

DRAFT
FALKIRK COUNCIL

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 18 APRIL 2012 at 9.30 A.M.

PRESENT: Provost Reid; Councillors Blackwood, Hughes, McLuckie, Nicol, 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 None.

OF INTEREST:

CL1. MINUTE

There was submitted and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 21 March 2012.

CL2. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN FEBRUARY 2012

There was submitted Report (circulated) dated 10 April 2012 by the Chief Governance Officer on applications granted under delegated powers in February 2012 in terms of the Civic Government (Scotland) Act 1982 and the Marriage (Approval of Places) (Scotland) Regulations 2002.

NOTED

CL3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010: CHANGES TO THE LICENSING OF PUBLIC ENTERTAINMENT

There was submitted Report (tabled) dated 11 April 2012 by the Chief Governance Officer on the Civic Government (Scotland) Act 1982 Criminal Justice and Licensing (Scotland) Act 2010: Changes to the Licensing of Public Entertainment.

NOTED

CL4. 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 ground 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.

CL5. 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.

Councillor Hughes entered the meeting during consideration of the following item of business.

CL6. APPLICATION FOR THE GRANT OF A NEW LATE HOURS CATERING LICENCE

No representative from the applicant company was in attendance. The Licensing Co-ordinator advised that the applicant had submitted apologies by letter advising that its representative, Mr D, was unable to attend for personal reasons. Having heard from the Licensing Co-ordinator that the applicant company had no objection to the application being heard in its absence, the Committee agreed to consider the application and a copy of the letter with information for the Committee's consideration was issued to Members.

There was submitted Report (circulated) dated 10 April 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 plan.

Questions were then asked by Members of the Committee.

AGREED that a departure from the Council's policy was justified and therefore to **GRANT** the licence for a period of three years subject to the standard conditions.

CL7. APPLICATION FOR THE RENEWAL OF A HOUSE IN MULTIPLE OCCUPATION LICENCE (CONTINUATION)

The applicant's representative and day to day manager, Mr L, entered the meeting. The Licensing Co-ordinator advised that the objectors, Mr and Mrs C, were unable to attend for personal reasons but had submitted an email for consideration.

With reference to Minute of Meeting of the Civic Licensing Committee held on 18 January 2012 (Paragraph CL64 refers), there was submitted Report (circulated) dated 10 April 2012 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; and (b)

attaching as an appendix, a copy of the Report submitted to the Civic Licensing Committee on 18 January 2012. The application had been continued at that meeting to ensure that the undertakings given by the day to day manager were implemented.

The Licensing Co-ordinator advised that the objectors, Mr and Mrs C, had submitted an email to the Licensing Section confirming that their objection to the application stood. The applicant's representative, Mr L, advised that he had no objection to a copy of the email being circulated to the Committee.

Mr L spoke in support of the application.

Questions were then asked by Members of the Committee.

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

NOTED that relevant officers will monitor adherence to the terms of the licence and will maintain contact with Mr and Mrs C in the event of any future difficulties.

CL8. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr C, entered the meeting.

There was submitted Report (circulated) dated 10 April 2012 by the Chief Governance Officer on an application for the grant of a new taxi driver licence (a) advising on the background to the application; and (b) detailing the consultations undertaken and the responses received.

Mr C spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED:-

- (a) that the applicant be given a final opportunity to take and pass the knowledge test;
- (b) that, should the applicant fail the knowledge test, the Chief Governance Officer be authorised to refuse the licence without further reference to Committee;
- (c) that, should the applicant pass the knowledge test, officers will arrange for him to undertake a medical test;
- (d) that, should the applicant pass both tests, the Chief Governance Officer be authorised to grant the licence; and
- (e) that, should the applicant pass the knowledge test but fail the medical test, the application be remitted for consideration at a future meeting of the Committee.

CL9. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr G, entered the meeting.

There was submitted Report (circulated) dated 10 April 2012 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; (b) detailing the consultations undertaken and the responses received; and (c) detailing the applicant's record.

Mr G 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 and to a further condition requiring the applicant to retain a spare pair of glasses within the car at all times.

