

## **BUSINESS SERVICES COMMITTEE**

### **LICENSING SUB-COMMITTEE**

#### **SKYPE MEETING, 5 FEBRUARY, 2021**

- Present:** Councillors R Bruce, M Ewenson, A Forsyth, V Harper, J Hutchison (as substitute for Councillor F Hood), M Roy and A Stirling.
- Apologies:** Councillor F Hood (Chair).
- Officers:** Principal Committee Services Officer, Senior Solicitor (Fiona Stewart) and Solicitor (Amanda de Candia), all representatives from Legal & People.
- In attendance:** Sergeant G Flett, (Police Scotland)

#### **APPOINTMENT TO THE CHAIR**

In the absence of Councillor Hood, members **agreed** to appoint Councillor Stirling to the Chair.

#### **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

Item 4 below, on account of the likely disclosure of confidential information, in breach of the obligation of confidence.

### 3. MINUTE OF MEETING OF 4 DECEMBER, 2020

On consideration of the circulated Minute of Meeting of the Sub-Committee of 4 December 2020, members **approved** it as a correct record.

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

##### (a) Application for Grant of a Private Hire Car Driver's Licence (Case No. 1008).

There had been circulated a report dated 20 January, 2021, 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 (identified as Case No. 1008), in respect of which the Chief Constable had lodged representations, and (2) detailed information relevant to the application.

Having heard from the applicant and from the representative of the Chief Constable, Councillor Ewenson moved, seconded by Councillor Harper, that the application be granted for a period of 1 year.

As an amendment, Councillor Bruce, seconded by Councillor Forsyth, moved that determination of the application be deferred to the meeting of the Sub-Committee on 20 August, 2021.

Members of the Sub-Committee voted:

for the motion	(2)	Councillors Ewenson and Harper.
for the amendment	(6)	Councillors Bruce, Forsyth, Hutchison, Robertson, Roy and Stirling.

The amendment was carried and the Sub-Committee **agreed** that determination of the application be deferred to the meeting of the Sub-Committee on 20 August, 2021.

##### (b) Application for Grant of a Taxi Driver's Licence (Case No. 1009).

There had been circulated a report dated 20 January, 2021, 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. 1009), in respect of which the Chief Constable had lodged a representation, 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 the application on the basis that the applicant was not a fit and proper person to hold a taxi driver's licence due to recent driving convictions.

**(c) Application for Grant of a Taxi Driver's Licence (Case No. 1010).**

There had been circulated a report dated 11 December, 2020, 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. 1010), 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 the application on the basis that the applicant was not a fit and proper person to hold a taxi driver's licence due to the non-disclosure of information relating to previous criminal convictions and the objection from Police Scotland.

**(d) Application for Grant of a Taxi Driver's Licence (Case No. 1011).**

There had been circulated a report dated 11 December, 2020, 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. 1011), in respect of which the Chief Constable had lodged a representation, and (2) detailed information relevant to the application.

Having noted that the applicant had chosen not to attend the meeting and having heard from the Chief Constable's representative, the Sub-Committee **agreed** unanimously to refuse the application on the basis that the applicant was no longer a fit and proper person to hold a taxi driver's licence due to the number of driving convictions obtained whilst previously working as a taxi driver.