

**FALKIRK COUNCIL**

**MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 18 NOVEMBER 2009 at 9.30 A.M.**

**PRESENT:** Councillors Blackwood, Hughes, Kenna, McLuckie, Nicol, Nimmo and Thomson.

**CONVENER:** Councillor Nicol.

**APOLOGIES:** Provost Reid; Councillors McNally and Waddell.

**ATTENDING:** Director of Development Services; Acting Director of Law and Administration Services; Licensing Co-ordinator (B Douglas); Solicitor (P Gilmour) and Committee Officer (H Oliver).

**DECLARATION OF INTEREST:** None.

**CL52. MINUTE**

There was submitted (circulated) and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 21 October 2009.

**CL53. 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.

**CL54. ORDER OF BUSINESS**

In terms of Standing Order 15.2(i), Councillor Nicol advised of a variation to the order of business from that detailed on the Agenda for the meeting. The following items have been recorded in the order that they were taken at the meeting.

**CL55. APPLICATION FOR NEW HOUSE IN MULTIPLE OCCUPATION LICENCE**

Mr D, a Director of the applicant company, entered the meeting together with his representative, Ms H.

Depute Provost Black and Councillor A MacDonald, objectors to the application, entered the meeting.

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

There was submitted Report (circulated) dated 11 November 2009 by the Director of Development Services on an application for the grant of a new House in Multiple Occupation Licence (a) advising of the background to the application; (b) providing confirmation of the premises proposed to be licensed under the terms of the licence; (c) outlining the supporting documentation which was required to be submitted in support of the application; (d) detailing the consultations undertaken and responses received, and (e) attaching as appendices to the Report, location plan together with schedule of matters issued by Central Scotland Fire and Rescue Service.

**AGREED** to **CONTINUE** consideration of this item of business to allow an inspection of the premises by Committee.

Councillor Hughes entered the meeting following consideration of the foregoing item of business.

#### **CL56. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE**

The applicant, Mr C, entered the meeting.

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

There was submitted Report (circulated) dated 11 November 2009 by the Director of Development Services on an application for the grant of a new Taxi Driver Licence (a) advising that the applicant, Mr C, had been invited to sit the Council's taxi knowledge test on four occasions and that he had failed to achieve the prescribed pass mark of 85% on two of these occasions; (b) intimating that the applicant was unable to sit the knowledge test on 16 September due to his late arrival at the test centre and that he had been unable to attend on 21 October; (c) informing of the consultations undertaken and responses received, and (d) confirming the applicant's record.

Chief Inspector Cravens spoke in amplification of the Police's objection, a copy of which had been circulated to the Committee.

Mr C, spoke in support of his application.

Questions were then asked by Members of the Committee.

**AGREED** that a short adjournment take place to enable the Committee to consider the submissions.

The applicant, Mr C, Chief Inspector Cravens and Constable Kane left and were then recalled to the meeting.

**AGREED** to **REFUSE** to grant the application in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 5(3)(a)(ii) on the basis that the applicant was not a fit and proper person to be the holder of the licence.

**CL57. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE**

The applicant, Mr R, entered the meeting.

There was submitted Report (circulated) dated 11 November 2009 by the Director of Development Services on an application for the grant of a new Taxi Driver Licence (a) advising that the applicant, Mr R, had been invited to sit the Council's taxi knowledge test on three occasions but had failed to achieve the prescribed pass mark of 85%, and (b) detailing the consultations undertaken.

Mr R, spoke in support of his application.

Questions were then asked by Members of the Committee.

**AGREED:-**

- (1) that the applicant be given a final opportunity to take and pass the knowledge test, and thereafter provide evidence that he has passed the Council's medical test and to remit thereafter to the Director of Development Services to grant the application, subject to standard conditions, and
- (2) should the applicant fail either test, to authorise the Director of Development Services to refuse the application without further reference to Committee.

**CL58. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE**

The applicant, Mr C, was not in attendance.

There was submitted Report (circulated) dated 11 November 2009 by the Director of Development Services on an application for the grant of a new Taxi Driver Licence advising that the applicant, Mr C, (a) had failed to achieve the prescribed pass mark of 85% for the Council's taxi knowledge test held on 10 September 2009, and (b) had been invited to retake the knowledge test on two further occasions but had failed to attend.

**AGREED to REFUSE** to grant the application in terms of the Civic Government (Scotland) Act 1982, Section 13(5) on the grounds that the applicant, having failed to pass the knowledge test, has failed to satisfy the authority that he has adequate knowledge of matters raised therein.

**CL59. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE**

The applicant, Mr C, entered the meeting.

There was submitted Report (circulated) dated 11 November 2009 by the Director of Development Services on an application for the grant of a new Taxi Driver Licence (a) advising that the applicant, Mr C, had been invited to sit the Council's taxi knowledge test on three occasions but had failed to achieve the prescribed pass mark of 85%; (b) detailing the consultations undertaken and responses received, and (c) confirming the applicant's record.

Mr C, spoke in support of his application.

Questions were then asked by Members of the Committee.

**AGREED** that a short adjournment take place to enable the Committee to consider the submission.

The applicant, Mr C, left and was then recalled to the meeting.

**AGREED:-**

- (1) that the applicant be given a final opportunity to take and pass the knowledge test, and thereafter provide evidence that he has passed the Council's medical test and to remit thereafter to the Director of Development Services to grant the application for a period of 6 months together with a warning letter, and
- (2) should the applicant fail either test, to authorise the Director of Development Services to refuse the application without further reference to Committee.

**CL60. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE**

The applicant, Mr T, entered the meeting.

