

FALKIRK COUNCIL

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 12 AUGUST 2009 at 9.30 A.M.

PRESENT: Provost Reid; Councillors Blackwood, Hughes, Kenna, McLuckie, McNally, Nicol, Nimmo, Thomson and Waddell.

CONVENER: Councillor Nicol.

ATTENDING: Director of Development Services; Acting Director of Law and Administration Services; Licensing Co-ordinator (B Douglas); Solicitor (P Gilmour) and Committee Officer (H Oliver).

DECLARATION OF INTEREST: None.

CL27. MINUTES

- (a) There was submitted (circulated) and **APPROVED** Minute of Special Meeting of the Civic Licensing Committee held on 30 June 2009, and
- (b) There was submitted (circulated) and **APPROVED** Minute of Special Meeting of the Civic Licensing Committee held on 28 July 2009.

CL28. 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.

Councillor Kenna entered the meeting prior to consideration of the following item of business.

Provost Reid; Councillors Blackwood, Nimmo, Thomson and Waddell having not been in attendance at the previous meeting where the following item of business was heard, took no part in the discussion or decision.

CL29. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr E, was not in attendance. The Director of Development Services advised the Committee that the applicant had contacted the Licensing Co-ordinator to indicate that he would be unable to attend and had requested that the application be determined in his absence.

With reference to Minute of Meeting of the Civic Licensing Committee held on 30 June 2009 (Paragraph CL23 refers), there was submitted Report (circulated) dated 4 August 2009 by the Director of Development Services on an application for the grant of a new taxi driver licence (a) advising of the background to the application, and (b) attaching as an appendix, copy of report submitted to the Civic Licensing Committee on 30 June 2009.

A copy of the letter received from the applicant regarding his spent convictions was circulated.

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

Councillor Waddell having not been in attendance at the previous meeting where the following item of business was heard left the meeting and took no part in the discussion or decision.

CL30. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant Mr C was not present.

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

With reference to Minutes of Meetings of the Civic Licensing Committee held on 14 January and 12 February 2009 (Paragraphs CL67 and CL77 refers), there was submitted Report (circulated) dated 4 August 2009 by the Director of Development Services on an application for the renewal of a taxi driver licence (a) advising of the background to the application, and (b) attaching as appendices, copies of previous reports.

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

The applicant, Mr C, thereafter entered the meeting and provided an explanation for his late attendance. The applicant, Mr C, spoke in support of his application.

Questions were then asked by Members of the Committee.

AGREED that a short adjournment take place to enable the Committee to consider the submissions.

The applicant, Mr C, Chief Inspector Lawrie and Sergeant Simpson left and were then recalled to the meeting.

Councillor Nicol, seconded by Councillor Blackwood moved that the application be renewed for a period of one year, together with a strongly worded warning letter and subject to the standard conditions.

By way of an amendment Councillor Nimmo, seconded by Councillor Thomson moved that the application be refused in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 5(3)(a)(ii) on the basis that the applicant was not a fit and proper person to be the holder of the licence.

On a division, 5 Members voted for the Motion and 4 for the Amendment.

Accordingly, **AGREED** to **RENEW** the licence for a period of one year, together with a strongly worded warning letter and subject to the standard conditions.

Councillor Waddell re-entered the meeting following consideration of the foregoing item of business.

Councillors Blackwood and Waddell having not been in attendance at the previous meeting where the following item of business was heard left the meeting and took no part in the discussion or decision.

Provost Reid left the meeting prior to consideration of the foregoing item of business.

CL31. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

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

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

With reference to Minutes of Meetings of the Civic Licensing Committee held on 12 February and 11 March 2009 (Paragraphs CL73 and CL80 refers), there was submitted Report (circulated) dated 4 August 2009 by the Director of Development Services on an application for the grant of a new taxi driver licence (a) advising of the background to the application, and (b) attaching as appendices, copies of previous reports dated 5 February and 3 March 2009.

The Director of Development Services circulated a copy extract conviction received from Perth Sheriff Court and confirmed that no further clarification regarding the conviction could be obtained. To enable the Committee to move forward with this item of business, it was agreed that the conviction be recorded as the lesser of the two charges under Section 178 (1) B of the Road Traffic Act.

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

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

Questions were then asked by Members of the Committee.

AGREED that a short adjournment take place to enable the Committee to consider the submissions.

The applicant, Mr McC, his representative, Mr S, Chief Inspector Laurie and Sergeant Simpson left and were recalled to the meeting.

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

Councillors Blackwood and Waddell re-entered the meeting following consideration of the foregoing item of business.

CL32. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr McA, was not in attendance. The Director of Development Services advised that the applicant had contacted the Licensing Co-ordinator to indicate that he was unable to attend the meeting and had requested that the application be determined in his absence. The applicant also requested that he be given a final opportunity to take and pass the knowledge test.

There was submitted Report (circulated) dated 4 August 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 (c) the applicant's record.

AGREED:-

- (1) That the applicant be given a final opportunity to take and pass the knowledge test and thereafter provide evidence that he has passed the Council's medical test; and
- (2) That should the applicant fail either test, to authorise the Director of Development Services to refuse the application without further reference to Committee.

Provost Reid re-entered the meeting following consideration of the foregoing item of business.

CL33. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

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

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

There was submitted Report (circulated) dated 4 August 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 Lawrie spoke in amplification of the Police's Objection, a copy of which had been circulated to the Committee.

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

Questions were then asked by Members of the Committee.

AGREED that a short adjournment take place to enable the Committee to consider the submissions.

The applicant, Mr R, his representative, Mr S, Chief Inspector Lawrie and Sergeant Simpson left and were recalled to the meeting.

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

The Committee then adjourned and reconvened at 2.20pm with all Members present as per the sederunt, with the exception of Provost Reid, Councillors Blackwood, McLuckie and Nimmo.

CL34. APPLICATION FOR THE GRANT OF A NEW WINDOW CLEANER LICENCE

The applicant, Mr T, entered the meeting together with his employer, Mr D.

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

There was submitted Report (circulated) dated 4 August 2009 by the Director of Development Services on an application for the grant of a new window cleaner licence advising of (a) the background to the application; (b) consultations undertaken and responses received, and (c) the applicant's record.

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

The applicant's employer, Mr D, then spoke in support of the application. A copy of the letter received from the Council's Employment and Training Co-ordinator in support of the application was circulated.

Questions were then asked by Members of the Committee.

AGREED to **GRANT** the licence for a period of six months, subject to the standard conditions and an additional condition placing a supervisory requirement on the licence holder.

Councillors Blackwood and McLuckie entered the meeting following the consideration of the foregoing item of business.

Councillor Thomson left the meeting prior to consideration of the following item of business.

CL35. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE

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

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

There was submitted Report (circulated) dated 4 August 2009 by the Director of Development Services on an application for the grant of a 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 Lawrie spoke in amplification of the Police's objection, a copy of which had been circulated to Members of the Committee.

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

Having heard from Central Scotland Police and the applicant's representative in relation to the offence under Section 44(1) of the Vehicle Excise Registration Act 1944 as detailed within paragraph 3.5 of the Report, the Committee agreed that as this issue was directed more properly at a taxi operator's licence, it was not a relevant consideration with regard to a driver's licence.

Questions were then asked by Members of the Committee.

AGREED that a short adjournment take place to enable the Committee to consider the submissions.

The applicant, Mr W, his representative, Mr S, Chief Inspector Lawrie and Sergeant Simpson left and were recalled to the meeting.

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