

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 4 NOVEMBER 2015 at 2.00 p.m.

COUNCILLORS: Jim Blackwood
Paul Garner
Gordon Hughes
Baillie Joan Paterson
Provost Pat Reid (Convener)
Sandy Turner

OFFICERS: Bryan Douglas, Licensing Co-ordinator
Arlene Fraser, Committee Services Officer
Rose Mary Glackin, Chief Governance Officer
Frances Kobiela, Senior Solicitor
Brian Samson, Enforcement Officer (CL82-CL86 only)

CL82. APOLOGIES

Apologies for absence were intimated on behalf of Baillie William Buchanan, Depute Provost Patrick and Councillor Ann Ritchie.

CL83. DECLARATIONS OF INTEREST

No declarations were intimated.

CL84. MINUTE

Decision

The minute of the meeting of the Civic Licensing Committee held on 30 September 2015 was approved.

CL85. LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN SEPTEMBER 2015 AND NOTIFICATIONS OF PUBLIC PROCESSIONS PENDING

The committee considered a report by the Chief Governance Officer detailing (a) applications granted under delegated powers between 1 September and 30 September 2015 in terms of the Civic Government (Scotland) Act 1982, and (b) notifications of pending public processions.

Decision

The committee noted the report.

CL86. CIVIC LICENSING ENFORCEMENT – SEPTEMBER 2015

The committee considered a report by the Chief Governance Officer giving an overview of enforcement action taken with regard to Civic Licensing activities during September 2015.

The committee noted the report.

CL87. 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.

CL88. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr F, accompanied by his father, Mr F, entered the meeting.

The committee considered a report 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) summarising the consultations undertaken and responses received, and (c) detailing the applicant's record.

Mr F spoke in support of the application.

Questions were then asked by members of the committee.

AGREED to a short adjournment in order to enable the committee to consider the applicant's submission.

The applicant and his father were then recalled to the meeting.

Decision

The committee agreed:

- (i) that the applicant be given a final opportunity to take and pass the knowledge test;
- (ii) that, should the applicant fail the knowledge test, the Chief Governance Officer is authorised to refuse the licence without further reference to committee;
- (iii) that, should the applicant take and pass the knowledge test, officers would arrange for the applicant to sit the Council's medical test;
- (iv) that, should the applicant pass both tests, the Chief Governance Officer is authorised to grant the taxi driver licence, and
- (v) that, should the applicant pass the knowledge test but fail the medical test, the application be considered at a future meeting of the committee.

CL89. APPLICATIONS FOR THE GRANT OF FIVE NEW PRIVATE HIRE CAR OPERATOR LICENCES

Mr B, an employee and representative of the applicant company, entered the meeting.

The committee considered a report by the Chief Governance Officer on applications received for the grant of five new private hire car operator licences (a) advising of the background to the applications, and (b) summarising the consultations undertaken and responses received.

Mr B spoke in support of the applications.

Questions were then asked by members of the committee.

Decision

The committee agreed to grant the five private hire car operator licences for a period of one year, subject to the standard conditions.

CL90. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR OPERATOR LICENCE

The applicant, Mr A, accompanied by his partner, Ms M, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application for the renewal and variation of a private hire car operator licence (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received, and (c) attaching as an appendix, a written request by the applicant to vary the licence condition 8 to allow the sign to be of a magnetic type that is removable, and the reasons why he wishes to use removable signs.

Mr A spoke in support of the application.

Questions were then asked by Members of the committee.

Decision

The committee agreed to renew the private hire car operator licence for a period of one year, subject to the standard conditions as approved but with a variation to condition 8 to allow the sign referred to, to be magnetic signs of similar size and design supplied by the Licensing authority and paid for by the applicant. The applicant will be excused the duty to display the signs when the vehicle is not undertaking private hire car activities but the signs must be kept within the vehicle at all times.

CL91. APPLICATION FOR THE RENEWAL OF A STREET TRADER LICENCE

The applicant, Mr G, entered the meeting.

The committee considered a report by the Chief Governance Officer on an application for the renewal of a street trader licence (a) advising of the background to the application; (b) detailing the consultations undertaken and 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.

Decision

The Committee agreed to renew the street trader's licence, for a period of three years, subject to the standard conditions.

FALKIRK COUNCIL

Subject: LIST OF APPLICATIONS GRANTED UNDER DELEGATED POWERS IN OCTOBER 2015 AND NOTIFICATIONS OF PUBLIC PROCESSIONS PENDING
Meeting: CIVIC LICENSING COMMITTEE
Date: 2 December 2015
Author: CHIEF GOVERNANCE OFFICER

1. INTRODUCTION

1.1 The purpose of this report is to provide to Members details of all applications made under the Civic Government (Scotland) Act 1982 which were granted by officers under delegated powers between 1 October and 31 October 2015 along with pending Public Processions.

2. REPORT

2.1 The Appendices to this report provide details of applications granted by officers under delegated powers and notifications of pending Public Processions.

2.2 Appendix 1 details new and renewal applications made under the Civic Government (Scotland) Act 1982 in relation to taxi and private hire.

