



Agenda Item 3

Minute

DRAFT

Minute of meeting of the Civic Licensing Committee held in the Municipal Buildings, Falkirk on Thursday 14 June 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
Frances Kobiela, Senior Solicitor
Isabel Renton, Senior Licensing Assistant

CL22. Apology

An apology was intimated on behalf of Councillor Kerr.

CL23. Declarations of Interest

Councillor Bissett declared a non-financial declaration in agenda item 8 (CL29) by virtue of having prior knowledge of the applicant and recused himself from consideration of the item, having regard to the objective test in the Code of Conduct.

CL24. Minute

Decision

The minute of the meeting of the Civic Licensing Committee held on 16 May 2018 was approved.

CL25. List of Applications Granted Under Delegated Powers in May 2018, Notifications of Public Processions Pending, Breakdown of Taxi and Private Hire Licences in Operation

The committee considered a report by the Chief Governance Officer detailing the applications granted under delegated powers during May 2018 in terms of the Civic Government (Scotland) Act 1982.

Decision

The committee noted the report.

CL26. Knowledge Test Failure

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

The applicant was not in attendance but had submitted an email in support of his application.

Decision

The committee refused to grant the Taxi Driver licence 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, the layout of roads in the area, and of the Council's licence conditions.

CL27. 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.

CL28. Application for the Renewal of a Late Hours Catering Licence

Mrs D, the director of the applicant company, entered the meeting.

The committee considered a report by the Chief Governance Officer providing information on an application for the renewal of a late hours catering licence.

Mrs D spoke in support of the application.

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

Decision

The committee agreed to renew the Late Hours Catering licence, subject to the standard conditions for a period of three years.

In accordance with his earlier declaration, Councillor Bissett left the meeting prior to consideration of the following item.

CL29. Application for the Grant of a New Taxi Driver Licence

The applicant, Mr B, 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.

Mr B requested that his written submission and testimonial statements supporting his application, be circulated to the committee. He was thereafter heard in support of his application.

Questions were then asked by members of the committee.

The committee agreed to a short adjournment at 10.35 am and reconvened at 11.00 am with all members present as per the sederunt, with the exception of Councillor Bissett.

Provost Buchanan, seconded by Depute Provost Ritchie moved that officers be instructed 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, subject to the standard conditions.

As an amendment, Councillor Flynn, seconded by Councillor Binnie, moved that the application for the grant of a taxi driver licence be refused in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 5(3)(a)(ii) on the ground that the applicant is not a fit and proper person to be the holder of such a licence.

On a division, 2 members voted for the amendment and 6 voted for the motion.

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.

Councillor Bissett re-joined the meeting prior to consideration of the following item.

CL30. Application for the Grant of a New Taxi Operator Licence

Mr M, the day to day manager 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 taxi operator licence advising on the background to the application, the consultations undertaken and responses received.

Mr M spoke in support of the application.

Questions were then asked by members of the committee.

The committee agreed to a short adjournment at 11.15 am and reconvened at 11.20 am with all members present as per the sederunt.

Decision

The committee agreed to grant a new taxi operator licence, subject to the proposed vehicle being within the age and specification policy and the appropriate insurance documentation; V5 certificate and taxi inspection test certificate being submitted to the satisfaction of officers, and subject to the standard conditions for a period of one year.

CL31. Application for the Grant of a New Private Hire Car Operator Licence

Mr M, the day to day manager 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 advising on the background to the application, the consultations undertaken and responses received.

Mr M spoke in support of the application.

Questions were then asked by members of the committee.

Decision

The committee agreed to grant a new private hire car operator licence, subject to the proposed vehicle being within the age and specification policy and the appropriate insurance documentation; V5 certificate and taxi inspection test certificate being submitted to the satisfaction of officers, and subject to the standard conditions for a period of one year.

CL32. Application for the Renewal of a Taxi Driver Licence

The applicant, Mr A, 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 A spoke in support of the application.

Questions were then asked by members of the committee.

The committee agreed to a short adjournment at 11.25 am and reconvened at 11.30 am with all members present as per the sederunt.

Decision

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

CL33. Application for the Renewal of a Private Hire Car Operator Licence

The applicant, Mr A, 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 operator 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 A spoke in support of the application.

Questions were then asked by members of the committee.

Decision

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