

MINUTE
of
LICENSING COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 4 February 2015.

Present:

Councillor Tommy Reilly (Chair)
Councillor Betty Cunningham

Councillor Charlie Gilbert
Councillor Stewart Miller

Councillor Reilly in the Chair

Apology:

Councillor Kenny Hay (Vice Chair).

Attending:

Fiona Currie, Strategy and Development Manager (Housing); Jillian McGrain, Principal Housing Officer (Private Sector); Jacqui McCusker, Senior Solicitor and Ron Leitch, Committee Services Officer.

Also Attending:

Chief Inspector Angela Carty and Sergeant David Higgins, Police Scotland.

DECLARATIONS OF INTEREST

1386. Councillor Reilly declared a non-financial interest in respect of Items No. 1388 and 1392 below on the grounds that the applicants were known to him. He withdrew from the Chamber during consideration of these applications. In the absence of the Vice Chair it was agreed that Councillor Cunningham Chair the meeting during consideration of these items.

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 1364-1367 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 LANDLORD REGISTRATION

1387. The committee considered a report by Director of Environment regarding an application for inclusion on the Register of Private Landlords under the terms of the Antisocial Behaviour etc. (Scotland) Act 2004, as amended (Agenda Item 3 refers).

The applicant, having been invited to attend, was not present. The Strategy and Development Manager (Housing) and the Principal Housing Officer (Private Sector) were present.

Following brief discussion 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.

Sederunt

Councillor Reilly left the meeting prior to consideration of this item.

PUBLIC ENTERTAINMENT LICENCE - SUNBED PARLOUR AND TANNING CENTRE

1388. The committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for the grant of a Public Entertainment Licence in respect of a Sunbed Parlour and Tanning Centre (Agenda Item 4 refers). The applicant was present accompanied by her solicitor Mr Whyte. Chief Inspector Carty and Sergeant Higgins, 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, if any, it wished to attach to the objection made by the Chief Constable taking into account its relevance to the type of licence being applied for.

Chief Inspector Carty was heard in respect of the objection 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, and also having taken account of the objection by the Chief Constable, agreed that the licence be granted subject to standard terms and conditions.

Sederunt

Councillor Reilly re-joined the meeting at this point.

APPLICATION FOR A PRIVATE HIRE CAR DRIVER'S LICENCE

1389. The committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for grant of a Private Hire Car Driver's Licence (Agenda Item 5

refers). The applicant, having been invited to attend, was not present. Chief Inspector Carty and Sergeant Higgins, representing the Chief Constable who had made an objection in respect of the application, were present.

Following brief discussion 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.

APPLICATION FOR WINDOW CLEANER'S LICENCE

1390. Under reference to the Minute of the meeting of 16 January 2015 (Page 128, Item 1366 refers) when it had been decided to defer consideration of this 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 window cleaner's licence (Agenda Item 6 refers). The applicant, having been invited to attend, was again not present. Chief Inspector Carty and Sergeant Higgins, representing the Chief Constable who had made a representation in respect of the application, were present.

The committee proceeded to determine the application in the absence of the applicant.

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

The committee, having taken account of the application submitted by the applicant, his previous convictions, their seriousness and relevance to the licence being applied for, and also having taken account of the representation made by the Chief Constable, agreed that the application be refused on the grounds that the applicant was not a fit and proper person by virtue of his previous convictions.

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

1391. 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 7 refers). The applicant, having been invited to attend, was not present. Chief Inspector Carty and Sergeant Higgins, representing the Chief Constable who had made a representation in respect of the application, were present.

Following brief discussion 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.

Sederunt

Councillor Reilly left the meeting prior to consideration of this item.

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

1392. 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 accompanied by his solicitor Mr Burke. Chief Inspector Carty and Sergeant Higgins, 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 into account 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.

Chief Inspector Carty 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 subject to standard terms and conditions and subject to the further additional conditions 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 4 August 2015).

Sederunt

Councillor Reilly re-joined the meeting at this point.

APPLICATION FOR A PRIVATE HIRE CAR DRIVER'S LICENCE

1393. The committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for grant of a Private Hire Car Driver's Licence (Agenda Item 9 refers).

The applicant, having been invited to attend, was not present. Chief Inspector Carty and Sergeant Higgins, representing the Chief Constable who had made a representation in respect of the application, were present.

Following brief discussion 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.