

The background of the slide features a large, light blue watermark of the Coat of Arms of the City of Edinburgh. The crest is a shield divided into four quarters. The top-left quarter shows a castle tower. The top-right quarter shows a stag's head with antlers. The bottom-left quarter shows a sailing ship on the water. The bottom-right quarter shows a lion passant guardant. Above the shield is a crown with four fleurs-de-lis. A ribbon scrolls across the bottom of the shield with the motto 'AENE FOR A'.

# **Agenda Item 3**

## **Minutes**

**Draft**

**Minute of meeting of the Civic Licensing Committee held in the Municipal Buildings, Falkirk on Wednesday 10 April 2019 at 9.30 a.m.**

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

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

**Also Attending:** Craig Beatt, Private Sector Officer  
Angela Kerr, Senior Private Sector Officer

**CL1. Apologies**

There were no apologies.

**CL2. Declarations of Interest**

Councillor Hughes declared a non-financial interest in agenda item 9 (ref CL9) as the applicant was a constituent and stated that he considered that this did not require him to recuse himself from consideration of the item having regard to the objective test in the Code of Conduct.

Councillor Balfour declared a non-financial interest in agenda item 12 (ref CL12) in that he had passed the initial enquiry to the appropriate department and stated that he considered that this did not require him to recuse himself from consideration of the item having regard to the objective test in the Code of Conduct.

**CL3. Minute**

**Decision**

**The minute of the meeting of the Civic Licensing Committee held on 13 March 2019 was approved.**

**CL4. List of Applications Granted under Delegated Powers in March 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 March 2019 in terms of the Civic Government (Scotland) Act 1982.

**Decision**

**The committee noted the report.**

**CL5. Knowledge Test Failures**

The committee considered a report by the Chief Governance Officer providing details of three applications for new taxi driver licences, the knowledge test opportunities, and the options available.

**Decision**

**The committee:-**

- (1) refused to grant the taxi driver licences in terms of the Civic Government (Scotland) Act 1982, Section 13(5) for Mr Ahmed and Mr Atkinson, on the grounds that they, having failed to pass the knowledge test, had failed to satisfy the Authority that they 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;**
- (2) agreed to give Mr Findlater a final opportunity to take and pass the knowledge test, and**
  - i. should Mr Findlater fail the knowledge test, to authorise the Chief Governance Officer to refuse the application without further reference to committee 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, and**
  - ii. should, Mr Findlater pass the knowledge test, 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.**

#### **CL6. 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.

#### **CL7. Application for the Grant of a New Taxi Operator Licence**

The applicant, Mr F, entered the meeting.

The committee considered a report by the Chief Governance Officer providing information on an application for the grant of a new taxi operator licence, the consultations carried out and responses received.

Mr F was heard in support of his 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 grant the 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 the period of one year.**

#### **CL8. Application for the Renewal of a Taxi Driver Licence**

The licence holder, Mr M, 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 M was heard in support of his 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 renew the taxi driver licence with a warning letter, subject to the standard conditions until 29 February 2020.**

### **CL9. Application for the Grant of a New Taxi Driver Licence**

The applicant, Mr M, entered the meeting.

The committee considered a report by the Chief Governance Officer providing details of an application for the grant of a new taxi driver licence, the consultations carried out, the responses received, and detailing the applicant's record.

The Licensing Co-ordinator, with the consent of committee, circulated two character references which had been submitted in support of the application.

Mr M was heard in support of his 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 grant the taxi driver licence, subject to the standard conditions for a period of one year.**

### **CL10. Application for the Renewal of a Taxi Driver Licence**

The licence holder, Mr D, 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.

The Licensing Co-ordinator, with the consent of committee, circulated a character reference which had been submitted in support of the application.

Mr D was heard in support of his 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 renew the taxi driver licence with a warning letter, subject to the standard conditions until 31 January 2020.**

### **CL11. Application for the Renewal of a Taxi Operator Licence**

The licence holder, Mr D, entered the meeting.

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

The Licensing Officer, with the consent of members, circulated a character reference which had been submitted in support of the applicant's application.

Mr D was heard in support of his 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 renew the taxi operator licence, subject to the standard conditions until 31 January 2020.**

The committee agreed to a short recess at 10.55 a.m. and re-convened at 11.05 a.m., with all members were present as per the sederunt

### **CL12. Consideration of Private Landlord Registration**

The private registered landlord (PRL), Mr M, his companions, Ms T and Mr M, entered the meeting.

The committee considered a report by the Director of Corporate and Housing Services which set out the background to the provisions of the Antisocial Behaviour Etc. (Scotland) Act 2004 which provides the statutory framework regarding the registration of private landlords. The report set out details of a complaint relating to the PRL and the relevant enquiries undertaken in relation to the complaint.

The committee heard from the Private Sector Officer.

The PRL was heard in relation to the complaint.

With the PRL's consent, Ms T and Mr M were heard in support of the PRL and in clarification of details contained in the complaint.

Following questions by members of the committee, the PRL 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 remove the landlord, Mr M from the register on the grounds that he is not a fit and proper person in terms of section 29 and section 84 of the Antisocial Behaviour Etc. (Scotland) Act 2004.**