

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

**Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 29 September 2015.**

**Present:**

Councillor Tommy Reilly (Chair)  
Councillor Stewart Miller

Councillor Charlie Gilbert

Councillor Reilly in the Chair

**Attending:**

Lorraine McMillan, Chief Executive; Liz Currie, Strategy and Development Manager (Housing); Janice Ross, Principal Housing Officer (Private Sector); Jacqui McCusker, Senior Solicitor, and Ron Leitch, Committee Services Officer.

**Also Attending:**

Sergeant Daniella Giannoni and Laura McLaughlin, Police Scotland (Items 1739-1740 only).

**Apologies:**

Councillors Kenny Hay (Vice Chair) and Betty Cunningham.

**DECLARATIONS OF INTEREST**

**1738.** 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 DRIVER'S LICENCE – APPLICATION FOR GRANT**

**1739.** 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 3 refers). The applicant was present. Sergeant Giannoni and Ms McLauchlin, representing the Chief Constable who had made an objection 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 objection by the Chief Constable.

Sergeant Giannoni was heard in respect of the objection submitted by the Chief Constable.

The applicant was then heard in respect of his 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 objection by the Chief Constable, agreed that the licence be refused on the grounds that the applicant was not considered to be a fit and proper person by virtue of his previous convictions.

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

**1740.** Under reference to the Minute of the meeting of 2 April 2015 (Page 1420, Item 1500 refers) when the committee had agreed that consideration of an application for the grant of a Private Hire Car Driver's Licence should be continued until the conclusion of a pending court case, the committee considered a report by the Chief Officer (Legal & Procurement) regarding the application (Agenda Item 4 refers). The applicant was present. Sergeant Giannoni and Ms McLauchlin, representing the Chief Constable who had made an objection 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 objection by the Chief Constable.

The Senior Solicitor explained that the pending court case against the applicant had recently been concluded and that the applicant had been admonished. However, the Chief Constable had made a further objection in respect of the application on the grounds that the circumstances surrounding the applicant had changed. A further letter of objection had been submitted explaining that the Chief Constable had grave concerns in respect of the applicant's suitability to hold such a licence in terms of the risk to public safety.

The committee agreed to a short adjournment to consider whether or not it was competent in terms of Section 3 (1)(2) of Schedule 1 of the Act to take this further letter of objection into account in determining the application. On reconvening, the committee agreed that the further letter of objection from the Chief Constable should be taken into account and copies were tabled.

Sergeant Giannoni 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.

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

### **Variation in Order of Business**

At this point in the meeting and in accordance with Standing Order 19, Councillor Reilly agreed to vary the order of business as printed on the agenda in order to facilitate the conduct of the meeting.

### **PRIVATE LANDLORD REGISTRATION**

**1741.** 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 6 refers).

The applicant, having been invited to attend, was not present but was represented by his mother and stepfather. 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 to allow the applicant's representatives to produce a mandate from the applicant confirming that his mother and stepfather were acting on his behalf in the matter of this application.

### **PRIVATE LANDLORD REGISTRATION**

**1742.** 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 5 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.

1628

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.

CHAIR