

FALKIRK COUNCIL

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 11 OCTOBER 2012 at 9.30 A.M.

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

CONVENER: Councillor Nicol.

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

CL57. APOLOGIES

Apologies were intimated on behalf of Councillor Ritchie.

CL58. DECLARATIONS OF INTEREST

No declarations were made.

CL59. MINUTE

There was submitted and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 5 September 2012.

CL60. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN AUGUST 2012

There was submitted Report (circulated) dated 3 October 2012 by the Chief Governance Officer detailing (a) applications granted under delegated powers between 1 and 31 August 2012 in terms of the Civic Government (Scotland) Act 1982 and the Marriage (Approval of Places) (Scotland) Regulations 2002; and (b) notifications received during the same period for parades and marches.

NOTED

CL61. 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.

CL62. APPLICATION FOR THE GRANT OF A NEW SECOND HAND DEALER LICENCE (USED VEHICLES)

A Director of the applicant company, and day to day manager, Mr A, entered the meeting.

There was submitted Report (circulated) dated 3 October 2012 by the Chief Governance Officer on an application for the grant of a new second hand dealer licence (used vehicles) (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received, and (c) detailing the record of one of the Directors and day to day manager.

Mr A 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.

CL63. APPLICATION FOR THE RENEWAL OF A SECOND HAND DEALER LICENCE (USED VEHICLES)

The day to day manager for the applicant company, Mr C, together with his representatives, Mr Macl and Mrs M, entered the meeting.

There was submitted Report (circulated) dated 3 October 2012 by the Chief Governance Officer on an application for the renewal of a second hand dealer licence (used vehicles) (a) advising of the background to the application; (b) detailing the consultations undertaken and the responses received, and (c) detailing the record of the applicant company and the day to day manager.

The Licensing Co-ordinator advised the Committee that the applicant's representative had submitted an explanatory paper the previous day providing further information in relation to the circumstances of the applicant company's record and this was circulated to the Committee.

The applicant's representative, Mr Macl, spoke in support of the application and the additional explanatory paper.

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 and with a warning letter detailing the standards expected of the day to day manager.

Councillor Hughes entered the meeting prior to consideration of the following item of business.

CL64. APPLICATION FOR THE GRANT OF A NEW WINDOW CLEANER LICENCE

The applicant, Mr I, entered the meeting.

There was submitted Report (circulated) dated 3 October 2012 by the Chief Governance Officer on an application for the grant of a new window cleaner licence (a) detailing the consultations undertaken and the responses received; and (b) detailing the applicant's record.

Mr I 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.

CL65. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The Licensing Co-ordinator advised the Committee that the applicant, Mr C, had indicated that he was withdrawing his application.

NOTED.

CL66. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR LICENCE

The applicant, Mr F, entered the meeting.

There was submitted Report (circulated) dated 3 October 2012 by the Chief Governance Officer on an application for the renewal of a taxi operator licence (a) detailing the consultations undertaken and the responses received; and (b) detailing the applicant's record.

Mr F spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED:-

- (1) to **RENEW** the licence for a period of one year subject to the standard conditions; and
- (2) that in relation to the applicant's taxi driver licence which falls to be renewed in early 2013 and in respect of which he would normally be required to appear again before the Committee, authority to determine the application without a hearing will be delegated to officers provided no additional penalties have been incurred by the applicant in the meantime.

CL67. APPLICATIONS FOR THE RENEWAL OF A TAXI OPERATOR AND TAXI DRIVER LICENCE

The applicant, Mr M, entered the meeting.

With reference to Minute of Meeting of the Civic Licensing Committee held on 18 January 2012 (Paragraph CL67 refers), there was submitted a report dated 3 October 2012 by the Chief Governance Officer on applications for the renewal of a taxi operator and taxi driver licence (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 M spoke in support of the applications.

Questions were then asked by Members of the Committee.

Having noted the terms of the warning letter issued to the applicant on 14 February 2012 and the additional fixed penalty accrued since then,

AGREED:-

- (1) to **RENEW** the licences for a period of six months from the date of the Committee subject to the standard conditions; and
- (2) to issue a further warning letter to the applicant advising that any further offences recorded against him that impact on his fitness to hold either of the licences will be reported to the Committee.

CL68. SUSPENSION HEARING IN RELATION TO PRIVATE HIRE CAR DRIVER LICENCE NO.264

The Licensing Co-ordinator advised that the licenceholder, Mr D, was in attendance for the meeting but his representative, Mr S, had not arrived. The licenceholder did not wish to be heard at the meeting until his representative arrived.

The Committee at 10.35 a.m. **AGREED** that a 10 minute adjournment take place to allow the licenceholder's representative time to attend.

The Committee re-convened at 10.45 a.m. with all Members present as per the sederunt.

The licenceholder, Mr D, Chief Inspector G Taylor, PC S Leishman and PC H Auld, Central Scotland Police, all entered the meeting. The licenceholder's representative had still not arrived. The Convener then proceeded with the meeting with the consent of all Members present.

There was submitted Report (circulated) dated 3 October 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's representative, Mr S, entered the meeting at 10.50 a.m. The Convener expressed the Committee's displeasure at his late arrival and Mr S apologised to the Committee and to his client for his late arrival and for the consequent disruption to the business of the meeting.

Mr S then advised that he had no preliminary points to make on the competency of the complaint following which the letter of complaint was circulated.

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

Members of the Committee and the licenceholder's representative stated that they had no questions for Central Scotland Police.

Mr S was then heard in relation to the complaint.

Members of the Committee and representatives from Central Scotland Police stated that they had no questions for the licenceholder's representative.

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

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

AGREED that insufficient information had been placed before the Committee to justify a decision for a suspension under Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982.