

**MINUTE**  
**of**  
**LICENSING COMMITTEE**

**Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock, on 13 February 2024.**

**Present:**

Councillor Paul Edlin (Chair)	Councillor David Macdonald*
Councillor Angela Convery (Vice Chair)	Councillor Andrew Morrison
Provost Mary Montague*	

Councillor Edlin in the Chair

(\*) indicates remote attendance

**Attending:**

Gerry Mahon, Chief Officer (Legal and Procurement); Jillian McGrain, Senior Officer (Private Sector); Brian Kilpatrick, Civic Government Enforcement Officer; Jennifer Graham, Democratic Services Officer; and Lesleyann Burns, Assistant Democratic Services Officer.

**Also Attending:**

Inspector Michelle Grant and Sergeant Lisa Brown, Police Scotland.

**DECLARATIONS OF INTEREST**

**727.** There were no declarations of interest intimated.

**Resolution to Exclude Press and Public**

At this point in the meeting, on the motion of the Chair, the Committee unanimously resolved that in accordance with the provisions of Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the press and public be excluded from the meeting for the remaining items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 6 and 14 of Part 1 of Schedule 7A to the Act.

**PRIVATE LANDLORD REGISTRATION APPLICATION**

**728.** The committee considered a report by the Director of Environment regarding an application for inclusion on the Register of Social Landlords under the terms of the Antisocial Behaviour etc. (Scotland) Act 2004, as amended (agenda item 3 refers).  
The landlord, having been invited to the meeting, was not present.

The Senior Housing Officer (Private Sector) was heard in respect of the application and in response to questions from Members.

Following discussion the committee agreed:-

- (a) that the applicant was not a “fit and proper” person to be entered upon the register of private landlords;
- (b) to authorise Council officers to draw up Rent Penalty Notices and cause them to be served on the applicant in the event the applicant did not cease acting as private landlord;
- (c) to authorise Council officers to report the applicant to the Procurator Fiscal, in the event that they do not cease acting as a private landlord and to cooperate with the Procurator Fiscal and Police in any criminal investigation and prosecution relating to this matter;
- (d) to authorise Council officers to defend any litigation instituted by the applicant in respect of their registration being refused or against the service of Rent Penalty Notices; and
- (e) otherwise, to note the content of the report.

#### **SHORT TERM LET APPLICATION**

**729.** The committee considered a report by the Director of Environment regarding an application for a Short Term Let Licence under the terms of the Civic Government (Scotland) act 1982 (Licensing of Short-term Lets) Order 2022 (agenda item 4 refers).

The applicant was present.

The Chief Officer (Legal and Procurement) advised that there were four objectors to the application but, due to an oversight, they had not been given sufficient notice to attend the hearing.

The Committee agreed that the application be continued to a future meeting to allow the objectors to be invited to the meeting.

#### **PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR RENEWAL**

**730.** Under reference to the Minute of the meeting of 3 October 2023 (Page 664, Item 618 refers), when it was agreed that the application for renewal of a Private Car Hire Driver's Licence be continued until after the trial date, the Committee considered a report by the Chief Officer (Legal and Procurement) in relation to an application for the renewal of a Private Hire Car Driver's Licence (agenda item 5 refers).

The applicant was present.

Inspector Grant and Sergeant Brown, representing the Chief Constable, who had made an out of time objection to the application, were also present.

The report explained that in determining the application it would be for the Committee to decide if it wished to consider the out of time objection submitted by the Chief Constable and, if so, what weight it wished to attach to the objection and its relevance to the type of licence being applied for.

Following discussion, the Committee agreed to consider the out of time objection and copies were circulated.

Sergeant Brown was heard in respect of the objection submitted by the Chief Constable and in response to questions from members.

The applicant was then heard in respect of the application and in response to questions.

The Committee agreed to a short adjournment to consider the matter.

On reconvening, the Committee, having taken account of the applicant's previous conviction, its seriousness and relevance to the licence being applied for, and also having taken account of the objection by the Chief Constable, agreed that the application be granted for a period of 1 year subject to standard conditions.

### **PRIVATE HIRE CAR OPERATOR'S LICENCE (APPLICATION FOR GRANT) AND PRIVATE HIRE CAR DRIVER'S LICENCE (APPLICATION FOR RENEWAL)**

**731.** The Committee considered a report by the Chief Officer (Legal and Procurement) in relation to an application for the grant of a Private Hire Car Operator's Licence and the renewal of a Private Hire Car Driver's Licence (agenda item 6 refers).

The applicant, have been invited to the meeting, was not present.

Inspector Grant and Sergeant Brown, representing the Chief Constable, who had made an out of time objection to the application, were present.

The committee agreed to continue consideration of the application to the next meeting to allow the applicant to make a personal appearance.

### **PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT**

**732.** The Committee considered a report by the Chief Officer (Legal and Procurement) in relation to an application for the grant of a Private Hire Car Driver's Licence (agenda item 7 refers).

The applicant was present together with his son.

Inspector Grant and Sergeant Brown, representing the Chief Constable, who had made an out of time objection to the application, were also present.

The report explained that in determining the application it would be for the Committee to decide if it wished to consider the out of time objection submitted by the Chief Constable and, if so, what weight it wished to attach to the objection and its relevance to the type of licence being applied for.

Following discussion, the Committee agreed to consider the out of time objection and copies were circulated.

Sergeant Brown was heard in respect of the objection submitted by the Chief Constable and in response to questions from members.

Thereafter, the Committee considered a written submission from the applicant in relation to one of the offences.

The applicant was then heard in respect of the application and in response to questions.

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The Committee agreed to a short adjournment to consider the matter.

On reconvening, the Committee, having taken account of the applicant's previous convictions, their seriousness and relevance to the licence being applied for, and also having taken account of the objection by the Chief Constable, agreed that the application be refused on the grounds that the applicant was not a fit and proper person to be the holder of such a licence by virtue of his previous convictions.

CHAIR