

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

**Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 4 December 2014.**

**Present:**

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

Councillor Reilly in the Chair

**Attending:**

Lorraine McMillan, Chief Executive; Jacqui McCusker, Senior Solicitor and Ron Leitch, Committee Services Officer.

**Also Attending:**

Inspector Alan Dickson and Sergeant David McDonald, Police Scotland.

**DECLARATIONS OF INTEREST**

**1318.** 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.

**APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE**

**1319.** Under reference to the Minute of the meeting of 22 October 2014 (Page 1205, Item 1259 refers) when it had been agreed to defer consideration of an application in order to enable the applicant to make a personal appearance, 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 No. 3 refers). The applicant, having again been invited to attend was not present. Inspector Dickson and Sergeant McDonald, representing the Chief Constable who had made an objection in respect of the application, were present.

Having heard the Senior Solicitor explain that the applicant had been advised that should he again fail to appear the committee would consider the application in his absence, the committee proceeded to consider the application.

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.

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 application be refused on the grounds that the applicant was not considered to be a fit and proper person by virtue of his previous convictions.

#### **APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE**

**1320.** 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 No. 4 refers). The applicant was present. Inspector Dickson and Sergeant McDonald, 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.

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

The applicant was 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, 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 licence be granted for a period of 1 year subject to standard terms and conditions and subject to the further additional condition as follows:-

*The holder of this private hire car driver's licence shall undergo and complete, at his own cost, the Driving Standards Agency 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).*

### **APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE**

**1321.** Under reference to the Minute of the meeting of 22 October 2014 (Page 1205, Item 1260 refers) when it had been agreed to defer consideration of an application in order to enable the applicant to make a personal appearance, 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 No. 5 refers). The applicant was present accompanied by his solicitor, Mr Slater. Inspector Dickson and Sergeant McDonald, 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.

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

The applicant's solicitor was 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, 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 licence be granted for a period of 1 year subject to standard terms and conditions.

### **APPLICATION FOR THE RENEWAL OF A TAXI CAR DRIVER'S LICENCE**

**1322.** The committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for the renewal of a Taxi Car Driver's Licence (Agenda Item No. 6 refers). The applicant having failed to appear, the committee agreed that consideration of the application be continued for a personal appearance. In the event that the applicant failed to appear on the rescheduled date the committee would consider the application in his absence.

CHAIR

