

MINUTE
of
LICENSING COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 10 November 2015.

Present:

Councillor Tommy Reilly (Chair) Councillor Stewart Miller
Councillor Kenny Hay (Vice Chair)

Councillor Reilly in the Chair

Attending:

Janice Ross, Principal Housing Officer (Private Sector); Jacqui McCusker, Senior Solicitor, and Ron Leitch, Committee Services Officer.

Also Attending:

Superintendent Stewart Carle; Inspector Susan Gillen; and Sergeant Stuart Ferguson, Police Scotland (Items 1791 and 1794 only).

Apologies:

Councillors Betty Cunningham and Charlie Gilbert.

DECLARATIONS OF INTEREST

1789. 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.

Variation in Order of Business

In accordance with Standing Order 19, Councillor Reilly agreed to vary the order of business as printed on the agenda in order to facilitate the conduct of the meeting.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

1790. Prior to taking up consideration of this application, the Senior Solicitor advised, and the committee noted, that the Chief Constable had withdrawn his representation in respect of this matter (Agenda Item 3 refers).

In light of this late development the Committee noted the application would now be dealt with under delegated powers.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

1791. The committee considered a report by the Chief Officer (Legal & Procurement) regarding the application (Agenda Item 4 refers). The applicant was present. Superintendent Carle, Inspector Gillen and Sergeant Ferguson 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.

Inspector Gillen was heard in respect of the representation 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 representation by the Chief Constable, agreed that the licence be granted for a period of 1 year subject to standard terms and conditions.

PRIVATE LANDLORD REGISTRATION

1792. Under reference to the Minute of the meeting of 29 September 2015 (Page 1627, Item 1741 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 allow the applicant's representatives to produce a mandate from the applicant confirming that they were acting on his behalf in the matter of this application, the committee considered a report by Director of Environment regarding the application (Agenda Item 5 refers).

Following receipt of the appropriate mandate the applicant's representatives had been advised of the date of the meeting of the committee at short notice but were unable to attend due to other business commitments.

Following brief discussion the committee agreed that consideration of the application be continued for a personal appearance at the next meeting to be held on 15 December 2015. In the event that the applicant or his representatives failed to appear on the rescheduled date the committee would proceed to consider the application in their absence.

PRIVATE LANDLORD REGISTRATION

1793. Under reference to the Minute of the meeting of 29 September 2015 (Page 1627, Item 1742 refers) when it had been agreed to defer consideration of an application for inclusion on the Register of Private 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 6 refers).

The applicant was present. The Principal Housing Officer (Private Sector) was also present.

The Principal Housing Officer (Private Sector) was heard in respect of the application and in response to questions from members.

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

Following a brief discussion the committee agreed that the application for inclusion on the Register of Private Landlords be approved.

TAXI DRIVER'S LICENCE – REQUEST FOR SUSPENSION

1794. The committee considered a report by the Chief Officer (Legal & Procurement) relative to a request from the Chief Constable for the immediate suspension of a taxi driver's licence on the grounds that the licensee was no longer a fit and proper person to be the holder of a licence by virtue of having been reported to the Procurator Fiscal in relation to a number of serious offences. The licensee was not present. Superintendent Carle, Inspector Gillen and Sergeant Ferguson, representing the Chief Constable who had made the request for suspension, were present.

Having fully discussed the contents of the report, the committee agreed to suspend the licence with immediate effect in terms of Paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds that the carrying on of the activity to which the licence related was likely to cause a serious threat to public safety.

CHAIR

