

MINUTE
of
LICENSING COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 18 August 2015.

Present:

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

Councillor Reilly in the Chair

Attending:

Jacqui McCusker, Senior Solicitor, and Eamonn Daly, Democratic Services Manager.

Also Attending:

Inspector Susan Gillen and Sergeant Craig Brady, Police Scotland (Items 1647 to 1650 only).

Apology:

Councillor Betty Cunningham.

DECLARATIONS OF INTEREST

1646. Councillor Reilly declared a non-financial interest in Item 1650 below on the grounds that he knew the applicant in a work-related capacity.

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 1647 to 1651 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

1647. 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 3 refers). The applicant was present. 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.

Sergeant Brady was heard in respect of the objection submitted by the Chief Constable.

The applicant was then heard in respect of his 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 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.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

1648. 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. 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.

Sergeant Brady was heard in respect of the objection submitted by the Chief Constable.

The applicant was then heard in respect of his 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 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.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR RENEWAL

1649. The committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for the renewal of a Private Hire Car Driver's Licence (Agenda Item 5 refers). 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 objection by the Chief Constable.

Sergeant Brady was heard in respect of the representation submitted by the Chief Constable.

The applicant was then heard in respect of his 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 application be granted and the Private Hire Car Driver's Licence renewed for 1 year, subject to standard terms and conditions.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR RENEWAL

1650. The committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for the renewal of a Private Hire Car Driver's Licence (Agenda Item 6 refers). 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.

Sergeant Brady was heard in respect of the representation submitted by the Chief Constable and confirmed the date of the trial in respect of the pending case against the applicant.

The applicant was then heard in respect of his application and in response to questions from Members.

1552

Having taken account of the submission made by the applicant, his previous convictions, their seriousness and relevance to the licence being applied for, the representation by the Chief Constable, and having heard further from the Senior Solicitor on the applicant's pending court case, agreed that the application be granted and the Private Hire Car Driver's Licence renewed for 3 years, subject to standard terms and conditions.

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Having declared a non-financial interest in respect of the following item, Councillor Reilly left the meeting at this point.

In Councillor Reilly's absence, Councillor Hay, Vice Chair, assumed the Chair.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR RENEWAL - REQUEST FOR EXTENSION TO DRIVING STANDARDS AGENCY ASSESSMENT

1651. Under reference to the Minute of the Meeting of 4 February 2015 (Page 1311, Item 1392 refers), when it had been agreed that a Private Hire Car Driver's Licence be granted subject to standard terms and conditions and with the further additional condition that the applicant should undergo and complete, at his own cost, the Driving Standards Agency (DSA) 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 3 June 2015), the committee considered a report by the Chief Officer (Legal & Procurement) regarding a request from the applicant for an extension to the time in which the DSA Assessment must be completed (Agenda Item 7 refers).

Having considered the circumstances which had led to the request for an extension to the time period within which the assessment must be passed, the committee agreed to a three month extension until 4 November 2015.

The meeting was opened to the public at this point.

CALENDAR OF MEETINGS – JANUARY TO DECEMBER 2016

1652. The committee considered and approved a report by the Deputy Chief Executive regarding proposed meeting dates for the committee for 2016, it being noted that meetings would be cancelled in the event there was no business or additional ad-hoc meetings convened if required.

CHAIR