

MINUTE
of
LICENSING COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 11 September 2018.

Present:

Councillor Angela Convery (Chair)	Councillor Alan Lafferty
Councillor Betty Cunningham (Vice Chair)	Councillor Stewart Miller
Councillor Charlie Gilbert	

Councillor Convery in the Chair

Attending:

Jacqui McCusker, Senior Solicitor; Brian Kilpatrick, Civic Government Enforcement Officer; Liona Allison, Assistant Committee Services Officer; and Ron Leitch, Committee Services Officer.

Also Attending:

Sergeant Scott Brown, Police Scotland.

DECLARATIONS OF INTEREST

574. 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 575 to 579 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.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

575. Under reference to the Minute of the meeting of 14 August 2018 (Page 482, Item 526 refers) when it had been agreed to defer consideration of an application to allow the applicant to make a personal appearance, failing which the committee would determine the application in his absence, 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, having again been invited to attend was not present. Sergeant Brown, representing the Chief Constable, who had made an objection in respect of the application, was present.

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

Sergeant Brown was heard in respect of the objection submitted by the Chief Constable and in response to questions from Members.

Following brief discussion the committee, having taken account of the applicant's previous conviction, its seriousness and relevance to the licence being applied for, and also having taken account of the objection by the Chief Constable, agreed that the application be refused on the grounds that the applicant was not considered a fit and proper person to be the holder of such a licence by virtue of his previous conviction.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

576. Under reference to the Minute of the meeting of 14 August 2018 (Page 482, Item 528 refers) when it had been agreed to defer consideration of an application to allow the applicant to make a personal appearance, failing which the committee would determine the application in his absence, 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, having again been invited to attend, was not present. Sergeant Brown, representing the Chief Constable, who had made an objection in respect of the application, was present.

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

Sergeant Brown was heard in respect of the objection submitted by the Chief Constable and in response to questions from Members.

Following brief discussion the committee, having taken account of the applicant's 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 application be refused on the grounds that the applicant was not considered a fit and proper person to be the holder of such a licence by virtue of his previous convictions.

TAXI DRIVER'S LICENCE – APPLICATION FOR RENEWAL

577. 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 5 refers). The applicant was present. Sergeant Brown, representing the Chief Constable, who had made a representation in respect of the application, was also present.

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

Sergeant Brown 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.

Following brief discussion the committee, having taken account of the submission made by the applicant, and also having taken account of the representation by the Chief Constable, agreed to grant the application subject to the applicant being advised that under the terms and conditions of the licence he was obliged to notify the Council of the outcome of any future pending court case as soon as it had been determined.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

578. Under reference to the Minute of the meeting of 14 August 2018 (Page 482, Item 527 refers) when it had been agreed to defer consideration of an application to allow the applicant's legal representative time to time to prepare a case on behalf of their client, 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 6 refers). The applicant was present accompanied by his solicitor, Patrick Campbell of Campbell & McCartney Solicitors. Sergeant Brown, representing the Chief Constable, who had made a representation in respect of the application, was also present.

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

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

The applicant's solicitor was then heard in respect of the application and in response to questions from Members.

Following brief discussion the committee agreed to continue consideration to the next meeting in order to allow the applicant to seek clarification from Glasgow City Council in respect of the status of the Private Hire Car Driver's Licence which he currently holds with them.

TAXI AND PRIVATE HIRE CAR DRIVER'S LICENCES – APPLICATION FOR RENEWAL AND NOTICE OF SEQUESTRATION

579. Under reference to the Minute of the meeting of 14 August 2018 (Page 482, Item 525 refers) when it had been agreed to defer consideration of an application to allow the applicant's legal representative time to time to prepare a case on behalf of their client, the committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for the renewal of four Private Hire Car Driver's Licences and one Taxi Driver's Licence. (Agenda Item 7 refers). The applicant was present accompanied by his solicitor, Scott Banks of Banks, Devlin & Co Solicitors.

The applicant's solicitor was heard in respect of the applications for the renewal of the five licences in the course of which he expressed the view that the application was a completely separate issue from the matter of the applicant's sequestration which was a matter for the Accountant in Bankruptcy and the appointed trustee to pursue independently of the Council.

The applicant's solicitor was then heard in response to questions from Members.

Following brief discussion the committee agreed to grant the applications for a period of 1 year subject to standard terms and conditions.

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

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – SECTION 9 RESOLUTION UPDATE – PUBLIC ENTERTAINMENT LICENCES

580. The committee considered a report by the Chief Officer (Legal & Procurement) regarding activities on premises or types of premises that should be included in the requirement for a public entertainment licence.

The report explained that under the terms of Section 9 of the Civic Government (Scotland) Act 1982 a variety of licences, including public entertainment licences, were considered to be optional, it being for each local authority to determine what activities on premises or types of premises should be licensed.

The report went on to outline the present categories of premises requiring a public entertainment licence. It explained that the Council had carried out a public consultation on possible changes early in 2018 but that no responses had been received. Police Scotland had indicated that they would prefer that larger events required to be licensed as this would allow them to comment on such events during the consultation period. For example, Glasgow City Council had a requirement that any event likely to attract more than 500 participants or spectators at any one time would require a licence.

A list of suggested premises and events which could require a licence and which could form the basis of a revised Section 9 resolution on public entertainment licences was appended as Appendix 1 to the report.

The committee agreed:-

- (a) that activities on premises that require the premises to obtain a Public Entertainment Licence as proposed in Appendix 1 to the report be approved;
- (b) that the list of exemptions as proposed in Appendix 1 to the report be approved; and
- (c) to authorise the Chief Officer (Legal & Procurement) to carry out the necessary administrative procedures including further statutory consultation.

CHAIR