

FALKIRK COUNCIL

MINUTE of SPECIAL MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 30 JUNE 2009 at 10.30 A.M.

PRESENT: Councillors Hughes, Kenna, McLuckie, McNally and Nicol.

CONVENER: Councillor Nicol.

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

APOLOGIES: Provost Reid; Councillors Blackwood, Nimmo, Thomson and Waddell.

**DECLARATION
OF INTEREST:**

Councillor McLuckie declared a non-financial interest in agenda item CL20, being an application for a new taxi driver licence, due to his family relationship with the applicant. Councillor McLuckie left the meeting during consideration of this item of business.

CL18. MINUTE

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 3 June 2009.

CL19. 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.

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

CL20. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr McL, entered the meeting.

There was submitted Report (circulated) dated 23 June 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 McL, 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, with a warning letter and subject to the standard conditions.

Councillor McLuckie re-entered the meeting following consideration of the foregoing item of business.

CL21. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR OPERATOR LICENCE

The applicant, Mr T, entered the meeting together with his wife and business partner, Mrs T.

There was submitted Report (circulated) dated 23 June 2009 by the Director of Development Services on an application for the grant of a private hire car operator licence advising of (a) the background to the application; and (b) consultations undertaken and responses received.

The objectors, Mr A and Mr K, representing the Taxi Association of Falkirk, entered the meeting.

The objectors spoke in support of their written objection. After consideration, the objectors thereafter intimated that they wished to withdraw their objection as it related to the wider issue of overprovision of licences within the Falkirk Council area and not to the applicant.

The applicant, Mr T, 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.

CL22. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr M, entered the meeting.

There was submitted Report (circulated) dated 23 June 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 that the applicant be given a final opportunity to take and pass the knowledge test and thereafter provide evidence of having passed the Council's medical test requirements. Failing either, the authority be delegated to officers to refuse the application without further reference to Committee.

CL23. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr E, entered the meeting.

There was submitted Report (circulated) dated 23 June 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 E, spoke in support of his application.

Questions were then asked by Members of the Committee.

AGREED to **CONTINUE** for further information on the circumstances concerning the spent convictions relating to assault.

The applicant thereafter indicated that he did not wish to proceed with the application. The Convener requested that a letter of confirmation of withdrawal be submitted by the applicant to the Director of Development Services.

CL24. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE.

The applicant, Mr S, was not in attendance. The Licensing Co-ordinator advised the Committee that the applicant contacted the Licensing Office and had indicated that he was unwell and would be unable to attend.

There was submitted Report (circulated) dated 23 June 2009 by the Director of Development Services providing an update on an application for the renewal of a taxi driver licence. The Committee had previously continued consideration of the application to allow information to be submitted from a specialist medical practitioner regarding the applicant's health and fitness to be granted a taxi driver licence.

The Director of Development Services confirmed that, to date, and following further requests, the information requested had not been received from the medical practitioner.

Questions were then asked by Members of the Committee.

Councillor Nicol, seconded by Councillor McLuckie, moved that the licence be refused in accordance with public safety in the absence of the repeatedly requested information.

By way of an Amendment, Councillor Kenna, seconded by Councillor McNally, moved that the application be continued to allow a further request to be made for the information from a specialist medical practitioner.

On a division, 2 Members voted for the Motion and 3 for the Amendment.

Accordingly **AGREED** to **CONTINUE** consideration to a future meeting to further request information from a specialist medical practitioner relating to the applicant's health and fitness to be granted a taxi driver licence.