

FALKIRK COUNCIL

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 9 SEPTEMBER 2009 at 9.30 A.M.

PRESENT: Provost Reid; Councillors Blackwood, McLuckie, Nimmo and Thomson.

CONVENER: Provost Reid.

APOLOGIES: Councillors Nicol, Hughes, Kenna, McNally and Waddell

ATTENDING: Director of Development Services; Licensing Co-ordinator (B Douglas); Solicitor (F Kobiela) and Committee Officer (H Oliver).

DECLARATION OF INTEREST: None.

CL36. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 12 August 2009.

CL37. 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.

CL38. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE

The applicant, Mr S, entered the meeting.

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

There was submitted Report (circulated) dated 1 September 2009 by the Director of Development Services on an application for the grant of a late hours catering licence (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received; (c) confirming the applicant's record, and (d) attaching as appendices 1 to 4 respectively, the new late hours catering licence policy and conditions, location plan and petition received from local residents in support of the application.

Having heard from Chief Inspector Cravens in explanation of the late submission of a Police letter of representation, the Committee considered that sufficient reason had been provided and **AGREED** that the letter of representation be admitted in evidence, in accordance with section 3(2) of Schedule 1 of the Civic Government

(Scotland) Act 1982. A copy of the letter of representation from the Police was then circulated to the Committee.

Chief Inspector Cravens spoke in relation to the letter of representation.

Mr S, 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 S, Chief Inspector Cravens and Constable Kane, left and were recalled to the meeting.

AGREED to **GRANT** the licence to the terminal hour of 1.30am in accordance with Council policy and subject to standard conditions.

CL39. APPLICATION FOR THE GRANT OF AN ADDITIONAL TAXI OPERATOR LICENCE

APPLICATION FOR THE GRANT OF AN ADDITIONAL PRIVATE HIRE CAR OPERATOR LICENCE

Mr B, joint director of the applicant company, entered the meeting.

With the consent of the joint director, it was **AGREED** that the applications for the grant of additional taxi operator and private hire car operator licences would be heard together.

There was submitted (circulated) Reports dated 1 September 2009 by the Director of Development Services on applications for the grant of additional taxi operator and private hire car operator licences (a) advising of the background to the applications; (b) detailing the consultations undertaken; (c) outlining the directors' records, and (d) providing details of the proposed vehicles which will be operated should the licences be granted.

The Committee **AGREED** that they did not require to hear evidence of a spent conviction relating to the other joint director and accordingly this was not disclosed to Committee.

Mr B, 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 B, left and was recalled to the meeting.

AGREED to **GRANT** the undernoted additional licences, subject to standard conditions:-

- (a) taxi operator licence, and
- (b) private hire car operator licence.

CL40. APPLICATION FOR THE GRANT OF A WINDOW CLEANER LICENCE

The applicant, Mr C, entered the meeting.

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

There was submitted (circulated) Report dated 1 September 2009 by the Director of Development Services on an application for the grant of a window cleaner licence advising of (a) the consultations undertaken and responses received, and (b) the applicant's record.

Having heard from Chief Inspector Cravens in explanation of the late submission of a Police letter of representation, the Committee considered that sufficient reason had been provided and **AGREED** that the letter of representation be admitted in evidence, in accordance with section 3(2) of Schedule 1 of the Civic Government (Scotland) Act 1982. A copy of the letter of representation from the Police was then circulated to the Committee.

The Committee **AGREED** that they required to hear evidence of spent convictions relating to the applicant and accordingly, with the applicant's consent, these were disclosed to Committee.

Chief Inspector Cravens spoke in relation to the Police's letter of representation.

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 Cravens and Constable Kane left and were recalled to the meeting.

AGREED to **GRANT** the licence for a period of one year, together with a warning letter as to the applicant's future conduct and subject to the standard conditions.

CL41. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

The applicant was not in attendance. The Director of Development Services advised the Committee that the applicant had contacted the Licensing Co-ordinator to confirm that he would be unable to attend the meeting.

There was submitted (circulated) Report dated 1 September 2009 by the Director of Development Services on an application for the grant of a new private hire car driver licence advising of (a) the consultations undertaken and responses received, and (b) the applicant's record.

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.

It was **AGREED** that the following application would be heard in full and thereby ensuring a quorum.

CL42. APPLICATION FOR VARIATION OF SECOND HAND DEALER LICENCE CONDITIONS

Ms B, as representative of the applicant company, entered the meeting together with Mr H, Training and Development Manager.

With reference to Minute of Meeting of the Civic Licensing Committee held on 3 June 2009 (Paragraph CL14 refers), there was submitted Report (circulated) dated 1 September 2009 by the Director of Development Services on a request to vary the conditions of the second hand dealer licence (a) advising of the background to the application, and (b) attaching as appendices, previous report dated 26 May 2009 and press release relating to the buy back operation and proposed pawn broking services.

Mr H, spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED to **GRANT** a variation to the licence with the removal of conditions 2, 3 and 4 from the second hand dealer's licence to enable the applicant company to operate a pawn broking service.