

## FALKIRK COUNCIL

**MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 13 JANUARY 2010 at 9.30A.M.**

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

**CONVENER:** Councillor Nicol.

**APOLOGIES:** None.

**ATTENDING:** Acting Director of Law and Administration Services; Acting Head of Environmental and Regulatory Services; Licensing Co-ordinator (B Douglas); Environmental Health Officer (M Pryde); Senior Licensing Assistant (I Renton); Solicitor (F Kobiela) and Committee Officer (H Oliver).

**DECLARATION OF INTEREST:** None.

### **CL65. MINUTES**

- (a) There was submitted (circulated) and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 18 November 2009, and
- (b) There was submitted (circulated) and **APPROVED** Minute of Meeting of the Civic Licensing Committee held On-Site on 16 December 2009.

### **CL66. 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 Blackwood informed the Committee that as he had not attended the Site Visit he would not take part in consideration of the following item of business. Councillor Blackwood left the meeting and took no part in the discussion or decision.

Provost Reid left the meeting during consideration of the following item of business.

### **CL67. APPLICATION FOR NEW HOUSE IN MULTIPLE OCCUPATION LICENCE (CONTINUATION)**

Mr D, a Director of the applicant company, entered the meeting together with his representative, Ms H.

Depute Provost Black and Councillor A MacDonald, objectors to the application, entered the meeting.

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

Station Manager Law and Watch Manager Burnside, Central Scotland Fire and Rescue Service entered the meeting.

With reference to Minute of Meeting of the Civic Licensing Committee held on 18 November 2009 (Paragraph CL55 refers), Committee gave consideration to Report (circulated) dated 11 November 2009 by the Director of Development Services and an additional Report dated 7 January 2009 by the said Director on an application for the grant of a new Housing in Multiple Occupation Licence. The Committee had previously continued consideration of the application to allow an inspection of the premises.

Having heard from Chief Inspector Taylor in explanation of the late submission of a Police letter of objection, the Committee considered that sufficient reason had been provided and **AGREED** that the letter be admitted in evidence, in accordance with Section 3(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The objectors spoke in amplification of their objections. Copies of all objection letters were circulated to the Committee.

The applicant's representative, Ms H, spoke in support of her client's application.

There then followed a short adjournment with the meeting re-convening at 12.15pm with all Members being present as per the sederunt with the exception of Provost Reid and Councillor Blackwood.

Further questions were then asked by Members of the Committee.

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

Mr D, his representative, Ms H, Chief Inspector Taylor, Sergeant Simpson, Depute Provost Black, Councillor A MacDonald, Station Master Law and Watch Manager Burnside 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) on the grounds that the premises are not suitable for the conduct of the activity having regard to:-

- (i) the location, character or condition of the premises
- (ii) the nature and extent of the proposed activity
- (iii) the kind of persons likely to be in the premises
- (iv) the possibility of undue public nuisance; and
- (v) public order or public safety.

Councillor McLuckie requested that his dissent be recorded against the decision of Committee in relation to the foregoing item of business.

In terms of Standing Order 25.2(iii), the Committee **AGREED** to adjourn at this point with the remaining items of business being continued to the next scheduled meeting of the Committee to be held on Wednesday 11 February 2010.