

MINUTE
of
LICENSING COMMITTEE

Minute of Meeting held at 1.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock on 23 January 2014.

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; and Eamonn Daly, Democratic Services Manager.

Also Attending:

Inspector Alan Dickson and Constable Ewan Bailley, Police Scotland.

DECLARATIONS OF INTEREST

907. 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.

APPLICATION FOR PRIVATE HIRE CAR DRIVER'S LICENCE

908. Under reference to the Minute of the meeting held on 28 November 2013 (Page 796, Item 834 refers) when it had been agreed to continue consideration of an application for the grant of a Private Hire Car Driver's Licence to allow the applicant to seek legal advice, the committee considered a report by the Chief Solicitor regarding the application for the grant of the licence (Agenda Item 3 refers). The applicant was present. Inspector Dickson and Constable Bailley, 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 into account 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 Dickson was heard in respect of the objection submitted by the Chief Constable and in response to questions from Members.

The applicant was heard in respect of the application and in response to questions from Members, following which the committee agreed to a brief adjournment to discuss 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 made by the Chief Constable, agreed that the application be refused on the grounds that the applicant was not considered to be a fit and proper person by virtue of his previous convictions.

APPLICATION FOR PRIVATE HIRE CAR DRIVER'S LICENCE

909. The committee considered a report by the Chief Solicitor regarding an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 4 refers). The applicant was present. Inspector Dickson and Constable Bailey, 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 into account 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 Dickson was heard in respect of the objection submitted by the Chief Constable and in response to questions from Members.

The applicant was heard in respect of the application and in response to questions from Members, following which the committee agreed, 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 made by the Chief Constable, that the application be refused on the grounds that the applicant was not considered to be a fit and proper person by virtue of his previous convictions.

APPLICATION FOR PRIVATE HIRE CAR DRIVER'S LICENCE

910. The committee considered a report by the Chief Solicitor regarding an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 5 refers). The applicant was present. Inspector Dickson and Constable Bailley, 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 into account 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 Dickson was heard in respect of the objection submitted by the Chief Constable and in response to questions from Members.

The applicant was heard in respect of the application and in response to questions from Members, following which the committee agreed to a brief adjournment to discuss 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 made by the Chief Constable, agreed that the application be refused on the grounds that the applicant was not considered to be a fit and proper person by virtue of his previous convictions.

APPLICATION FOR PRIVATE HIRE CAR DRIVER'S LICENCE

911. The committee considered a report by the Chief Solicitor regarding an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 6 refers). The applicant was present. Inspector Dickson and Constable Bailley, 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 into account 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 Dickson was heard in respect of the representation submitted by the Chief Constable and in response to questions from Members.

The applicant was heard in respect of the application and in response to questions from Members, following which the committee agreed to a brief adjournment to discuss 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 made by the Chief Constable, that the application be refused on the grounds that the applicant was not considered to be a fit and proper person by virtue of his previous convictions.

APPLICATION FOR RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE

912. The committee considered a report by the Chief Solicitor regarding an application for renewal of a Private Hire Car Driver's Licence (Agenda Item 7 refers).

The applicant was present accompanied by his solicitor Mr Miller. Inspector Dickson and Constable Bailley, 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 into account 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 Dickson was heard in respect of the representation submitted by the Chief Constable and in response to questions from Members.

Both Mr Miller and the applicant were heard in respect of the application and in response to questions from Members, following which the committee agreed to a brief adjournment to discuss the matter.

On reconvening, the committee, having taken account of the submissions made by both Mr Miller and the applicant, the applicant's previous convictions, their seriousness and relevance to the licence being applied for, and also having taken account of the representation made by the Chief Constable, agreed that the licence be granted for a period of three years subject to standard conditions and subject to the further additional condition as follows:-

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 23 July 2014).

APPLICATION FOR PRIVATE HIRE CAR DRIVER'S LICENCE

913. The committee considered a report by the Chief Solicitor regarding an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 8 refers). The applicant was present. Inspector Dickson and Constable Bailley, 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 into account 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 Dickson was heard in respect of the representation submitted by the Chief Constable and in response to questions from Members.

The applicant was heard in respect of the application and in response to questions from Members, following which the committee agreed, 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 made by the Chief Constable, that the application be refused on the grounds that the applicant was not considered to be a fit and proper person by virtue of his previous convictions.

CHAIR

