

FALKIRK COUNCIL

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 16 NOVEMBER 2011 at 9.30 A.M.

PRESENT: Provost Reid; Councillors Blackwood, Hughes, Jackson, Kenna McLuckie, Nicol, Nimmo and Thomson.

CONVENER: Councillor Nicol.

APOLOGIES: Councillor Waddell

ATTENDING: Chief Governance Officer; Consumer Protection Manager; Licensing Assistant (I Renton); Senior Solicitor (F Kobiela); and Committee Officer (A Sobieraj).

DECLARATIONS None
OF INTEREST:

CL50. MINUTE

There was submitted and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 19 October 2011.

CL51. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN SEPTEMBER 2011

There was submitted Report (circulated) dated 8 November 2011 by the Chief Governance Officer on applications granted under delegated powers between 1 and 30 September 2011 in terms of the Civic Government (Scotland) Act 1982 and the Marriage (Approval of Places) (Scotland) Regulations 2002.

NOTED

CL52. 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.

CL53. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr J, together with his representative, Mr S, Chief Inspector G Fitzcharles, Sergeant B Daye and PC S Leishman, Central Scotland Police, all entered the meeting.

With reference to Minute of Meeting of the Civic Licensing Committee held on 19 October 2011 (Paragraph CL46 refers), there was submitted Report (circulated) dated 8 November 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; and (b) attaching as an appendix, a copy of the Report submitted to the Civic Licensing Committee on 19 October 2011. The application had been continued at the previous meeting to enable the applicant and agent to investigate certain matters raised by Central Scotland Police.

The applicant's representative, Mr S, raised by way of preliminary point the alleged inaccuracy of information presented in the objection letter lodged by Central Scotland Police in relation to two previous convictions. Although a second letter had been submitted correcting the inaccuracies, the original letter of complaint had not been amended. Mr S submitted that this would be prejudicial to his client.

The Committee **AGREED** that a short adjournment take place to enable the applicant's representative and the representatives from Central Scotland Police to briefly discuss the detail of the disputed information. On returning to the meeting both parties advised that no consensus had been reached.

The Committee then determined that the inaccuracies had been sufficiently acknowledged in the second letter from Central Scotland Police and resolved to consider both letters which were then circulated.

Councillor Kenna entered the meeting following the short adjournment. Neither of the parties had any objection to Councillor Kenna considering the remainder of the application.

Chief Inspector G Fitzcharles spoke in amplification of the complaint.

Questions were asked of Chief Inspector Fitzcharles by Members of the Committee and the applicant's representative.

Mr S was then heard in relation to the complaint.

Questions were asked of the applicant's representative by Members of the Committee and Central Scotland Police.

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

The applicant, Mr J, his representative Mr S, Chief Inspector G Fitzcharles, Sergeant B Daye and PC S Leishman, left and were then recalled to the meeting.

Councillor Nicol, seconded by Provost Reid, moved that the application be refused on the ground that the applicant was not a fit and proper person to be the holder of a private hire car driver licence.

By way of an Amendment, Councillor McLuckie, seconded by Councillor Hughes, moved that the application be approved with a warning letter detailing the standards expected of private hire car drivers, and subject to the standard conditions.

On a division, 7 Members voted for the Motion and 2 voted for the Amendment.

Accordingly, **AGREED** to **REFUSE** the licence in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 5(3) (a) (ii) on the ground that the applicant was not a fit and proper person to be the holder of such a licence.

The applicant's representative requested a Statement of Reasons.

CL54. ORDER OF BUSINESS

In terms of Standing Order 15.2(i), Councillor Nicol advised of a variation to the order of business from that detailed on the agenda for the meeting. The following items have been recorded in the order that they were taken.

CL55. APPLICATION FOR THE RENEWAL OF LATE HOURS CATERING LICENCES NOS. 45 AND 48

The Committee **AGREED** to hear these applications together. Mr D, a Director of the applicant company, entered the meeting.

There were submitted Reports (circulated) dated 8 November 2011 by the Chief Governance Officer on applications for the renewal of late hours catering licences for premises at 262 Grahams Road, Falkirk and 56 Charlotte Dundas Court, Grangemouth (a) advising of the background to the applications; (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 location plans.

