

## **BUSINESS SERVICES COMMITTEE**

### **LICENSING SUB-COMMITTEE**

**GORDON HOUSE, INVERURIE, 7 JUNE, 2019**

- Present:** Councillors F Hood (Chair), R Bruce, M Ewenson (as substitute for Councillor M Roy), A Forsyth, V Harper, D Lonchay, A Stirling and L Wilson (as substitute for Councillor D Robertson).
- Apologies:** Councillors D Robertson and M Roy.
- Officers:** Senior Committee Officer (Allan Bell), Senior Solicitor (Iain Meredith), and Trainee Solicitor (Abdul Elghedafi), all Legal and Governance.
- In attendance:** Sergeant G Flett (Police Scotland).

### **VALEDICTORY**

On the occasion of his final meeting before taking up a new position at another authority, the Chair and members thanked Iain Meredith for his contribution to the work of the Sub-Committee.

### **1. DECLARATION OF MEMBERS' INTERESTS**

The Chair asked members if they had any interests to declare, in terms of the Councillors' Code of Conduct. No interests were declared.

### **2A. PUBLIC SECTOR EQUALITY DUTY**

In taking decisions on the undernoted items of business, the Sub-Committee **agreed**, in terms of Section 149 of the Equality Act 2010:-

- (1) to have due regard to the need to:-
  - (a) eliminate discrimination, harassment and victimisation;
  - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
  - (c) foster relations between those who share a protected characteristic and persons who do not share it, and
- (2) to consider, where an equality impact assessment has been provided, its contents and to take those into consideration when reaching a decision.

### **2B. CONFIDENTIAL INFORMATION**

The Sub-Committee **agreed**, in terms of Section 50A (2) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting during consideration of Items 4 and 5 below, on account of the likely disclosure of confidential information, in breach of the obligation of confidence.

### 3. MINUTE OF MEETING OF THE SUB-COMMITTEE OF 26 APRIL, 2019

On consideration of the circulated Minute of Meeting of the Sub-Committee of 26 April, 2019, members **approved** the Minute as a correct record. It was thereafter signed by the Chair.

### 4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATIONS FOR DETERMINATION

#### (a) Application for a Taxi Driver's Licence (Case No. 976)

There had been circulated a report dated 25 April, 2019, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a taxi driver's licence (identified as Case No. 976) and (2) detailed information relevant to the application.

In the absence of the applicant, the Sub-Committee **agreed**, by a majority, that the application be refused, on the grounds that the applicant was not a fit and proper person to hold a taxi driver's licence, due to the serious nature of his convictions and the number of penalty points currently on his licence.

#### (b) Application for a Taxi Driver's Licence (Case No. 977)

There had been circulated a report dated 10 May, 2019, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a taxi driver's licence (identified as Case No. 977), in respect of which the Chief Constable had made representations and (2) detailed information relevant to the application.

Having heard from the applicant and the representative of the Chief Constable, the Sub-Committee **agreed** unanimously that the application be granted for a period of one year.

#### (c) Application for a Taxi Driver's Licence (Case No. 978)

There had been circulated a report dated 22 May, 2019, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a taxi driver's licence (identified as Case No. 978), in respect of which the Chief Constable had made representations and (2) detailed information relevant to the application.

Having heard from the applicant and the representative of the Chief Constable, Councillor Harper, second by Councillor Lonchay, **moved** that the Sub-Committee grant the application for a period of one year.

As an amendment, Councillor Wilson, seconded by Councillor Ewenson, **moved** that the application be refused, on the basis that the applicant was not a fit and proper person to hold a taxi driver's licence, due to his previous convictions and having come to the attention of the police on another occasion.

Members of the Sub-Committee voted as follows:-

for the motion (4) Councillors Forsyth, Harper, Lonchay and Stirling

for the amendment (4) Councillors Hood, Bruce, Ewenson and Wilson.

There being an equality of votes, the Chair cast his vote in favour of the amendment.

**The amendment was carried** in the following terms:-

that the application be refused, on the basis that the applicant was not a fit and proper person to hold a taxi driver's licence, due to his previous convictions and having come to the attention of the police on another occasion.

**5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – CONSIDERATION OF SUSPENSION OF A TEMPORARY PRIVATE HIRE CAR LICENCE (CASE NO. 979)**

There had been circulated a report dated 29 May, 2019, by the Director of Business Services, which (1) requested that consideration be given to a complaint, submitted by the Chief Constable, seeking the temporary suspension of a private hire car driver's licence (identified as Case No. 979) and (2) detailed information relevant to the licence holder and the complaint.

Having heard from the representative of the Chief Constable, the Sub-Committee:-

- (1) **agreed**, by a majority, that the allegations contained within the complaint were justified,
- (2) **agreed**, by a majority, that the activity to which the licence related was causing, or was likely to cause, a serious threat to public order or public safety, and
- (3) **agreed**, by a majority, to suspend the private hire car driver's licence immediately, in terms of the prevailing legislation, and to fix a date for the suspension hearing.