

**FALKIRK COUNCIL**

**MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 10 MARCH 2010 at 9.30 A.M.**

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

**CONVENER:** Councillor Nicol.

**APOLOGIES:** Councillors McNally and Thomson.

**ATTENDING:** Acting Director of Law and Administration; Acting Head of Environment and Regulatory Services; Licensing Co-ordinator (B Douglas); Solicitor (F Kobiela); and Committee Officer (A Sobieraj).

**DECLARATIONS OF INTEREST:** In connection with agenda item CL87, Councillor Kenna stated that she knew the applicant but that the nature of the relationship was not a close one and did not fall within paragraph 5.13 of the Code. She did not consider, therefore, that it gave rise to any declarable interest, standing the terms of the Code of Conduct.

In connection with agenda item CL82, Councillor Waddell stated that he had knowledge of the applicant from a contractual relationship many years ago. While he did not consider that the relationship was one which gave rise to a declarable interest, he nevertheless advised that, in the interests of public perception he would take no part in the item of business.

**CL80. MINUTE**

There was submitted and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 11 February 2010.

**CL81. 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.

In accordance with his statement, Councillor Waddell left the meeting prior to consideration of the following item of business.

Provost Reid and Councillor Hughes, 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.

## **CL82. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE (CONTINUATION)**

The applicant, Mr R, entered the meeting.

With reference to the Minute of the Civic Licensing Committee on 11 February 2010 (Paragraph CL79 refers), there was submitted Report (circulated) dated 2 March 2010 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; (b) detailing the consultations undertaken and responses received; (c) attaching as an appendix, copy of report submitted to the Civic Licensing Committee on 11 February 2010; and (d) attaching a copy of the letter received from Central Scotland Police regarding the detailed circumstances of the offences, which gave rise to the applicant's unspent convictions.

Mr R 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 submission.

The applicant, Mr R, left and was then recalled to the meeting.

### **AGREED:-**

- (a) to **GRANT** renewal of the licence, subject to the standard conditions, for a period of six months from the date of the Committee together with a warning letter highlighting the standards expected of taxi drivers; and
- (b) that in the event of any further renewal application being submitted, the Director of Development Services will be authorised to grant it only where no further breach of the licence has occurred and no convictions or fixed penalty notices incurred and then only for a period of six months (with subsequent applications reverting to the standard period of one year) which failing, the application will require to be determined by Committee.

Provost Reid and Councillors Waddell and Hughes re-entered the meeting prior to consideration of the following item of business.

## **CL83. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE**

The applicant, Mr A, entered the meeting

There was submitted Report (circulated) dated 1 March 2010 by the Director of Development Services on an application for the renewal of a late hours catering

licence (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received; and (c) attaching as appendices 1 to 3 respectively, the late hours catering policy, the late hours catering conditions and a location plan.

**AGREED** to **GRANT** renewal of the licence to the terminal hour of 12.30 a.m. from Sunday to Thursday and 1.00 a.m. on Friday and Saturday, subject to the standard conditions.

#### **CL84. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE**

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

Chief Inspector G Taylor and Ms C Lawrence, Licensing Officer, Central Scotland Police, entered the meeting.

There was submitted Report (circulated) dated 1 March 2010 by the Director of Development Services on an application for the renewal of a late hours catering licence (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received; and (c) attaching as appendices 1 to 3 respectively, the late hours catering policy, the late hours catering conditions and a location plan.

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

Chief Inspector Taylor spoke in amplification of the Police representation, a copy of which had been circulated to the Committee.

Questions were then asked by Members of the Committee.

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

The applicant, Mr I, his representative Mr S, Chief Inspector Taylor and Ms Lawrence left and were then recalled to the meeting.

**AGREED** to **GRANT** renewal of the licence to the terminal hour of 1.30 a.m. from Monday to Sunday, subject to the standard conditions, augmented with an additional condition that all processing and preparation of food ceased at 1.30 a.m., and that all customers vacate the premises by 1.45 a.m. at the latest.

The applicant's representative thereafter requested a Statement of Reasons.

#### **CL85. APPLICATION FOR THE VARIATION OF A LATE HOURS CATERING LICENCE**

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

Chief Inspector G Taylor and Ms C Lawrence, Licensing Officer, Central Scotland Police, entered the meeting.

There was submitted Report (circulated) dated 1 March 2010 by the Director of Development Services on an application for the variation of a late hours catering licence (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received; and (c) attaching as appendices 1 to 3 respectively, the late hours catering policy, the late hours catering conditions and a location plan.

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

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

Questions were then asked by Members of the Committee.

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

The applicant, Mr A, his representative Mr S, Chief Inspector Taylor and Ms Lawrence left and were then recalled to the meeting.

**AGREED** to **REFUSE** variation of the licence.

#### **CL86. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE**

The applicant's husband, Mr G, entered the meeting. Mr G indicated that his wife, the applicant, was on holiday and that she had asked him to represent her at this meeting. The Committee agreed to hear Mr G on behalf of the applicant.

There was submitted Report (circulated) dated 1 March 2010 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; and (c) attaching as appendices 1 to 3 respectively, the new late hours catering policy, the late hours catering conditions and a location plan.

Mr G, the applicant's representative, 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 submission.

The applicant's representative, Mr G, left and was then recalled to the meeting.

**AGREED** to **CONTINUE** consideration of the application to the next meeting for further information.

## **CL87. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE**

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

There was submitted Report (circulated) dated 1 March 2010 by the Director of Development Services on an application for the renewal of a late hours catering licence (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received; and (c) attaching as appendices 1 to 3 respectively, the late hours catering policy, the late hours catering conditions and a location plan.

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

Questions were then asked by Members of the Committee.

**AGREED** to **GRANT** renewal of the licence to the terminal hour of 1.30 a.m. from Monday to Sunday, subject to the standard conditions.