

MINUTE
of
LICENSING COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 13 November 2018.

Present:

Councillor Angela Convery (Chair)
Councillor Alan Lafferty

Councillor Charlie Gilbert
Councillor Stewart Miller

Councillor Convery in the Chair

Attending:

Jacqui McCusker, Senior Solicitor; and Paul O'Neil, Committee Services Officer.

Also Attending:

Sergeant Scott Brown, Police Scotland.

Apology:

Councillor Betty Cunningham (Vice-Chair).

DECLARATIONS OF INTEREST

677. There were no declarations of interest intimated.

Variation in Order of Business

In accordance with the terms of Standing Order 19, Councillor Convery altered the order of business to facilitate the conduct of the meeting.

DISPOSAL OF APPLICATIONS – REPRESENTATIONS

678. The committee considered a report by the Chief Officer – Legal and Procurement, seeking delegated powers to be granted to the Chief Officer – Legal and Procurement and the Principal Solicitor to dispose of any applications for licences in terms of the Civic Government (Scotland) Act 1982 where a representation was received by the Council and for those officers to carry out the necessary administrative procedures required.

The committee, having noted that the delegation would avoid the need to convene a meeting of the committee to determine such applications and provide a more efficient and cost effective method of disposal, agreed that delegated powers be granted to the Chief Officer – Legal and Procurement and the Principal Solicitor to dispose of any applications for licences in terms of the Civic Government (Scotland) Act 1982 where a representation had been received by the Council and for them to carry out the necessary administrative procedures required.

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 undernoted 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.

TAXI DRIVER'S LICENCE – APPLICATION FOR GRANT

679. The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the grant of a Taxi Driver's Licence (Agenda Item 3 refers).

The applicant was present.

Sergeant Brown representing the Chief Constable who had made a representation in respect of the application was also present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the representation by the Chief Constable and its relevance to the type of licence being applied for.

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

The committee, having taken into account the submission made by the applicant, his previous conviction, its seriousness and relevance to the licence being applied for, and also having taken account of the representation by the Chief Constable, agreed that the application be granted for a period of one year, subject to standard terms and conditions.

PRIVATE HIRE CAR LICENCE – APPLICATION FOR GRANT

680. 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 Licence (Agenda Item 4 refers).

The applicant was present.

Sergeant Brown, representing the Chief Constable who had made a representation in respect of the application was also present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the representation by the Chief Constable and its relevance to the type of licence being applied for.

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

The committee, having taken into account the submission made by the applicant, his previous convictions, their seriousness and relevance to the licence being applied for, and also having taken account of the representation by the Chief Constable, agreed that the application be granted for a period of one year, subject to standard terms and conditions.

PRIVATE HIRE CAR LICENCE – APPLICATION FOR GRANT

681. 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 Licence (Agenda Item 5 refers).

The applicant was present.

Sergeant Brown, representing the Chief Constable who had made a representation in respect of the application, was also present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the representation by the Chief Constable and its relevance to the type of licence being applied for.

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

The committee, having taken into account the submission made by the applicant, his previous convictions, their seriousness and relevance to the licence being applied for, and also having taken account of the representation by the Chief Constable, agreed that the application be granted for a period of one year, subject to standard terms and conditions.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

682. 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 6 refers).

The applicant was present.

Sergeant Brown, representing the Chief Constable who had made an objection in respect of the application, was also present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the objection by the Chief Constable and its relevance to the type of licence being applied for.

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

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

On reconvening, the committee, having taken account of the submission made by the applicant, his 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 granted for a period of one year, subject to standard terms and conditions.

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Councillor Miller left the meeting at this stage.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

683. Under reference to the Minute of the meeting of 11 September 2018 (Page 523, Item 578 refers) when it had been agreed to defer consideration of an application to allow the applicant to seek clarification from Glasgow City Council on the status of the Private Hire Car Driver's Licence which he currently holds with them, 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 not present.

