

Agenda Item

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Minute

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Minute of meeting of the Civic Licensing Committee held in the Municipal Buildings, Falkirk on Tuesday 20 June 2017 at 9.30 a.m.

Councillors: David Aitchison
David Balfour
Lorna Binnie
Robert Bissett
Jim Blackwood
Jim Flynn
Gordon Hughes (Convener)
James Kerr
Depute Provost Ann Ritchie

Officers: Bryan Douglas, Licensing Co-ordinator
Arlene Fraser, Committee Services Officer
Frances Kobiela, Senior Solicitor
Colin Moodie, Chief Governance Officer
Isabel Renton, Senior Licensing Assistant

CL14. Apologies

There were no apologies.

CL15. Declarations of Interest

No declarations were intimated.

CL16. Minute

Decision

The minute of the meeting of the Civic Licensing Committee held on 5 April 2017 was approved.

CL17. List of Applications Granted Under Delegated Powers in March, April and May 2017 and Notifications of Public Processions Pending

The Committee considered a report by the Chief Governance Officer detailing the applications granted under delegated powers between 1 March and 31 May 2017 in terms of the Civic Government (Scotland) Act 1982 and notifications of pending public processions.

Decision

The Committee noted the report.

CL18. Knowledge Test Failures

The Committee considered a report by the Chief Governance Officer providing details of applicants' applications and their knowledge test results, and the options available to members.

Decision

The committee refused to grant the Taxi Driver licences in terms of the Civic Government (Scotland) Act 1982, Section 13 (5) on the ground that the applicants, having 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 roads in the area.

CL19. 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.

CL20. 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 providing information on an application received for the grant of a new private hire car driver licence and to the consultations and responses received.

Mr H spoke in support of his application.

Questions were then asked by members of the committee.

The committee agreed to a short adjournment at 9.50 a.m. and reconvened at 10.00 a.m. with all members present as per the sederunt.

Decision

The committee agreed to grant the private hire car driver licence for a period of one year, subject to the standard conditions and with a warning letter.

CL21. Application for the Variation of Two Private Hire Car Operator Licences

The applicant, Mr H, entered the meeting.

The committee considered a report by the Chief Governance Officer providing information on an application for the variation of two private hire car operator licences.

A written request by the applicant to vary licence condition No.8 to allow him to operate without the need to display door signage, and the reasons for this was attached as an appendix to the report.

Mr H spoke in support of his application.

Questions were then asked by members of the committee.

The committee agreed to a short adjournment at 10.10 a.m. and reconvened at 10.15 a.m. with all members present as per the sederunt.

Decision

The committee agreed to the variation of condition 8 to allow private hire car operator licences No.97 and No.138 to operate without displaying door signage on his vehicles.

The applicant gave an undertaking that if his circumstances changed, he would inform the Licensing Section.

CL22. Suspension Hearing in Relation to Taxi Driver Licence No.465

The licenceholder, Sergeant White and PC Hutchison, Police Scotland entered the meeting.

The committee considered a report by the Chief Governance Officer providing information relating to taxi driver licence No.465, which related to a recent medical condition and the licenceholder's subsequent failure to reach the standards of medical fitness adopted by Falkirk Council.

The licenceholder was heard in relation to the matter and in response to questions from members.

The committee agreed to a short adjournment at 10.30 a.m. and reconvened at 10.35 a.m. with all members present as per the sederunt.

Decision

The committee agreed not to suspend the private hire car driver licence but that the following condition be applied:-

That the licenceholder be permitted to only undertake school contracts until such time as he meets the DVLA Group 2 Regulations Standard.

The applicant gave an undertaking to contact the Licensing Section once he has undertaken another medical fitness test.

CL23. Application for the Grant of a Temporary Public Entertainment Licence

The applicant, Mr M, Sergeant M White and PC G Hutchison, Police Scotland entered the meeting. The applicant's father and a friend were also in attendance.

The committee considered a report by the Chief Governance Officer providing information on an application for the grant of a temporary public entertainment licence.

The committee noted that an objection had been submitted from the Chief Constable, Police Scotland, which was appended to the report.

The Chief Constable's representative, Sergeant White spoke in amplification of the objection.

The applicant, Mr M had no questions for Sergeant White.

Members of the committee asked questions of Sergeant White.

Mr M was then heard in relation to the objection and in support of his application.

Members of the committee then asked questions of Mr M.

There being no further questions, both parties summed up.

The committee agreed to a short adjournment at 11.55 a.m. and reconvened at 12.25 p.m. with all members present as per the sederunt.

Councillor Hughes, seconded by Councillor Binnie moved that, having regard to public safety, the temporary Public Entertainment Licence be refused in terms of the Civic Government (Scotland) Act 1982 paragraph 5(3)(c)(v) and (d).

As an amendment, Councillor Blackwood, seconded by Councillor Kerr, moved that a site visit of the premises take place prior to determination of the application.

On a division, 2 members voted for the amendment and 7 voted for the motion.

Decision

The committee agreed the motion.