

The background of the slide features a large, light blue watermark of the City of Vancouver's coat of arms. The crest is a shield divided into four quadrants. The top-left quadrant shows a city skyline with a diagonal beam of light. The top-right quadrant depicts a stag's head with antlers. The bottom-left quadrant shows a three-masted sailing ship on wavy water. The bottom-right quadrant features a grizzly bear standing on its hind legs. Above the shield is a crown with four maple leaves. A banner at the bottom contains the motto "A NE FOR A".

Agenda Item 3

Minute

Draft

Minute of meeting of the Civic Licensing Committee held in the Municipal Buildings, Falkirk on Wednesday 12 June 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
Jack Frawley, Committee Services Officer
Rose Mary Hoey, Interim Legal Services Manager
Frances Kobiela, Senior Solicitor

CL29. Apologies

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

CL30. Declarations of Interest

There were no declarations of interest.

CL31. Minute

Decision

The minute of Meeting of the Civic Licensing Committee held on 15 May 2019 was approved.

CL32. List of Applications Granted under Delegated Powers in May 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 May 2019 in terms of the Civic Government (Scotland) Act 1982.

Decision

The committee noted the report.

CL33. Knowledge Test Failure

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

Decision

The committee agreed to refuse 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, 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.

CL34. 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.

CL35. Application for a New Late Hours Catering Licence

The applicant, Mr B, entered the meeting.

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

Mr B spoke 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 grant the new late hours catering licence.

CL36. Application for the Grant of a New Window Cleaner Licence

The applicant, Mr T, entered the meeting.

The committee considered a report by the Chief Governance Officer providing information on an application for the grant of a new window cleaner licence.

Mr T spoke in support of the application and a letter of support was circulated.

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 window cleaner licence subject to the standard conditions.

CL37. Request for Notice of Exemption from Assisting Passengers in Wheelchairs

The applicant, Mr S, entered the meeting accompanied by his son, Mr S.

The committee considered a report by the Chief Governance Officer providing information on an application for the request for Notice of Exemption from Assisting Passengers in Wheelchairs.

Mr S spoke on behalf of his father 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 grant the notice of exemption from assisting passengers in wheelchairs for the duration of the licence.

CL38. Application for the Renewal of a Taxi Driver Licence

The applicant, Mr S, and his representative, Mr S, together with Sergeant McKenzie, Police Scotland, 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.

A letter of objection from the Chief Constable was circulated.

Mr S, the applicant's agent, raised a preliminary matter regarding the competency of the hearing. He stated that as the letter of objection advised that the matter was sub judice and that further information including the cctv material could not be provided that it would not be possible to have a fair and balanced hearing. He expressed concern that the committee could not be confident that it had considered all the relevant information at the time of its decision.

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

Decision

The committee agreed to continue the matter until the outcome of court case was known.

Prior to consideration of the following item Provost Buchanan and Councillors Aitchison and Binnie left the meeting.

CL39. Suspension Hearing in Relation to Taxi Driver Licence

The licence holder, Mr S, and his representative, Mr S, together with Sergeant McKenzie, Police Scotland, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application received for the suspension hearing in relation to 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.

A letter from the Chief Constable requesting suspension of the licence was circulated.

Mr S' agent raised a preliminary matter regarding the competency of the hearing. He stated that as the letter of objection advised that the matter was sub judice and that further information including the cctv material could not be provided that it would not be possible to have a fair and balanced hearing. He expressed concern that the committee could not be confident that it had considered all the relevant information at the time of its decision.

The committee agreed to a short adjournment. On reconvening all members were present as per the sederunt with the exception of Provost Buchanan and Councillors Aitchison and Binnie.

Decision

The committee agreed to continue the matter until the outcome of court case was known.

Following consideration of the previous item Provost Buchanan and Councillors Aitchison and Binnie re-joined the meeting.

CL40. Suspension Hearing in Relation to Taxi Driver Licence

The licence holder, Mr M, together with Sergeant McKenzie, Police Scotland, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application received for the suspension hearing in relation to 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 committee agreed to a short adjournment. On reconvening all members were present as per the sederunt.

A letter from the Chief Constable requesting suspension of the licence was circulated.

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

Decision

The committee agreed to continue the matter until the outcome of court case was known.

CL41. Suspension Hearing in Relation to Taxi Driver Licence

The licence holder, Mr S, together with Civic Licensing Standards Officers L Fyfe and T Ross entered the meeting.

The committee considered a report by the Chief Governance Officer on an application received for the suspension hearing in relation to a taxi driver licence (a) advising on the background to the application; (b) summarising the consultations undertaken and responses received, and (c) detailing the CLSO's report.

Mrs Fyfe spoke in support of her report.

Questions were then asked by members of the committee.

Mr S spoke in his support.

Questions were then asked by members of the committee.

Mr G, a witness, then entered the meeting. Following questions from the committee Mr G left the meeting.

Both parties summed up.

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

Councillor Blackwood, seconded by Councillor Hughes, moved that the committee agrees to suspend the taxi driver licence for a period of 1 week in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 11 (2) (a) on the ground that the applicant is not a fit and proper person to be the holder of such a licence.

As an amendment, Councillor Balfour, seconded by Councillor Binnie, moved that the committee agrees to suspend the taxi driver licence for a period of 2 weeks in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 11 (2) (a) on the ground that the applicant is not a fit and proper person to be the holder of such a licence.

In accordance with Standing Order 22.2 a vote was taken by show of hands. There were 4 votes for the amendment and 3 votes for the motion.

The amendment was carried. The committee thereafter agreed that the suspension would commence immediately.

Decision

The committee agreed:-

- (1) to suspend the taxi driver licence for a period of 2 weeks (between 13:00 hours on 12 June and 13:00 hours on 26 June 2019) in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 11 (2) (a) on the ground that the applicant was not a fit and proper person to be the holder of such a licence, and**
- (2) to suspend immediately in terms of Schedule 1 paragraph 11 (10) of the Act.**