

MINUTE
of
LICENSING COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 2 April 2015.

Present:

Councillor Tommy Reilly (Chair)
Councillor Betty Cunningham

Councillor Charlie Gilbert
Councillor Stewart Miller

Councillor Reilly in the Chair

Attending:

Liz Currie, Strategy and Development Manager (Housing); Jillian McGrain, Principal Housing Officer (Private Sector); Jacqui McCusker, Senior Solicitor and Jennifer Graham, Committee Services Officer.

Also Attending:

Chief Inspector Angela Carty and Sergeant David Higgins, Police Scotland (Items 1499 – 1504 only).

Apology:

Councillor Kenny Hay (Vice Chair).

DECLARATIONS OF INTEREST

1498. No expressions of interest were 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 THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE

1499. Under reference to the Minute of the meeting of 4 February 2015 (Page 1310, Item 1389 refers) when it had been agreed to defer consideration of an application for the grant of a Private Hire Car Driver's Licence in order to enable the applicant to make a personal appearance, the committee considered a report by the Chief Officer (Legal & Procurement) regarding the application (Agenda Item 3 refers). The applicant was present. Chief Inspector Carty and Sergeant Higgins, 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.

The report concluded by explaining that the applicant had failed to declare a number of previous convictions on his application.

Chief Inspector Carty 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, 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 considered to be a fit and proper person by virtue of his previous convictions.

APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE

1500. 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 was present. Chief Inspector Carty and Sergeant Higgins, 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 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 short adjournment to consider the matter.

On reconvening, the committee agreed that the application be continued until termination of the pending court case.

APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE

1501. 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 Higgins, 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 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 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 granted for a period of 12 months 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 2 October 2015).

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

1502. Under reference to the Minute of the meeting of 4 February 2015 (Page 1311, Item 1391 refers) when it had been agreed to defer consideration of an application for the renewal of a Private Hire Car Driver's Licence in order to enable the applicant to make a personal appearance, the committee considered a report by the Chief Officer (Legal & Procurement) regarding the application (Agenda Item 6 refers). The applicant and his fiancée were present. Chief Inspector Carty and Sergeant Higgins, 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 and in response to questions from Members.

The applicant was heard in respect of the application and in response to questions from Members and circulated a letter of mitigation which he had submitted to Court when his case was being considered.

Thereafter, 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 granted for a period of 12 months 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 three months of the committee hearing (i.e. prior to 2 July 2015).

APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

1503. The committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for the renewal of a Taxi Driver's Licence (Agenda Item 7 refers). The applicant was present. Chief Inspector Carty and Sergeant Higgins, 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 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 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 granted for a period of 12 months 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 2 October 2015).

APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE

1504. 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, having been invited to attend, was not present. Chief Inspector Carty and Sergeant Higgins, representing the Chief Constable who had made an objection in respect of the application, were present.

Following brief discussion the committee agreed that consideration of the application be continued for a personal appearance. In the event that the applicant failed to appear on the rescheduled date the committee would consider the application in his absence.

PRIVATE LANDLORD REGISTRATION

1505. Under reference to the Minute of the meeting of 4 February 2015 (Page 1310, Item 1387 refers) when it had been agreed to defer consideration of an application for inclusion on the Register of Social Landlords under the terms of the Antisocial Behaviour etc. (Scotland) Act 2004, as amended, in order to enable the applicant to make a personal appearance, the committee considered a report by Director of Environment regarding the application (Agenda Item 9 refers).

The applicant, having been invited to attend, was not present. The Strategy and Development Manager (Housing) and the Principal Housing Officer (Private Sector) were present.

Following a brief discussion the committee agreed that:-

- (a) the application for registration be refused on the grounds that the applicant was not considered to be a fit and proper person by virtue of his previous convictions;
- (b) officers be authorised to draw up Rent Penalty Notices and serve them on the applicant in the event he did not cease acting as a private landlord;
- (c) officers be authorised to report the applicant to the Procurator Fiscal in the event he did not cease acting as a private landlord, and to co-operate with the Procurator Fiscal and the Police in any criminal investigation and prosecution relating to this matter; and

1424

- (d) officers defend any litigation instituted by the applicant in respect of the refusal of registration or against the service of Rent Penalty Notices.

CHAIR