October 2015 – Appendix 1

Application Type	Private Hire Operator	Private Hire Driver	Taxi Operator	Taxi Driver
New	1	6	1	1
Renewal	2	8	39	48

2.3 Appendix 2 details all other types of new and renewal applications made under the Civic Government (Scotland) Act 1982.

October 2015– Appendix 2

Application	Type	Number
Late Hours Catering	Renewal	1
Public Charitable Collection	Temporary	4
Public Entertainment	Renewal	1
Second Hand Dealer	New	2
Skin Piercing and Tattooing	Renewal	2
Street Trader (Mobile)	New	1
Street Trader (Static)	Temporary	2
Theatre	Temporary	1
Window Cleaner	Renewal	2

2.4 There are three parades that are currently pending. This differs from the other applications received as the statutory requirement is for the Licensing Authority to be notified of a proposed parade or march rather than for an organisation to apply for a licence to hold a parade or march.

3. RECOMMENDATION

3.1 It is recommended that Members note the contents of this report.

.....

Chief Governance Officer

Date: 24 November 2015

Contact Officer: Bryan Douglas, Licensing Co-ordinator (telephone 501262)

LIST OF BACKGROUND PAPERS

None.

FALKIRK COUNCIL

Subject: CIVIC LICENSING ENFORCEMENT – OCTOBER 2015
Meeting: CIVIC LICENSING COMMITTEE
Date: 2 December 2015
Author: CHIEF GOVERNANCE OFFICER

1. INTRODUCTION

1.1 The Licensing Enforcement Officer undertook various aspects of enforcement in October 2015. Details of these are outlined in the following sections of the report.

2. TAXI/ PRIVATE HIRE CAR CHECKS

2.1 The Licensing Enforcement Officer routinely carries out spot checks of taxis and private hire car vehicles to ensure compliance with licence conditions.

2.2 The checks take place at various taxi ranks and other places within the district. The checks consist of a range of items including the following:-

- Id badge/ Taxi-Private Hire Licence
- DVLA driving licence
- Plates displayed
- Tariff Sheet
- Fire Extinguisher
- First Aid Kit
- Taximeter seal
- No commercial adverts displayed on the vehicle
- No smoking signs displayed
- Taxi roof sign
- Condition of vehicle

2.3 In October 2015, 17 taxis and 4 private hire cars were inspected by the Licensing Enforcement Officer. The majority of these checks were found to be in order with the exception of the following matters:-

Taxi operator 22 – no licence holder name sticker was displayed on the vehicle.
This is a breach of condition number 13.

Private hire operator – no licence holder name was sticker displayed on the vehicle.
This is a breach of condition number 14.

The operators attended at the licensing office with their vehicles. They have now fully complied.

3. CIVIC LICENSING ENFORCEMENT CHECKS

3.1 During October 2015, the Licensing Enforcement Officer undertook 18 civic licensing compliance checks and enquiries.

3.2 The compliance checks/enquiries involved the following civic activities:-

- Second Hand Dealers – four routine checks of licensed premises were carried out to ensure that the licence holder details were correct, that the licence was being properly displayed and that the register of sales was being kept up to date. All were found to be in order. One other enquiry was also carried out with a garage premises and an application form issued.
- Late Hours Catering – two enquiries were carried out and application forms were issued.
- Skin Piercing – three routine checks of licensed premises were carried out to ensure that the licence holder details were correct and that the licence and notices were being properly displayed. All in order. Two enquiries were also carried out and an application form issued for one business.
- Window Cleaner – two persons were checked and both were found to be operating without a licence. Application forms were issued to both of them.
- Knife Dealer – one routine check of licensed premises was carried out to ensure that the licence holder details were correct, that the licence and appropriate notices were being displayed properly and that the register of sales was being kept up to date. The premises were found to be fully compliant.
- Houses in Multiple Occupation – one enquiry was carried out and it was established that the property was not being operated as an HMO.
- Public Entertainment – one routine check of licensed premises was carried out to ensure that the licence holder details were correct and that the licence was being properly displayed. All was found to be in order. One enquiry was also carried out to establish whether a licence was required for premises.

3.3 In addition to the above, the Licensing Enforcement Officer carried out 7 knowledge tests involving 10 candidates. 2 site notice checks were also carried out.

4. CIVIC LICENSING COMPLAINTS

A complaint was received from a male person relating to a taxi parked and unattended in a disabled bay in Main Street, Larbert. The taxi driver concerned was interviewed and it was established that his father is the holder of a Blue Badge as he is wheelchair bound and suffers from dementia. The taxi driver uses his wheelchair accessible taxi on occasion to take him to the shops and to visit friends who live off Main Street, Larbert.

A complaint was received from a female alleging that a private hire car driver had deliberately parked his car to block her car in while she had been at the Asda Store, Grangemouth.

The driver was spoken to and he maintained he was merely collecting a hire from Asda and was parked in the near to the entrance of the premises briefly before moving off.

Both complainants were advised of the outcomes and were satisfied with the course of action undertaken.

