

FALKIRK COUNCIL

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

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

CONVENER: Councillor Nicol.

APOLOGIES: Councillors Buchanan, D Goldie, McNally, Ritchie and Turner.

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

CL16. DECLARATION OF INTEREST

In connection with Item 4 (minute CL28) Councillor McLuckie advised that the matter related to circumstances within his ward of which he may have some knowledge. Consequently, he would take no part in discussion or consideration of the item of business.

CL17. MINUTE

There was submitted and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 18 April 2012.

CL18. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN MARCH AND APRIL 2012

There was submitted Report (circulated) dated 28 May 2012 by the Chief Governance Officer on applications granted under delegated powers between 1 March and 30 April 2012 in terms of the Civic Government (Scotland) Act 1982 and the Marriage (Approval of Places) (Scotland) Regulations 2002.

NOTED

CL19. 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.

CL20. 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.

CL21. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE

A Director of the company, Mrs D, together with Mr K, Administrative Officer, and Mr D, day to day manager, entered the meeting.

There was submitted Report (circulated) dated 6 June 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 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.

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

CL22. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr B, together with his employer Mr B, entered the meeting.

There was submitted Report (circulated) dated 24 May 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 B spoke in support of the application. His employer, Mr B, was also heard.

The Licensing Standards Officer (B Samson) entered the meeting and provided clarification and assurances in relation to the applicant's eyesight as provided to him on 8 June 2012 at a meeting with the applicant's optician.

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 an additional condition that the applicant would carry a spare pair of glasses or contact lenses in his taxi at all times.

CL23. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

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

There was submitted Report (circulated) dated 7 June 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 S spoke in support of the application and a copy of a letter in support of the applicant from the applicant's employer was circulated among the Committee.

Questions were then asked by Members of the Committee.

AGREED:-

- (1) to instruct officers to arrange for the applicant to undertake a medical examination and, should the applicant pass, to authorise the Chief Governance Officer to grant the licence for a period of 6 months subject to the standard conditions; and
- (2) should the applicant fail the medical to remit the matter back to Committee for consideration.

CL24. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr C, entered the meeting.

There was submitted Report (circulated) dated 6 June 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 C 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 with a warning letter detailing the standards expected of taxi drivers.

CL25. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr G, entered the meeting.

There was submitted Report (circulated) dated 5 June 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 G 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 and with a warning letter detailing the standards expected of taxi drivers.

CL26. APPLICATION FOR THE RENEWAL OF PRIVATE HIRE CAR OPERATOR LICENCE

The applicant, Mr C, entered the meeting.

There was submitted Report (circulated) dated 24 May 2012 by the Chief Governance Officer on an application for the renewal of a private hire car 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 C 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 subject to the standard conditions and with a warning letter detailing the standards expected of private hire car operators.

CL27. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER LICENCE

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

With reference to Minute of Meeting of the Civic Licensing Committee held on 18 April 2012 (Paragraph CL15 refers), there was submitted Report (circulated) dated 8 June 2012 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 responses received; (c) detailing the applicant's record; and (d) attaching, as an appendix, a copy of the Report submitted to the Civic Licensing Committee on 18 April 2012. The matter had been continued from that meeting at the request of the applicant to allow his representative to attend.

Mr S spoke in support of the application.

Questions were asked by Members of the Committee.

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

The applicant, Mr D, and his representative Mr S, left and were then recalled to the meeting.

Councillor Nicol, seconded by Provost Reid, moved that the application be refused 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.

By way of an Amendment, Councillor McLuckie, seconded by Councillor Hughes, moved that the application be granted for a period of six months subject to the standard conditions.

On a division, 3 Members voted for the Motion and 2 voted for the Amendment.

Accordingly, **AGREED** to **REFUSE** the application 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.

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

CL28. SUSPENSION HEARING IN RELATION TO 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.

With reference to Minutes of Meetings of the Civic Licensing Committee held on 21 March and 18 April 2012 (Paragraphs CL98 and CL14 refer), there was submitted Report (circulated) dated 6 June 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, copies of the Reports submitted to the Civic Licensing Committee on 21 March and 18 April 2012. The matter had been continued (i) on 21 March 2012 to allow the licenceholder's representative to carry out further investigations in relation to the matter; and (ii) on 18 April 2012 at the request of the licenceholder, to allow his representative to attend.

As part of his submission, Mr S repeated the points made by him on 21 March 2012 regarding the further information sought by him from Central Scotland Police. Mr S added that he had since also sought information from the Procurator Fiscal but without success. Chief Inspector Taylor reiterated his previous position with regard to the release of witnesses' details.

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 was then heard in relation to the complaint. Mr S also, in support of his client, referred to letters he had received from the parents of two clients of Mr M and from Mr

M's employer, both supporting Mr M's good character, copies of which had been circulated to the Committee.

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

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

The licenceholder, his representative, Mr S, Mr M, Chief Inspector G Taylor and PC S Leishman, left and were then recalled to the meeting.

AGREED NOT to **SUSPEND** the licence.

The Convener at 12.35 p.m. agreed a 40 minute adjournment prior to consideration of the following item of business. The meeting reconvened at 1.15 p.m. with all Members present as per the sederunt, Councillor McLuckie having re-entered, and with the exception of Councillor Hughes.

CL29. SUSPENSION HEARING IN RELATION TO TAXI DRIVER LICENCE NO. 567

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

There was submitted Report (circulated) dated 8 June 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 Depute Chief Governance Officer in accordance with paragraph 12 of Schedule 1 to the Civic Government (Scotland) Act 1982 and to refer to Committee a decision to suspend under paragraph 11 of the said Schedule.

The licenceholder, Mr A, 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 A 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 A, 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 paragraph 11 (2) (a) on the basis that the licenceholder was no longer a fit and proper person to hold the licence.