

ABERDEENSHIRE COUNCIL
BUSINESS SERVICES COMMITTEE
LICENSING SUB-COMMITTEE

GORDON HOUSE, INVERURIE, 7 DECEMBER, 2018

- Present:** Councillors F Hood (Chair), R Bruce, A Evison, A Forsyth, D Lonchay, D Robertson, A Stirling and I Taylor (as substitute for Councillor M Roy).
- Apology:** Councillor M Roy.
- Officers:** Senior Committee Officer (Allan Bell) and Solicitor (Iain Meredith), both Legal and Governance.
- In attendance:** Sergeant K Wood (Police Scotland).

1. DECLARATION OF MEMBERS' INTERESTS

The Chair asked members if they had any interests to declare, in terms of the Councillors' Code of Conduct. No interests were declared.

2A. 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 relations between those who share a protected characteristic and persons who do not share it, and
- (2) to consider, where an equality impact assessment has been provided, its contents and to take those into consideration when reaching a decision.

2B. CONFIDENTIAL AND EXEMPT INFORMATION

The Sub-Committee **agreed**, in terms of Section 50A (2) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting during consideration of Items 4, 5 and 6 below, on account of the likely disclosure of confidential information in breach of the obligation of confidence, and, in terms of Section 50A (4) and (5) of the 1973 Act, to exclude the public during consideration of Item 7 below so as to avoid disclosure of exempt information of the class described in paragraph 6 of Part I of Schedule 7A of the Act.

3. MINUTE OF MEETING OF THE SUB-COMMITTEE OF 12 OCTOBER, 2018

On consideration of the circulated Minute of Meeting of the Sub-Committee of 12 October, 2018, members **approved** the Minute as a correct record. It was thereafter signed by the Chair.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATIONS FOR DETERMINATION

(a) Application for a Taxi Driver's Licence (Case No. 954)

With reference to the Minute of Meeting of the Sub-Committee of 12 October, 2018 (Item 4(c)), there had been circulated a report dated 14 November, 2018, 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 (identified as Case No. 954), in respect of which the Chief Constable had made observations and (2) detailed information relevant to the application.

Having heard from the applicant and the representative of the Chief Constable, the Sub-Committee **agreed** unanimously that the licence be granted for a period of one year.

(b) Application for a Taxi Driver's Licence (Case No. 958)

There had been circulated a report dated 16 November, 2018, 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 (identified as Case No. 958), 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 representative of the Chief Constable, the Sub-Committee **agreed** unanimously that the application be refused, on the grounds that the applicant was not a fit and proper person to hold a taxi driver's licence, due to his propensity for the possession and use of cannabis.

(c) Application for a Taxi Driver's Licence (Case No. 959)

There had been circulated a report dated 17 October, 2018, 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 (Case No. 959), in respect of which the Chief Constable had made observations and (2) detailed information relevant to the application.

Having heard from the applicant and the representative of the Chief Constable, the Sub-Committee **agreed** unanimously that the licence be granted for a period of three years.

(d) Application for a Taxi Driver's Licence (Case No. 960)

There had been circulated a report dated 20 November, 2018, 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 (identified as Case No. 960), in respect of which the Chief Constable had made observations and (2) detailed information relevant to the application.

Having heard from the applicant and the representative of the Chief Constable, the Sub-Committee **agreed** unanimously that the licence be granted for a period of one year.

(e) Application for a Taxi Driver's Licence (Case No. 961)

There had been circulated a report dated 20 November, 2018, 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 (identified as Case No. 961), 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 representative of the Chief Constable, the Sub-Committee **agreed** unanimously that the licence be granted for a period of one year.

