

FALKIRK COUNCIL

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 21 MARCH 2012 at 9.30 A.M.

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

CONVENER: Councillor Nicol.

APOLOGIES: Councillors Jackson, Nimmo and Thomson.

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

DECLARATIONS OF INTEREST: None

CL87. MINUTE

There was submitted and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 23 February 2012.

CL88. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN JANUARY 2012

There was submitted Report (circulated) dated 13 March 2012 by the Chief Governance Officer on applications granted under delegated powers in January 2012 in terms of the Civic Government (Scotland) Act 1982 and the Marriage (Approval of Places) (Scotland) Regulations 2002.

NOTED

CL89. 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.

CL90. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR LICENCE

The applicant, Mr R, together with Mr M, owner of Grange Radio Cabs, entered the meeting.

There was submitted Report (circulated) dated 13 March 2012 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) detailing the consultations undertaken and the responses received; and (c) detailing the applicant's record.

Mr R spoke in support of the application.

Questions were then asked by Members of the Committee.

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

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

AGREED to **RENEW** the licence for a period of one year with a warning letter detailing concerns in relation to applicant's previous offences and the importance of exemplary future conduct and subject to the standard conditions.

CL91. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr J, entered the meeting.

There was submitted Report (circulated) dated 13 March 2012 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 J 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 with a warning letter detailing the standards expected of private hire car drivers and subject to the standard conditions.

CL92. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr McC, entered the meeting.

There was submitted Report (circulated) dated 13 March 2012 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) detailing the consultations undertaken and the responses received.

Mr McC spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED to **CONTINUE** consideration to a future meeting to allow the Licensing Co-ordinator to obtain further medical clarification from the applicant's General Practitioner. In the interim, an application would be made to the Sheriff at Falkirk Sheriff Court for an extension to the period for consideration.

CL93. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr M, entered the meeting.

There was submitted Report (circulated) dated 13 March 2012 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; and (b) detailing the consultations undertaken and the responses received.

Mr M spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED:-

(a) that the explanation tendered by the applicant amounted to good cause to allow the renewal application to be treated as timeously made; and

(b) to **RENEW** the licence for a period of one year subject to the standard conditions.

CL94. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr W, entered the meeting.

There was submitted Report (circulated) dated 13 March 2012 by the Chief Governance Officer 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 the responses received; and (c) detailing the applicant's record.

Mr W spoke in support of the application.

Questions were then asked by Members of the Committee.

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

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

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

CL95. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

NOTED following further information presented by the Licensing Co-ordinator that the applicant was deemed fit and therefore consideration by Committee was not required.

CL96. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE

The applicant, Mr H, entered the meeting.

There was submitted Report (circulated) dated 13 March 2012 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 the 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 H 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 and therefore to **RENEW** the late hours catering licence for a period of one year subject to the standard conditions.

CL97. APPLICATION FOR THE GRANT OF A NEW LATE HOURS CATERING LICENCE

The applicant's father, Mr Y, together with Mr S, the new day to day manager, entered the meeting. The applicant, Mr Y, was not in attendance. The applicant's father, Mr Y, advised that he was attending on his son's behalf.

There was submitted Report (circulated) dated 13 March 2012 by the Chief Governance Officer on an application for the grant of a new late hours catering licence (a) advising of the background to the application; (b) detailing the consultations undertaken and the 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 Y 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 and therefore to **GRANT** the late hours catering licence for a period of one year subject to the standard conditions.

CL98. SUSPENSION HEARING IN RELATION TO A TAXI DRIVER LICENCE NO. 1744

The licenceholder, Mr M, together with his representative, Mr S, Chief Inspector G Taylor and PC S Leishman, Central Scotland Police, all entered the meeting.

There was submitted Report (circulated) dated 13 March 2012 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.

Mr S was heard in relation to the complaint lodged by Central Scotland Police, noting in particular that criminal charges were pending and that he had sent a letter to the Licensing section and Central Scotland Police on 9 March 2012 indicating that in his view there were deficiencies within the Central Scotland Police complaint detailing their investigations into the matter. He had therefore requested that Central Scotland Police provide him with the names, addresses and statements of those witnesses interviewed by Central Scotland Police, thereby enabling him to carry out his own investigations into the matter. Mr S requested a continuation to a future meeting and submitted that otherwise this would be prejudicial to his client.

The Licensing Co-ordinator confirmed that the letter addressed to the Licensing section, dated 9 March 2012, was received on 12 March 2012. Chief Inspector Taylor, however, advised that he had no knowledge of this letter but considered it necessary to contact the Police office to investigate whether the letter had been received within the Central Scotland Police establishment.

AGREED that a short adjournment take place to enable Chief Inspector Taylor to investigate whether the said letter had been received within the Central Scotland Police establishment.

The meeting re-convened with all Members present as per the sederunt and all other parties in attendance.

Provost Reid entered the meeting at the start of the re-convened meeting. The licenceholder's representative and Chief Inspector Taylor indicated that they did not object to Provost Reid taking part in consideration of this item of business.

Chief Inspector G Taylor then advised that, following investigation, no letter from the licenceholder's representative, Mr S, had been received by Central Scotland Police. Chief Inspector Taylor, however, emphasised that a full investigation had been undertaken by Central Scotland Police into the circumstances of the incidents and that it was not normal practice to release information to third parties in relation to individual personal statements given to Central Scotland Police and accordingly no such information would be provided. Chief Inspector Taylor further advised that due to the serious nature of the complaint, the Police were of the opinion that the Hearing should proceed.

AGREED that the complaint by Central Scotland Police be heard.

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

Questions were asked of Chief Inspector Taylor by Members of the Committee and the licenceholder's representative.

Mr S, the licenceholder's representative, was then heard in relation to the complaint.

Questions were asked of the licenceholder's representative 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 M, his representative Mr S, Chief Inspector G Taylor and PC S Leishman, left and were then recalled to the meeting.

AGREED to **CONTINUE** consideration to the next meeting of the Committee to allow the applicant's representative to carry out further investigations in relation to the matter.

The Convener agreed a 40 minute adjournment prior to consideration of the following item of business. The meeting reconvened with all Members present as per the sederunt, with the exception of Councillor Hughes.

CL99. SUSPENSION HEARING IN RELATION TO A PRIVATE HIRE CAR DRIVER LICENCE NO. 275

The licenceholder, Mr L, Chief Inspector G Taylor and PC S Leishman, Central Scotland Police, all entered the meeting.

There was submitted Report (circulated) dated 13 March 2012 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 private hire car 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 L, 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 Taylor then spoke in amplification of the complaint, a copy of which had been circulated to the Committee.

Questions were asked of Chief Inspector Taylor by Members of the Committee. The licenceholder stated that he had no questions for Chief Inspector Taylor.

Mr L 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 L, Chief Inspector G Taylor and PC S Leishman, left and were then recalled to the meeting.

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) and (10) which would extend to any period during which the licence continued to be in force (albeit without effect) in terms of paragraph 8(5) of the said schedule.