

MINUTE
of
LICENSING COMMITTEE

Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock, on 11 February 2025.

Present:

Councillor Paul Edlin (Chair)
Councillor Colm Merrick
Provost Mary Montague

Councillor Kate Campbell
Councillor Andrew Morrison
Councillor David Macdonald*

Councillor Edlin in the Chair

(*) indicates remote attendance

Attending:

Nicola McEleny, Senior Solicitor; David Higgins, Civic Government Enforcement Officer; Michelle McCarrol, Lead Officer (Tenant & Customer); Grant Murray, Housing Officer (Private Sector); Lesleyann Burns, Democratic Services Officer; John Burke, Democratic Services Officer and Bethany Mitchell, Assistant Democratic Services Officer.

Also Attending:

Sergeant Emma Gardner, Sergeant Belinda Rafferty and Inspector Alan Ferris, Police Scotland.

APOLOGIES FOR ABSENCE

1100 Councillor Lunday gave apologies.

DECLARATIONS OF INTEREST

1101 There were no declarations of interest intimated.

Resolution to Exclude Press and Public

At this point in the meeting, on the motion of the Chair, the Committee unanimously resolved that in accordance with the provisions of Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the press and public be excluded from the meeting for the remaining items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 6 and 14 of Part 1 of Schedule 7A to the Act.

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PRIVATE HIRE DRIVER'S LICENCE – APPLICATION FOR GRANT

1102 The Committee considered a report by the Chief Officer (Legal and Procurement) in relation to an application for the grant of a Private Hire Car Driver's Licence (agenda item 3 refers).

The applicant was present.

Sergeant Emma Gardner, Sergeant Belinda Rafferty and Inspector Alan Ferris, representing the Chief Constable, who had made an objection to the application, were also present.

Inspector Ferris was heard in respect of the representation submitted by the Chief Constable and in response to questions from members.

The applicant was then heard in respect of the application.

The Committee agreed to a short adjournment to consider the matter.

On reconvening, the Committee, having taken account of the applicant's previous convictions, their seriousness and relevance to the licence being applied for, and also having taken account of the representation by the Chief Constable, agreed that the application be refused on the grounds that the applicant was not a fit and proper person to be the holder of such a licence by virtue of his previous convictions.

Councillor Campbell joined the meeting at 10.10 am.

PRIVATE HIRE DRIVER'S LICENCE – REQUEST FOR IMMEDIATE SUSPENSION

1103 The committee considered a report by the Chief Officer (Legal & Procurement) in relation to a request for immediate suspension of a Private Hire Car Driver's Licence and a Private Hire Car Operator's Licence under Paragraph 11(1) of Schedule 1 of the Civic Government (Scotland) Act 1982 (Agenda Item 4 refers).

The applicant was not present. A vote took place were Members unanimously agreed to progress in applicant's absence.

Sergeant Emma Gardner, Sergeant Belinda Rafferty and Inspector Alan Ferris, representing the Chief Constable, who had made an objection to the application, were also present.

It was reported that the Chief Constable had complained that in terms of Paragraph 11(2)(a) of Schedule 1 of the Act, the licence holder was no longer a fit and proper person to hold these licences, and he requested immediate suspension of the licences in terms of Paragraph 12(1) of the Schedule, that carrying on of the activity to which the licences related was likely to cause a serious threat to public order or public safety.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the request by the Chief Constable and its relevance to the types of licences held.

The Committee agreed to suspend the licence in terms of Paragraph 11(1) of Schedule 1 of the Civic Government (Scotland) Act 1982.

Councillor MacDonald left the meeting at this point.

PRIVATE LANDLORD REGISTRATION

1104 The committee considered a report by the Director of Environment regarding an application for inclusion on the Register of Social Landlords under the terms of the Antisocial Behaviour etc. (Scotland) Act 2004, as amended (agenda item 5 refers).

The landlord, having been invited to the meeting, was not present. She was however represented by her husband, Craig Hepburn who presented the applicant's case

The Senior Housing Officer (Private Sector) was heard in respect of the application and in response to questions from Members.

The applicant was then heard in respect of the application and in response to questions.

The Committee agreed to a short adjournment to consider the matter.

Following discussion the committee agreed:-

- (a) that the applicant had two weeks to provide necessary and statutory paperwork to Housing Services; and
- (b) that if this was not provided a report would be brought to next Committee on 11 March 2025.

PRIVATE LANDLORD REGISTRATION

1105 The committee considered a report by the Director of Environment regarding an application for inclusion on the Register of Social Landlords under the terms of the Antisocial Behaviour etc. (Scotland) Act 2004, as amended (agenda item 6 refers).

The Senior Housing Officer (Private Sector) was heard in respect of the application and in response to questions from Members.

The applicant was then heard in respect of the application and in response to questions.

The Committee agreed to a short adjournment to consider the matter.

Following discussion the committee agreed:-

- (a) that the applicant had two weeks to provide necessary and statutory paperwork to Housing Services; and
- (b) that if this was not provided a report would be brought to next Committee on 11 March 2025.

PRIVATE LANDLORD REGISTRATION

1106 The committee considered a report by the Director of Environment regarding an application for inclusion on the Register of Social Landlords under the terms of the Antisocial Behaviour etc. (Scotland) Act 2004, as amended (agenda item 7 refers).

The Senior Housing Officer (Private Sector) was heard in respect of the application and in response to questions from Members.

The applicant was then heard in respect of the application and in response to questions.

The Committee agreed to a short adjournment to consider the matter.

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Following discussion the committee agreed:-

- (a) that the applicant was not a “fit and proper” person to be entered upon the register of private landlords;
- (b) to authorise Council officers to draw up Rent Penalty Notices and cause them to be served on the applicant in the event the applicant did not cease acting as private landlord;
- (c) to authorise Council officers to report the applicant to the Procurator Fiscal, in the event that they do not cease acting as a private landlord and to cooperate with the Procurator Fiscal and Police in any criminal investigation and prosecution relating to this matter;
- (d) to authorise Council officers to defend any litigation instituted by the applicant in respect of their registration being refused or against the service of Rent Penalty Notices; and
- (e) otherwise, to note the content of the report.

CHAIR