

MINUTE
of
LICENSING COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 21 November 2017.

Present:

Councillor Angela Convery (Chair)	Councillor David Macdonald
Councillor Betty Cunningham (Vice Chair)	Councillor Stewart Miller
Councillor Alan Lafferty	

Councillor Convery in the Chair

Attending:

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

Also Attending:

Liz Currie, Supported Housing Services and Private Sector Manager; Jillian McGrain, Principal Housing Officer (Private Sector) (Item 228 only); Brian Kilpatrick, Civic Government Enforcement Officer; and Inspector John McQuilter and Sergeant Scott Brown, Police Scotland (Item 229 only).

DECLARATIONS OF INTEREST

227. There were no declarations of interest intimated.

HOUSE IN MULTIPLE OCCUPATION – APPLICATION FOR GRANT

228. The committee considered a report by Director of Environment regarding an application for a House in Multiple Occupation Licence.

The report explained the background to the legislation relating to the licensing of Houses in Multiple Occupation (HMO) the purpose of which was to achieve and maintain high standards of service in this part of the private rented sector by ensuring that the HMO owner and their agent(s), were fit and proper persons and to ensure the suitability of the accommodation.

Cube Housing Association (Cube HA) had submitted an application for an HMO licence on 5 June 2017 in respect of 3 Luckiesfauld, Neilston with The McFarlane Trust declared as an agent. The property had previously been granted an HMO licence in 2002 and Cube HA had renewed the licence every 3 years until March 2017 when the licence had expired. The property had been unoccupied since February 2015.

The applicant had complied with the legislation and displayed a notice outside the property between 25 May and 16 June 2017 informing the public of the application for an HMO licence and this had been checked and confirmed by Housing Services on 5 June and 12 June 2017.

The Council had received 3 written objections from neighbouring residents, 2 of which had subsequently been withdrawn.

Councillor Convery welcomed George Brabidner and Sharon Esen representing Cube HA to the meeting.

Mr Brabinder and Ms Esen, in response to questions from Members, explained that the HMO was intended to house 4 frail, elderly female residents, some of whom suffered from dementia, currently living in a number of other HMOs run by The McFarlane Trust. The intention was to bring together, into a single HMO, clients with similar medical conditions and support needs.

They also explained that considerable work had recently been carried out on the property to rectify internal water damage caused by a burst pipe and to bring the property up to a fit condition to house the proposed clients. Considerable work had also been carried out to improve the external appearance of the property.

The property had recently been inspected by a representative of the Housing Service along with representatives of the Scottish Fire and Rescue Service (SFRS) and both bodies were satisfied with the current condition. Referring to future general upkeep of the property including such items as window cleaning and garden maintenance, it was reported that this would be the responsibility of The McFarlane Trust.

Having heard that the Housing Service and SFRS had no further concerns regarding the condition of the property, the committee agreed that the House in Multiple Occupation Licence be granted.

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.

LICENSED PRIVATE HIRE CAR/DRIVERS LICENCES – APPLICATIONS FOR GRANT

229. The committee considered a report by the Chief Officer (Legal & Procurement) regarding the undernoted applications for licences under the terms of the Civic Government (Scotland) Act 1982.

Application No. 2 – Private Hire Car Operator’s Licence

Under reference to the Minute of the meeting of 20 June 2017 (Page 156, Item 168 refers) when it had been agreed to defer consideration of an application to allow the applicant to make a personal appearance, the Principal Solicitor advised the committee that since the

papers had been published, the applicant had contacted the Council and advised that he wished to withdraw his application.

The committee noted the position.

Application No. 2 – Private Hire Car Driver’s Licence

The applicant was present. Inspector McQuillter and Sergeant Brown representing the Chief Constable who had made a representation in respect of the application, were also present.

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.

The committee, having taken account of the submission made by the applicant, his previous conviction and 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.

Application No.3 – Private Hire Car Driver’s Licence

The committee considered an oral report by the Chief Officer (Legal & Procurement) regarding an application for the grant of a Private Hire Car Driver’s Licence. The applicant, having been invited to attend, was not present.

The Principal Solicitor explained that this matter had been brought to the committee by virtue of the fact that the applicant had not provided a local contact address, his only address being in Leeds. In spite of 6 requests by Police Scotland to contact them to discuss his application, the applicant had made no contact either with Police Scotland or with the Council.

In view of this and taking account of the applicant’s non-appearance, the committee agreed that the application be refused on the grounds that the applicant was not a fit and proper person to be the holder of such a licence by virtue of his repeated refusal to communicate with the Council and Police Scotland to discuss matters relating to his application.

Application No. 4 - Private Hire Car Driver’s Licence

The committee considered an oral report by the Chief Officer (Legal & Procurement) regarding an application for the grant of a Private Hire Car Driver’s Licence. The applicant was present.

The Principal Solicitor explained that this matter had been brought to the committee by virtue of the fact that the applicant had not provided a local contact address. However, the applicant confirmed that since shortly after submitting his application in August 2017 he had been residing at the home of a family member in Glasgow and had recently sent his driving licence to the Driver and Vehicle Licensing Agency (DVLA) to have his home address changed to the Glasgow address.

Having heard the applicant confirm that he now considered Glasgow to be his home and that he was happy for the Council to change his application form to show his Glasgow address, the committee agreed that the licence be granted for a period of 1 year subject to standard terms and conditions and also subject to the applicant submitting his driving licence and other relevant documentation to the Council as confirmation of his new address.

Application No. 5 - Private Hire Car Driver's Licence

The applicant was present. Inspector McQuiltter and Sergeant Brown, representing the Chief Constable who had made an objection in respect of the application, were also present.

Sergeant Brown 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 conviction and 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