

MINUTE
of
LICENSING COMMITTEE

Minute of Meeting held at 10.00am in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 15 May 2018.

Present:

Councillor Charlie Gilbert
Councillor Alan Lafferty

Councillor Stewart Miller

Councillor Miller in the Chair

Attending:

Jacqui McCusker, Senior Solicitor; Brian Kilpatrick, Civic Government Enforcement Officer; and Jennifer Graham, Committee Services Officer.

Also Attending:

Sergeant Scott Brown, Police Scotland.

Apologies:

Councillors Angela Convery (Chair) and Betty Cunningham (Vice Chair).

APPOINTMENT OF CHAIR

423. In the absence of the Chair and Vice Chair, the Committee Services Officer sought nominations to Chair the meeting. Councillor Lafferty proposed that Councillor Miller be nominated as Chair, seconded by Councillor Gilbert. Councillor Miller assumed the Chair.

DECLARATIONS OF INTEREST

424. 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 Items 425 to 431 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 HIRE CAR LICENCE – APPLICATION FOR RENEWAL

425. Under reference to the Minute of the meeting of 3 October 2017 (Page 155, Item 167 refers), when it was agreed to continue consideration of the application to a future meeting to allow the outcome of the applicant's pending court appeal to be known, the committee considered a report by the Chief Officer - Legal & Procurement providing an update regarding an application for the renewal of a Private Hire Car Licence (Agenda Item 3 refers).

The Senior Solicitor explained that Police Scotland had withdrawn their previous objection to the application and, due to the timescale involved, the application had now been approved as a "deemed grant" in terms of the legislation.

The committee noted the report.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR RENEWAL

426. The committee considered a report by the Chief Officer - Legal & Procurement regarding an application for the renewal of a Private Hire Car Driver's 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.

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.

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

On reconvening the committee, having taken account of the submission 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 three years subject to standard conditions.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR RENEWAL

427. Under reference to the Minute of the meeting of 3 October 2017 (Page 157, Item 170 refers), when it was agreed to continue consideration of the application to a future meeting to allow the outcome of the applicant's pending court case to be known, the committee considered a report by the Chief Officer - Legal & Procurement regarding an application for renewal of a Private Hire Car Driver's Licence (Agenda Item 5 refers). The applicant, having been invited to the meeting, was not present. Sergeant Brown representing the Chief Constable, who had made a representation in respect of the application, was present.

The report explained that the court case had been delayed and a trial date had now been set for 10 August 2018. As the application had originally been submitted on 26 July 2017, and the Civic Government (Scotland) Act, 1982 allowed 9 months for an application to be

determined from the date of receipt, it was reported that the committee could either determine the application prior to the trial date or instruct Legal Services to apply to Paisley Sheriff Court for an extension of time for determining the application.

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

The committee 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 conditions.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

428. 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, accompanied by his Solicitor. 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 applicant and his solicitor were 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 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.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

429. 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 7 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 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 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.

PRIVATE HIRE CAR DRIVER'S LICENCE – REQUEST FOR SUSPENSION

430. Under reference to the Minute of the meeting of 23 January 2018 (Page 252, Item 282 refers), when it was agreed to continue consideration of the request for suspension to a future meeting to allow the outcome of the applicant's pending court case to be known, the committee considered a report by the Chief Officer - Legal & Procurement relative to a request from the Chief Constable for the suspension of a Private Hire Car Driver's Licence on the grounds that the licensee was no longer a fit and proper person to be the holder of a licence by virtue of having been charged with an offence (Agenda Item 8 refers). The licensee, having been invited to the meeting, was not present. Sergeant Brown, representing the Chief Constable who had requested the suspension, was present.

Sergeant Brown was heard in respect of the request, in the course of which he advised that the applicant's court date had been delayed until 13 July 2018.

The committee agreed not to suspend the licence.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR RENEWAL

431. The committee considered a report by the Chief Officer - Legal & Procurement regarding an application for the renewal of a Private Hire Car Driver's Licence (Agenda Item 9 refers). The applicant, having been invited to the meeting, was not present. Sergeant Brown representing the Chief Constable, who had made an objection in respect of the application, was 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 continue consideration of the application to a future meeting to allow the outcome of the applicant's pending court case to be known.

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The meeting was opened to the press and public at this point.

NOTIFICATION OF PROPOSAL TO HOLD A PUBLIC PROCESSION IN EAST RENFREWSHIRE

432. The committee considered a report by the Chief Officer - Legal & Procurement regarding a Notice of Proposal to hold a Public Procession in East Renfrewshire, submitted by Mr Gary Johnson on behalf of Thornliebank and Pollokshaws LoL 28, which included a request to amend the standard condition for the playing of music prior to 9am (Agenda Item 10 refers). Mr Johnson was present, together with his colleagues Mr Munro, Mr Walker and Mr Kirkland.

Mr Johnson and his colleagues were heard in respect of the request to play music from 8.15am advising that the procession was required to leave Thornliebank earlier than usual as they were meeting up with processions from other areas in a different location this year. The committee was advised that this request would be for this year only as they would revert back to the usual location in future years.

A full discussion took place on alternative proposals for the procession which included marching from 8.15am but not playing music until 8.30am; and playing only a single drum beat between 8.15am and 8.30am, to minimise possible disruption to local people. Mr Munro advised that he would need to put these proposals to the District at their next meeting on 11 June to allow a final decision to be made, as he was not authorised to make that decision on the District's behalf.

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

On reconvening, the committee agreed:-

- (a) that the standard conditions be amended for this procession only; and
- (b) to grant permission for Thornliebank and Pollokshaws LoL to play music from 8.15am on Saturday 7 July 2018.

CHAIR

