

MINUTE
of
LICENSING COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 17 January 2017.

Present:

Councillor Tommy Reilly (Chair)
Councillor Charlie Gilbert

Councillor Stewart Miller

Councillor Reilly in the Chair

Attending:

Jacqui McCusker, Senior Solicitor; Brian Kilpatrick, Licensing Enforcement Officer; and Ron Leitch, Committee Services Officer.

Also Attending:

Inspector Susan Gillen and Inspector John McQuilter, Police Scotland (Items 2339 to 2341 only).

Apologies:

Councillor Kenny Hay (Vice Chair) and Councillor Betty Cunningham.

DECLARATIONS OF INTEREST

2337. 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 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 – REQUEST FOR FURTHER SUSPENSION

2338. The committee considered a report by the Chief Officer (Legal & Procurement) regarding a request for further suspension of a Private Hire Car Driver's Licence (Agenda Item 3 refers). The licence holder was present accompanied by his companion, Mr Islam.

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 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 Licensing Enforcement Officer was heard in respect of the report and in response to questions from Members.

The licence holder's companion was heard in respect of the report and in response to questions from Members following which the committee agreed to a short adjournment to consider the matter.

On reconvening, the committee agreed that the suspension should be lifted.

WINDOW CLEANER'S LICENCE – APPLICATION FOR GRANT

2339. The committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for the grant of a Window Cleaner's Licence (Agenda Item 4 refers). The applicant was present. Inspector Gillen and Inspector McQuilter, 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 a Window Cleaner's Licence 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.

Inspector Gillen 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 brief discussion and 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, the committee agreed that the application be granted for a period of 1 year subject to standard terms and conditions.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

2340. 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 Gillen and Inspector McQuilter, 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, which he had failed to declare on his application form, 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 representation by the Chief Constable.

Inspector Gillen 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 and 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, the committee agreed that the application be granted for a period of 1 year subject to standard terms and conditions.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

2341. 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 Gillen and Inspector McQuilter, 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 representation by the Chief Constable.

Inspector Gillen 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 and 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, the committee agreed that the application be granted for a period of 1 year subject to standard terms and conditions.

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PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

2342. 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, having been invited to attend, had recently informed officers that he would be unable to attend the meeting and was therefore not present.

The committee agreed to defer consideration of the application to a future meeting of the committee to enable the applicant to make a personal appearance.

CHAIR