

MEETING OF LICENSING SUB-COMMITTEE

WOODHILL HOUSE, ABERDEEN, 15 NOVEMBER, 2017

- Present:** Councillors FCP Hood (Chair), R Bruce, C Buchan (as substitute for Cllr Evison, items 5 and 6), A Forsyth, D Lonchay, D Robertson, M Roy, and EA Stirling.
- Apologies:** Councillor Evison.
- Officers:** Senior Solicitor (F Stewart), Solicitor (Governance) (I Meredith); Senior Committee Officer (A Bell); and Committee Officer (J McRobbie).
- In attendance:** Sgt G Flett, (Police Scotland); and S Cowie, (Members' Support Assistant).

1. DECLARATION OF MEMBERS' INTERESTS.

No interests were declared by any member of the 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 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) CONFIDENTIAL INFORMATION

The Committee **noted** that, in terms of Sections 50A (2) of the Local Government (Scotland) Act 1973, as amended, for Items 3- 6 of the business on account of the likely disclosure of confidential information.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – SCHEDULE 1, PARAGRAPH 11 – REQUEST FOR THE SUSPENSION OF TAXI DRIVER'S LICENCE (CASE NO. 919)

There had been circulated a report dated 20 October, 2017, by the Director of Business Services, which (1) requested that consideration be given to a complaint, submitted by the Chief Constable, seeking the suspension of a taxi driver's licence, and (2) detailed information relevant to the request.

In the absence of the licence-holder, the Sub-Committee heard from the Chief Constable's representative of the grounds on which the suspension was requested.

Cllr Robertson moved, seconded by Cllr Lonchay, that, in considering the tests for suspension, the Sub-Committee considered the licence holder's activity had caused a threat to public safety.

Cllr Stirling moved as an amendment, seconded by Cllr Roy, that the Sub-Committee defer consideration of the requested suspension at the next meeting, in order that the licence holder may be afforded a further opportunity to put their side of the case.

On a division, there voted:

For the Motion:	(2)	Cllrs Forsyth, and Robertson.
For the Amendment:	(5)	Cllrs Hood, Bruce, Lonchay, Roy, and Stirling.
Absent from the division:	(1)	Cllr Buchan.

The Sub-Committee therefore **agreed** to defer consideration of the matter to the meeting on 1 December, 2017.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – SCHEDULE 1, PARAGRAPH 11 – REQUEST FOR THE SUSPENSION OF TAXI DRIVER'S LICENCE (CASE NO. 920)

There had been circulated a report dated 23 October, 2017, by the Director of Business Services, which (1) requested that consideration be given to a complaint, submitted by the Chief Constable, seeking the suspension of a taxi driver's licence, and (2) detailed information relevant to the request.

Having heard from the licence-holder, and the Chief Constable's representative, the Sub-Committee **agreed** by a majority, that the licence-holder's activity had caused a threat to public order and safety.

In respect of the consideration of fit and proper person, the Sub-Committee **agreed**, by a majority, that the licence-holder was no longer a fit and proper person to hold a taxi-driver's licence.

The Sub-Committee **noted** that contravention of licence conditions and the immigration offence sections did not apply in this case.

The Sub-Committee **agreed**, by a majority, that the licence be suspended.

The Sub-Committee, having determined that the licence be suspended, on the basis that the holder was not a fit and proper person and had caused a threat to public safety, considered the term of that suspension.

Cllr Robertson moved, seconded by Cllr Roy, that the suspension be for a period of three months.

Cllr Bruce moved as an amendment, seconded by Cllr Stirling, that the suspension be for a period of six months.

On a division, there voted:

For the Motion:	(4)	Cllrs Forsyth, Lonchay, Robertson, and Roy.
For the Amendment:	(3)	Cllrs Hood, Bruce, and Stirling.
Absent from the division:	(1)	Cllr Buchan.

The motion was therefore carried and the Sub-Committee **agreed** to suspend the licence for a period of three months.

**5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – SCHEDULE 1, PARAGRAPH 11
– REQUEST FOR THE SUSPENSION OF TAXI DRIVER’S LICENCE (CASE NO. 921)**

There had been circulated a report dated 23 October, 2017, by the Director of Business Services, which (1) requested that consideration be given to a complaint, submitted by the Chief Constable, seeking the suspension of a taxi driver’s licence, and (2) detailed information relevant to the licence.

In the absence of the licence-holder, and having heard from the Chief Constable’s representative, the Sub-Committee **agreed**, unanimously, that the licence-holder’s activity had caused a threat to public order and safety.

In respect of the consideration of fit and proper person, the Sub-Committee **agreed**, unanimously, that the licence-holder was no longer a fit and proper person to hold a taxi-driver’s licence.

The Sub-Committee **noted** that contravention of licence conditions and the immigration offence sections did not apply in this case.

The Sub-Committee **agreed**, unanimously, that the licence be suspended.

The Sub-Committee, having determined that the licence be suspended, on the basis that the holder was not a fit and proper person and had caused a threat to public safety, considered the term of that suspension.

Cllr Roy moved, seconded by Cllr Forsyth, that the licence be suspended to the unexpired period, i.e. to 3 December, 2018.

Cllr Robertson moved as an amendment, seconded by Cllr Buchan, that the licence be suspended for a period of six months.

On a division, there voted:

For the Motion:	(4)	Cllrs Hood, Bruce, Forsyth, and Roy.
For the Amendment:	(4)	Cllrs Buchan, Lonchay, Robertson, and Stirling.

There being an equality of votes cast, the Chair used his casting vote in favour of the Motion, and the Sub-Committee **agreed** that the licence be suspended for the unexpired period, to 3 December, 2018.

**6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – SCHEDULE 1, PARAGRAPH 11
– REQUEST FOR THE SUSPENSION OF TAXI DRIVER’S LICENCE (CASE NO. 922)**

There had been circulated a report dated 20 October, 2017, by the Director of Business Services, which (1) requested that consideration be given to a complaint, submitted by the Chief Constable, seeking the suspension of a taxi driver’s licence, and (2) detailed information relevant to the licence.

In the absence of the licence-holder, and having heard from the Chief Constable’s representative, the Sub-Committee **agreed**, unanimously, that the licence-holder’s activity had caused a threat to public order and safety.

In respect of the consideration of fit and proper person, the Sub-Committee **agreed**, unanimously, that the licence-holder was no longer a fit and proper person to hold a taxi-driver's licence.

The Sub-Committee **noted** that contravention of licence conditions and the immigration offence sections did not apply in this case.

The Sub-Committee **agreed**, unanimously, that the licence be suspended.

The Sub-Committee, having determined that the licence be suspended, on the basis that the holder was not a fit and proper person and had caused a threat to public safety, considered the term of that suspension and **agreed**, unanimously, that the licence be suspended to its unexpired period, i.e. to 20 April, 2018..