**5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – CONSIDERATION OF
SUSPENSION/REVOCAION OF TAXI DRIVER'S LICENCE FOLLOWING SUSPENSION
(CASE NO. 956)**

With reference to the Minute of Special Meeting of the Sub-Committee of 26 October, 2018 (Item 3), when it had been agreed to suspend, with immediate effect, a taxi driver's licence (identified as Case No 956), in terms of Paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982, on the basis that the licenceholder's actions had caused, and were likely to cause, a serious threat to public order and public safety, there was circulated a report dated 9 November, 2018, by the Director of Business Services, which (1) requested that, in terms of Paragraph 11 of the 1982 Act, consideration be given to the suspension and/or revocation of the licence in question, within a period of six weeks from the date of temporary suspension and (2) detailed information relevant to the case.

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

- (1) that the carrying on of activity relating to the taxi licence had caused, and was likely to cause, public nuisance or a threat to public order or safety,
- (2) that the licenceholder no longer remained a fit and proper person to be the holder of a taxi driver's licence, and
- (3) that the licence in question should be revoked.

**6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – CONSIDERATION OF
SUSPENSION/REVOCAION OF TAXI DRIVER'S LICENCE FOLLOWING SUSPENSION
(CASE NO. 957)**

With reference to the Minute of Special Meeting of the Sub-Committee of 26 October, 2018 (Item 4), when the Sub-Committee had agreed to suspend a taxi driver's licence (identified as Case No. 957), in terms of Paragraph 12 of Schedule 1 of the Local Government (Scotland) Act 1982, on the basis that, by reason of a conviction outlined within the complaint received from the Chief Constable, a serious threat was posed to public safety, there was circulated a report dated 5 November, 2018, by the Director of Business Services, which (1) requested that, in terms of Paragraph 11 of the 1982 Act, consideration be given to the suspension and/or revocation of the licence in question, within a period of six weeks from the date of temporary suspension and (2) detailed information relevant to the case.

Having heard from the licenceholder and the representative of the Chief Constable, the Sub-Committee **agreed** unanimously:-

- (1) that the carrying on of activity relating to the taxi licence was not likely to cause public nuisance or a threat to public order or safety,

- (2) that the licence holder remained a fit and proper person to be the holder of a taxi driver's licence, and
- (3) that the licence in question should not be suspended or revoked.

7. HOUSING (SCOTLAND) ACT 2006 – APPLICATION FOR GRANT OF LICENCE FOR HOUSE IN MULTIPLE OCCUPATION (CASE NO. 962)

There had been circulated a report dated 20 November, 2018, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a licence for a house in multiple occupation (identified as Case No. 962), in respect of which an objection had been received and (2) detailed information relevant to the application.

Having heard from the applicants, and in the absence of the objector, the Sub-Committee **agreed** unanimously that the licence be granted for a period of three years.

8. RETENTION PERIODS OF LICENSING DOCUMENTS

With reference to the Minute of Meeting of the Sub-Committee of 13 February, 2015, there was circulated a report dated 15 November, 2018, by the Director of Business Services, which (1) explained that the Council had recently procured a new licensing software package which would assist in retaining the records of expired licences, (2) advised that the Council currently retained liquor and civic government licensing documentation for a period of five years once a licence had ceased to have effect and (3) highlighted the various pieces of legislation impacting on licensing processes, including the General Data Protection Regulations.

After consideration, the Sub-Committee:-

- (1) **agreed**, in relation to the Civic Government (Scotland) Act 1982, that (a) where an application for the grant of a licence, permit or permission was refused by the Sub-Committee (or relevant area committee), information relating to that licence, permit or permission should be retained for a period of two years from the date of refusal, thereafter to be destroyed and (b) in any other case, information relating to a licence, permit or permission should be retained for a period of two years from the date the licence, permit or permission ceased to have effect, thereafter to be destroyed, and
- (2) **agreed**, in relation to miscellaneous licences, that (a) where an application for the grant of a licence, permit or permission was refused by the Sub-Committee (or relevant area committee), information relating to that licence, permit or permission should be retained for a period of two years from the date of refusal, thereafter to be destroyed and (b) in any other case, information relating to a licence, permit or permission should be retained for a period of two years from the date the licence, permit or permission ceased to have effect, thereafter to be destroyed.