5. RECOMMENDATION

5.1 It is recommended that Members note the contents of this report.

.....
Chief Governance Officer
Date: 24 November 2015

Contact Officer: Bryan Douglas, Licensing Co-ordinator (telephone 501262)

LIST OF BACKGROUND PAPERS

None

FALKIRK COUNCIL

Subject: KNOWLEDGE TEST FAILURE
Meeting: CIVIC LICENSING COMMITTEE
Date: 2 December 2015
Author: CHIEF GOVERNANCE OFFICER

1. INTRODUCTION

- 1.1 Members will recollect that the Licensing Co-ordinator advised the Committee at its meeting on 4 November 2015 of changes to the administrative processes associated with applications for the grant of a new taxi driver licence and the failure of applicants to either attain the requisite pass mark or to appear for the test.
- 1.2 The practice up until recently required that any applicant who failed the knowledge test three times would automatically be referred to the Civic Licensing Committee for consideration. In most cases the Committee would grant a fourth and final opportunity to sit and pass the test.
- 1.3 As part of wider considerations of civic licensing policies and practices, the policy development panel chaired by Councillor Blackwood, considered the practice of remitting “knowledge test failures” to Committee for a final opportunity to be unnecessarily cumbersome. Officers were instructed to devise a more streamlined approach.
- 1.4 The new practice will allow officers discretion to consider whether a fourth attempt to pass the knowledge test should be afforded to an applicant. If the decision is that there is to be no further test or the applicant is given a fourth attempt and fails, officers will prepare a report briefly detailing the circumstances and recommending that the application be refused on the basis that the applicant has failed to satisfy the licensing authority that he/she has adequate knowledge of the layout of roads in the area and such other matters relating to the operation of a taxi as set out in the test. The applicant will be given an opportunity to make a written submission but will not be cited to appear before the Committee.

2. APPLICATIONS FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

- 2.1 Mr Syed Kazmi, submitted an application for a new taxi driver on 17 July 2015. His application must be considered before 16 January 2016. The applicant was invited to attend for the test on 13 August, at which point he advised that he needed more time to prepare for the test. The test was then re-arranged for 20 August. The applicant did not appear and phoned the licensing offices on 24 August advising that he required another 3 to 4 weeks to prepare. The applicant sat the test on 24 September and attained 7%. A further test was arranged for 22 October. The applicant telephoned the licensing offices on 21 October to advise that he required another week to prepare for the test. Another test was arranged for 29 October but the applicant failed to attend or to advise that he was unavailable.

- 2.2 It is the view of officers that the applicant has little prospect of passing the knowledge test and would recommended that the Committee consider refusing the application on the basis that the applicant has not sat and passed the knowledge test.
- 2.3 Mr Steven Purdie, submitted an application for a new taxi driver on 10 August 2015. His application must be considered before 9 February 2016. The applicant was invited to attend for the test on 10 September, at which point he advised that he was unable to attend due to a hospital appointment and requested that the test be re-arranged for a fortnight later. The applicant was subsequently invited to sit the test on 24 September but advised that he was unable to attend due to illness. Further tests were arranged for 7 October and 5 November. The applicant failed to attend and did not advise that he was unavailable.
- 2.4 It is the view of officers that the applicant has shown little interest in attending the knowledge test and would recommended that the Committee consider refusing the application on the basis that the applicant has not sat and passed the knowledge test.
- 2.5 Mr Asa Brown, submitted an application for a new taxi driver on 31 July 2015. His application must be considered before 30 January 2016. The applicant sat the test on 27 August and attained 37%. Another test was arranged for 24 September and the applicant attained 47%. A third test was arranged for 22 October and the applicant failed to attend. A further test was arranged for 5 November and the applicant failed to attend or to advise that he was unavailable.
- 2.6 It is the view of officers that the applicant has little prospect of passing the knowledge test and would recommended that the Committee consider refusing the application on the basis that the applicant has not sat and passed the knowledge test.
- 2.7 The applicants have not been invited to sit a medical as yet.
- 2.8 All of the applicants were written to and advised of the report before Members. The letter explained that the applicant could submit a letter in support of the application which would form part of the report. No letters have been received.

3 RECOMMENDATION

It is recommended that Members consider the terms of the report.

The options available to the Members are:-

- 3.1
- (a) **to refuse to grant the TAXI DRIVER licences in terms of the Civic Government (Scotland) Act 1982, Section 13 (5) on the grounds that the applicants, having failed to pass the knowledge test, have failed to satisfy the Authority that they had adequate knowledge of the area to which the licence relates and the layout of roads in the area.; or**

- (b) if Members are satisfied that there are other relevant circumstances that warrant a departure from policy, to instruct officers to arrange for applicants to undertake a medical; and should they fail the medical to remit the matter back to Committee for consideration; should the applicant pass the medical, to authorise the Chief Governance Officer to grant the TAXI DRIVER licences.

.....
Chief Governance Officer
Date: 24 November 2015

Contact Officer: Bryan Douglas, Licensing Co-ordinator (telephone 501262)

LIST OF BACKGROUND PAPERS

None