

MINUTE
of
LICENSING COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 26 January 2016.

Present:

Councillor Tommy Reilly (Chair)	Councillor Charlie Gilbert
Councillor Kenny Hay (Vice Chair)	Councillor Stewart Miller
Councillor Betty Cunningham	

Councillor Reilly in the Chair

Attending:

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

Also Attending:

Inspectors Alan Dickson and Susan Gillen, Police Scotland (Items 1873 and 1874 only).

DECLARATION OF INTEREST

1872. Councillor Hay declared a non-financial interest in Item 1876 as the applicant was known to him and left the meeting prior to consideration of this item.

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

1873. The committee considered a report by the Chief Officer (Legal & Procurement) regarding the application (Agenda Item 3 refers). The applicant was present. Inspectors Dickson and Gillen 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.

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.

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 and also subject to the following additional condition:-

The holder of this private hire car driver's licence shall undergo and complete, at his own cost, the Driving Standards Agency Assessment test for taxi and private hire car drivers and submit the pass certificate to the Council within six months of the committee hearing (i.e. prior to 26 July 2016).

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR RENEWAL

1874. The committee considered a report by the Chief Officer (Legal & Procurement) regarding the application (Agenda Item 4 refers). The applicant was present together with his fiancée. Inspectors Dickson and Gillen 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 representation 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.

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 3 years subject to standard terms and conditions.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

1875. The Senior Solicitor advised, and the committee noted, that this application (Agenda Item 5) had been withdrawn.

Sederunt

Councillor Hay left the meeting at this point.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

1876. The committee considered a report by the Chief Officer (Legal & Procurement) regarding the application (supplementary agenda item refers). The applicant was present.

The report explained that the applicant had failed to renew his Private Hire Car Driver's Licence when it expired on 4 December 2015. Despite the applicant being entitled to submit an application up to 1 January 2016, which would be considered a renewal application, he failed to do so until 11 January 2016. The Civic Government Enforcement Officer carried out an investigation into whether or not the applicant had been working as a private hire car driver during the time that his licence had expired, until his new application was submitted, and was advised that the applicant had carried out a total of 234 hires during that period.

The applicant was interviewed by the Civic Government Enforcement Officer who reported that there was no indication that the failure to submit a renewal application had been a deliberate attempt to avoid obtaining a licence. The applicant was advised that this matter would be submitted to the Licensing Committee for consideration.

The applicant was heard in respect of the application and in response to questions from members.

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

CHAIR

