

BUSINESS SERVICES COMMITTEE

LICENSING SUB-COMMITTEE

WOODHILL HOUSE, ABERDEEN, 1 JULY, 2019

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

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 Item 4 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 7 JUNE, 2019

On consideration of the circulated Minute of Meeting of the Sub-Committee of 7 June, 2019, members **approved** the Minute as a correct record. It was thereafter signed by the Chair.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – CONSIDERATION OF SUSPENSION/ REVOCATION OF A PRIVATE HIRE CAR DRIVER'S LICENCE (CASE NO 979)

With reference to the Minute of Meeting of the Sub-Committee of 7 June, 2019 (Item 5), when it has been agreed to suspend, with immediate effect, a private hire car driver's licence (identified as Case No. 979), in terms of Paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982, on the basis that the licence holder's actions had caused, or were likely to cause, a serious threat to public order or public safety, there was circulated a report dated 21 June, 2019, by the Director of Business Services, which (1) requested that, in terms of Paragraph 11 of Schedule 1 of the 1982 Act, consideration be given to the suspension and/or revocation of the licence in question and (2) detailed information relevant to the case.

Having heard from the representative of the Chief Constable and in the absence of the licence holder, the Sub-Committee **agreed** unanimously: -

- (1) that the carrying on of the activity to which the private hire car driver's licence related had caused, was causing, and was likely to cause, public nuisance or a threat to public order or safety,
- (2) that the licence holder no longer remained a fit and proper person to be the holder of a private hire car driver's licence, in light of his established conduct, which was currently subject to legal proceedings, and
- (3) that the private hire car driver's licence should be immediately suspended for the duration of its unexpired portion, because of the threat to public safety caused by the licence holder's conduct.