

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

**Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 3 October 2017.**

**Present:**

Councillor Angela Convery (Chair)  
Councillor Alan Lafferty

Councillor David Macdonald  
Councillor Stewart Miller

Councillor Convery in the Chair

**Attending:**

Joe Abrami, Principal Solicitor; and Jennifer Graham, Committee Services Officer.

**Also Attending:**

Inspector John McQuilter (Item 167 only) and Sergeant Marie Stewart, Police Scotland.

**Apology:**

Councillor Betty Cunningham (Vice Chair).

**DECLARATIONS OF INTEREST**

**166.** 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.

**PRIVATE HIRE CAR LICENCE – APPLICATION FOR RENEWAL**

**167.** The committee considered a report by the Chief Officer, Legal & Procurement regarding an application for the grant of a Private Hire Car Licence (Agenda Item 3 refers). The applicant was present accompanied by his Solicitor, Mr Campbell. Inspector McQuilter

and Sergeant Stewart 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 it wished to attach to the objection by the Chief Constable.

The Principal Solicitor advised that a communication had recently been received from Mr Campbell, Solicitor, seeking an adjournment of the case. However, Mr Campbell advised the committee that an adjournment was no longer sought and his client was happy to proceed.

Sergeant Stewart was heard in respect of the objection submitted by the Chief Constable. In addition Police Scotland had advised that the applicant had two convictions which were considered "spent" in terms of the Rehabilitation of Offenders Act 1974. The Principal Solicitor explained that in terms of Section 7, Subsection 3, of the Act, the Committee may choose to admit spent convictions, and take them into account in coming to their decision should they be satisfied that, in the light of any considerations which appear to them to be relevant, justice cannot be done in the case except by admitting or requiring evidence relating to a person's spent convictions or to circumstances ancillary thereto. The Principal Solicitor explained that it was for the committee to decide whether to take the spent convictions into consideration.

The committee agreed that justice could not be served without taking the convictions into account and a report was tabled giving specific details of the applicant's spent convictions.

Sergeant Stewart was heard further in respect of the spent convictions and in response to questions from Members.

The applicant and his Solicitor were then 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 agreed to continue consideration of the application to a future meeting to allow the outcome of the applicant's forthcoming court appeal to be known.

## **PRIVATE HIRE CAR LICENCE – APPLICATION FOR GRANT**

**168.** The committee considered a report by the Chief Officer, Legal & Procurement regarding an application for the grant of a Private Hire Car Licence (Agenda Item 4 refers). The applicant, having been invited to attend, was not present. Sergeant Stewart, 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.

The committee agreed to continue consideration of the application to the next meeting for the applicant to make a personal appearance.

## **PRIVATE HIRE CAR LICENCE – APPLICATION FOR RENEWAL**

**169.** The committee considered a report by the Chief Officer, Legal & Procurement regarding an application for the renewal of a Private Hire Car Licence (Agenda Item 5 refers). The applicant was present accompanied by his Solicitor, Mr Garrett. Sergeant Stewart, 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.

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

The applicant's Solicitor advised that his client intended to plead not guilty in respect of the outstanding charge against him and requested that the matter be adjourned to a future date to allow the outcome of the court case to be known. The applicant was then heard in respect of the application and in response to questions from Members.

The committee agreed to continue consideration of the application to a future meeting to allow the outcome of the applicant's forthcoming court case to be known.

## **PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT**

**170.** 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. Sergeant Stewart, 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.

Sergeant Stewart 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 continue consideration of the application to a future meeting to allow the outcome of the applicant's forthcoming court case to be known.

## **PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT**

**171.** 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 7 refers). The applicant was present. Sergeant Stewart, 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.

Sergeant Stewart was heard in respect of the representation submitted by the Chief Constable. In addition Police Scotland had advised that the applicant had a conviction which

was considered “spent” in terms of the Rehabilitation of Offenders Act 1974. The Principal Solicitor explained that in terms of Section 7, Subsection 3, of the Act, the Committee may choose to admit spent convictions, and take them into account in coming to their decision should they be satisfied that, in the light of any considerations which appear to them to be relevant, justice cannot be done in the case except by admitting or requiring evidence relating to a person’s spent convictions or to circumstances ancillary thereto. The Principal Solicitor explained that it was for the committee to decide whether to take the spent conviction into consideration.

The committee agreed that justice could not be served without taking the conviction into account and a report was tabled giving specific details of the applicant’s spent conviction.

Sergeant Stewart was heard further in respect of the spent conviction 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 and 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 HIRE CAR DRIVER’S LICENCE – APPLICATION FOR RENEWAL**

**172.** 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 8 refers). The applicant was present. Sergeant Stewart, representing the Chief Constable who had made an objection 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 objection by the Chief Constable.

Sergeant Stewart 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, 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 objection by the Chief Constable, agreed that the licence be granted for a period of 1 year subject to standard terms and conditions.

CHAIR