

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

**Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 23 January 2018.**

**Present:**

Councillor Angela Convery (Chair)	Councillor David Macdonald
Councillor Betty Cunningham (Vice Chair)	Councillor Stewart Miller
Councillor Alan Lafferty	

Councillor Convery in the Chair

**Attending:**

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

**Also Attending:**

Inspector Sean Ramsay and Sergeant Scott Brown, Police Scotland (Items 281 to 283 only).

**DECLARATIONS OF INTEREST**

**280.** 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 281 to 285 below 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 DRIVER'S LICENCE – APPLICATION FOR RENEWAL**

**281.** 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 3 refers). The applicant was present. Inspector Ramsay and Sergeant Brown representing the Chief Constable, who had made an 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 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 having taken account of the submission 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**

**282.** 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 a number of offences (Agenda Item 4 refers). The licensee was present.

Sergeant Brown, representing the Chief Constable who had requested the suspension, was heard in respect of the request, in the course of which he advised that the applicant's court date had been delayed until 8 February 2018.

The applicant was then heard in respect of the incident which had led to the request for suspension and in response to questions from Members.

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

On reconvening, the committee agreed to continue consideration of the application to a future meeting to allow the outcome of the applicant's forthcoming court case to be known.

#### **PRIVATE HIRE CAR DRIVER'S LICENCE – REQUEST FOR SUSPENSION**

**283.** 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 5 refers). The licensee was present together with his representative Mr McCormack.

Sergeant Brown, representing the Chief Constable who had requested the suspension, was heard in respect of the request and in response to questions from Members.

Mr McCormack and the applicant were then heard in respect of the incident which had led to the request for suspension and in response to questions from Members.

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

On reconvening, the committee agreed not to suspend the licence but advised the licensee that he must immediately contact the Council if he was later found guilty of any offence in court.

### **Sederunt**

Inspector Ramsay and Sergeant Brown left the meeting at this point.

### **TAXI LICENCE – APPLICATION FOR GRANT**

**284.** The committee considered a report by the Chief Officer - Legal & Procurement regarding an application for the grant of a Taxi Licence where the vehicle was more than 5 years old (Agenda Item 6 refers). It was reported that East Renfrewshire's Taxi Licensing Rules stated that if a new vehicle licence rather than a licence for renewal was applied for, the vehicle could not be older than 5 years from the date of registration. The applicant's vehicle was more than 5 years old. The applicant was present together with his representative Mr Kyle.

Mr Kyle explained that the applicant had failed to renew his licence in October 2017 due to his operator Clarkston Taxis not accurately recording the vehicle licence renewal and vehicle inspection dates on their system. The dates for both had been noted as 3 February 2018 which was only the vehicle inspection date. The vehicle licence renewal had had been 22 October 2017. By the time this discrepancy had been detected, the applicant was too late to apply for a renewal of his vehicle licence and required to apply for his Taxi licence as a new application. If he had applied for a renewal in time he would have been permitted to register a vehicle more than 5 years old. The Civic Government Enforcement Officer confirmed that this explanation was accurate. The applicant and his representative were then heard in response to questions from Members.

Having heard Councillor Macdonald suggest that consideration be given to sending renewal reminders to licensees in future to prevent this error from happening again, the committee agreed that the licence be granted for a period of 1 year subject to standard terms and conditions.

### **PRIVATE HIRE CAR DRIVER'S LICENCE – REQUEST FOR SUSPENSION**

**285.** The committee considered a report by the Chief Officer - Legal & Procurement requesting further suspension of a Private Hire Car Driver's Licence under Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982 (Agenda Item 7 refers). The applicant was present.

It was reported that the licence had been suspended on 3 January 2018 in terms of Paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982, in the interests of public safety, and a request was being made to continue the suspension under Paragraph 11 of the Act.

A report was submitted by the Civic Government Enforcement Officer providing details of an incident which had taken place, following which a complaint had been made against the licensee. The Civic Government Enforcement Officer was heard further regarding the report, in the course of which he advised that he had been unable to meet with the complainant to

enable her to provide a statement in support of her complaint. He further advised that Police Scotland were awaiting the results of forensic tests prior to deciding how to proceed with the case.

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

The committee agreed:-

- (a) to defer the matter to allow further information to be provided from the complainant and Police Scotland; and
- (b) that the suspension under Paragraph 12 remain in place until all necessary information was available to enable consideration of a suspension under Paragraph 11.

### **Sederunt**

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

### **EQUALITY ACT 2010 – TAXI AND PRIVATE HIRE CAR LICENCES**

**286.** The committee considered a report by the Chief Officer - Legal & Procurement seeking a decision on whether or not East Renfrewshire Council should maintain a list of wheelchair accessible vehicles on its website in terms of Section 167 of the Equality Act 2010 and seeking delegated powers to allow officers to deal with requests for exemption certificates under sections 166 and 169 of the Act.

Having heard the Senior Solicitor explain the background to the report and following discussion, the committee agreed:-

- (a) that the Chief Officer - Legal & Procurement produce and maintain an up-to-date list of wheelchair accessible vehicles;
- (b) that the above list be published on the East Renfrewshire Council and East Renfrewshire Disability Action (ERDA) websites; and
- (c) not to grant delegated powers to the Chief Officer - Legal & Procurement or the Principal Solicitor to determine exemption certificates under sections 166 and 169 of the Equality Act 2010.

CHAIR