

**FALKIRK COUNCIL**

**MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 6 MAY 2009 at 9.30 A.M.**

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

**CONVENER:** Councillor Nicol.

**ATTENDING:** Director of Development Services; Acting Director of Law and Administration; Licensing Co-ordinator (B Douglas); Solicitor (F Kobiela); Licensing Standards Officer (B Sampson); Environmental Health Officer (S Henderson) (for agenda item CL8) and Committee Officer (A Sobieraj).

**DECLARATION OF INTEREST:**

Councillor Kenna declared a non-financial interest in agenda item CL6, being an application for a new taxi driver licence, due to her family relationship with the applicant. Councillor Kenna left the meeting during consideration of this item of business.

**CL2. MINUTE**

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 8 April 2009.

**EXCLUSION OF PUBLIC**

**CL3. 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.

**CL4. REQUEST FOR SPECIAL EXEMPTION FROM CARRYING DOGS IN TAXI VEHICLE**

The applicant, Mr Y, entered the meeting.

There was submitted Report (circulated) dated 28 April 2009 by the Director of Development Services on a request that condition 20 of the applicant's licence be varied with a view to exempting him from the requirement to carry dogs in his vehicle. The Report advised of the background to the application and attached, as appendices (a) a copy of a letter from Mr Y's general medical practitioner; and (b) a copy of the Taxi Drivers' Licences conditions.

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

Questions were then asked by Members of the Committee.

**AGREED** to **GRANT** an amendment to condition 20 of the 'Taxi Drivers' Licences conditions to exempt the applicant from carrying dogs in his vehicle.

Councillor Kenna entered the meeting following conclusion of the foregoing item of business.

#### **CL5. APPLICATION FOR THE GRANT OF A NEW TAXI OPERATOR LICENCE**

The applicant, Mr T, entered the meeting.

There was submitted Report (circulated) dated 28 April 2009 by the Director of Development Services on an application for the grant of a new taxi operator licence advising of (a) the background to the application; (b) consultations undertaken and responses received; and (c) the applicant's record

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

The Director of Development Services advised the Committee on the relevance of the applicant's spent convictions following which the Committee resolved that justice could not be done except by admitting said convictions as part of the process.

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.

In accordance with her declaration of interest in the following item of business, Councillor Kenna left the meeting and took no part in the discussion on this matter.

#### **CL6. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE**

The applicant, Mr M, entered the meeting.

There was submitted Report (circulated) dated 28 April 2009 by the 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

The applicant, Mr M, 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 Kenna re-entered the meeting following consideration of the foregoing item of business.

#### **CL7. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE**

The applicant, Mr McE, entered the meeting together with his father, Mr J McE. The applicant requested that the application be continued to a future meeting to allow his legal representative to be present.

**AGREED** to **CONTINUE** consideration to a future meeting at the request of the applicant to allow his legal representative to be present.

#### **CL8. APPLICATION FOR NEW LATE HOURS CATERING LICENCE**

The applicant, Mr D, and premises manager, Mr K, entered the meeting.

Mr Sampson, Licensing Enforcement Officer, Falkirk Council entered the meeting.

Mr Henderson, Environment Health Officer, Falkirk Council entered the meeting.

The objectors Mr C, Ms H C, Mr T, Ms T, Ms U and Ms J C, entered the meeting.

The applicant, Mr D, requested that the application be continued to a future meeting to allow his legal representative to be present. The applicant had requested his representative's attendance only the day previously. The solicitor was unable to attend due to other commitments. If a continuation was not agreed, the applicant indicated that he was in a position to proceed. After consideration, and having regard to the late request for legal representation, the failure to seek alternative legal representation and the inconvenience that would be occasioned to the objectors in attendance, the Committee agreed to decline the request to continue the matter to a future meeting.

There was submitted Report (circulated) dated 28 April 2009 by the Director of Development Services on an application for the grant of a new late hours catering licence advising of (a) the background to the application; (b) consultations undertaken; (c) objections and representations received; (d) the applicant's record; and (e) attaching, as appendices, the Late Hours Catering Policy and conditions

The objectors spoke in amplification of their objections. Copies of all objection letters were circulated to the Committee.

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

Mr Henderson, Environment Health Officer, Falkirk Council spoke in amplification of concerns on noise grounds.

Questions were then asked by Members of the Committee.

Following a short adjournment, the Committee **AGREED** to **REFUSE** the application for the hours requested in terms of paragraphs 5(3)(c) (i), (ii) and (iv) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the basis that the premises are not suitable or convenient for the conduct of the activity having regard to:-

- (a) their location, character or condition;
- (b) the nature and extent of the proposed activity; and
- (c) the possibility of undue public nuisance.

**AGREED** to **GRANT** the licence for a period of 6 months to the terminal hour of 12 midnight 7 days per week together with standard conditions and with the following additional conditions:-

- (i) that the extract ventilation fan must be switched off at midnight and a timer fitted for that purpose to the satisfaction of the Environmental Health Service; and
- (ii) that, in relation to litter, the licenceholder's area of responsibility be extended to include an area considered reasonable by the Director of Development Services, having regard to the nature and extent of the objections received.

The Committee also encouraged the applicant to build bridges with the local community and to work for an improvement in the relationship with them.