

BUSINESS SERVICES COMMITTEE

LICENSING SUB-COMMITTEE

GORDON HOUSE, INVERURIE, 21 APRIL, 2017

- Present:** Councillors R Cowling (Chair), A Evison, A Hendry, F C P Hood, S W Pratt, and C Shand.
- Apologies:** Councillors E Chapman, and I Tait.
- Officers:** Principal Solicitor (Governance), Senior Solicitor (F Stewart), Trainee Solicitor (A Toye), and Committee Officer (J McRobbie).
- 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 to 18 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.

A. MINUTES

The Minute of Meeting of the Sub-Committee of 10 February 2017 had been circulated and was **approved**.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE (CASE NO. 881)

There had been circulated a report dated 10 February, 2017, by the Director of Business Services, which (1) requested that consideration be given to the suspension of a taxi driver's licence, in respect of which the Chief Constable had lodged a complaint; and (2) detailed information relevant to the application.

Having heard from an interpreter on behalf of the applicant, and from the representative of the Chief Constable, the Sub-Committee **agreed** unanimously that the application not be suspended on the grounds that the applicant was a fit and proper person to hold such a licence.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR GRANT OF PRIVATE HIRE CAR DRIVER'S LICENCE (CASE NO. 882)

There had been circulated a report dated 6 April, 2017, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a private hire car driver's licence, in respect of which the Chief Constable had lodged a representation; and (2) detailed information relevant to the application.

In the absence of the applicant, and having heard from the representative of the Chief Constable, Councillor Pratt moved, seconded by Councillor Shand, that the application be **granted** for the period of a year, on the basis the applicant had not been proved not to be a fit and proper person.

Councillor Hendry moved as an amendment, seconded by Councillor Hood, that the application be **refused** on the basis that the applicant, having been untruthful on his application, having shown a disregard for the Road Traffic Acts, and having a recent conviction for Road Traffic offences, was not a fit and proper person to hold a private hire car driver's licence.

On a division, there voted:

For the Motion	(4)	Councillors Cowling, Evison, Pratt, and Shand.
For the Amendment	(2)	Councillors Hendry and Hood.

The Motion was therefore carried and the Sub-Committee **agreed** that the application be granted for the period of a year, on the grounds that the applicant had not been proved not to be a fit and proper person to hold such a licence.

5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR GRANT OF PRIVATE HIRE CAR DRIVER'S LICENCE (CASE NO. 883)

There had been circulated a report dated 10 February, 2017, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a private hire car driver's licence, in respect of which the Chief Constable had made a representation; and (2) detailed information relevant to the application.

The Sub-Committee heard from the applicant and the Chief Constable's representative and **agreed** unanimously that a private hire car licence be granted for the period of three years.

6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 884)

There had been circulated a report dated 8 March, 2017, 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, in respect of which the Chief Constable had lodged an objection; and (2) detailed information relevant to the application.

Having heard from the applicant and the Chief Constable's representative, the Sub-Committee agreed, by a majority, to **grant** a licence for the period of three years, as the applicant had not been proven to be not a fit and proper person.

7. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 885)

There had been circulated a report dated 6 April, 2017, 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, in respect of which the Chief Constable had lodged an objection; and (2) detailed information relevant to the application.

Having heard from the applicant and the Chief Constable's representative, the Sub-Committee agreed, unanimously, to **refuse** a taxi driver's licence as the applicant had been demonstrated not to be a fit and proper person.

8. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 886)

There had been circulated a report dated 6 April, 2017, 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, in respect of which the Chief Constable had lodged an objection; and (2) detailed information relevant to the application.

Having noted that the applicant was not present, the Sub-Committee **agreed** that consideration of the application be **deferred** to the next meeting of the Sub-Committee to allow the applicant a further opportunity to attend.

9. CIVIC GOVERNMENT (SCOTLAND) ACT 1982- APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 887)

There had been circulated a report dated 6 April, 2017, 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, in respect of which the Chief Constable had lodged an objection; and (2) detailed information relevant to the application.

Having heard from the applicant and the Chief Constable's representative, Cllr Shand moved, seconded by Councillor Hendry, that the application be refused as the applicant had been demonstrated not to be a fit and proper person.

Councillor Pratt moved as an amendment, that the application be granted for the period of a year, as the applicant had not come to police attention since his relocation to north east Scotland. There being no seconder, the amendment fell.

The Sub-Committee thereafter **agreed**, by a majority, to **refuse** a taxi driver's licence as the applicant had been demonstrated not to be a fit and proper person.

10. CIVIC GOVERNMENT (SCOTLAND) ACT 1982- APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 888)

There had been circulated a report dated 6 April, 2017, 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, in respect of which the Chief Constable had lodged an objection; and (2) detailed information relevant to the application.

