

BUSINESS SERVICES COMMITTEE

LICENSING SUB-COMMITTEE

MICROSOFT TEAMS MEETING, 1 APRIL, 2022

Present: Councillors A Stirling, A Forsyth, J Bruce, M Ewenson, V Harper, D Robertson and M Roy.

Officers: Solicitor (Lynsey Kimmitt), Trainee Solicitor (Christy Young) and Committee Officer (Kasia Balina), all Legal and People.

Also in attendance: Sergeant Neil Grant, 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.

Councillor M Roy stated that in respect of Item 5e the applicant was his constituent. He confirmed that he had never met and had no connection with an applicant. Additionally, the applicant had stated that he was employed by a company named Glendeveron Taxis. Glendeveron was the name of a company, Councillor Roy had previously worked for but this was a different company. Councillor Roy having applied the objective test and concluded that he had no interest to declare.

No other 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 4 and 5 below, on account of the likely disclosure of confidential information, in breach of the obligation of confidence.

3. MINUTE OF MEETING OF THE SUB-COMMITTEE OF 11 FEBRUARY, 2022.

On consideration of the circulated Minute of the Meeting of the Sub-Committee of 11 February, 2022, Members **approved** it as a correct record.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - PARAGRAPH 11 OF SCHEDULE 1 - CONSIDERATION OF SUSPENSION OF TAXI DRIVER'S LICENCE (CASE NO. 1048).

There had been circulated a report dated 14 March, 2022, by the Director of Business Services which (1) requested that consideration be given to a complaint, submitted by the Chief Constable, seeking the suspension / revocation of a taxi driver's licence, and (2) detailed information relevant to the request.

Having heard from the representative of the Chief Constable and the licence holder, the Sub-Committee **agreed** unanimously that the application be suspended for a period of 6 months or until the first meeting of the Sub-Committee following the court date currently scheduled in August, 2022.

5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATIONS FOR DETERMINATION:

(5a). APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1027)

With reference to the Minute of Meeting of the Sub-Committee of 1 October, 2021, (Item 7c), there had been circulated a report dated 14 March, 2022, 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. 1027), in respect of which the Chief Constable had lodged an adverse 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: -

- (1) that there was sufficient evidence before them to allow a determination to be made; and
- (2) to refuse the application on the grounds that the applicant was not a fit and proper person to hold a taxi driver's licence on the basis of pattern of behaviour linked to driving and to the potential licensable activity.

(5b). APPLICATION FOR RENEWAL OF PRIVATE HIRE CAR DRIVER'S LICENCE (CASE NO. 1035)

With reference to the Minute of Meeting of the Sub-Committee of 3 December, 2021 (Item 6f), there had been circulated a report dated 3 March, 2022, by the Director of Business Services, which (1) requested that consideration be given to an application for the renewal of a Private Hire Car Driver's Licence (identified as Case No. 1035),

in respect of which the Chief Constable had lodged an adverse representation, and (2) detailed information relevant to the application.

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

- (1) that there was sufficient evidence before them to allow a determination to be made; and
- (2) to grant the application for a period of 3 years on the grounds that the applicant was a fit and proper person to hold a taxi driver's licence.

(5c). APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1042)

There had been circulated a report dated 24 February, 2022, 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. 1042), in respect of which the Chief Constable had lodged an objection, 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: -

- (1) to consider the protected convictions referred to in the Chief Constable's letter of representation;
- (2) that there was sufficient evidence before them to allow a determination to be made; and
- (3) to refuse the application on the grounds that the applicant was not a fit and proper person to hold a taxi driver's licence on the basis of the conviction relating to violence.

(5d). APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1043)

There had been circulated a report dated 24 February, 2022, 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. 1043), 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:-

- (1) to consider the protected convictions referred to in the Chief Constable's letter of representation;
- (2) that there was sufficient evidence before them to allow a determination to be made; and

- (3) to grant the application on the grounds that the applicant was a fit and proper person to hold a taxi driver's licence, but that the duration of the licence be restricted to a period of 12 months.

(5e). APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1044)

There had been circulated a report dated 25 February, 2022, 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. 1044), in respect of which the Chief Constable had lodged an adverse representation, 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:-

- (1) that there was sufficient evidence before them to allow a determination to be made; and
- (2) to grant the application for a period of 3 years on the grounds that the applicant was a fit and proper person to hold a taxi driver's licence.

(5f). APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1045)

There had been circulated a report dated 23 February, 2022, 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. 1045), 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:-

- (1) that there was sufficient evidence before them to allow a determination to be made; and
- (2) to grant the application on the grounds that the applicant was a fit and proper person to hold a taxi driver's licence, but that the duration of the licence be restricted to a period of 12 months.

(5g). APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1046)

There had been circulated a report dated 28 February, 2022, 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. 1046), in respect of which the Chief Constable had lodged an adverse 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: -

- (1) that there was sufficient evidence before them to allow a determination to be made; and
- (2) to refuse the application on the grounds that the applicant was not a fit and proper person to hold a taxi driver's licence on the basis of the seriousness of pending charge.

(5h). APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1047)

There had been circulated a report dated 3 March, 2022, 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. 1047), in respect of which the Chief Constable had lodged an adverse representation, 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:-

- (1) that there was sufficient evidence before them to allow a determination to be made; and
- (2) to grant the application on the grounds that the applicant was a fit and proper person to hold a taxi driver's licence but that the duration of the licence be restricted to a period of 12 months.

(5i). APPLICATION FOR RENEWAL OF TAXI DRIVER'S LICENCE (CASE NO 1049)

With reference to the Minute of Meeting of the Sub-Committee of 10 February, 2017 (Item 7), when it had been agreed to instruct officers to refer applications to the Sub-Committee for consideration where an applicant held 9 or more penalty points on their DVLA driver's licence, there had been circulated a report dated 9 March, 2022, by the Director of Business Services, which (1) requested that consideration be given to an application for the renewal of a Private Hire Car Driver's Licence (identified as Case No. 1049), and (2) detailed information relevant to the application.

Having heard from the applicant, Councillor Forsyth moved, seconded by Councillor Bruce, that the licence be renewed for a period of 12 months.

As an amendment, Councillor Ewenson, seconded by Councillor Robertson, moved that the application be refused as the applicant was not a fit and proper person to hold a taxi driver's licence due to the history of his convictions.

Members of the Sub-Committee voted:

- for the motion (3) Councillors Bruce, Forsyth, and Roy.

for the amendment (4) Councillors Ewenson, Harper, Robertson
and Stirling.

The amendment was carried whereby the Sub-Committee **agreed** to refuse the application on the grounds that the applicant was not a fit and proper person to hold a taxi driver's licence due to the history of his convictions.