

BUSINESS SERVICES COMMITTEE

SPECIAL MEETING OF LICENSING SUB-COMMITTEE

GORDON HOUSE, INVERURIE, 21 APRIL, 2017

- Present:** Councillors P J Argyle, PW Bellarby, F McRae, C H Nelson, and D Stewart.
- Officers:** Senior Solicitor (F Stewart), Trainee Solicitor (A Toye), and Committee Officer (J McRobbie).
- In attendance:** Chief Inspector Kevin Keogh and Sergeant G Flett (Police Scotland).

Prior to the commencement of the business of the meeting, the Sub-Committee unanimously **agreed** that Councillor Argyle chair the special meeting.

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 to 6 of the business on account of the likely disclosure of exempt information of the class described in paragraph 6 of Part 1 of Schedule 7A of the Act.

Having heard from the Senior Solicitor regarding the order of business proposed for consideration, the Sub-Committee **agreed** to hear case 859 (Application for renewal of Housing in Multiple Occupation Licence) before Case No 857 (Request for revocation of existing Housing in Multiple Occupation Licence).

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE GRANT OF TAXI DRIVER’S LICENCE (CASE NO. 847)

With reference to the Minute of Meeting of 19 August, 2016, (Item 4(b)), there had been circulated a report dated 6 April, 2017, by the Director of Business Services, which (1) requested that consideration be given to the grant of a taxi driver’s licence, in respect of which the Chief Constable had lodged an objection; and (2) detailed information relevant to the application.

Having heard from the applicant’s representative, and from the representative of the Chief Constable, Councillor Argyle moved, seconded by Councillor McRae, that the Sub-Committee **refuse** the application on the grounds of public safety and that the applicant had been demonstrated not to be a fit and proper person.

Councillor Bellarby moved as an amendment, seconded by Councillor Nelson, that the Sub-Committee **grant** the application for a period of three years, on the basis that it had not been evidenced that the applicant was unfit to hold such licence, or a threat to public safety.

On a division, there voted:

For the Motion (3) Councillors Argyle, McRae, and Stewart.
For the Amendment (2) Councillors Bellarby and Nelson.

The Motion was therefore carried and the Sub-Committee **agreed**, by a majority, that the application be **refused**, on the grounds of public safety and that the applicant was not a fit and proper person to hold such a licence.

4. HOUSING (SCOTLAND) ACT 2006 – REQUEST FOR REVOCATION OF HOUSES IN MULTIPLE OCCUPATION LICENCE (CASE NO. 858)

With reference to the Minute of Meeting of 19 August, 2016, (Item 5(b)), there had been circulated a report dated 6 April, 2017, by the Director of Business Services, which (1) requested that consideration be given to the revocation of a licence for Houses in Multiple Occupation, in respect of which the Chief Constable had made representation; and (2) detailed information relevant to the application.

The Sub-Committee heard from the Senior Solicitor that the licence having been transferred to another individual, the application for revocation fell.

The Sub-Committee **noted** that the revocation request had been withdrawn.

5. HOUSING (SCOTLAND) ACT 2006 –APPLICATION FOR RENEWAL OF HOUSES IN MULTIPLE OCCUPATION LICENCE (CASE NO. 859)

With reference to the Minute of Meeting of 19 August, 2016, (Item 5(c)), there had been circulated a report dated 6 April, 2017, by the Director of Business Services, which (1) requested that consideration be given to the application for the renewal of a licence for Houses in Multiple Occupation, in respect of which the Chief Constable had made representation; and (2) detailed information relevant to the application.

Having noted that, in terms of the Housing (Scotland) Act, the term “representation” carried the same weight as “objections” lodged in terms of the Civic Government (Scotland) Act for other licences, the Sub-Committee heard from the applicant’s representative, two objectors, and the Chief Constable’s representative.

The Sub-Committee **agreed**, unanimously, to **grant** the application for renewal of a Houses in Multiple Occupation licence on the grounds that it had not been evidenced, in terms of the Housing (Scotland) Act, that the applicant was an unfit person to hold the licence.

6. HOUSING (SCOTLAND) ACT 2006 – REQUEST FOR REVOCATION OF HOUSES IN MULTIPLE OCCUPATION LICENCE (CASE NO. 857)

With reference to the Minute of Meeting of 19 August, 2016, (Item 5(a)), there had been circulated a report dated 6 April, 2017 by the Director of Business Services, which (1) requested that consideration be given to the request for the revocation of an existing licence for Houses in Multiple Occupation, in respect of which the Chief Constable had made representation; and (2) detailed information relevant to the application.

The representative of the Chief Constable advised the Sub-Committee that he wished the request for revocation to be withdrawn.

The Sub-Committee **noted** that the application had been withdrawn.