Sergeant Brown, representing the Chief Constable who had made a representation in respect of the application, was also present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the representation by the Chief Constable and its relevance to the type of licence being applied for.

The committee noted that the applicant's solicitor, Patrick Campbell of Campbell & McCartney Solicitors had submitted a letter advising that his client was unable to attend the hearing and that Glasgow City Council had no issue with the applicant holding a Private Hire Car Driver's licence in a different local authority area.

The committee, having taken into account the clarification provided by the applicant's solicitor in relation to the holding of another Private Hire Car Driver's licence in a different local authority area, his previous conviction, its seriousness and relevance to the licence being applied for, and also having taken account of the representation by the Chief Constable, agreed that the application be granted for a period of one year, subject to standard terms and conditions.

PRIVATE HIRE CAR DRIVER'S LICENCE – CERTIFICATION OF DRIVING STANDARDS

684. Under reference to the Minute of the meeting of 12 June 2018 (Page 417, Item 453 refers) when it had been agreed that the application for a Private Hire Driver's Licence be granted for a period of one year, subject to the applicant undertaking and passing, at his own cost, a Driving Standards Assessment within 6 months, the committee considered a report by the Civic Government Enforcement Officer, explaining that the Driving and Vehicle Standards Agency (DVSA) no longer offered a Driving Standards Assessment of the type requested by the committee (Agenda Item 8 refers).

The applicant was present.

The report explained that the Council's Civic Government Enforcement Officer had agreed to conduct an assessment of the applicant's driving similar to that undertaken as part of the

combined Knowledge and Driving Assessment by applicants for a Taxi Driver's Licence in East Renfrewshire. A copy of the Civic Government Enforcement Officer's assessment was appended to the report.

The committee agreed that the applicant had fulfilled the additional condition imposed on him at the time his licence had been granted.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

685. Under reference to the Minute of the meeting of 16 October 2018 (Page 578, Item 637 refers) when it had been agreed to continue consideration of an application for the grant of a Private Hire Car Driver's Licence to allow the applicant to make a personal appearance, the committee considered a report by the Chief Officer - Legal and Procurement regarding an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 9 refers).

The applicant was present.

Sergeant Brown, representing the Chief Constable who had made a representation in respect of the application, was also present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the representation by the Chief Constable and its relevance to the type of licence being applied for.

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

The committee, having taken into account the submission made by the applicant, his previous conviction, its seriousness and relevance to the licence being applied for, and also having taken account of the representation by the Chief Constable, agreed that the application be granted for a period of one year, subject to standard terms and conditions.

PRIVATE HIRE CAR DRIVER'S LICENCE AND PRIVATE HIRE CAR LICENCE – REQUEST FOR FURTHER SUSPENSION

686. Under reference to the Minute of the meeting of 16 October 2018 (Page 577, Item 636 refers) when it had been agreed to continue consideration of the request for further suspension to allow the licence holder to make a personal appearance, the committee considered a report by the Chief Officer - Legal and Procurement, requesting the proposed continued suspension of a Private Hire Car Driver's Licence and Private Hire Car Licence under Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982 (Agenda Item 10 refers). The licences had originally been suspended in terms of Paragraph 12 of Schedule 1.

The applicant, having been invited to attend, was not present.

Sergeant Brown representing the Chief Constable who had originally requested the suspension, were present.

The report explained that the licence had previously been suspended by the Principal Solicitor under delegated powers in terms of Paragraph 12(i) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds that the carrying on of the activity to which the licence related was likely to cause a serious threat to public safety. The purpose of the

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hearing was to allow the committee to consider whether, in view of the information set out, the suspension should be confirmed or lifted in terms of Paragraph 11(1) of Schedule 1 of the Act.

The committee agreed to the further suspension of both the licensee's Private Hire Car Driver's Licence and Private Hire Car Licence until both licences had expired.

CHAIR