

MINUTE
of
LICENSING COMMITTEE

Minute of virtual meeting held at 10.00am on 8 June 2021.

Present:

Councillor Angela Convery (Chair)
Councillor Charlie Gilbert

Councillor Stewart Miller

Councillor Convery in the Chair

Attending:

Jacqui McCusker, Senior Solicitor; Brian Kilpatrick, Civic Government Enforcement Officer; Jennifer Graham, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

Also Attending:

Inspector Michelle Grant and Sergeant David Gilmore, Police Scotland.

Apologies:

Councillors Betty Cunningham (Vice Chair) and Paul O’Kane.

DECLARATIONS OF INTEREST

1660. 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 following 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.

TAXI DRIVER'S LICENCE – APPLICATION FOR RENEWAL

1661. Under reference to the Minute of the meeting of 13 April 2021 (Page 1496, Item 1605 refers), when it had been agreed that consideration of the application be continued to a future meeting to allow a decision on the pending court action to be made, the committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the renewal of a Taxi Driver's Licence (Agenda Item 3 refers).

The licence holder was present together with his solicitor Ms Sinclair.

Inspector Grant and Sergeant Gilmore representing the Chief Constable, who had made an objection in respect of the application, were also present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the objection by the Chief Constable.

Sergeant Gilmore was heard in respect of the objection by the Chief Constable and provided an update on the licence holder's recent court appearance.

Ms Sinclair was then heard in respect of the application, providing background information on the case and further information in respect of the licence holder's recent court appearance.

Both parties were heard in response to questions from Members.

The committee, having taken account of the information provided in respect of the recent court case and the objection by the Chief Constable, agreed that the licence be renewed for a period of 1 year subject to standard conditions.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR RENEWAL

1662. Under reference to the Minute of the meeting of 13 April 2021 (Page 1497, Item 1607 refers), when it has been agreed that consideration of the application be continued to a future meeting to allow a decision on the pending court action to be made, the committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the renewal of a Private Hire Car Driver's Licence (Agenda Item 4 refers).

Prior to consideration of the application, the Senior Solicitor clarified that this was an application for renewal and not an application for grant as referred to on the agenda and covering report submitted to the committee.

The licence holder, having been invited to attend, was not present.

Inspector Grant and Sergeant Gilmore representing the Chief Constable, who had made a representation in respect of the application, were present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the representation by the Chief Constable.

Sergeant Gilmore was heard in respect of the representation by the Chief Constable, the pending court case, and in response to questions from Members.

The committee, having taken account of the update provided by Sergeant Gilmore and the representation by the Chief Constable, agreed that:-

- (a) the licence be renewed for a period of 1 year subject to standard conditions; and
- (b) the licence holder's decision letter include a reminder of the requirement to contact East Renfrewshire Council's Licensing Section to advise of any convictions received.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

1663. Under reference to the Minute of the meeting of 16 March 2021 (Page 1476, Item 1587 refers), when it had been agreed that consideration of the application be continued to a future meeting to allow a decision on the pending court action to be made, the committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the renewal of a Private Hire Car Driver's Licence (Agenda Item 5 refers).

The applicant, having been invited to attend, was not present.

Inspector Grant and Sergeant Gilmore representing the Chief Constable, who had made an objection in respect of the application, were present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the objection by the Chief Constable and its relevance to the type of licence being applied for.

Prior to consideration of the application, the committee were asked whether they wished to accept the Chief Constable's request to take account of additional information even though it was considered "out of time". Following discussion, the committee agreed to consider the additional information provided by the Chief Constable.

Sergeant Gilmore was heard in respect of the objection by the Chief Constable, the additional information provided by the Chief Constable, and in response to questions from Members.

Following discussion, the committee 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 the information provided by the Chief Constable.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

1664. Under reference to the Minute of the meeting of 16 March 2021 (Page 1476, Item 1585 refers), when it had been agreed that consideration of the application be continued to a future meeting to allow a decision on the pending court action to be made, the committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the renewal of a Private Hire Car Driver's Licence (Agenda Item 6 refers).

The licence holder, having been invited to attend, was not present.

Inspector Grant and Sergeant Gilmore representing the Chief Constable, who had made an objection in respect of the application, were present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the objection by the Chief Constable and its relevance to the type of licence being applied for.

Sergeant Gilmore was heard in respect of the objection by the Chief Constable, the pending court case, and in response to questions from Members.

Following discussion, the committee 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 the information provided by the Chief Constable.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR RENEWAL

1665. Under reference to the Minute of the meeting of 13 April 2021 (Page 1497, Item 1608 refers), when it had been agreed that consideration of the application be continued to a future meeting to allow a decision on the pending court action to be made, the committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the renewal of a Private Hire Car Driver's Licence (Agenda Item 7 refers).

The licence holder, having been invited to attend, was not present.

Inspector Grant and Sergeant Gilmore representing the Chief Constable, who had made an objection in respect of the application, were present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the objection by the Chief Constable.

Sergeant Gilmore was heard in respect of the objection by the Chief Constable, the pending court case, and in response to questions from Members.

The committee, having taken account of the update provided by Sergeant Gilmore and the representation by the Chief Constable, agreed that:-

- (a) the licence be renewed for a period of 1 year subject to standard conditions; and
- (b) the licence holder's decision letter include a reminder of the requirement to contact East Renfrewshire Council's Licensing Section to advise of any convictions received.

CHAIR