

MINUTE
of
LICENSING COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 22 November 2016.

Present:

Councillor Tommy Reilly (Chair) Councillor Stewart Miller
Councillor Charlie Gilbert

Councillor Reilly in the Chair

Attending:

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

Also Attending:

Chief Inspector Angela Carty and Sergeant Scott Brown, Police Scotland (Items x to y only).

Apologies:

Councillors Kenny Hay (Vice Chair) and Betty Cunningham.

DECLARATIONS OF INTEREST

2273. 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 2274 to 2280 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.

TAXI DRIVER'S LICENCE – APPLICATION FOR GRANT

2274. The committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for the grant of a Taxi Driver's Licence (Agenda Item 3 refers). The

applicant was present accompanied by his companion Mr Mackrell. Chief Inspector Carty 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 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 conviction, taking account of the period of time since the commission of the offence, its relevance to the type of licence being applied for, and also the objection by the Chief Constable.

Chief Inspector Carty was heard in respect of the objection submitted by the Chief Constable.

The applicant was then heard in respect of his 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 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 one year subject to standard terms and conditions.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

2275. 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 4 refers). The applicant, having been invited to attend, was not present. Chief Inspector Carty and Sergeant Brown, 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 the next meeting to allow the applicant to make a personal appearance. Should the applicant again fail to appear the committee would proceed to determine the application in his absence.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

2276. 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. Chief Inspector Carty 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 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.

Chief Inspector Carty was heard in respect of the representation submitted by the Chief Constable.

The applicant was then heard in respect of his 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 representation by the Chief Constable, agreed that the licence 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

2277. 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. Chief Inspector Carty 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 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.

Chief Inspector Carty was heard in respect of the representation submitted by the Chief Constable.

The applicant was then heard in respect of his application and in response to questions from Members, following which the committee agreed that the licence be granted for a period of one year subject to standard terms and conditions.

PRIVATE HIRE CAR OPERATOR'S LICENCE – APPLICATION FOR GRANT

2278. 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 7 refers). The applicant was present. Chief Inspector Carty 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 Licences were required to disclose all previous convictions, both "spent" and "live". Details of the applicant's 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.

2118

Chief Inspector Carty was heard in respect of the representation submitted by the Chief Constable.

The applicant was then heard in respect of his application and in response to questions from Members, following which the committee agreed that the licence be granted for a period of one year subject to standard terms and conditions.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

2279. 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 8 refers). The applicant was present. Chief Inspector Carty 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 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.

Chief Inspector Carty was heard in respect of the objection submitted by the Chief Constable.

The applicant was then heard in respect of his 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 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

2280. The committee considered a report by the Chief Officer (Legal & Procurement) regarding a request for suspension of a Private Hire Car Driver's Licence (Agenda Item 9 refers). The licence holder was present.

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

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

Having heard the Chair express the committee's concern at the potential implications for public safety raised by the licence holder's action and warn him as to his future conduct, the committee agreed that the licence should not be suspended on this occasion.

The meeting was opened to the public at this point.

WHEELCHAIR ACCESSIBLE VEHICLES AND TAXI LICENCE LIMIT

2281. Under reference to the Minute of the meeting of 16 August 2016 (Page 1990, Item 2128refers) when the committee had considered a report by the Chief Officer (Legal & Procurement), the committee considered a further report in relation to a proposed change of policy on the grant of taxi vehicle licences in East Renfrewshire and associated changes.

Having heard Councillor Reilly explain that he had received representations from East Renfrewshire Disability Action (ERDA) requesting further time to consider the implications of the report, the committee agreed to defer consideration to a future meeting of the committee.

CHAIR

