

MINUTE
of
LICENSING COMMITTEE

Minute of virtual meeting held at 10.00am on 19 January 2021.

Present:

Councillor Angela Convery (Chair)
Councillor Charlie Gilbert

Councillor Stewart Miller

Councillor Convery in the Chair

Attending:

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

Also Attending:

Chief Inspector Bryan McGeogh; and Sergeants Lisa Campbell and David Gilmore, Police Scotland.

Apologies:

Councillors Betty Cunningham (Vice Chair) and Paul O’Kane.

DECLARATIONS OF INTEREST

1492. 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 HIRE CAR DRIVER’S LICENCE – APPLICATION FOR GRANT

1493. The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the grant of a Private Hire Car Driver’s Licence (Agenda Item 3 refers).

Chief Inspector McGeogh and Sergeants Campbell and Gilmore representing the Chief Constable were present.

The Senior Solicitor reported that a letter had been received on 15 January 2021 from Police Scotland advising that they were withdrawing their representation in respect of the application.

Sergeant Gilmore confirmed that the representation had been withdrawn as a result of changes to the Rehabilitation of Offenders Act which had come into force in November 2020.

Noting that there was no longer a police representation, the committee agreed to grant the application subject to standard conditions.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

1494. The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 4 refers).

The applicant was present accompanied by his Solicitor, Mr Hussain.

Chief Inspector McGeogh and Sergeants Campbell and Gilmore 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 Gilmore was heard in respect of the objection by the Chief Constable and in response to questions from Members.

Mr Hussain 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 applicant's previous conviction, its seriousness and relevance to the licence being applied for, and the objection by the Chief Constable, agreed that the application be granted for a period of 1 year subject to standard conditions.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

1495. The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 5 refers).

The applicant, having been invited to attend, was not present.

Chief Inspector McGeogh and Sergeants Campbell and Gilmore representing the Chief Constable, who had made an objection in respect of the application, were present.

The committee agreed to defer consideration of the application to a future meeting to allow the applicant to make a personal appearance and for a decision on the pending court action to be made.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR RENEWAL

1496. The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the renewal of a Private Hire Car Driver's Licence (Agenda Item 6 refers).

The licence holder was present accompanied by his Solicitor, Mr MacIver.

Chief Inspector McGeogh and Sergeants Campbell and Gilmore 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 Gilmore was heard in respect of the representation by the Chief Constable and in response to questions from Members.

Mr MacIver 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 licence holder's previous convictions, their seriousness and relevance to the licence being applied for, and the representation by the Chief Constable, agreed that the licence be renewed for a period of 1 year subject to standard conditions.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR RENEWAL

1497. The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the renewal of a Private Hire Car Driver's Licence (Agenda Item 7 refers).

The licence holder was present.

Chief Inspector McGeogh and Sergeants Campbell and Gilmore 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 Gilmore was heard in respect of the objection by the Chief Constable and in response to questions from Members.

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

The committee, having taken account of the objection by the Chief Constable, agreed that the licence be renewed for a period of 1 year subject to standard conditions.

PRIVATE HIRE CAR DRIVER'S LICENCE – REQUEST FOR SUSPENSION

1498. The committee considered a report by the Chief Officer – Legal and Procurement in relation to a request for suspension of a Private Hire Car Driver's Licence on the grounds that the licence holder was no longer a fit and proper person to be the holder of such a licence in terms of Paragraph 11(2)(a) of Schedule 1 of the Act by virtue of the circumstances outlined in the letter from the Chief Constable (Agenda Item 8 refers).

The licence holder was present together with his solicitor Mr McShane.

Chief Inspector McGeogh and Sergeants Campbell and Gilmore representing the Chief Constable, who had submitted the request for suspension, 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 request for suspension by the Chief Constable.

Sergeant Gilmore was heard in respect of the request by the Chief Constable and in response to questions from Members.

Mr McShane was then heard in respect of the request and in response to questions from Members.

Following discussion the committee agreed not to suspend the licence in terms of Paragraph 12(1) of Schedule 1 of the Civic Government (Scotland) Act 1982.

CHAIR