

MINUTE
of
LICENSING COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 15 August 2017.

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; and Ron Leitch, Committee Services Officer.

Also Attending:

Inspector John McQuilter and Sergeant Scott Brown, Police Scotland (Items 78 – 81 only).

DECLARATIONS OF INTEREST

77. Councillor Macdonald declared a non-financial interest in Item No 82 by virtue of the fact that the licence holder was known to him.

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 following items 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 GRANT

78. Under reference to the Minute of the meeting of 20 June 2017 (Page 28, Item 19 refers) when it had been agreed to defer consideration of an application to allow the applicant to make a personal appearance, 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 3 refers). The applicant was present. Inspector McQuilter 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 terms of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003, applicants for Taxi and Private Hire Car Driver's Licences were required to disclose all previous convictions, both "spent" and "live". Details of the applicant's previous convictions were listed.

The report further explained that in determining the application it would be for the committee to decide what weight it wished to attach to the applicant's previous convictions, taking account of the period of time since the commission of the offences, their relevance to the type of licence being applied for, and also the objection by the Chief Constable.

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, following which 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 licence be granted for a period of 1 year subject to standard terms and conditions.

PRIVATE HIRE CAR OPERATOR'S LICENCE – APPLICATION FOR GRANT

79. Under reference to the Minute of the meeting of 20 June 2017 (Page 28, Item 20 refers) when it had been agreed to defer consideration of an application to allow the applicant to make a personal appearance, the committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for the grant of a Private Hire Car Operator's Licence (Agenda Item 4 refers). The applicant, having been again invited to attend, was not present. Inspector McQuilter and Sergeant Brown, representing the Chief Constable who had made an objection in respect of the application, were present.

The committee proceeded to determine the application in the absence of the applicant.

The report explained that in terms of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003, applicants for Taxi and Private Hire Car Driver's Licences were required to disclose all previous convictions, both "spent" and "live". Details of the applicant's previous convictions were listed.

The report further explained that in determining the application it would be for the committee to decide what weight it wished to attach to the applicant's previous convictions, taking account of the period of time since the commission of the offences, their relevance to the type of licence being applied for, and also the objection by the Chief Constable.

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

The committee having taken account of the report submitted by the Chief Officer (Legal & Procurement), 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.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

80. 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. Inspector McQuilter 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 terms of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003, applicants for Taxi and Private Hire Car Driver's Licences were required to disclose all previous convictions, both "spent" and "live". Details of the applicant's previous conviction were listed.

The report further explained that in determining the application it would be for the committee to decide what weight it wished to attach to the applicant's previous convictions, taking account of the period of time since the commission of the offences, their relevance to the type of licence being applied for, and also the objection by the Chief Constable.

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 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 licence be granted for a period of 1 year subject to standard terms and conditions.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

81. 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 companion, Ms Sadiq. Inspector McQuilter 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 terms of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003, applicants for Taxi and Private Hire Car Driver's Licences were required to disclose all previous convictions, both "spent" and "live". Details of the applicant's previous convictions were listed.

The report further explained that in determining the application it would be for the committee to decide what weight it wished to attach to the applicant's previous convictions, taking account of the period of time since the commission of the offences, their relevance to the type of licence being applied for, and also the objection by the Chief Constable.

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, 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 representation by the Chief Constable, agreed that the licence be granted for a period of 1 year subject to standard terms and conditions.

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Councillor Macdonald left the Chamber prior to consideration of the following item.

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

82. Under reference to the Minute of the meeting of 19 April 2016 (Page 1892, Item 2005 refers) the committee considered a report by the Civic Government Enforcement Officer requesting the suspension of a Private Hire Car Driver's Licence and Private Hire Car Operator's Licence (Agenda Item 7 refers). The licence holder was present accompanied by Ms Irene Jardine, Office Manager, East Ren Taxis.

The report explained that the licence holder had been the subject of police reports submitted to the Procurator Fiscal in terms of contraventions of section 21(1) and section 7(1) of the Civic Government (Scotland) Act 1982, and had been issued with a warning letter for regularly operating outwith East Renfrewshire Council's boundaries. At the meeting on 19 April 2016 the committee had agreed that an additional condition should be attached to the licence holder's Private Hire Car Operator's licence requiring that the vehicle must display external notices informing potential customers that the vehicle could only accept pre-booked hires and that anyone using the vehicle outwith this condition may not be covered by insurance in the event of an accident. The report concluded by explaining that information had subsequently been received by the Civic Government Enforcement Officer from Glasgow City Council's Taxi Enforcement Team detailing 7 occasions over a 5 month period when the licence holder's vehicle had been observed parked at locations within Glasgow well known as "hot spots" for illegal private hire activity.

The licence holder was heard in respect of the report and in response to questions from members.

Following detailed discussion on a number of matters arising from the report, the committee agreed to an adjournment to consider the matter.

On reconvening, the committee, having taken account of the explanations for the matters raised in the report and having heard Ms Jardine give assurances that this type of behaviour would not be tolerated now that the licence holder was working for East Ren Taxis, agreed that a formal letter of warning would be issued to the licence holder and a copy kept on his personal file but that no other action would be taken at this time.

CHAIR