



Agenda Item 3

Minute

DRAFT

**Minute of meeting of the Civic Licensing Committee held in the
Municipal Buildings, Falkirk on Wednesday 7 February 2018 at 9.30 a.m.**

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

Officers: Bryan Douglas, Licensing Co-ordinator
Arlene Fraser, Committee Services Officer
Rose Mary Hoey, Legal Services Manager
Colin Moodie, Chief Governance Officer

CL79. Order of Business

In terms of Standing Order 14.2(i), Councillor Hughes 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.

CL80. Apologies

Apologies were intimated on behalf Councillor Kerr.

CL81. Declarations of Interest

No declarations were made.

CL82. Minute

Decision

The minute of the meeting of the Civic Licensing Committee held on 10 January 2018 was approved.

CL83. 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 item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7A to the said Act.

CL84. Suspension Hearing in relation to a Private Hire Car Driver

The licenceholder Mr M, together with Sergeant Mackenzie and PC Hutchison, Police Scotland, entered the meeting.

The committee considered a report by the Chief Governance Officer advising of a letter of complaint submitted by Police Scotland in respect of the licenceholder, which had sought an immediate suspension of the taxi driver licence.

Following confirmation that the licenceholder had no objections, the letter of complaint from the Chief Constable was circulated.

Sergeant Mackenzie, the Chief Constable's representative was heard in relation to the matter referred to in the letter of complaint.

There being no questions from Mr M, a member asked a question of Sergeant Mackenzie.

Mr M was then heard in relation to the letter of complaint.

There being no questions from Sergeant Mackenzie, a member asked a question of Mr M.

Both parties were invited to sum up.

The committee agreed to an adjournment at 10.00 am and reconvened at 10.15 am, with all members present as per the sederunt.

Decision

The committee agreed to take no further action at this time.

CL85. List of Applications Granted Under Delegated Powers in December 2017

The committee considered a report by the Chief Governance Officer detailing the applications granted under delegated powers between 1 and 31 December 2017 in terms of the Civic Government (Scotland) Act 1982.

Decision

The committee noted the report.

CL86. Knowledge Test Failure

The committee considered a report by the Chief Governance Officer providing details of an application for a new taxi driver licence, his knowledge test result, and the options available to members.

Decision

The committee agreed:-

- (1) that the applicant be offered a final opportunity to pass the knowledge test;**
- (2) should he fail on this occasion, that the application be refused 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 roads in the area, and**
- (3) that if the applicant passes the knowledge test, that officers arrange for him 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.**

CL87. 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 Paragraph 6 of Part 1 of Schedule 7A to the said Act.

CL88. Applications for the Grant of Two New Private Hire Car Operator Licences

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

The committee considered a report by the Chief Governance Officer providing information on applications for the grant of 2 new private hire car operator licences and to the consultations and responses received.

Mr M spoke in support of the applications.

Questions were then asked by members of the committee.

Decision

The committee agreed to grant 2 new private hire car operator licences, subject to the appropriate insurance documentation; V5 certificates and taxi inspection test certificates being submitted to the satisfaction of officers, and subject to the standard conditions for a period of one year.

CL89. Application for the Renewal of a Private Hire Car Driver Licence

The applicant, Mr M, together with Sergeant Mackenzie and PC Hutchison, Police Scotland, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application received for the renewal of a private hire car 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.

Sergeant Mackenzie, the Chief Constable's representative was heard in relation to the letter of representation submitted by the Chief Constable.

There being no questions from Mr M, a member asked a question of Sergeant Mackenzie.

The applicant spoke in support of the application.

Questions were then asked by members of the committee.

The committee agreed to a short adjournment at 10.50 a.m. and reconvened at 11.00 a.m. with all members present as per the sederunt.

Decision

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

CL90. Application for the Grant of a New Taxi Driver Licence

The applicant, Mr K, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application received for the grant of a new 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.

The applicant spoke in support of the application.

Questions were then asked by members of the committee.

The committee agreed to a short adjournment at 11.10 a.m. and reconvened at 11.20 a.m. with all members present as per the sederunt.

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 six months with a warning letter, and subject to the standard conditions.