

TEMPORARY LICENSING COMMITTEE

WOODHILL HOUSE, ABERDEEN, 2 JUNE, 2017

Present: Councillors FCP Hood, (Chair), CC Buchan, AJ Hassan, D Mair, EA Stirling, and L Wilson.

Apologies: Councillor M Roy.

Officers: Principal Solicitor (Governance), Senior Solicitor (Governance), and Committee Officer (J McRobbie).

In attendance: Sergeant G Flett, and Constable S Sharp (Police Scotland).

1. DECLARATION OF MEMBERS' INTERESTS.

No interests were declared by any member of the Committee in terms of the Councillors' Code of Conduct.

2. RESOLUTIONS

(A) 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.

(B) EXEMPT INFORMATION

The Committee **agreed**, in terms of Sections 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, that the public and media representatives be excluded from the meeting for Items 4 to 12 of the business on account of the likely disclosure of exempt information of the class described in paragraph 6 of Part 1 of Schedule 7A of the Act.

3. MINUTES

The Minute of Meeting of the Committee of 18 May, 2017 had been circulated and was **approved**.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE (CASE NO. 886)

With reference to the Minute of Meeting of the Licensing Sub-Committee of 21 April, 2017, there had been circulated a report dated 18 May, 2017, 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, in respect of which the Chief Constable had lodged an objection, and (2) detailed information relevant to the application.

In the absence of the applicant, and having heard from the representative of the Chief Constable, Cllr Robertson moved, seconded by Cllr Mair, that, based on the evidence provided by Police Scotland, and given that there was no apparent prior record evidenced, a licence be **granted** for the period of a year.

Cllr Hassan moved as an amendment, seconded by Cllr Stirling, that, on the evidence provided, and with the weight of concern for public safety, that the application be **refused** on the grounds that the applicant was not a fit and proper person to hold such a licence.

On a division, there voted:

For the Motion (4) Cllrs Buchan, Mair, Robertson, and Wilson.
For the Amendment (3) Cllrs Hassan, Hood, and Stirling.

The Motion was therefore carried and the Committee **agreed** that the application be granted for the period of a year, on the grounds that the applicant had not been proved not to be a fit and proper person to hold such a licence.

5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 888)

With reference to the Minute of Meeting of the Licensing Sub-Committee of 21 April, 2017, there had been circulated a report dated 18 May, 2017, 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, in respect of which the Chief Constable had lodged an objection, and (2) detailed information relevant to the application.

In the absence of the applicant, and having heard from the representative of the Chief Constable, the Committee unanimously **agreed** that the application be refused on the grounds that the applicant had been demonstrated not to be a fit and proper person.

6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 889)

With reference to the Minute of Meeting of the Licensing Sub-Committee of 21 April, 2017, there had been circulated a report dated 18 May, 2017, 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, in respect of which the Chief Constable had made representation, and (2) detailed information relevant to the application.

In the absence of the applicant, and having heard from the representative of the Chief Constable, Cllr Wilson moved, seconded by Cllr Stirling, that the application be **refused** on the grounds that the applicant had been evidenced not to be a fit and proper person, on the basis of repeat offences over a number of years and the severity of the offences which related to driving.

Cllr Buchan moved as an Amendment, seconded by Cllr Robertson, that based on the evidence provided by Police Scotland, acknowledged by them to be historical in terms of traffic offences, and the Police Scotland interpretation of common confusion over the declaration of spent convictions, it had not been demonstrated that the applicant was not a fit and proper person, and that a licence be **granted** for the period of a year.

On a division, there voted:

For the Motion (4) Cllrs Hood, Mair, Stirling, and Wilson.
For the Amendment (3) Cllrs Buchan, Hassan, and Robertson.

The Motion was therefore carried and the Committee **agreed** to **refuse** the application on the basis that the applicant had been demonstrated not to be a fit and proper person.

7. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 891)

With reference to the Minute of Meeting of the Licensing Sub-Committee of 21 April, 2017, there had been circulated a report dated 18 May, 2017, 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, in respect of which the Chief Constable had lodged an objection, and (2) detailed information relevant to the application.

In the absence of the applicant and having heard from the Chief Constable's representative, the Committee agreed, unanimously, to **refuse** the application for a taxi driver's licence as the applicant had been demonstrated not to be a fit and proper person.

8. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 893)

With reference to the Minute of Meeting of the Licensing Sub-Committee of 21 April, 2017, there had been circulated a report dated 18 May, 2017, 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, in respect of which the Chief Constable had lodged an objection, and (2) detailed information relevant to the application.

In the absence of the applicant, and having heard from the Chief Constable's representative, the Committee agreed, unanimously, to **refuse** the application for a taxi driver's licence for other good reason as demonstrated in the evidence presented.

9. CIVIC GOVERNMENT (SCOTLAND) ACT 1982- APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 897)

There had been circulated a report dated 4 May, 2017, 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, in respect of which the Chief Constable had made representation, and (2) detailed information relevant to the application.

Having heard from the applicant and the Chief Constable's representative, the Committee unanimously **agreed** to grant the application for a taxi driver's licence for a period of a year, on the basis that it had not been evidenced that the applicant was not a fit and proper person.

10. CIVIC GOVERNMENT (SCOTLAND) ACT 1982- APPLICATION FOR THE RENEWAL OF TAXI DRIVER'S LICENCE (CASE NO. 898)

With reference to the Minute of Meeting of the Licensing Sub-Committee of 10 February, 2017, there had been circulated a report dated 17 May, 2017, by the Director of Business Services, which (1) requested that consideration be given to an application for the renewal of a taxi driver's licence, brought before Committee on the basis of the previously approved process in cases in terms of 9 points reported by the DVLA, and (2) detailed information relevant to the application.

Having heard from the applicant, the Committee unanimously **agreed** to renew the taxi driver's licence for a period of a year, based on the evidence provided, to allow the applicant to take up an offer of employment and reflect on his future priorities.

11. CIVIC GOVERNMENT (SCOTLAND) ACT 1982- APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 899)

There had been circulated a report dated 18 May, 2017, 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, in respect of which the Chief Constable had made representation; and (2) detailed information relevant to the application.

Having heard from both the applicant and the Chief Constable's representative, the Committee **agreed** that, given the evidence of Police Scotland and the period of not being reported to police attention, the application for a taxi driver's licence be **granted** for the period of a year.

12. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR ITINERANT METAL DEALER'S LICENCE (CASE NO. 895)

With reference to the Minute of Meeting of the Licensing Sub-Committee of 21 April, 2017, there had been circulated a report dated 24 May, 2017, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of an itinerant metal dealer's licence, in respect of which the Chief Constable had submitted an objection; and (2) detailed information relevant to the application.

In the absence of the applicant, and having heard from the Chief Constable's representative of spent convictions which could be made available to assist the Committee's deliberations if deemed to be necessary, the Committee unanimously **agreed** to request sight of the spent convictions.

Having heard further from the Chief Constable's representative, the Committee unanimously **agreed** to **refuse** the application for Itinerant Metal Dealer's Licence on the grounds that the applicant had been demonstrated not to be a fit and proper person.