

BUSINESS SERVICES COMMITTEE

LICENSING SUB-COMMITTEE SPECIAL MEETING

SKYPE MEETING, 11 AUGUST, 2021

Present: Councillors A Stirling (Chair), A Forsyth, C Buchan (as substitute for Councillor D Robertson), R Bruce, V Harper, and I Taylor (as substitute for Councillor M Ewenson).

Apologies: Councillors M Ewenson, D Robertson and M Roy.

Officers: Senior Solicitor (Fiona Stewart) and Committee Officer (Kasia Balina), both Legal & People.

In attendance: Sergeant Gillian Flett, 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 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 3 and 4 below, on account of the likely disclosure of confidential information, in breach of the obligation of confidence.

**3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 PARAGRAPH 11 OF
SCHEDULE 1 - CONSIDERATION OF SUSPENSION OR REVOCATION
OF WINDOW CLEANER'S LICENCE FOLLOWING SUSPENSION UNDER
PARAGRAPH 1 OF SCHEDULE 1. (CASE NO. 1014)**

With reference to the Minute of Meeting of 6 July, 2021 (Item 3) there had been circulated a report dated 15 July, 2021 by the Director of Business Services (a) advising that a request for revocation/ suspension of a Window Cleaner's Licence had been received from the Chief Constable, and (b) providing details about the licence.

As a preliminary matter, the Committee agreed to proceed with the hearing in the absence of the Licence Holder.

Having heard from the Chief Constable's representative the Sub-Committee **agreed** unanimously:

- (1) that there was sufficient evidence before them to allow a determination to be made;
- (2) that the carrying on of the licensed activity had caused and was likely to cause a threat to public order and safety;
- (3) that the Licence Holder was no longer a fit and proper person to hold a window cleaner's licence by reason of his conduct;
- (4) to note that there had been no contravention of licence conditions in this case; and
- (5) that the window cleaner's licence therefore be revoked with immediate effect.

**4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982, PARAGRAPH 12 OF
SCHEDULE 1 - CONSIDERATION OF TEMPORARY SUSPENSION OF
TAXI DRIVER'S LICENCE AND CONSIDERATION OF TEMPORARY
SUSPENSION OF TAXI VEHICLE LICENCE. (CASE NO. 1015)**

There had been circulated a report dated 2 August, 2021 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 taxi vehicle licence, and (2) detailed information relevant to the request.

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

- (1) that there was enough evidence before them to allow a determination to be made;
- (2) that the allegations contained within the complaint were justified;

- (3) that both licences should be suspended immediately in terms of paragraph 12 to the Act on the basis that the carrying on of the activity to which the licences related had caused and was likely to cause a serious threat to public order or public safety; and
- (4) that a hearing be fixed to determine whether the licences should be suspended or revoked under Paragraph 11 of Schedule 1 to the Act.