

**FALKIRK COUNCIL**

**MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 19 OCTOBER 2011 at 9.30 A.M.**

**PRESENT:** Provost Reid; Councillors Hughes, Jackson, McLuckie, Nicol and Nimmo.

**CONVENER:** Councillor Nicol.

**APOLOGIES:** Councillors Blackwood, Kenna, Thomson and Waddell.

**ATTENDING:** Chief Governance Officer; Licensing Co-ordinator; Senior Solicitor (F Kobiela); and Democratic Services Manager.

**DECLARATION OF INTEREST:** None

**CL42. MINUTE**

There was submitted and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 7 September 2011.

**CL43. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN AUGUST 2011**

There was submitted Report (circulated) dated 10 October 2011 by the Chief Governance Officer on applications granted under delegated powers between 1 August to 31 August 2011 in terms of the Civic Government (Scotland) Act 1982 and the Marriage (Approval of Places) (Scotland) Regulations 2002.

**NOTED.**

Provost Reid entered the meeting during consideration of the foregoing item of business.

**CL44. 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 involve the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7A of the said Act.

#### **CL45. APPLICATION FOR THE RENEWAL OF A HOUSE IN MULTIPLE OCCUPATION LICENCE**

The applicant, Mr D, together with his representative, Ms H, Chief Inspector G Taylor and PC S Leishman, Central Scotland Police and Mr S Bentley, Service Manager (Accommodation Services) Corporate and Neighbourhood Services, Falkirk Council all entered the meeting.

There was submitted Report (circulated) dated 11 October 2011 by the Chief Governance Officer on an application for the renewal of a house in multiple occupation licence (a) advising of the background to the application; (b) providing confirmation of the premises to be licensed under the terms of the licence; and (c) detailing the consultations undertaken and the responses received.

The Licensing Co-ordinator summarised the terms of the Report and advised that a letter, setting out observations on the premises, had been received from Central Scotland Police. Ms H advised that she had no preliminary points to raise with regard to the letter whereupon it was circulated to Committee.

Chief Inspector G Taylor then spoke in amplification of the letter.

Ms H, spoke in response to the Chief Constable's observations, detailing new management arrangements which had been implemented following the incident referred to in the Police letter. Copies of the applicant's Temporary Accommodation Policy and the Framework Agreement with Falkirk Council for the provision of Hotel/HMO and dispersed self catering accommodation, were circulated to the Committee.

Questions were then asked of the applicant's representative, Ms H, Chief Inspector Taylor and Mr Bentley

**AGREED** to **RENEW** the application for a period of three years subject to the standard conditions.

#### **CL46. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE**

There was submitted Report (circulated) dated 11 October 2011 by the Chief Governance Officer on an application for the grant of a new private hire car licence (a) advising of the background to the application; (b) detailing the consultation undertaken and the response received; and (c) detailing the applicant's record.

The Licensing Co-ordinator advised of a request, by the applicant's representative, that the matter be continued to a future meeting allow him to clarify certain factual matters contained within the letter from the Chief Constable in regard to the application.

**AGREED** to continue consideration of the application to a future meeting to enable the applicant's representative to clarify matters.

#### **CL47. APPLICATION FOR THE RENEWAL OF PRIVATE HIRE CAR DRIVER LICENCE**

The applicant, Mr R, entered the meeting.

There was submitted Report (circulated) dated 11 October 2011 by the Chief Governance Officer on an application for the renewal of a private hire car driver licence (a) advising of the background to the application; (b) detailing the licensing authority's policy position on the standard of fitness required by taxi drivers; (c) advising that the applicant had been deemed unfit at his medical examination; and (d) providing a summary of the background to this assessment.

Mr R spoke in support of the application and highlighted the lack of knowledge among the taxi trade and the medical profession about the Group 2 DVLA standards.

Questions were then asked by members of the Committee.

#### **AGREED:-**

- (1) to **REFUSE** the application in terms of paragraph 5(3)(d) of Schedule 1 to the Civic Government (Scotland) Act 1982, the reason for refusal being that the applicant had not demonstrated he is physically fit to drive a private hire car having failed to meet the Group 2 DVLA medical standards; and
- (2) to review the information provided to applicants renewing their licences to ensure that the requirement to meet Group 2 DVLA medical standards is made clear.

#### **CL48. APPLICATIONS FOR THE RENEWAL OF A TAXI OPERATOR AND TAXI DRIVER LICENCE**

The applicant, Mr H entered the meeting.

There was submitted Report (circulated) dated 11 October 2011 by the Chief Governance Officer on applications for the renewal of taxi driver and taxi operator licences (a) advising of the background to the applications; (b) detailing the consultations undertaken and the responses received; and (c) detailing the applicant's record.

Mr H spoke in support of the applications.

Questions were asked by members of the Committee.

**AGREED** to **RENEW** the licences for a period of one year, with a warning letter detailing the standards expected of taxi drivers, and subject to the standard conditions.

#### **CL49. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE**

The applicant, Mr McN entered the meeting.

There was submitted Report (circulated) dated 11 October 2011 by the Chief Governance Officer on an application for the grant of a new private hire car driver licence (a) advising on the background to the application; (b) detailing the consultation undertaken and the response received; and (c) detailing the applicant's record.

Mr McN 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.