

**MINUTE**  
**of**  
**LICENSING COMMITTEE**

**Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 16 January 2015.**

**Present:**

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

Councillor Charlie Gilbert  
Councillor Stewart Miller

Councillor Reilly in the Chair

**Apology:**

Councillor Betty Cunningham.

**Attending:**

Joe Abrami, Principal Solicitor and Ron Leitch, Committee Services Officer.

**Also Attending:**

Inspector Alan Dickson and Sergeant David Higgins, Police Scotland.

**DECLARATIONS OF INTEREST**

**1363.** 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 1364-1367 below 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 RENEWAL OF A TAXI DRIVER'S LICENCE**

**1364.** Under reference to the Minute of the meeting of 4 December 2014 (Page 1255, Item 1322 refers) when it had been decided to defer consideration of this application in order to enable the applicant to make a personal appearance, 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 No. 3 refers). The applicant was present. Inspector Dickson 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.

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, 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.

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

**1365.** 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 No. 4 refers). The applicant was present accompanied by a companion. Inspector Dickson 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.

The report concluded by explaining that the applicant had failed to declare a number of previous convictions on his application, that he had been charged with this offence, and that a report would be prepared and passed to the Procurator Fiscal in this regard.

Inspector Dickson was heard in respect of the representation submitted by the Chief Constable and in response to questions from Members.

The applicant and his companion were 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 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 WINDOW CLEANER'S LICENCE**

**1366.** The committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for the grant of a Window Cleaner's Licence (Agenda Item No. 5 refers). The applicant, having been invited to attend, was not present. Inspector Dickson and Sergeant Higgins, representing the Chief Constable who had made a representation 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.

#### **APPLICATION FOR THE SUSPENSION OF A PRIVATE HIRE CAR DRIVER'S LICENCE**

**1367.** Under reference to the Minute of the meeting of 10 December 2014 (Page 1257, Item 1324 refers) when it had been decided to temporarily suspend a Private Hire Car Driver's Licence under the terms of Paragraph 12(5) of Schedule 1 of the Civic Government (Scotland) Act 1982 (the Act) by virtue of the fact that, based on information provided by the Chief Constable, 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) requesting that the committee considers whether to recall the suspension or to further suspend the licence under the terms of Paragraph 11 of Schedule 1 of the Act (Agenda Item No. 6 refers).

The Principal Solicitor advised that further information had been received from the Chief Constable advising that the applicant had recently attended at Glasgow Sheriff Court in relation to one of the pending matters detailed in the previous letter of representation. The outcome of that attendance at court was that the licence holder had been disqualified from driving for a period of 12 months.

As a result of this information, the committee, following brief discussion, agreed to suspend the licence for the unexpired portion of the licence i.e. until 17 August 2015.

**The meeting was opened to the press and public at this point.**

#### **PROPOSED NEW TAXI STANCE IN BARRHEAD**

**1368.** The committee considered a report by the Chief Officer (Legal & Procurement) regarding the appointment of a new Taxi Stance to be sited on Main Street, Barrhead to the west side of Water Road in front of The Foundry as shown on the plan at Appendix 1 to the report.

Having heard the Principal Solicitor explain that in terms of Section 19(4) of the Civic Government (Scotland) Act 1982, before appointing a taxi stance the Council was required to give notice to the Chief Constable and also give public notice of the proposal by

advertisement in at least one newspaper circulating in the area and take into consideration any objections or representations in respect of such proposal which may be made to it in writing within 28 days of the first publication of such notice, the committee agreed:-

- (a) in principal to the appointment of a new taxi stance as detailed below:-  

Main Street, to the west side of Water Road, in front of The Foundry as shown on the plan at Appendix 1 to the report subject to a reduction in the capacity of the proposed stance from 6 to 4 taxis;
- (b) that the Chief Officer (Legal & Procurement) be instructed to undertake the necessary consultation and advertisement procedure;
- (c) that subject to there being no objections or representations seeking to amend the proposal, it be delegated to the Chief Officer (Legal & Procurement) to agree to appoint the stance, it being noted that if any objections or representations were submitted, the matter would be remitted back to the committee for determination; and
- (d) that should the new taxi stance be appointed, and if information was received that the public or taxi trade no longer required the taxi stance currently located within the car park in Cochrane Street (or that no objections or representations were received), that the Chief Officer (Legal & Procurement) be instructed to undertake the necessary action to revoke the Cochrane Street stance, it being noted that if any objections or representations were submitted (other than to support the revocation), then the matter would be remitted back to the committee for determination.

CHAIR