

FALKIRK COUNCIL

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 12 FEBRUARY 2009 at 9.30 A.M.

PRESENT: Provost Reid; Councillors Blackwood, Hughes, Kenna, McLuckie, McNally, Nicol, Nimmo and Thomson.

CONVENER: Councillor Nicol.

APOLOGY: Councillor Waddell.

ATTENDING: Director of Development Services; Acting Director of Law and Administration; Licensing Co-ordinator (B Douglas); Solicitor (F Kobiela) and Committee Officer (A Sobieraj).

DECLARATION OF INTEREST:

Councillor Thomson declared a non financial interest in item 8 on the agenda, being an application for the renewal of a late hours catering licence no. 073 (CL76), and advised that she would leave the meeting during consideration thereof.

CL70. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 14 January 2009.

CL71. 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.

CL72. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr F, entered the meeting.

There was submitted Report (circulated) dated 5 February 2009 by Director of Development Services on an application for the grant of a new private hire car driver licence advising of (a) the background to the application; (b) consultations undertaken and responses received; and (c) the applicant's record.

The applicant, Mr F, spoke in support of his 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.

Councillor Hughes entered the meeting on conclusion of the foregoing item of business.

CL73. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr McC, entered the meeting together with his representative, Mr Sandeman.

Chief Inspector Hutchison and Constable Kane, of Central Scotland Police, entered the meeting.

There was submitted Report (circulated) dated 5 February 2009 by Director of Development Services on an application for the grant of a new taxi driver licence advising of (a) the background to the application; (b) consultations undertaken and responses received; and (c) the applicant's record.

Chief Inspector Hutchison responded to a request by the Convener to explain why the Force's objection had been received by Falkirk Council outwith the statutory period of 21 days.

The Committee **AGREED** to allow the Police objection to be admitted in evidence as it was satisfied that there was sufficient reason why it was not made in time, in accordance with paragraph 3 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982. A copy of the letter of objection from the Police was then circulated to the Committee.

Chief Inspector Hutchison spoke in amplification of the Police objection.

Questions were then asked by Mr Sandeman and by Members of the Committee.

Mr Sandeman addressed the Committee on the accuracy of the previous convictions detailed in the Police objection.

AGREED to **CONTINUE** consideration of this item, at the request of Mr Sandeman, to a future meeting to seek clarification of the conviction dated 30 October 1995.

CL74. APPLICATION FOR THE GRANT OF AN ADDITIONAL TAXI OPERATOR LICENCE

The applicant's representative, Mrs F, entered the meeting.

The applicant was not in attendance and had indicated that he was unwell. The applicant had requested that he be represented at the meeting by his mother who was also his Business Manager, Mrs F. The Committee agreed to this request.

There was submitted Report (circulated) dated 5 February 2009 by Director of Development Services on an application for the grant of an additional taxi operator

licence advising of (a) the background to the application; (b) consultations undertaken and responses received; and (c) the vehicle which would be the subject of the licence.

The applicant's representative, Mrs F, spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED to GRANT the licence, subject to the standard conditions.

CL75. APPLICATION FOR THE RENEWAL OF A STREET TRADER'S LICENCE NO. 637

The applicant, Mr F, entered the meeting together with his representative, Mrs Lang.

There was submitted Report (circulated) dated 5 February 2009 by the Director of Development Services on an application for the renewal of a street trader's licence advising of (a) the background to the application; (b) consultations undertaken and responses received; and (c) the applicant's record.

The applicant's representative, Mrs Lang, spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED to GRANT the renewal of the licence, for a period of three years, subject to the standard conditions and together with a warning letter.

In accordance with her declaration, Councillor Thomson left the meeting before the following item of business was heard.

CL76. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE NO. 073

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

There was submitted Report (circulated) dated 5 February 2009 by the Director of Development Services on an application for the renewal of a late hours catering licence advising of the background to the application and attaching, as an appendix, a copy of the report submitted to the meeting of Committee held on 14 January 2009.

The applicant, Mr D, spoke in support of his application.

Questions were then asked by Members of the Committee.

AGREED to GRANT the renewal of the licence, for a period of one year, subject to the standard conditions.

Councillor Thomson re-joined the meeting on conclusion of the foregoing item of business.

CL77. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr C, entered the meeting together with his representative, Mr Sandeman.

Chief Inspector Hutchison and Constable Kane, of Central Scotland Police, entered the meeting.

There was submitted Report (circulated) dated 5 February 2009 by Director of Development Services on an application for the renewal of a taxi driver licence advising of (a) the background to the application; (b) consultations undertaken and responses received; and (c) the applicant's record.

Chief Inspector Hutchison responded to a request by the Convener to explain why the Force's objection had been received by Falkirk Council outwith the statutory period of 21 days.

The Committee **AGREED** to allow the Police objection to be admitted in evidence as it was satisfied that there was sufficient reason why it was not made in time, in accordance with paragraph 3 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982. A copy of the letter of objection from the Police was then circulated to the Committee.

Chief Inspector Hutchison spoke in amplification of the Police objection following which the applicant's representative, Mr Sandeman, spoke in support of the application.

Questions were then asked by Members of the Committee.

In light of the subject matter of the objection and the submissions made by Mr Sandeman **AGREED** to make summary application to the Sheriff under S. 3(2) of the said Act to extend the period of reaching a final decision on this application and, in the meantime, to continue consideration of this item to a future meeting. In the event that the Sheriff does not agree to an extension, the matter will require to be brought back to Committee not later than 29 March 2009.

NOTED that the applicant would not object to the summary application.

AGREED to **CONTINUE** consideration of this item to a future meeting, to await the outcome of the applicant's forthcoming court appearance.