

MINUTE
of
LICENSING COMMITTEE

Minute of virtual meeting held at 10.00am on 8 December 2020.

Present:

Councillor Angela Convery (Chair)	Councillor Stewart Miller
Councillor Betty Cunningham (Vice Chair)	Councillor Paul O'Kane
Councillor Charlie Gilbert	

Councillor Convery in the Chair

Attending:

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

Also Attending:

Inspector Stevie Scott and Sergeant David Gilmore, Police Scotland.

DECLARATIONS OF INTEREST

1462. 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 undernoted items of business 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/OPERATOR'S LICENCES – REQUEST FOR REINSTATEMENT OF LICENCES FOLLOWING SUSPENSION

1463. Under reference to the Minute of the meeting of 14 February 2020 (Page 1097, Item 1190) when the committee agreed that the applicant's licences remained suspended pending the outcome of ongoing legal proceedings, the committee considered a report by the Civic Government Enforcement Officer (Agenda Item 3 refers) seeking a determination on whether the suspension relative to the applicant's Private Hire Car Driver's Licence and Private Hire Car Operator's Licence should be revoked in light of the outcome of the applicant's trial.

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Mr David Kinloch, Solicitor, representing the applicant, was present.

Inspector Scott and Sergeant Gilmore, representing the Chief Constable, were also present.

Sergeant Gilmore was heard in respect of a letter which had been submitted by the Chief Constable confirming that the Chief Constable's previous complaints had now been withdrawn following the applicant's acquittal at Paisley Sheriff Court.

Mr Kinloch was then heard in respect of the request to reinstate the licences and in response to questions from Members.

The Senior Solicitor confirmed that the applicant's Private Hire Car Operator's Licence had expired in October 2020 and he had already submitted an application for grant of a new licence following his acquittal.

Having fully discussed the circumstances, the committee;

- (a) agreed that the suspension be revoked and the applicant's Private Hire Car Driver's Licence be reinstated with immediate effect; and
- (b) noted that the applicant had reapplied for a Private Hire Car Operator's Licence, as his previous licence had expired in October 2020.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

1464. The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 4 refers).

The applicant was present.

Inspector Scott and Sergeant Gilmore representing the Chief Constable, who had made a representation 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 representation by the Chief Constable and its relevance to the type of licence being applied for.

Sergeant Gilmore was heard in respect of the representation 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 discussion the committee, having taken account of the applicant's previous conviction, its seriousness and relevance to the licence being applied for, and the representation by the Chief Constable, 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 previous conviction.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

1465. The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 5 refers).

The applicant, having been invited to the meeting, was not present and the committee decided that they would consider the application in his absence.

Inspector Scott and Sergeant Gilmore representing the Chief Constable, who had made a representation in respect of the application, were 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 Gilmore was heard in respect of the representation submitted by the Chief Constable and in response to questions from Members.

Following discussion, the committee, having taken account of the representation by the Chief Constable, agreed that the application be granted for a period of one year subject to standard conditions.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

1466. The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 6 refers).

The applicant, having been invited to the meeting, was not present and the committee decided that they would consider the application in his absence.

Inspector Scott and Sergeant Gilmore representing the Chief Constable, who had made an objection in respect of the application, were 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 Gilmore was heard in respect of the objection submitted by the Chief Constable and in response to questions from Members.

Following discussion the committee, having taken account of the applicant's previous convictions, their seriousness and relevance to the licence being applied for, and the objection by the Chief Constable, 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 previous convictions.

