

**FALKIRK COUNCIL**

**MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 10 AUGUST 2011 at 9.30 A.M.**

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

**CONVENER:** Councillor Nicol.

**APOLOGIES:** Councillors Jackson, Kenna and Nimmo.

**ATTENDING:** Chief Governance Officer; Licensing Co-ordinator (B Douglas); Senior Solicitor (F Kobiela); and Committee Officer (A Sobieraj).

**DECLARATIONS** None.

**OF INTEREST:**

**CL23. OPEN REMARKS**

The Licensing Co-ordinator informed Members that the application for the grant of a second hand dealer licence (agenda item 5) had been withdrawn by the applicant.

**CL24. MINUTE**

There was submitted and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 1 June 2011.

Councillor Thomson entered the meeting following consideration of the foregoing item of business.

**CL25. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN MAY AND JUNE 2011**

There was submitted Report (circulated) dated 2 August 2011 by the Chief Governance Officer on applications granted under delegated powers between 1 May and 30 June 2011 in terms of the Civic Government (Scotland) Act 1982 and the Marriage (Approval of Places) (Scotland) Regulations 2002.

**NOTED**

## **CL26. EXCLUSION OF PUBLIC**

Resolved in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, exclude from the meeting the press and public for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7A of the said Act.

## **CL27. SUSPENSION HEARING IN RELATION TO TAXI DRIVER LICENCE NO. 1144 AND TAXI OPERATOR LICENCE NO.69**

The applicant, Mr MacD, and Chief Inspector G Taylor and Ms C Lawrence, Licensing Officer, Central Scotland Police, all entered the meeting.

There was submitted Report (circulated) dated 1 August 2011 by the Chief Governance Officer advising of a letter of complaint submitted by Central Scotland Police in respect of the licenceholder seeking a suspension of his taxi driver and operator licences.

The applicant, Mr MacD, advised that he had no preliminary points to make on the competency of the complaint.

Chief Inspector G Taylor then spoke in amplification of the complaint, a copy of which had been circulated to the Committee.

Questions were then asked by Members of the Committee.

Mr MacD spoke in relation to the matter and requested that a copy a letter from his lawyer be circulated to the Committee. Following consultation with Members and the representatives from Central Scotland Police, the letter was circulated.

Questions were then asked by Members of the Committee.

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

The applicant, Mr MacD, Chief Inspector G Taylor and Ms C Lawrence, left and were then recalled to the meeting.

### **AGREED:-**

- (a) to **SUSPEND** the taxi driver licence for a period of 3 months from 10 August 2011 on the basis that the licence holder was no longer a fit and proper person to hold the licence; and
- (b) **NOT** to **SUSPEND** the taxi operator licence.

## **CL28. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE**

The applicant, Mr B, entered the meeting.

There was submitted Report (circulated) dated 1 August 2011 by the Chief Governance Officer on an application for the grant of a new taxi driver licence (a) advising of the background to the application; and (b) detailing the consultations undertaken and the responses received.

Mr B spoke in support of the application.

Questions were then asked by Members of the Committee.

**AGREED to GRANT** the licence for a period of one year subject to:-

- (a) the standard conditions; and
- (b) an additional condition of the effect that at each renewal of the applicant's licence or on an annual basis, whichever is the shorter period, the applicant will be required to undertake an examination of his eyesight by either an optician or a doctor and to submit to the licensing authority the results of that examination in order that the authority can satisfy itself as to the fitness of the applicant to hold a taxi driver licence.

## **CL29. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE**

The applicant, Mr S, entered the meeting.

There was submitted Report (circulated) dated 1 August 2011 by the Chief Governance Officer on an application for the grant of a new private hire car driver licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received; and (c) detailing the applicant's record.

Mr S spoke in support of the application.

Questions were then asked by Members of the Committee.

**AGREED to GRANT** the licence for a period of one year subject to the standard conditions.

## **CL30. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR LICENCE**

The applicant, Mr McG, entered the meeting.

There was submitted Report (circulated) dated 1 August 2011 by the Chief Governance Officer on an application for the renewal of a taxi operator licence (a) advising of the background to the application; (b) setting out the procedural issue that required to be considered in terms of Paragraph 8(5A) of Schedule 1 to the Civic Government

(Scotland) Act 1982; and (c) detailing the consultations undertaken and the responses received.

Mr McG spoke in explanation of the late submission of his application.

Questions were then asked by Members of the Committee.

Being satisfied that good cause had been shown as required by Paragraph 8 of the Civic Government (Scotland) Act 1982, Committee **AGREED** to consider the application and to **GRANT** renewal of the licence subject to the standard conditions.

#### **CL31. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE**

Mrs D, a Director of the applicant company, entered the meeting together with Mr K, the administration manager of the Polmont premises and Mr K, the day to day manager of the application premises.

There was submitted Report (circulated) dated 1 August 2011 by the Chief Governance Officer 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.

Mrs D spoke in support of the application.

Questions were then asked by Members of the Committee.

In light of the submissions made, **AGREED** that a departure from the Council's policy was justified in this case and therefore to **GRANT** the renewal of the late hours catering licence subject to the standard conditions.

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

#### **CL32. APPLICATION FOR THE GRANT OF A NEW SKIN PIERCING AND TATTOOING LICENCE**

The applicant, Mr H, entered the meeting together with Mr McF, tattooist, and Ms S, the day to day manager of the application premises.

Mr Oliver, Food and Safety Co-ordinator, Falkirk Council entered the meeting.

There was submitted Report (circulated) dated 1 August 2011 by the Chief Governance Officer on an application for the grant of a new skin piercing and tattooing licence (a) advising of the background to the application; and (b) detailing the consultations undertaken and the responses received.

Mr H and Mr McF spoke in support of the application.

Mr Oliver, Food and Safety Co-ordinator, Falkirk Council spoke in relation to the application.

Questions were then asked by Members of the Committee.

**AGREED** to **GRANT** the licence for a period of one year subject to the standard conditions.