

POLICY AND RESOURCES COMMITTEE

LICENSING SUB-COMMITTEE

SPECIAL MEETING

GORDON HOUSE, INVERURIE, 13 JANUARY, 2017

- Present:** Councillors R Cowling (Chair), A Hendry, F C P Hood, S W Pratt, and C Shand.
- Apologies:** Councillors E Chapman, A Evison and I S Tait.
- Officers:** Senior Solicitor (P Robertson) and Committee Officer (K Macleod)
- In attendance:** Sergeant G Flett (Police Scotland)

1. DECLARATION OF MEMBERS' INTERESTS

No interests were declared by any member of the Sub-Committee in terms of the Councillors' Code of Conduct.

2. RESOLUTIONS

(A) 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 good relations between those who share a protected characteristic and persons who do not share it
- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching a decision.

(B) EXEMPT INFORMATION

The Sub-Committee **agreed**, in terms of Sections 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, that the public and media representatives be excluded from the meeting for Items 3 and 4 of the business on account of the likely disclosure of exempt information of the class described in paragraphs 6 and 14 of Part 1 of Schedule 7A of the Act.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE (CASE NO. 874)

There had been circulated a report dated 21 December, 2016, by the Director of Business Services, which (1) requested that consideration be given to a written representation by the Chief Constable against the holder of a taxi driver's licence and (2) detailed other information relevant to the request.

The Sub-Committee heard from the representative of the Chief Constable and the representative of the licence holder.

The Sub-Committee **agreed** unanimously that the carrying on of the activity to which the licence related had caused and was likely to cause a threat to public order or safety.

Councillor Pratt, seconded by Councillor Shand, moved that the licence holder remained a fit and proper person to be the holder of a taxi driver's licence.

As an amendment, Councillor Hendy, seconded by Councillor Hood, moved that the licence holder was no longer a fit and proper person to be the holder of a taxi driver's licence.

Members of the Sub-Committee voted as follows:-

for the motion (2) Councillors Pratt and Shand

for the amendment (3) Councillors Cowling, Hendry and Hood

The amendment was carried and the Sub-Committee **agreed** that the licence holder was no longer a fit and proper person to be the holder of a taxi driver's licence.

Thereafter, the Sub-Committee **agreed** by a majority:-

- (1) that the taxi driver's licence be suspended;
- (2) that the period of suspension be the unexpired portion of the duration of the licence; and
- (3) that the circumstances of the case justified an immediate suspension of the licence.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE (CASE NO. 875)

There had been circulated a report dated 20 December, 2016, by the Director of Business Services, which (1) requested that consideration be given to a written representation by the Chief Constable against the holder of a taxi driver's licence and (2) detailed other information relevant to the request.

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

- (1) that the carrying on of the activity to which the licence related had caused and was likely to cause a threat to public order or safety;
- (2) that the licence holder was no longer a fit and proper person to be the holder of a taxi driver's licence;
- (3) that the taxi driver's licence be suspended;
- (4) that the period of suspension be the unexpired portion of the duration of the licence; and
- (5) that the circumstances of the case justified an immediate suspension of the licence.