

MEETING OF LICENSING SUB-COMMITTEE

GORDON HOUSE, INVERURIE 2 FEBRUARY, 2018

- Present:** Councillors F C P Hood (Chair); R Bruce, Cllr Evison, A Forsyth, D Lonchay, M Roy, D Robertson, and EA Stirling.
- Officers:** Solicitor (Governance) (I Meredith); Administrator, Legal & Governance (J MacDonald), and Committee Officer (J McRobbie).
- In attendance:** Sergeants Gill Flett and Kim Wood (Police Scotland).

1. DECLARATION OF MEMBERS' INTERESTS.

Cllr Roy declared an interest in Item 6, as the applicant was a constituent, of whose business he was aware. As this was not a substantial interest, he indicated that he would take part in the discussion.

2. 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.

3. RESOLUTIONS - CONFIDENTIAL INFORMATION

The Sub-Committee **noted** that, in terms of Section 50A (2) of the Local Government (Scotland) Act 1973, as amended, for Items 5 - 7, of the business should be taken in private, on account of the likely disclosure of confidential information.

4. MINUTE OF MEETING OF 1 DECEMBER, 2017

There had been circulated and was **approved** as a correct record, subject to the amendment of Item 7, paragraph 10, to correct the spelling of Cllr Forsyth, the Minute of Meeting of the Licensing Sub-Committee of 1 December, 2017.

5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE GRANT OF TAXI DRIVER’S LICENCE (CASE NO. 936)

There had been circulated a report dated 17 January, 2018 by the Director of Business Services, which (1) requested that consideration be given to an application for 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 refuse the application for a taxi driver’s licence on the basis that the applicant was not a fit and proper person to hold a licence by reason of his previous convictions.

6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – REQUEST FOR THE RENEWAL OF TAXI DRIVER’S LICENCE (CASE NO. 937)

There had been circulated a report dated 16 January, 2018 by the Director of Business Services, which (1) requested that consideration be given to an application for the renewal of at Taxi Driver’s Licence, in respect of which the Chief Constable had made representation, and (2) detailed information relevant to the application.

The Sub-Committee were advised that the applicant had requested that consideration of the renewal be deferred as they were currently on a pre-booked holiday.

The Sub-Committee **agreed** to defer consideration of the application to the meeting of the Sub-Committee to be held on 20 April, 2018.

7. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – PARAGRAPH 12 OF SCHEDULE 1 - REQUEST FOR THE IMMEDIATE SUSPENSION OF A TAXI DRIVER’S LICENCE (CASE NO. 938)

There had been circulated a report dated 18 January, 2018, by the Director of Business Services, which (1) requested that consideration be given to a request from the Chief Constable for the immediate suspension, in terms of paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982, of a taxi driver’s licence and (2) detailed information relevant to the application.

Having heard from the Chief Constable’s representative that, as the matter was still sub-judice, with the case to be called in court on 5 March, 2018, there was no additional information available to Members, the Sub-Committee **agreed** by a majority, that the allegations were justified on the basis that there was sufficient information for the Procurator Fiscal to pursue the matter at court.

Thereafter the Sub-Committee unanimously **agreed** that the activity to which the licence related was likely to cause a threat to public safety.

Thereafter the Sub-Committee unanimously **agreed** to immediately suspend the taxi driver’s licence in terms of Paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982, and that the suspension hearing be scheduled for Friday, 9 March, 2018.

8. LICENSING OF FUNFAIRS (SCOTLAND) BILL - CONSULTATION

There had been tabled a report dated 31 January, 2018 by the Director of Business Services (a) providing information on the Scottish Government's consultation on the Licensing of Funfairs (Scotland) Bill which suggested that the funfairs no longer require to have Public Entertainment Licences but be processed in terms of a bespoke licensing regime and (b) proposing, given the date for responses, that comments from Members be collated by the Director in consultation with the Chair, for submission to the Government.

There was discussion of the current variations of funfair licensing across Scotland; the operational reasons which might justify these differences in timescale and level of fees; and the English unified process which the trade appeared to be in support of in Scotland.

The Sub-Committee **agreed:-**

- (1) that Members' complete the proforma questions as detailed on pages 17 to 20 of the report, to allow ease of compilation into a single response;
- (2) that as a matter of principle, the setting of charges should remain in local authority hands, seek for full cost recovery at the very least, and relate to the work to be undertaken to approve any licensing and scope of activity for which the licence was required;
- (3) to suggest that even with local variation, there is a justification for more consistency in timescale for approvals, depending on the volume of work to be done;
- (4) that consideration be given to improving the process by allowing for online applications; and
- (5) that the approved submission, when collated, be circulated to Members for their information.

Councillor F C P Hood (Chair)

