

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 sailing ship on wavy lines representing water. The top-right quadrant shows a stag's head with antlers. The bottom-left quadrant shows a beaver. The bottom-right quadrant shows a grizzly bear. Above the shield is a crown with four maple leaves. A banner at the bottom of the shield 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 11 March 2020 at 9.30 a.m.**

**Councillors:** David Balfour  
Lorna Binnie  
Jim Blackwood  
Provost William Buchanan  
Jim Flynn  
Dennis Goldie  
Gordon Hughes (Convener)  
John Patrick  
Depute Provost Ritchie

**Officers:** Bryan Douglas, Licensing Co-ordinator  
Arlene Fraser, Committee Services Officer  
Rose Mary Hoey, Legal Services Manager (Interim)  
Frances Kobiela, Senior Solicitor

**CL104. Apologies**

An apology was intimated on behalf of Councillor David Aitchison.

**CL105. Declarations of Interest**

There were no declarations made.

**CL106. Minute**

**The minute of Meeting of the Civic Licensing Committee held on 5 February 2020 was approved.**

**CL107. List of Applications Granted under Delegated Powers in January 2020, 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 January 2020 in terms of the Civic Government (Scotland) Act 1982.

**Decision**

**The committee noted the report.**

**CL108. 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 refused to grant the taxi driver licence in terms of the Civic Government (Scotland) Act 1982, Section 13(5) for Mr F, 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 the roads in the area and of the Council's licence conditions.**

**CL109. 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.

**CL110. Application for the Renewal of a Late Hours Catering Licence**

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

**Decision**

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

**CL111. Application for the Grant of a New Taxi Driver Licence**

The applicant, Ms M, together with her mother-in-law, entered the meeting.

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

Ms M was heard in support of the application.

Questions were 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 for a period of one year, subject to the standard conditions.**

### **CL112. Application for the Grant of a New Taxi Operator Licence**

The Licensing Co-ordinator advised that the applicant had been involved in a minor accident outside the Municipal Buildings and was currently receiving first aid.

## **Decision**

**The committee agreed to continue the application to allow the applicant an opportunity to be in attendance.**

### **CL113. Application to Vary a Taxi Operator Licence**

The applicant, Mr P, entered the meeting.

The committee considered a report by the Chief Governance Officer providing details of an application for the variation of a taxi operator licence.

Mr P was heard in support of the application.

Questions were 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 depart from policy and grant the variation to taxi operator licence No.221 to allow a replacement vehicle to be operated however, such vehicle must be registered from 2016, be of similar size and model and must be fully converted and capable of carrying wheelchairs.**

### **CL114. Application for the Renewal of a Taxi Driver Licence**

The applicant, Mr H, and Sergeant D Bellingham, 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 taxi driver licence, the consultations carried out, the responses received, detailing the applicant's record, and referring to a letter of representation submitted by the Chief Constable, Police Scotland in respect of the application.

Following confirmation that the licence holder had no objection, the letter of representation from the Chief Constable was circulated, together with a letter from the applicant in support of his renewal and in explanation for his absence at the previous meeting.

Sergeant Bellingham, the Chief Constable's representative was heard in relation to the letter of representation.

There were no questions asked of Sergeant Bellingham.

Mr H was then heard in relation to Chief Constable's letter of representation.

There being no questions from Sergeant Bellingham, members asked questions of Mr H.

Both parties were 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 renew the taxi driver licence with a warning letter, subject to the standard conditions.**

#### **CL115. Suspension Hearing in Relation to a Taxi Driver**

The licence holder, Mr M, his representative, Mr S, together with Sergeant D Bellingham, Police Scotland 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.

Mr S, the licence holder's representative advised that he had no preliminary points to raise at this time and confirmed he was content that the letter of complaint be circulated to members. Accordingly, a copy of the letter was circulated to members.

Thereafter, Mr S raised preliminary points, to which Sergeant Bellingham was heard in response.

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

Councillor Hughes, seconded by Councillor Goldie, moved that the committee take no further action.

As an amendment, Depute Provost Ritchie, seconded by Councillor Balfour moved that the matter be continued to allow the licence holder and his representative to be provided with further information from Police Scotland.

On a division, 6 members voted for the Motion and 3 for the amendment.

### **Decision**

**The committee agreed the motion to take no further action.**

#### **CL116. Suspension Hearing in Relation to a Private Hire Car Driver Licence**

The licence holder, Mr I, his representative Mr S, together with Mrs L Fyfe and Mr T Ross, Civic Licensing Standards Officer (CLOSs), Falkirk Council, entered the meeting.

The committee considered a report by the Chief Governance Officer advising of a complaint which had been submitted in respect of a Falkirk Council licensed private hire car driver. The complaint had been fully investigated by both the CLSOs and in exercise of their powers conferred upon them by virtue of s.45(H) of the Civic Government (Scotland) Act, had considered that it was appropriate to bring the matter before members.

Mr S, the licence holder's representative advised that he had preliminary points to raise.

After hearing from Mr S, the committee agreed that the details of the complaint and subsequent investigations, including signed witness statements would not be circulated to members.

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 and instructed officers to reinvestigate and communicate the outcome of investigations to the licence holder and his agent.**