

DRAFT**FALKIRK COUNCIL**

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 3 JUNE 2009 at 9.30 A.M.

PRESENT: Councillors Hughes, Kenna, McLuckie, Nicol, Nimmo and Waddell.

CONVENER: Councillor Nicol.

ATTENDING: Director of Development Services; Acting Director of Law and Administration; Licensing Co-ordinator (B Douglas); Senior Solicitor (F Kobiela); and Democratic Services Manager.

APOLOGIES: Provost Reid; Councillors Blackwood, McNally and Thomson.

DECLARATIONS OF INTEREST: None.

CL9. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 6 May 2009.

CL10. 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.

CL11. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr S, entered the meeting.

There was submitted Report (circulated) dated 26 May 2009 by the Director of Development Services providing an update on an application for the renewal of a taxi driver licence. The Committee had previously continued consideration of the application to allow information from a specialist practitioner regarding the applicant's health and fitness to be granted a taxi driver licence to be submitted.

The Director of Development Services confirmed that, to date, the information requested had not been received.

Questions were then asked by Members of the Committee.

AGREED to **CONTINUE** consideration of this item of business to allow the requested information from a specialist practitioner to be provided.

CL12. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr McE, entered the meeting together with his representative, Mr S.

Inspector Napier and Sergeant Simpson, Central Scotland Police, entered the meeting. There was submitted Report (circulated) dated 26 May 2009 by the Director of Development Services on an application for the grant of a new taxi driver licence.

Previously the Committee had continued consideration of the application to allow Mr McE's legal representative to be present.

The applicant's representative, Mr S, spoke in support of the application.

Inspector Napier spoke in amplification of the Police's objection, a copy of which had been circulated to Members of the Committee.

Questions were then asked by Members of the Committee.

AGREED to **REFUSE** the application, in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 5(3)(a)(ii) on the grounds that the applicant is not a fit and proper person to be the holder of a licence.

CL13. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr M, entered the meeting.

There was submitted Report (circulated) dated 26 May 2009 by the Director of Development Services on an application for the grant of a new taxi driver licence and advising that Mr M had failed to obtain the required pass mark for the taxi driver test on 3 occasions.

Mr M, spoke in support of his application.

Questions were then asked by Members of the Committee.

AGREED to give the applicant a final opportunity to take and pass the knowledge test, and thereafter provide evidence as to having passed the Council's medical test requirements. Failing either of which, officers be authorised to refuse the application without further reference to Committee.

CL14. APPLICATION FOR VARIATION OF SECOND HAND DEALER LICENCE

Ms B, as representative of the applicant company, entered the meeting together with her company secretary Ms McE.

There was submitted report (circulated) dated 26 May 2009 by the Director of Development Services summarising a request for a variation of the second hand dealer licence held by the applicant company to allow it to also operate as a pawnbroker.

Ms B, spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED to **CONTINUE** consideration of the application to allow for the status of the 'buy back' service to be clarified and for further information on the management of the proposed pawnbroking service.

CL15. APPLICATION FOR VARIATION OF TAXI OPERATOR LICENCE

The applicant, Mr F, entered the meeting.

With reference to the Minute of Meeting of the Civic Licensing Committee held on 10 December 2007 (paragraph CL33 refers) there was submitted Report (circulated) dated 26 May 2009 by the Director of Development Services advising that Committee had previously granted a variation of the taxi operator licence for a period of one year and inviting Committee to consider continuing the variation. An application to continue the variation had been made.

Mr F, spoke in support of his application.

Questions were then asked by Members of the Committee.

AGREED to **GRANT** a variation of the licence to allow the applicant to remove his rooftop taxi sign and rear plate but that this variation is limited strictly and only to those occasions when the applicant is carrying out chauffeur or corporate contract hire, and that (i) the aforementioned items are reinstated when any other activity is being undertaken in terms of the licence, (ii) the window stickers issued by the Licensing Authority and showing details of the plate number, vehicle registration number, test expiry date and address for comments be displayed at all times, and (iii) the applicant arranges for his full name and licence number to be printed on to the nearside of the taxi as detailed in condition 11 of Falkirk Council's taxi licence conditions

CL16. APPLICATION FOR VARIATION OF PRIVATE HIRE CAR OPERATOR LICENCE

The applicant, Mr G, entered the meeting.

There was submitted Report (circulated) dated 26 May 2009 by the Director of Development Services on an application for the variation of a private hire car licence, advising on the background to the application.

Mr G, spoke in support of his application.

Questions were then asked by Members of the Committee.

AGREED to **GRANT** a variation of the licence to allow the applicant to remove his private hire car identification plates but that this variation is limited strictly and only to those occasions when the applicant is carrying out chauffeur or corporate contract hire, and that (i) the aforementioned items are reinstated when any other activity is being undertaken in terms of the licence, (ii) the window stickers issued by the Licensing Authority and showing details of the plate number, vehicle registration number, test expiry date and address for comments be displayed at all times, and (iii) the applicant arranges for his full name and licence number to be printed onto the nearside of the private hire car as detailed in Falkirk Council's private hire conditions.

Councillor Kenna withdrew from the meeting following consideration of the foregoing item of business.

CL17. SUSPENSION HEARING IN RELATION TO LATE HOURS CATERING LICENCE NO. 154

The licence holder, Mr P, entered the meeting together with his representative Mr S.

Inspector Napier and Sergeant Simpson, Central Scotland Police, entered the meeting.

There was submitted Report (circulated) dated 26 May 2009 by the Director of Development Services advising of a complaint by Central Scotland Police in respect of alleged breaches of the terms of the licence holder's late hours catering licence. There was also submitted (circulated) a guidance list for members of the Committee on the procedure to be followed.

Inspector Napier and Sergeant Simpson spoke in support of the Police's complaint, a copy of which had been circulated to Members of the Committee.

Committee were then shown two DVD's showing CCTV footage of a number of alleged breaches of the licence.

Questions were then asked by members of the Committee.

AGREED to continue consideration of the item to enable Central Scotland Police to provide enhanced DVDs of CCTV footage referred to in the Report.