

## FALKIRK COUNCIL

**MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 11 OCTOBER 2007 at 9.30 AM.**

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

**CONVENER:** Councillor Nicol.

**APOLOGIES:** Councillors McNally and Nimmo.

**ATTENDING:** Director of Development Services; Acting Director of Law and Administration Services; Consumer Protection Manager; Solicitor (P Gilmour); Senior Licensing Assistant (I Renton) and Committee Services Officer (B Douglas).

### **ALSO**

**ATTENDING:** Chief Inspector Hutchinson and PC Simpson, Central Scotland Police.

In terms of Standing Order 15.2(1) the Convener agreed that the order of the agenda be varied by considering items 6 and 7 as items 4 and 5.

### **CL14. MINUTE**

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 12 September 2007.

### **CL15. 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 would involve the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7A to the said Act.

### **CL16. APPLICATION FOR NEW PRIVATE HIRE CAR DRIVER LICENCE**

There was submitted Report (circulated) dated 5 October 2007 by the Director of Development Services on an application for a new private hire car driver licence advising on the background to the application.

The applicant was not in attendance.

In view of the applicant's absence, **AGREED** to give the applicant an opportunity to undergo the medical examination and submit the completed medical examination form to demonstrate that he meets the DVLA Group 2 standards. If the applicant fails the medical, officers will be authorised to refuse the application without further reference to Committee.

CL17/

**CL18. APPLICATION FOR RENEWAL OF HOUSE IN MULTIPLE OCCUPATION LICENCES**

The applicant Mrs McI, her husband Mr McI and the objector Mr E entered the meeting at this point.

There was submitted Report (circulated) dated 5 October 2007 by the Director of Development Services on an application for the renewal of a house in multiple occupation licence, advising on the background to the application and on a letter of objection received in response to a public notice detailing the application being posted on the premises.

There being no preliminary matters raised on the letter of objection, copies were tabled.

The objector, Mr E, was heard in support of his letter of objection.

Questions were then asked of the objector by the Members and also the applicant.

The applicant's husband was heard in support of his wife's application.

Questions were then asked of the applicant and her husband by the Members and also the objector.

**AGREED** that a short adjournment take place to enable the Committee to consider the submissions and to hear advice from the Acting Director of Law and Administration Services.

The applicant, her husband and the objector left and were then recalled to the meeting.

**AGREED:-**

(a) that the applications for the renewal of a house in multiple occupation licences be **GRANTED** for a period of two years subject to the following undertakings which were given by the applicant:-

- a register is kept, which is available for inspection by officers of Falkirk Council, of any incidents within the two HMO properties;
- meetings involving the applicant and owners/tenants of neighbouring properties in Dorrator Road and Sunnyside Road, Falkirk regarding the operation of both HMO properties be arranged and that minutes of these meetings be made available for inspection by officers of Falkirk Council.

**CL19. SUSPENSION HEARING IN RELATION TO TAXI OPERATOR LICENCE NO. 166 AND PRIVATE HIRE CAR LICENCE NO. 038**

The Licensee, his agent Ms Baykal, Gair and Gibson, Solicitors, Chief Inspector Hutchinson and PC Simpson entered the meeting at this point.

There was submitted Report (circulated) dated 5 October 2007 by the Director of Development Services providing details of a complaint made against the holder of taxi operator licence No.166 and private hire car licence No.038 by the Chief Constable.

There being no preliminary matters being raised on the letter of complaint, copies were then tabled.

The Committee considered whether they should look at details of the Licensee's spent convictions and **AGREED** to do so on the basis that justice could not be done in the case except by requiring evidence relating to these spent convictions to be presented to the committee.

Details of the spent convictions were then tabled.

The Chief Constable's representative was heard in support of the police complaint.

The agent for the licensee was heard in support of her client and on the circumstances surrounding the police complaint. She confirmed that her client had as requested sought from his bank, bank statements; however they did not relate to the specific period of time in question and the correct statements were still awaited.

Questions were then asked of the licensee's agent by Members.

**AGREED** that a short adjournment take place to enable the committee to consider the submissions and to hear advice from the Acting Director of Law and Administration Services.

The Licensee, his agent, Chief Inspector Hutchinson and PC Simpson left and were then recalled to the meeting.

**AGREED** that taxi operator licence No.166 and Private hire car licence No.038 be suspended with immediate effect for the unexpired portion of the duration of the licences, in each case, on the grounds referred to in terms of paragraph 11 (2)(a) and (d) of Schedule 1 of the Civic Government (Scotland) Act 1982 namely that a condition of the Private Hire Car Licences had been breached and that the applicant is not a fit and proper person to be the holder of a licence.

## **CL20. APPLICATION FOR THE RENEWAL OF TAXI DRIVER LICENCE**

As the previous item was related to this item, all parties remained as before.

With reference to Minute of Meeting of the Civic Licensing Committee held on 12 September 2007 (paragraph CL12 refers), there was submitted Report (circulated) dated 5 October 2007 by the Director of Development Services on an application for the renewal of a taxi driver licence advising (a) on the background of the application; (b) that the applicant had previous spent and an unspent conditional offer recorded against him, and (c) on a late letter of objection received from Central Scotland Police following consultation thereon. (Committee having agreed at the earlier meeting to admit the late objection).

The applicant's agent Ms Baykal reiterated part of her submission from the previous item relating to requested outstanding bank statements still awaited by her client.

**AGREED** that a short adjournment take place to enable the Committee to consider the submission and to hear from the Acting Director of Law and Administration Services.

The applicant, his agent, Chief Inspector Hutchinson and PC Simpson left and were then recalled to the meeting.

The Convener, seconded by Provost Reid, moved refusal of the application.

An amendment, proposed by Councillor Blackwood and seconded by Councillor McLuckie, that the application be granted for a period of 6 months, was defeated by 5 votes to 3.

Accordingly **AGREED** that the application for renewal of a taxi driver licence be **REFUSED** on the basis that, in terms of paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982, the applicant is not a fit and proper person to be the holder of a licence.

The applicant, his agent, Chief Inspector Hutchinson and PC Simpson left the meeting at this point.