



Agenda Item 3

Minute

Minute of meeting of the Civic Licensing Committee held in the Municipal Buildings, Falkirk on Wednesday 11 December 2019 at 9.30 a.m.

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

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

CL75. Order of Business

In terms of Standing Order 14.2 (i), Councillor Hughes advised of a variation to the order of business from that detailed on the agenda for the meeting. The following items have been recorded in the order that they were taken.

CL76. Apologies

Apologies were intimated on behalf of Councillors Flynn, Goldie and Ritchie.

CL77. Declarations of Interest

Provost Buchanan declared a non-financial interest in Item 11 by virtue of having prior knowledge of the applicant, in consequence of which he considered it appropriate he recuse himself from consideration of the item, having regard to the objective test in the Code of Conduct.

CL78. Minute

The minute of Meeting of the Civic Licensing Committee held on 6 November 2019 was approved.

CL79. List of Applications Granted under Delegated Powers in October 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 October 2019 in terms of the Civic Government (Scotland) Act 1982.

Decision

The committee noted the report.

CL80. 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, has 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.

CL81. 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.

CL82. Application for the Renewal of a Taxi Driver Licence

The committee were advised that the applicant Mr S was not in attendance and had not been cited timeously.

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.

Decision

The committee agreed to continue consideration of this item to a future meeting of the committee.

CL83. Suspension Hearing in Relation to a Taxi Driver

The licence holder, Mr McD, accompanied by his daughter Ms L and son-in-law Mr McN together with Sergeant McKenzie entered the meeting.

The committee considered a report by the Chief Governance Officer advising of a letter of complaint submitted by Police Scotland in respect of the licence holder, which had sought an immediate suspension of the taxi driver licence.

The applicant advised that he was content that the letter of complaint be circulated to members. Accordingly, a copy of the letter was circulated to members.

The committee agreed to a short adjournment at 10.03am and re-convened at 10.08am, with all members present as per the sederunt.

Sergeant McKenzie was heard in relation to the Chief Constable's letter of representation and in clarification of questions raised by members. There were no questions to Sergeant McKenzie from the applicant.

The committee agreed to a short adjournment at 10.12am and re-convened at 10.15am with all members present as per the sederunt.

Decision

The committee agreed to take no further action.

CL84. Application for a New Late Hours Catering Licence

The applicant, Mr A and his brother Mr H entered the meeting.

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

Mr A was heard in support of the application.

Questions were then asked by members of the committee.

Decision

The committee agreed to grant the late hours catering licence, subject to the standard conditions for a period of one year.

Prior to consideration of the following item of business Provost Buchanan declared a non financial interest in item 11 (CL85) by virtue of having prior knowledge of the applicant, in consequence of which he recused himself from consideration of the item, having regard to the objective test in the Code of Conduct. Provost Buchanan thereafter left the meeting.

CL85. Application for the Renewal of a New House in Multiple Occupation Licence

Mrs L, Regional Manager; Mr H, Director and Mr B, chartered accountant of the applicant company entered the meeting.

The committee considered a report by the Chief Governance Officer providing details of an application for the renewal of a new house in multiple occupation licence,

One letter of objection had been received in respect of the application and the objector was present. The applicants advised that they were content that the letter of objection be circulated to members.

The committee heard briefly from the objector, Mr M. The objector indicated that he wished to expand on his letter of objection as he had further information and documentation he wished considered by the committee.

The committee agreed to a short adjournment at 11.03am and re-convened at 11.11am with all members present as per the sederunt.

The Convener explained the committee procedures to the applicant and the objector in relation to submission of information and fair notice being given to either party. The applicants indicated they had no objection to the application being continued to allow the objector to lodge his further information.

Decision

The committee agreed to continue consideration of the application to a future meeting of the committee.

CL86. Application for the Grant of a New Taxi Driver Licence

The committee were advised that the applicant Mr C was not in attendance.

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.

Decision

In view of the absence of the applicant, the committee agreed to continue consideration of this item to a future meeting of the committee.