

MINUTE
of
LICENSING COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 15 December 2015.

Present:

Councillor Tommy Reilly (Chair)
Councillor Charlie Gilbert

Councillor Stewart Miller

Councillor Reilly in the Chair

Attending:

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

Also Attending:

Inspector Susan Gillen and Sergeant Craig Brady, Police Scotland (Items 1835 to 1840 only).

Apologies:

Councillors Kenny Hay (Vice Chair) and Betty Cunningham.

DECLARATIONS OF INTEREST

1834. 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 1835 to 1841 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

1835. The committee considered a report by the Chief Officer (Legal & Procurement) regarding the application (Agenda Item 3 refers). The applicant was present together with his Solicitor. Inspector Gillen and Sergeant Brady 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 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 1 year subject to standard terms and conditions.

WINDOW CLEANER'S LICENCE – APPLICATION FOR GRANT

1836. 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 wife. Inspector Gillen and Sergeant Brady representing the Chief Constable who had made an objection in respect of the application, were also present.

The report explained that in determining the application it would be for the committee to decide what weight, if any, it wished to attach to the objection by the Chief Constable and its relevance to the type of licence being applied for.

The applicant circulated a statement from his Solicitor.

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

The committee, having taken account of the submission made by the applicant 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.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

1837. The committee considered a report by the Chief Officer (Legal & Procurement) regarding the application (Agenda Item 5 refers). The applicant was present. Inspector Gillen and Sergeant Brady 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 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 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 15 June 2016).

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

1838. The committee considered a report by the Chief Officer (Legal & Procurement) regarding the application (Agenda Item 6 refers). The applicant was present. Inspector Gillen and Sergeant Brady 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 conviction was 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 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 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, 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 representation by the Chief Constable, agreed that the licence be granted for a period of 1 year subject to standard terms and conditions.

TAXI DRIVER'S LICENCE – FURTHER REQUEST FOR SUSPENSION

1839. Under reference to the Minute of the meeting of 10 November 2015 (Page 1683, Item 1794 refers) when the committee had agreed to the immediate suspension of a Taxi Driver's Licence 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 order or public safety, the committee considered a report by the Chief Officer (Legal & Procurement) asking the committee to consider whether, in view of the information set out, the suspension should be recalled or confirmed (Agenda Item 7 refers).

The licensee was not present. Inspector Gillen and Sergeant Brady, representing the Chief Constable who had made the request for suspension, were present.

Having heard from Inspector Gillen the committee agreed to suspend the licence.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

1840. The committee considered a report by the Chief Officer (Legal & Procurement) regarding the application (Agenda Item 8 refers). The applicant was present. Inspector Gillen and Sergeant Brady 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 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 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, 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 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

1841. Under reference to the Minute of the meeting of 10 November 2015 (Page 1682, Item 1792 refers) when it had been agreed that consideration of the application for inclusion on the Register of Social Landlords under the terms of the Antisocial Behaviour etc. (Scotland) Act 2004, as amended, be continued for a personal appearance by the applicant's representatives at the next meeting to be held on 15 December 2015, the committee considered a report by Director of Environment regarding the application (Agenda Item 9 refers).

The applicant's representatives were 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's representatives were 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, subject to the applicant agreeing to appoint a property management agent before the end of January 2016, to manage the property in his absence.

The meeting was reopened to the public at this point.

PROPOSED AMENDMENT TO THE SCHEME OF DELEGATED FUNCTIONS

1842. The committee considered a report by the Chief Officer (Legal & Procurement) seeking delegation of power to the Chief Officer (Legal & Procurement) and the Principal Solicitor to revise and amend the testing specification for Licensed Taxi/Private Hire Vehicles in East Renfrewshire.

Following discussion, the committee agreed to delegate appropriate powers to the Chief Officer (Legal & Procurement) and the Principal Solicitor to take all necessary actions to deal with any requests for changes/amendments to the Testing Specification for Licensed Taxi/Private Hire Vehicles and to take decisions arising from such requests.

CHAIR

