

MINUTE
of
LICENSING COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 14 August 2018.

Present:

Councillor Angela Convery (Chair)
Councillor Stewart Miller

Councillor Charlie Gilbert

Councillor Convery in the Chair

Attending:

Jacqui McCusker, Senior Solicitor; Jillian McGrain, Principal Housing Officer (Private Sector); Brian Kilpatrick, Civic Government Enforcement Officer; and Ron Leitch, Committee Services Officer.

Also Attending:

Inspector Bryan McGeoch and Sergeant Scott Brown, Police Scotland.

Apologies:

Councillors Betty Cunningham (Vice-Chair) and Alan Lafferty.

DECLARATIONS OF INTEREST

519. 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 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.

PRIVATE LANDLORD REGISTRATION

520. 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 applicant was present. The Principal Housing Officer (Private Sector) was also present.

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

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

Following brief discussion the committee agreed that the application for inclusion on the Register of Private Landlords be approved.

PRIVATE LANDLORD REGISTRATION

521. 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 4 refers). The applicant was represented by Ms Shona McLellan of Douglas Dickson Property Services who acted as managing agents for the applicant. The Principal Housing Officer (Private Sector) was also present.

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

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

Following brief discussion the committee agreed that the application for inclusion on the Register of Private Landlords be approved.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

522. The committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 5 refers). The applicant was present accompanied by a companion. Inspector McGeoch and Sergeant Brown, representing the Chief Constable who had made a representation in respect of the application, were 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.

Sergeant Brown was heard in respect of the representation 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 from Members.

Following brief discussion the committee, having taken account of 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 12 months subject to standard terms and conditions.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

523. The committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 6 refers). The applicant was present. Inspector McGeoch and Sergeant Brown, representing the Chief Constable, who had made a late objection in respect of 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 late 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 brief discussion, the committee agreed to consider the late objection and copies were provided for Members and the applicant.

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 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 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 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 conviction, the pattern of behaviour as outlined in the letter of objection from the Chief Constable, and his manner at the meeting which the committee considered reinforced the views expressed by the Chief Constable, all of which demonstrated to Members a lack of concern for public safety.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR RENEWAL

524. Under reference to the Minute of the Meeting of 15 May 2018 (Page 394, Item 431 refers) when it had been agreed to defer consideration of an application for the renewal of a Private Hire Car Driver's Licence to enable the outcome of the applicant's outstanding court case to be determined, the committee considered a further report by the Chief Officer (Legal & Procurement) regarding the application (Agenda Item 7 refers). The applicant, having been invited to attend, was not present. Inspector McGeoch and Sergeant Brown, representing the Chief Constable who had made a representation in respect of the application, were present.

Sergeant Brown informed the committee that the court case had been adjourned until 25 October 2018.

Following brief discussion and in light of the new court date being outwith the statutory period for the application to be determined, the committee agreed to grant the application subject to the applicant being advised that under the terms and conditions of the licence he was obliged to notify the Council of the outcome of the pending court case as soon as it had been determined.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR RENEWAL AND NOTICE OF SEQUESTRATION

525. The Senior Solicitor explained that following representation by the applicant's legal representative, consideration of the application (Agenda Item No.8 refers) had been deferred to the next meeting of the committee in order to allow the applicant's legal representative time to prepare a case on behalf of their client.

Following brief discussion the committee noted the position.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

526. The committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 9 refers). The applicant, having been invited to attend, was not present. Inspector McGeoch and Sergeant Brown, representing the Chief Constable who had made an objection in respect of the application, were present.

Following brief discussion the committee agreed to continue consideration of the application to the next meeting to allow the applicant to make a personal appearance, it also being agreed that should the applicant again fail to appear or be represented the committee would proceed to determine the application in his absence.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

527. The Senior Solicitor explained that following representation by the applicant's legal representative, consideration of the application (Agenda Item No.10 refers) had been deferred to the next meeting of the committee in order to allow the applicant's legal representative time to prepare a case on behalf of their client.

Following brief discussion the committee noted the position.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

528. The committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 11 refers). The applicant, having been invited to attend, was not present. Inspector McGeoch and Sergeant Brown, representing the Chief Constable who had made an objection in respect of the application, were present.

Following brief discussion the committee agreed to continue consideration of the application to the next meeting to allow the applicant to make a personal appearance, it also being agreed that should the applicant again fail to appear or be represented the committee would proceed to determine the application in his absence.