

The background of the slide features a large, light blue crest of the University of Alberta. The crest is shield-shaped with a crown on top. The shield is divided into four quadrants: the top-left shows a building, the top-right shows a stag's head with a cross, the bottom-left shows a sailing ship, and the bottom-right shows a beaver. A banner at the bottom contains the motto 'ANNE FOR A'.

Agenda Item 3

Minute

DRAFT

Minute of meeting of the Civic Licensing Committee held in the Municipal Buildings, Falkirk on Wednesday 2 November 2016 at 9.30 a.m.

Councillors:

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

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

CL68. Apologies

Apologies for absence were intimated on behalf of Baillie William Buchanan; Councillors Paul Garner and Sandy Turner.

CL69. Declarations of Interest

No declarations were intimated.

CL70. Minute

Decision

The minute of the meeting of the Civic Licensing Committee held on 28 September 2016 was approved.

CL71. List of Applications Granted under Delegated Powers in September 2016 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 2016 in terms of the Civic Government (Scotland) Act 1982, and (b) notifications of pending public processions.

Decision

The committee noted the report.

Councillor Hughes joined the meeting during consideration of the previous item.

Baillie Paterson joined the meeting prior to consideration of the following item.

CL72. Civic Licensing Enforcement - September 2016

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 2016.

Decision

The committee noted the report.

CL73. Air Weapons & Licensing (Scotland) Act 2015 – Changes to Licensing of Metal Dealers and Itinerant Metal Dealers

The committee considered a report by the Chief Governance Officer providing details of changes to s.28 and s.37 of the Civic Government (Scotland) Act 1982 introduced by the Air Weapons & Licensing (Scotland) Act 2015.

The report set out the aims of the 2015 Act which is to protect public safety by creating a new licensing regime for air weapons and how this impacts on s.28 and s.37 of the Local Government (Scotland) Act 1982.

The changes to the 1982 Act specifically relate to the licensing of metal dealers and itinerant metal dealers and include changes to the definition of those terms. These amendments have also necessitated a review of the mandatory conditions for metal dealers and itinerant metal dealers. The proposed new mandatory conditions were attached as appendices to the report.

Decision

The committee agreed to:-

- (1) note the report;**
- (2) approve the new mandatory conditions for metal dealers, and**
- (3) approve the new mandatory conditions for itinerant metal dealers.**

CL74. 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.

CL75. Application for the Grant of a New Window Cleaner Licence

The applicant, Mr H, was not in attendance.

After hearing from the Licensing Co-ordinator on the background to the application, the committee agreed to consider 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 window cleaner licence (a) advising on the background to the application; (b) referring to the meetings of the Civic Licensing Committee held on 24 August and 28 September 2016 when the application was continued to enable the applicant to be in attendance; (c) summarising the consultations undertaken and responses received, and (d) detailing the applicant's record.

Decision

The committee agreed to refuse the application in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 5(3)(d) on the grounds that there was other good reason for refusing the application, namely that they were not satisfied that the applicant had provided sufficient information to be the holder of such a licence.

CL76. Application for the Grant of a New Private Hire Car Driver Licence

The applicant, Mr P, 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 on the background to the application; (b) referring to the meeting of the Civic Licensing Committee held on 28 September 2016 when the application was continued to enable the applicant to be in attendance; (c) summarising the consultations undertaken and responses received, and (d) detailing the applicant's record.

Mr P 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 private hire car driver licence, subject to the standard conditions.

CL77. Applications for the Grant of 2 New Private Hire Car Operator Licences

Ms B and Ms M, directors 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 two new private hire car operator licences (a) advising on the background to the application, and (b) summarising the consultations undertaken and responses received.

Ms M spoke in support of the application.

Questions were then asked by members of the committee.

Decision

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

CL78. Applications for the Grant of 3 New Private Hire Car Operator Licences

Mr B, an employee and representative 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 three new private hire car operator licences (a) advising on the background to the application, and (b) summarising the consultations undertaken and responses received.

Decision

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

CL79. Application for the Grant of a New Skin Piercing and Tattooing Licence

The applicant, Mr G, was not in attendance.

