

The background of the slide features a large, light blue watermark of the Coat of Arms of the City of Edinburgh. The crest includes a crown with four thistles, a shield divided into four quarters (a saltire, a stag's head, a ship, and an eagle), and a motto scroll at the bottom.

Agenda Item 3

Minute

Draft

Minute of meeting of the Civic Licensing Committee held in the Municipal Buildings, Falkirk on Wednesday 13 March 2019 at 9.30 a.m.

Councillors: David Aitchison
David Balfour
Lorna Binnie
Jim Blackwood
Provost William Buchanan
Jim Flynn
Gordon Hughes (Convener)

Officers: Bryan Douglas, Licensing Co-ordinator
Arlene Fraser, Committee Services Officer
Frances Kobiela, Senior Solicitor

Also Attending: PC Gordon Hutchison, Police Scotland
Sergeant Clare Mackenzie, Police Scotland

CL89. Apologies

Apologies were intimated on behalf of Depute Provost Ritchie and Councillor Goldie.

CL90. Declarations of Interest

There were no declarations.

CL91. Minute

Decision

The minute of the meeting of the Civic Licensing Committee held on 6 February 2019 was approved.

CL92. List of Applications Granted under Delegated Powers in February 2019, Notifications of Public Processions Pending, and 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 February 2019 in terms of the Civic Government (Scotland) Act 1982.

Decision

The committee noted the report.

CL93. Knowledge Test Failure

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

Decision

The committee refused to grant the taxi driver licence in terms of the Civic Government (Scotland) Act 1982, Section 13(5) for Mr Horton, on the grounds that he having failed to pass the knowledge test, had 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.

CL94. 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.

CL95. Applications for the Grant of Three New Taxi Operator Licences

Mr B, the day to day manager of the applicant company, entered the meeting.

The committee considered a report by the Chief Governance Officer providing details of three applications for the grant of new taxi operator licences and to the consultation carried out.

Mr B was heard in support of the application.

Questions were then asked by members of the committee.

The committee agreed to a short adjournment. On reconvening, all members were present as per the sederunt.

Decision

The committee agreed to:

- (1) grant 3 new taxi operator licences, subject to the appropriate insurance documentation; V5 certificate and taxi inspection test**

certificates being submitted to the satisfaction of officers, and subject to the standard conditions for the period of one year; and

- (2) depart from policy to allow a wheelchair accessible vehicle to be operated on one licence however, such vehicle must be registered no earlier than 2014.**

CL96. Application for the Renewal of a Street Trader Licence

The applicant, Mr J, his solicitor and the solicitor's trainee, together with Sergeant C Mackenzie and PC G Hutchison, Police Scotland entered the meeting.

The committee considered a report by the Chief Governance Officer providing details of an application for the renewal of a street trader licence, the consultations carried out, and the responses received, which included a letter of objection from Police Scotland.

The applicant's agent advised that he had a preliminary matter to raise, in that as the matter was sub-judice, insufficient information had been provided to him. The Clerk clarified that sufficient information would also be needed for the committee.

The committee agreed that the letter of objection from Police Scotland be circulated. Accordingly, a copy of the objection was circulated to members.

The Licensing Co-ordinator was heard in relation to the application and in response to questions by members.

Sergeant Mackenzie, Police Scotland was heard in relation to the Chief Constable's letter of objection which had been submitted in relation to the application.

There being no questions to Sergeant Mackenzie from the applicant's agent, a question was asked by a member of the committee.

The applicant's agent was then heard in response to the issues raised in the objection and in clarification of questions raised only by members.

Thereafter the applicant's representative was heard in support of the application.

Both parties summed up.

The committee agreed to a short adjournment. On reconvening, all members were present as per the sederunt.

Decision

The committee agreed to renew the street traders licence, subject to the standard conditions for a period of three years.

With reference to Standing Order 20.5, Councillor Flynn requested that his dissent from the decision be entered in the minute.

CL97. Suspension Hearing in relation to a Late Hours Catering Licence

Sergeant C Mackenzie and PC G Hutchison, Police Scotland entered the meeting.

The Licensing Co-ordinator advised that the licenceholder had advised that he would not be in attendance nor legally represented, and had not sought a continuation of the matter.

The committee agreed to proceed with the matter in the absence of the licenceholder, and to circulate the letter of complaint. Accordingly, a copy of the letter was circulated to members.

The committee considered a report by the Chief Governance Officer providing information in relation to a letter of complaint from Police Scotland requesting the suspension of a late hours catering licence.

Sergeant Mackenzie, Police Scotland was heard in relation to the Chief Constable's letter of complaint.

Questions were then asked by members of the committee.

Sergeant Mackenzie was invited to sum up.

The committee agreed to a short adjournment. On reconvening, all members were present as per the sederunt.

Decision

The committee agreed to revoke the late hours catering licence with immediate effect in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 11(10).