

**FALKIRK COUNCIL**

**MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 7 MAY 2008 at 9.30 AM.**

**PRESENT:** Councillors Blackwood, Hughes, Kenna, McLuckie, Nicol, Nimmo, Thomson and Waddell

**CONVENER:** Councillor Nicol

**APOLOGIES:** Provost Reid and Councillor McNally

**ATTENDING:** Director of Development Services; Acting Director of Law and Administration; Consumer Protection Manager; Solicitor (P Gilmour); Licensing Co-ordinator (B Douglas) and Committee Services Officer (A Rose).

**DECLARATIONS**

**OF INTEREST:** With regard to agenda item 8 (minute CL16) Councillor Kenna indicated that the appellant was known to her in her capacity as a ward councillor, but that she did not consider this gave rise to a declarable interest.

**CL9. MINUTE**

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 9 April 2008.

**CL10. 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.

**CL11. APPLICATION FOR RENEWAL OF A HOUSE IN MULTIPLE OCCUPATION LICENCE**

The applicant, Dr A, entered the meeting at this point.

With reference to Minute of Meeting of the Civic Licensing Committee held on 9 April 2008 (Paragraph CL3 refers), Committee gave further consideration to Report (circulated) dated 2 April 2008 by the Director of Development Services and an

additional report dated 30 April 2008 on an application for the renewal of a House in Multiple Occupation Licence.

**AGREED** to **GRANT** the renewal of the licence with the standard conditions for a period of two years.

#### **CL12. APPLICATION FOR NEW HOUSE IN MULTIPLE OCCUPATION LICENCE**

The applicant, Mr C, entered the meeting at this point together with his representative, Ms M.

There was submitted Report (circulated) dated 30 April 2008 by the Director of Development Services on an application for a new house in multiple occupation licence advising of (a) the background to the application; (b) the licensing conditions; (c) consultations undertaken and the responses received, and (d) advice given to the applicant. The Director of Development Services added that of the required documentation for a licence, only three items are outstanding - list of tenants; appropriate public liability insurance cover and safety certificates for electrical appliances. A Fire Risk Assessment required translation for the tenants.

The applicant's representative, Ms M, spoke in support of the application.

Questions were asked of the applicant by Members.

**AGREED** that consideration of this application be continued for submission of the outstanding items and to allow further discussions between the applicant and officers to clarify responsibility for day to day management of the premises.

#### **CL13. APPLICATION FOR NEW LATE HOURS CATERING LICENCE**

The applicant, Mr A, together with his wife, Mrs A, entered the meeting at this point.

There was submitted Report (circulated) dated 30 April 2008 by the Director of Development Services on an application for a new late hours catering licence advising of (a) the background to the application; (b) consultations undertaken, and (c) the record of the applicant.

The Committee **AGREED** that it did not require to hear details of a spent conviction.

The applicant and his wife spoke in support of the application.

Questions were then asked by the Members of the Committee.

**AGREED** to **GRANT** the licence to the terminal hour of 1.30 am with the standard conditions for a period of one year.

**CL14. APPLICATION FOR THE GRANT OF AN ADDITIONAL NEW PRIVATE HIRE CAR OPERATOR LICENCE**

A Director of the applicant, Mr B, entered the meeting at this point.

There was submitted Report (circulated) dated 30 April 2008 by the Director of Development Services on an application for the grant of an additional new private hire car operator licence advising of (a) the background to the application (b) consultations undertaken; (c) the records of Directors of the company, and (d) the vehicle to be operated.

The Committee **AGREED** that it did not require to hear details of a spent conditional offer.

Mr B spoke in support of the application.

Questions were then asked by Members of the Committee.

Following a short recess Committee **AGREED** to **GRANT** the licence.

Councillor Nimmo left the meeting at the conclusion of the foregoing item of business.

**CL15. APPLICATION FOR THE GRANT OF A NEW TAXI OPERATOR LICENCE**

The applicant, Mr G, entered the meeting at this point.

There was submitted Report (circulated) dated 30 April 2008 by the Director of Development Services on an application for the grant of a new taxi operator licence advising of (a) the background to the application; (b) consultations undertaken, and (c) the vehicle to be operated.

The applicant spoke in support of the application.

Questions were then asked by Members of the Committee.

**AGREED** to **GRANT** the licence.

**CL16. SUSPENSION HEARING IN RELATION TO TAXI DRIVER LICENCE NO. 0800**

The licensee, Mr T, entered the meeting at this point together with his representative, Mr Sandeman.

Chief Inspector Hutchison and Constable Bridges of Central Scotland Police, entered the meeting at this point.

There was submitted Report (circulated) dated 30 April 2008 by the Director of Development Services on (a) licences held by the licensee, and (b) the complaint received.

All parties confirmed that they had no preliminary matters requiring consideration.

The letter of complaint from Central Scotland Police was circulated to Members.

Chief Inspector Hutchison spoke in amplification of the complaint.

Questions were then asked of Chief Inspector Hutchison by Members of the Committee.

Mr Sandeman spoke in support of the licensee.

**AGREED** that a short adjournment take place to enable the Police to confirm with the Sheriff's Clerk the plea tendered by the licensee in criminal proceedings relevant to their complaint.

Questions were then asked of the licensee by Members of the Committee.

Following a second recess, the Committee **AGREED** (i) to **SUSPEND** the licensee's taxi driver licence for a period of three weeks as, in their opinion, he was no longer a fit and proper person to hold a licence in accordance with Paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982, and (ii) that the suspension would take immediate effect in accordance with paragraph 10 of the said schedule.