After hearing from the Licensing Co-ordinator on the background to the application, the committee agreed to consider 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 skin piercing and tattooing licence (a) advising of the background to the application; (b) outlining the licence conditions; (c) detailing the consultations undertaken and responses received, and (d) summarising the experience and training of the proposed tattooist.

Decision

The committee agreed to refuse the application in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 5(3)(d) on the grounds that there was other good reason for refusing the application, namely that they were not satisfied that the applicant had demonstrated a sufficient level of knowledge, skill, training, experience in relation to the activities to be licensed.

CL80. Application for the Grant of a New Second Hand Dealer Licence (Used Vehicles)

Mr C, an employee of the applicant company, together with Chief Inspector Armstrong and Inspector Cape, Police Scotland, entered the meeting.

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, and (b) detailing the consultations undertaken and the responses received.

Chief Inspector Armstrong was heard in relation to the Chief Constable's representation which had been submitted in relation to the application.

Questions were then asked by members of the committee.

The committee then heard from Mr C in support of the application and in clarification of questions raised by members.

Decision

The committee agreed to grant the new second hand dealer licence (used vehicles) for a period of three years, subject to the standard conditions, and to the following additional condition, namely:

- the licence holder shall ensure that any motor vehicle or trailer or stock in trade for which they are responsible does not cause an obstruction in Glasgow Road, Camelon. The licence holder shall use all reasonable endeavours to encourage their customers to use the designated parking facilities on site.

CL81. Suspension Hearing in Relation to Private Hire Car Operator Licence No. 020

The licenceholder, Mr T, entered the meeting, together with Chief Inspector Armstrong and Inspector Cape, Police Scotland.

Mr T confirmed that he had no preliminary matters and that he was content that representatives of Police Scotland be present.

The committee considered a report by the Chief Governance Officer providing the background to the complaint and advising that a hearing under paragraph 11 of schedule 1 of the Civic Government (Scotland) Act 1982 required to be held.

The committee heard from the Licensing Co-ordinator in relation to the complaint.

Mr T was then heard in relation to the complaint.

Questions were then asked by members of the committee.

The committee agreed to a short adjournment at 10.45 a.m. and reconvened at 11.00 a.m. with all members present as per the sederunt.

Provost Reid, seconded by Depute Provost Patrick, moved that:-

The private hire car operator licence be suspended with immediate effect for the unexpired portion of the duration of the licence, namely, 30 November 2016, in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 11(2)(d) on the ground that a condition of the licence had been contravened.

As an amendment, Baillie Paterson, seconded by Councillor Ritchie, moved that the licence holder be issued with a warning letter and that no further action be taken.

On a division, 4 members voted for the motion and 2 voted for the amendment.

Decision

The committee agreed the motion.

CL82. Application for the Renewal of a Taxi Driver Licence

The applicant, Mr T, entered the meeting.

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

Mr T 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.

CL83. Suspension Hearing in Relation to Private Hire Car Driver Licence No.487

The licenceholder, Mr M, his representative, Mr S, together with Chief Inspector Armstrong and Inspector Cape, Police Scotland, entered the meeting.

Mr S raised a preliminary matter in relation to the competency of representatives from Police Scotland being in attendance as the Chief Constable had made no representation on the matter. After a short discussion, the officers from Police Scotland left the meeting.

The committee considered a report by the Chief Governance Officer providing the background to the complaint and advising that a hearing under paragraph 11 of schedule 1 of the Civic Government (Scotland) Act 1982 required to be held.

The Licensing Co-ordinator was heard in relation to the complaint.

Mr S was then heard in relation to the complaint.

Questions were then asked by members of the committee.

The committee agreed to a short adjournment at 12 noon and reconvened at 12.15 p.m. with all members present as per the sederunt.

Decision

The committee agreed:-

- (1) to continue consideration of the suspension hearing to a future meeting of the committee;**
- (2) to instruct officers to arrange for the appellant to undertake a medical examination which meets the DVLA Group 2 Regulations Standard, recognising that includes physical fitness in relation to mental health, and**
- (3) that officers carry out further investigations with the Australian authorities in relation to the appellant's background checks.**