

AGENDA ITEM 1**FALKIRK COUNCIL**

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 7 APRIL 2010 at 9.30 A.M.

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

CONVENER: Councillor Nicol.

APOLOGY: Councillor McNally.

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

DECLARATIONS OF INTEREST: None

CL1. MINUTE

There was submitted and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 10 March 2010.

CL2. 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.

CL3. APPLICATION FOR THE VARIATION OF LATE HOURS CATERING LICENCE NO 186.

The applicant, Mr K, entered the meeting together with his representative Mr S.

There was submitted Report (circulated) dated 29 March 2010 by the Director of Development Services on an application for the variation of a late hours catering licence (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received; and (c) attaching as appendices 1 to 3 respectively, the late hours catering policy, the late hours catering conditions and a location plan.

Mr S, the applicant's representative, spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED to REFUSE variation of the licence.

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

Councillor Thomson, having not been in attendance at the previous meeting where the following item of business was heard, left the meeting and took no part in the discussion or decision.

CL4. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE (CONTINUATION)

The applicant, Mrs G, entered the meeting together with her husband Mr G.

With reference to Minute of Meeting of the Civic Licensing Committee held on 10 March 2010 (Paragraph CL86 refers), there was submitted Report (circulated) dated 29 March 2010 by the Director of Development Services on an application for the grant of a late hours catering licence (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received; and (c) attaching as appendices 1 to 3 respectively, the late hours catering policy, the late hours catering conditions and a location plan.

Mrs G, spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED:-

- (a) to **REFUSE** the application so far as seeking to open to the terminal hour of 1.00 a.m. on Friday and Saturday; and
- (b) to **GRANT** the application so far as seeking to open to the terminal hour of 12:30 a.m. from Monday to Sunday, subject to the standard conditions.

The Committee also agreed that the Director of Development Services contact all late hours catering licensees in writing to reiterate the current Late Hours' Catering Policy and Conditions.

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

CL5. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE

Mr D, a Director of the applicant company, entered the meeting.

There was submitted Report (circulated) dated 29 March 2010 by the Director of Development Services on an application for the renewal of a late hours catering licence (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received; and (c) attaching as appendices 1 to 3 respectively, the late hours catering policy, the late hours catering conditions and a location plan.

Mr D spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED to **GRANT** renewal of the licence subject to the standard conditions.

CL6. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr W, entered the meeting.

There was submit Report (circulated) dated 29 March 2010 by the Director of Development Services on an application for the grant of a new taxi driver 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 W spoke in support of the application. His written submission to the Committee was circulated.

Questions were then asked by Members of the Committee.

AGREED to **CONTINUE** consideration to the next meeting to allow the applicant the opportunity to obtain appropriate representation and to give the applicant a further opportunity to take and pass the knowledge test.

CL7. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr McG, entered the meeting.

There was submitted Report (circulated) dated 29 March 2010 by the Director of Development Services on an application for the renewal of a taxi driver 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 McG spoke in support of the application.

Questions were then asked by Members of the Committee.

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

CL8. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr C, entered the meeting.

There was submitted Report (circulated) dated 19 March 2010 by the Director of Development Services on an application for the renewal of a taxi driver 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 C spoke in support of the application.

Questions were then asked by Members of the Committee.

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

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

Councillor Nicol, seconded by Provost Reid, moved that the application be refused on the grounds of public safety.

By way of an Amendment, Councillor Nimmo, seconded by Councillor Blackwood, moved that the licence be granted for a period of six months and that the applicant be sent a warning letter.

On a division, 4 Members voted for the Motion and 5 Members voted for the Amendment.

Accordingly, **AGREED** to **GRANT** renewal of the licence for a period of six months subject to the standard conditions and that the applicant be sent a warning letter in the strongest terms regarding his previous and future conduct.