Mr D spoke in support of the applications.

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 both cases and therefore to **GRANT** the renewal of the late hours catering licences for a period of three years subject to the standard conditions.

CL56. SUSPENSION HEARING IN RELATION TO TAXI DRIVER LICENCE NO. 1718

The licenceholder, Mr S, Chief Inspector G Fitzcharles, Sergeant B Daye and PC S Leishman, Central Scotland Police, all entered the meeting.

There was submitted Report (circulated) dated 8 November 2011 by the Chief Governance Officer advising of (a) a letter of complaint submitted by Central Scotland Police in respect of the licenceholder seeking a suspension of his taxi driver licence; and (b) a decision taken by the Chief Governance Officer not to suspend the licence immediately but to submit the complaint to Committee for consideration.

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

Following confirmation that the licenceholder had no objection, the letter of complaint was circulated.

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

Questions were asked of Chief Inspector Fitzcharles by Members of the Committee and the licensee.

Mr S was then heard in relation to the complaint.

Questions were asked of the licenceholder by Members of the Committee and Central Scotland Police.

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

The licenceholder, Mr S, Chief Inspector G Fitzcharles, Sergeant B Daye and PC S Leishman, left and were then recalled to the meeting. All returned with the exception of Sergeant B Daye.

AGREED to SUSPEND the licence with immediate effect for the unexpired portion of the duration of the licence, in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraphs 11 (2) (a), (10) and (11) on the basis that, in the opinion of the Committee, the licenceholder was no longer a fit and proper person to hold the licence.

The Convener agreed a recess at 1.20 p.m. prior to consideration of the following items of business. The meeting reconvened at 2.05 p.m. with all Members present as per the sederunt, with the exception of Councillors Blackwood, Nimmo and Thomson.

CL57. APPLICATIONS FOR THE RENEWAL OF A TAXI OPERATOR AND TAXI DRIVER LICENCE

The applicant Mr M was not in attendance.

There was submitted Report (circulated) dated 8 November 2011 by the Chief Governance Officer on applications for the renewal of a taxi operator and taxi driver licence (a) advising on the background to the applications; (b) detailing the consultations undertaken and the responses received; and (c) detailing the applicant's record.

AGREED to **CONTINUE** consideration of the applications to a future meeting in the absence of the applicant.

CL58. APPLICATION FOR THE GRANT OF A NEW WINDOW CLEANER LICENCE

The applicant, Mr T, entered the meeting.

There was submitted Report (circulated) dated 8 November 2011 by the Chief Governance Officer on an application for the grant of a new window cleaner licence (a) advising on the background to the application; (b) detailing the consultations undertaken and the responses received; and (c) detailing the applicant's record.

Mr T spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED to **GRANT** the licence for a period of three years subject to the standard conditions.

CL59. APPLICATION FOR THE RENEWAL OF TAXI DRIVER LICENCE

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

There was submitted Report (circulated) dated 8 November 2011 by the Chief Governance Officer on an application for the renewal of a taxi driver licence (a) advising on the background to the application; and (b) detailing the consultations undertaken and the responses received.

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

Questions were then asked by Members of the Committee.

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

CL60. APPLICATION FOR THE GRANT OF A NEW SECOND HAND DEALER LICENCE

The applicant, Mr M, the objector, Ms D, on behalf of Lower Braes Community Council, and Mr Thomson, Area Roads Engineer, Falkirk Council, all entered the meeting.

There was submitted Report (circulated) dated 8 November 2011 by the Chief Governance Officer on an application for the grant of a new second hand dealer licence (a) advising on the background to the application; (b) detailing the consultations undertaken and the responses received; and (c) detailing the applicant's record.

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

The objector, Ms D, spoke in amplification of the objection. Copies of all three objection letters were circulated to the Committee.

Mr Thomson, Area Roads Engineer, Falkirk Council spoke in relation to traffic issues on Main Street, Redding.

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 M, Ms D, objector, and Mr Thomson left and were then recalled to the meeting.

AGREED to **REFUSE** the licence in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 5(3)(c)(i) and (ii) on the grounds, respectively, that the premises are not suitable or convenient for the conduct of the activity having regard to the location, character or condition of the premises and the nature and extent of the proposed activity.