

FALKIRK COUNCIL

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 14 JANUARY 2009 at 9.30 AM.

PRESENT: Councillors Blackwood, Kenna, McLuckie, McNally, Nicol, Nimmo, Thomson and Waddell.

CONVENER: Councillor Nicol.

APOLOGY: Provost Reid and Councillor Hughes.

ATTENDING: Director of Development Services; Acting Director of Law and Administration; Licensing Co-ordinator; Solicitor (P Gilmour) and Committee Services Officer (A Sobieraj).

DECLARATION

OF INTEREST: Councillor McNally declared a non-financial interest in item CL68 due to being acquainted with the applicant. Councillor McNally left the meeting during consideration of this item of business.

CL61. MINUTE

There was submitted (circulated) and **APPROVED** the Special Minute of Meeting of the Civic Licensing Committee held on 8 December 2008.

CL62. 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.

CL63. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr B, entered the meeting.

Chief Inspector Hutchison and Constable Kane, of Central Scotland Police, entered the meeting.

There was submitted Report (circulated) dated 5 January 2009 by Director of Development Services on an application for the grant of a new taxi driver licence advising of (a) the background to the application; (b) consultations undertaken and responses received; and (c) the applicant's record.

Chief Inspector Hutchison responded to a request by the Convener to explain why the Force's objection had been received by Falkirk Council outwith the statutory period of 21 days.

The Committee **AGREED** to allow the Police objection to be admitted in evidence as it was satisfied that there was sufficient reason why it was made in time, in accordance with paragraph 3 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982. A copy of the letter of objection from the Police was then circulated to the Committee.

The applicant, Mr B, spoke in support of his application.

Chief Inspector Hutchison spoke in amplification of the Police objection.

Questions were then asked by Members of the Committee.

AGREED to **REFUSE** to grant the application on the basis that the applicant was not a fit and proper person to be the holder of a new private hire car driver's licence in terms of paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982.

CL64. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant was not in attendance. Having satisfied themselves that the applicant had been duly cited, the Committee resolved to consider the matter in his absence.

There was submitted Report (circulated) dated 5 January 2009 by Director of Development Services on an application for the grant of a new taxi driver licence advising of (a) the background to the application and, in particular, the applicant's failure to sit the taxi knowledge test; and (b) consultations undertaken and responses received.

Questions were then asked by Members of the Committee.

AGREED to **REFUSE** to grant the application on the basis that the applicant, having failed to sit the knowledge test, had failed to satisfy the authority that he had adequate knowledge of the matters raised therein, in accordance with Section 13 (5) of the Civic Government (Scotland) Act 1982.

CL65. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE N0. 073

The applicant was not in attendance and had requested that the application be continued, having recently been in hospital and continuing to be unwell.

AGREED to **CONTINUE** consideration of this item to a future meeting to allow the applicant to be present.

CL66. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant was not in attendance. Having satisfied themselves that the applicant had been duly cited, the Committee resolved to consider the matter in his absence.

There was submitted Report (circulated) dated 5 January 2009 by the Director of Development Services on an application for the grant of a new taxi driver licence advising of (a) the background to the application and, in particular the applicant's knowledge test results; (b) consultations undertaken and responses received; and (c) the applicant's record.

Questions were then asked by Members of the Committee.

AGREED to **REFUSE** to grant the application on the basis that the applicant had failed to satisfy the authority that he had adequate knowledge of the matters raised therein, in accordance with Section 13 (5) of the Civic Government (Scotland) Act 1982.

CL67. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr C, entered the meeting and requested that the application be continued to a future meeting to allow him to obtain legal representation.

AGREED to **CONTINUE** consideration of this item to a future meeting to allow the applicant to obtain legal representation.

In accordance with his Declaration of Interest, Councillor McNally left the meeting.

CL68. APPLICATION FOR THE GRANT OF NEW TAXI DRIVER LICENCE

The applicant, Mr McI, entered the meeting.

Chief Inspector Hutchison and Constable Kane, of Central Scotland Police, entered the meeting.

There was submitted Report (circulated) dated 5 January 2009 by the Director of Development Services on an application for the grant of a new taxi driver licence advising of (a) the background to the application; (b) consultations undertaken and responses received; and (c) the applicant's record.

Chief Inspector Hutchison responded to a request by the Convener to explain why the Force's objection had been received by Falkirk Council outwith the statutory period of 21 days.

The Committee **AGREED** to allow the Police objection to be admitted in evidence as it was satisfied that there was sufficient reason why it was made in time, in accordance with paragraph 3 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982. A copy of the letter of objection from the Police was then circulated to the Committee.

The applicant, Mr McI, spoke in support of his application.

Chief Inspector Hutchison spoke in amplification of the Police objection.

Questions were then asked by Members of the Committee.

AGREED to **REFUSE** to grant the application on the basis that the applicant was not a fit and proper person to be the holder of a new taxi driver licence in terms of paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982.

Following conclusion of the foregoing item of business, Councillor McNally re-entered the meeting.

CL69. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR OPERATOR LICENCE

The applicant, Mr O, entered the meeting.

Mr Sampson, Licensing Enforcement Officer, Falkirk Council entered the meeting.

Mr McB, an objector entered the meeting accompanied by his son.

Chief Inspector Hutchison and Constable Kane, of Central Scotland Police, entered the meeting.

There was submitted Report (circulated) dated 5 January 2009 by the Director of Development Services, on an application for a new private hire car operator licence to which was appended (a) a copy of the previous Report on the same application which was considered by Committee at its meeting on 19 November 2008 (paragraph CL52 of the minute of meeting refers); (b) a letter (undated) received by Development Services on 25 November 2008; and (c) a letter dated 3 December 2008 from Central Scotland Police providing information on their involvement with the complaints submitted to them. The Report detailed the background to the application and consultations undertaken and responses received.

Mr McB spoke in amplification of his letter of objection.

The applicant spoke in support of his application and information provided by the objector and Central Scotland Police.

Chief Inspector Hutchison spoke in amplification of the letter.

Mr Sampson spoke in amplification of the Director of Development Services' Report.

Questions were then asked by Members of the Committee.

AGREED to **GRANT** the licence for a period of one year, subject to the standard conditions.