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

There was submitted Report (circulated) dated 11 November 2009 by the Director of Development Services on an application for the grant of a new Private Hire Car Driver Licence (a) detailing the consultations undertaken and responses received, and (b) confirming the applicant's record.

Having heard from Chief Inspector Cravens in explanation of the late submission of a Police letter of objection, the Committee considered that sufficient reason had been provided and **AGREED** that the letter be admitted in evidence, in accordance with section 3(2) of Schedule 1 of the Civic Government (Scotland) Act 1982. A copy of the Police's objection was then circulated to the Committee.

Chief Inspector Cravens spoke in amplification of the Police's objection.

Mr T, spoke in support of his application.

Questions were then asked by Members of the Committee.

**AGREED** that a short adjournment take place to enable the Committee to consider the submissions.

The applicant, Mr T, Chief Inspector Cravens and Constable Kane left and were then recalled to the meeting.

**AGREED** to **REFUSE** to grant the application in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 5(3)(a)(ii) on the grounds that the applicant is not a fit and proper person to be the holder of such a licence.

**CL61. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE**

The applicant, Mr G, entered the meeting.

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

There was submitted Report (circulated) dated 11 November 2009 by the Director of Development Services on an application for the grant of a new Private Hire Car Driver Licence (a) detailing the consultations undertaken and responses received, and (b) confirming the applicant's record.

Chief Inspector Cravens spoke in amplification of the Police's objection, a copy of which had been circulated to the Committee.

Mr G, spoke in support of his application.

Questions were then asked by Members of the Committee.

**AGREED** that a short adjournment take place to enable the Committee to consider the submissions.

The applicant, Mr G, Chief Inspector Cravens and Constable Kane left and were then recalled to the meeting.

**AGREED** to **REFUSE** to grant the application in terms of the Civic Government (Scotland) Act 1982, Schedule 1 paragraph 5(3)(a)(ii) on the grounds that the applicant is not a fit and proper person to be the holder of such a licence.

**CL62. APPLICATION FOR NEW SKIN PIERCING AND TATTOOING LICENCE**

The applicant, Mr L, entered the meeting.

There was submitted Report (circulated) dated 11 November 2009 by the Director of Development Services on an application for the grant of a new Skin Piercing and Tattooing Licence (a) advising of the background to the application; (b) providing details of the licence conditions; (c) detailing consultations undertaken; (d) confirming the applicant's record, and (e) attaching as an appendix to the Report, copy of the Skin Piercing and Tattooing Conditions.

The Committee **AGREED** that they did not require to hear evidence of the spent convictions relating to the applicant, Mr L, and accordingly this was not disclosed to Committee.

Mr L, spoke in support of his application.

Questions were then asked by Members of the Committee.

**AGREED** to **GRANT** the licence for the usual period of one year, subject to standard conditions.



## FALKIRK COUNCIL

**MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held ON SITE on MONDAY 16 DECEMBER 2009 commencing at 10.00 A.M.**

**PRESENT:** Councillors Hughes, Kenna, McLuckie, Nicol and Thomson.

**CONVENER:** Councillor Nicol.

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

**ATTENDING:** Acting Director of Law and Administration Services; Housing Service Manager (S Bentley); Licensing Co-ordinator (B Douglas); Environmental Health Officer (M Pryde); Senior Licensing Assistant (I Renton); Solicitor (F Kobiela) and Committee Officer (H Oliver).

**ALSO**

**ATTENDING:** B Law and H Burnside, Central Scotland Fire and Rescue Service.

### **CL63. 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 item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7A to the said Act.

### **CL64. APPLICATION FOR NEW HOUSE IN MULTIPLE OCCUPATION LICENCE**

Mr D, a Director of the applicant company, together with his representative, Ms H, were in attendance.

Depute Provost Black, an objector, was in attendance.

Councillor A MacDonald, an objector, was in attendance.

Councillor McNeill, as a local Member for the area, was in attendance.

Councillor Spears, as a local Member for the area, was in attendance.

With reference to Minute of Meeting of the Civic Licensing Committee held on 18 November 2009 (Paragraph CL55 refers), there was submitted Report (circulated) dated 11 November 2009 by the Director of Development Services on an application for the grant of a new House in Multiple Occupation Licence (a) advising of the background to the application; (b) providing confirmation of the premises proposed to be licensed under the terms of the licence; (c) outlining the supporting documentation which was required to be submitted in support of the application; (d) detailing the consultations undertaken and responses received, and (e) attaching as appendices to the Report, location plan together with schedule of matters issued by Central Scotland Fire and Rescue Service.

The Convener introduced the parties present.

The Licensing Co-ordinator provided a brief factual summary of the application.

The Committee made a visual inspection of the premises.

Discussion took place on the following issues:-

- The proposed renovation of the existing bar area to include a communal seated area, kitchen and laundry facilities
- The necessity to provide tables for residents within the proposed kitchen area
- The occupancy rates for the existing HMO licensed area
- The gender of occupants housed under the current HMO licence
- The information provided to residents in relation to fire safety procedures
- The location of fire exits within the premises
- Clarity on the necessity for an additional HMO licence
- The definition of HMO establishments
- The status of residents accommodated within the HMO, Hotel and 3<sup>rd</sup> floor accommodation
- The minimum requirements under the HMO legislation in respect of toilet facilities
- The emergency lighting within the second floor corridor
- The installation of self closing fire doors

Mr D, replied addressing the issues raised.

The Convener concluded by thanking the parties for their attendance and advising that the application would be determined at the next meeting of the Civic Licensing Committee to be held on 13 January 2010.