

FALKIRK COUNCIL

MINUTE of MEETING of the CIVIC LICENSING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 8 SEPTEMBER 2010 at 9.30 A.M.

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

CONVENER: Councillor Nicol.

APOLOGY: Councillor Thomson.

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

DECLARATIONS OF INTEREST: None

CL34. MINUTE

There was submitted and **APPROVED** Minute of Meeting of the Civic Licensing Committee held on 11 August 2010.

CL35. 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.

Councillor Kenna entered the meeting during consideration of the following item of business.

CL36. APPLICATION FOR THE GRANT OF A NEW WINDOW CLEANER'S LICENCE

The applicant, Mr H together with his employer, Mr F, and Chief Inspector G Dawson and Sergeant B Daye, Central Scotland Police, all entered the meeting.

There was submitted Report (circulated) dated 31 August 2010 by the Acting Director of Law and Administration Services on an application for the grant of a new window cleaner's licence (a) advising of the background to the application; (b) detailing the consultations undertaken and responses received; (c) detailing the applicant's record; and

(d) attaching, as an appendix, a letter in support of the application dated 20 July 2010 received from Mr F, the applicant's employer.

Mr H spoke in support of the application. In addition, a copy of a letter from the applicant's Probation Officer was circulated to the Committee at the applicant's request.

Chief Inspector Dawson spoke in amplification of the Police objection, a copy of which had been circulated to the Committee

Mr F also spoke in support of the application.

Questions were then asked by Members of the Committee.

The Acting Director of Law and Administration Services clarified procedures in relation to consideration 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. The list of spent convictions was thereafter circulated to the Committee.

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

The applicant, Mr H, Mr F, Chief Inspector Dawson and Sergeant Daye left and were then recalled to the meeting.

AGREED to **REFUSE** the application in terms of the Civic Government (Scotland) Act 1982, Section 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.

Councillor Waddell left the meeting during consideration of the following item of business.

CL37. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr MacD, together with his legal representative, Mr Douglas, and Chief Inspector G Dawson and Sergeant B Daye, Central Scotland Police, all entered the meeting.

There was submitted Report (circulated) dated 31 August 2010 by the Acting Director of Law and Administration 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.

The Committee heard from Chief Inspector Dawson in explanation of the late submission of a Police letter of objection.

Questions were then asked by Members of the Committee.

Councillor Nicol, seconded by Provost Reid, moved that there was insufficient reason given by Central Scotland Police to satisfy the Committee that it should entertain the late objection and that accordingly the objection should not be heard.

By way of an Amendment, Councillor Kenna, seconded by Councillor Hughes, moved that sufficient reason had been given and that the objection should be heard.

On a division, 5 Members voted for the Motion and 3 voted for the Amendment.

Accordingly, **AGREED** that the objection not be entertained.

Chief Inspector Dawson and Sergeant Daye thereafter left the meeting.

The Committee was thereafter advised by the Licensing Coordinator that one other objection had been received in respect of this application. The objector was not in attendance but had contacted the Licensing Coordinator to request that the objection be heard by the Committee. The applicant's representative and the applicant advised that they had no issue with the objection being heard. Accordingly, a copy of the objection was circulated to Members.

The applicant's representative spoke in support of the application and also provided clarification, in consultation with the applicant, in relation to the issues raised in the objection.

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 MacD and his legal representative Mr Douglas, left and were then recalled to the meeting.

AGREED to **RENEW** the licence for a period of one year with a warning letter and subject to the standard conditions.

CL38. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE

The applicant, Mr S, Chief Inspector G Dawson and Sergeant B Daye, Central Scotland Police and Mr B Samson, Licensing Standards Officer, all entered the meeting.

There was submitted Report (circulated) dated 31 August 2010 by the Acting Director of Law and Administration 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 S spoke in support of the application.

Chief Inspector Dawson spoke in amplification of the Police objection, a copy of which had been circulated to the Committee

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 S, Chief Inspector Dawson, Sergeant Daye and Mr Samson left and were then recalled to the meeting.

AGREED to **CONTINUE** consideration of the application for further information with regard to the terms of the objection.

CL39. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE (CONTINUATION)

The applicant, Mr MacK, entered the meeting.

With reference to Minute of Meeting of the Civic Licensing Committee held on 11 August 2010 (Paragraph CL31 refers), there was submitted Report (circulated) dated 31 August 2010 by the Acting Director of Law and Administration Services on an application for the grant of a new taxi driver licence (a) advising of the background to the application; and (b) attaching as an appendix, copy of the Report submitted to the Civic Licensing Committee on 11 August 2010. The application had been continued at the previous meeting to enable the applicant to be in attendance.

Mr MacK spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED, subject to the applicant providing evidence that he has passed the Council's medical test, that the Committee was **MINDED** to **GRANT** the licence for a period of one year with a warning letter subject to the standard conditions. In the event that the applicant does not pass the medical test, the Acting Director of Law and Administration Services is authorised to refuse the application without further reference to Committee.

CL40. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE (CONTINUATION)

The applicant, Mr G, was not in attendance. Having heard from the Licensing Co-ordinator on his efforts to contact the applicant, the Committee agreed to consider the application in the applicant's absence. The Licensing Co-ordinator also informed the Committee that he still awaited a letter from the applicant's optician.

With reference to Minute of Meeting of the Civic Licensing Committee held on 11 August 2010 (Paragraph CL33 refers), there was submitted Report (circulated) dated 31 August 2010 by the Acting Director of Law and Administration Services on an application for the grant of a new private hire car driver licence (a) advising of the background to the application; and (b) attaching as an appendix, a copy of the Report submitted to the Civic Licensing Committee on 11 August 2010. The application had been continued at the previous meeting to provide a further opportunity for the applicant to be present and to provide further information on his eyesight condition to be presented to Committee.

AGREED to **REFUSE** the application in terms of the Civic Government (Scotland) Act 1982, Section 1 paragraph 5(3)(d) on the grounds that there is another good reason for refusing the application, namely that the licensing authority was not satisfied that the applicant was physically fit to drive a taxi in terms of S.13(4) of the said Act in that he did not meet the eyesight standard set out in the DVLA Group 2 Standards.

CL41. APPLICATION FOR THE GRANT OF A NEW TAXI DRIVER LICENCE

The applicant, Mr M, entered the meeting.

There was submitted Report (circulated) dated 31 August 2010 by the Acting Director of Law and Administration 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 the responses received; and (c) detailing the applicant's record.

Mr M spoke in support of the application.

Questions were then asked by Members of the Committee.

AGREED:-

- (a) that the applicant be given a final opportunity to take and pass the knowledge test, subsequently to provide evidence that he has passed the Council's medical test and thereafter to remit to the Acting Director of Law and Administration Services to grant the application; and
- (b) that should the applicant fail either the knowledge or medical tests, to authorise the Acting Director of Law and Administration Services to refuse the application without further reference to Committee.

CL42. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE CAR DRIVER LICENCE

The applicant, Mr McK, entered the meeting.

There was submitted Report (circulated) dated 31 August 2010 by the Acting Director of Law and Administration Services on an application for the grant of a new private hire car driver licence (a) advising of the background to the application; and (b) detailing the consultations undertaken and responses received.

Mr McK spoke in support of the 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 McK, left and was then recalled to the meeting.

AGREED, subject to the applicant providing evidence that he has passed the Council's medical test apart from aspects relating to epilepsy, to **GRANT** the licence for a period of one year subject to the standard conditions. In the event that the applicant does not pass the medical test (excluding the aspects relating to epilepsy), the Acting Director of Law and Administration Services is authorised to refuse the application without further reference to Committee.