CL10. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr D, entered the meeting.

There was submitted Report (circulated) dated 10 April 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 D spoke in support of the application.

Questions were asked by Members of the Committee.

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.

CL11. APPLICATION FOR THE GRANT OF A NEW WINDOW CLEANER LICENCE

The applicant, Mr R, entered the meeting

There was submitted Report (circulated) dated 10 April 2012 by the Chief Governance Officer on an application for the grant of a new window cleaner 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 to **GRANT** the licence for a period of three years subject to the standard conditions.

CL12. APPLICATION FOR THE GRANT OF A NEW SKIN PIERCING AND TATTOOING LICENCE

The applicant's company directors, Ms B and Ms McA and Mr Oliver, Food and Safety Co-ordinator, Falkirk Council, all entered the meeting.

There was submitted Report (circulated) dated 10 April 2012 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 responses received.

Ms McA 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.

CL13. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr W, was not in attendance. Chief Inspector G Taylor and PC S Leishman, Central Scotland Police, entered the meeting. The Licensing Co-ordinator advised that contact had been made that morning with the applicant. He had mistaken the time of the meeting and would not be in attendance but confirmed that he had no objection to the matter being heard in his absence. The Committee agreed to consider the application.

There was submitted Report (circulated) dated 10 April 2012 by the Chief Governance Officer on an application for the grant of a new taxi driver licence (a) advising on the background to the application; (b) detailing the consultations undertaken and responses received; and (c) detailing the applicant's record.

Chief Inspector G Taylor 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.

AGREED to **REFUSE** the application in terms of (1) paragraph 5(3)(a)(ii) of Schedule 1 to the Civic Government (Scotland) Act 1982, on the basis that the applicant is not a fit and proper person to be the holder of the licence and (2) Section 13(5) of the said Act on the basis that the applicant had failed to satisfy the authority that he had adequate knowledge of the area to which the licence relates and the layout of roads in the area.

The Convener agreed a 10 minute recess prior to consideration of the following item of business and this included postponing consideration of the two remaining agenda items to allow the agent for both matters to attend. Following a further 10 minute interval, Members agreed to reconvene the meeting in the absence of the agent. The meeting reconvened with all Members present as per the sederunt.

CL14. SUSPENSION HEARING IN RELATION TO TAXI DRIVER LICENCE NO. 1744 (CONTINUATION)

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

Prior to commencement of this item of business, Councillor McLuckie indicated that the matter related to circumstances within his ward and local area and that he would therefore take no part in consideration of the item. Councillor McLuckie thereafter left the meeting.

With reference to Minute of Meeting of the Civic Licensing Committee held on 21 March 2012 (Paragraph CL98 refers), there was submitted Report (circulated) dated 10 April 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; (b) a decision taken by the Chief Governance Officer not to suspend the licence immediately but to submit the complaint to Committee for consideration; and (c) attaching, as an appendix, a copy of the Report submitted to the Civic Licensing Committee on 21 March 2012. The application had been continued at that meeting to allow the applicant's representative to carry out further investigations in relation to the matter.

Mr M advised that whilst he wished to be heard, he would prefer to do so with representation by his agent. He therefore requested that consideration of the matter be continued to a future meeting to allow his agent to attend.

While concerned at the failure of the agent to appear and the consequential delay and disruption to the business of the meeting, the Committee **AGREED** to **CONTINUE** consideration to a future meeting to allow the licenceholder's agent to attend.

Councillor McLuckie re-entered the meeting following consideration of the foregoing item of business.

CL15. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr D, entered the meeting.

There was submitted Report (circulated) dated 10 April 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; (b) detailing the consultations undertaken and the responses received; and (c) detailing the applicant's record.

Mr D advised that whilst he wished to be heard, he would prefer to do so with representation by his agent. He therefore requested that consideration of the matter be continued to a future meeting to allow his agent to attend.

While concerned at the failure of the agent to appear and the consequential delay and disruption to the business of the meeting, the Committee **AGREED** to **CONTINUE** consideration to a future meeting to allow the applicant's agent to attend.