hire car operator licence (a) advising of the background to the applications; (b) detailing the consultations undertaken and responses received, and (c) in respect of the private hire car driver licence application, taking into account the applicant's record.

Ms F spoke in support of the applications.

Questions were then asked by members of the committee.

Decision

The committee agreed:-

- (1) to instruct officers to arrange for the applicant to undertake a medical; and should she fail the medical to remit the matter back to committee for consideration; should the applicant pass the medical, to authorise the Chief Governance Officer to grant private hire car driver licence for a period of one year, subject to the standard conditions, and**
- (2) to grant the new private hire car operator licence for a period of one year, subject to the standard conditions.**

CL122. 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) summarising the consultations undertaken and 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 severe warning letter.

CL123. SUSPENSION HEARING IN RELATION TO TAXI DRIVER LICENCE NO.1886

The complainant, Mrs S entered the meeting accompanied by her witness, Ms S.

The licence holder, Mr S S entered the meeting accompanied by his agent, Mr S and Mr K, interpreter.

Mr S raised a preliminary matter relating to the format of the hearing and, in particular to the witness being present at this stage, and whether or not to hear evidence from said witness.

After hearing from the Clerk in response to the preliminary matter, the committee agreed to a short adjournment.

The committee adjourned at 11.50 a.m. and reconvened at 12 noon with all members present as per the sederunt, with the exception of Councillor Ritchie.

The committee agreed that Ms S be heard as a witness for the complainer but that she be asked to leave until she was called to give evidence by Mrs S. Ms S left the meeting at this stage.

Members were advised of the background to the complaint which related to the alleged failure of the taxi driver to fulfil a hire that was pre-booked in breach of taxi driver licence conditions Nos. 15, 26 & 27.

Reference was made to the wording within recommendation 6.2(b) of the report which contained an error. It was confirmed that the appellant had been cited to be heard in relation to whether or not a condition of the licence had been contravened per paragraph 11(2)(d) of the Civic Government (Scotland) act 1982.

Mrs S spoke in amplification of the complaint, a copy of which had been circulated to the committee.

Mrs S called her witness. Ms S entered the meeting.

Having heard from the Council's Enforcement Officer that the typed witness statement was the same as the signed, handwritten witness statement made by Ms S, the committee agreed to the typed witness statement being circulated.

Ms S then spoke in relation to the matters outlined in her witness statement.

Questions were asked of Mrs S and Ms S by members of the committee and by the appellant's agent.

Having heard from the Council's Enforcement Officer that the typed witness statement was the same as the signed, handwritten witness statement made by Ms C, the committee agreed to the typed witness statement being circulated.

Further questions were asked of Ms S by members of the committee and by the appellant's agent.

Mr S was then heard in relation to the complaint.

Questions were asked of Mr S, by members of the committee and by the complainant.

The committee agreed to a short adjournment.

The committee adjourned at 2.15 p.m. and reconvened at 2.25 with all members present as per the sederunt, with the exception of Councillor Ritchie.

Further questions were asked of Mr S by members of the committee and by the complainant.

There being no further questions, both parties summed up.

The committee agreed to a further adjournment to enable members to consider the submissions.

The complainant, Mrs S, her witness, Ms S; the appellant, Mr S S, his agent, Mr S and the interpreter, Mr K all left the meeting.

The committee adjourned at 2.45 p.m. and reconvened at 3.30 p.m. with all members present as per the sederunt, with the exception of Councillors Blackwood and Ritchie.

The complainant, Mrs S, her witness, Ms S; the appellant, Mr S S, his agent, Mr S and the interpreter, Mr K were recalled to the meeting.

Decision

The committee, having considered the submissions before it, was not satisfied that the licence should be suspended and therefore agreed to take no further action.