Having noted that the applicant was not present, the Sub-Committee **agreed** that consideration of the application be **deferred** to the next meeting of the Sub-Committee to allow the applicant a further opportunity to attend.

11. CIVIC GOVERNMENT (SCOTLAND) ACT 1982- APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 889)

There had been circulated a report dated 6 April, 2017, 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, in respect of which the Chief Constable had made representation; and (2) detailed information relevant to the application.

Having noted that the applicant was not present, the Sub-Committee **agreed** that consideration of the application be **deferred** to the next meeting of the Sub-Committee to allow the applicant a further opportunity to attend.

12. CIVIC GOVERNMENT (SCOTLAND) ACT 1982- APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 890)

There had been circulated a report dated 6 March, 2017, 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, in respect of which the Chief Constable had made representation; and (2) detailed information relevant to the application.

Having noted that the applicant was not present, the Sub-Committee **agreed** that consideration of the application be **deferred** to the next meeting of the Sub-Committee to allow the applicant a further opportunity to attend.

13. CIVIC GOVERNMENT (SCOTLAND) ACT 1982- APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 891)

There had been circulated a report dated 6 April, 2017, 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, in respect of which the Chief Constable had lodged an objection; and (2) detailed information relevant to the application.

Having noted that the applicant was not present, the Sub-Committee **agreed** that consideration of the application be **deferred** to the next meeting of the Sub-Committee to allow the applicant a further opportunity to attend.

14. CIVIC GOVERNMENT (SCOTLAND) ACT 1982- APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 892)

There had been circulated a report dated 6 April, 2017, 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, in respect of which the Chief Constable had made representation; and (2) detailed information relevant to the application.

Having noted that, although the applicant was not present, the matter could not be further deferred, the Sub-Committee heard from the Chief Constable's representative.

Councillor Hood moved, seconded by Councillor Hendry, that the Sub-Committee **refuse** the application as the applicant had been demonstrated not to be a fit and proper person.

Councillor Pratt moved as an amendment, seconded by Councillor Evison, that the application be **granted** for the period of a year, given that the DVLA points reported did not make the applicant an unfit person.

On a division, there voted:

For the Motion (2) Councillors Hendry and Hood.
For the Amendment (4) Councillors Cowling, Evison, Pratt, and Shand.

The amendment was therefore carried and the Sub-Committee **agreed**, by a majority, to **grant** the licence for a period of a year.

15. CIVIC GOVERNMENT (SCOTLAND) ACT 1982- APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 893)

There had been circulated a report dated 6 April, 2017, 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, in respect of which the Chief Constable had submitted an objection; and (2) detailed information relevant to the application.

Having noted that the applicant was not present, the Sub-Committee **agreed** that consideration of the application be **deferred** to the next meeting of the Sub-Committee to allow the applicant a further opportunity to attend.

16. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR RENEWAL OF WINDOW CLEANER'S LICENCE (CASE NO. 894)

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 renewal of a window cleaner's licence, on which the Chief Constable had made representation; and (2) detailed information relevant to the application.

Having heard from the applicant's representative, and from the representative of the Chief Constable, Councillor Shand moved, seconded by Councillor Pratt, that the Sub-Committee **renew** the window cleaner's licence for a period of three years, on the basis that the submissions had not proved the applicant unfit to hold such a licence.

Councillor Hendry moved as an amendment, seconded by Councillor Hood, that the Sub-Committee **refuse** the application for renewal of window cleaner's licence, as the submissions demonstrated the applicant to be not a fit and proper person to hold a licence.

On a division, there voted:

For the Motion (4) Councillors Cowling, Evison, Pratt, and Shand.
For the Amendment (2) Councillors Hendry and Hood.

The Motion was therefore carried and the Sub-Committee **agreed** by a majority to **grant** the renewal of licence for a three year period.

17. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR ITINERANT METAL DEALER'S LICENCE (CASE NO. 895)

There had been circulated a report dated 6 April, 2017, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of an itinerant metal dealer's licence, in respect of which the Chief Constable had submitted an objection; and (2) detailed information relevant to the application.

Having noted that the applicant was not present, the Sub-Committee **agreed** that consideration of the application be **deferred** to the next meeting of the Sub-Committee to allow the applicant a further opportunity to attend.

18. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR GRANT OF A SKIN PIERCING AND TATTOO LICENCE (CASE NO. 896)

There had been circulated a report dated 6 April, 2017, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a skin piercing and tattoo licence, in respect of which an objection had been received; and (2) detailed information relevant to the application.

The Sub-Committee heard from the Senior Solicitor that, as the objection had been withdrawn, the application would be approved. The Sub-Committee **noted** the withdrawal of the application.