

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held by video conference on Wednesday, 5 May 2021 at 10.00 a.m.

Present: Councillors Ian Dickson, Jim Finn, Caroline McAllister, Jonathan McColl and Brian Walker.

Attending: Raymond Lynch, Section Head (Licensing) and Nuala Borthwick, Committee Officer.

Also attending: Police Constable Raymond Borland, Police Scotland.

Apology: An apology for absence was intimated on behalf of Councillor Marie McNair.

Councillor Jim Finn in the Chair

CHAIR'S REMARKS

Councillor Finn, Chair, welcomed everyone to the meeting which was being held remotely, in terms of Section 18B of the Civic Government (Scotland) Act 1982. Accordingly, the Chair advised that a process/procedure had been developed for the meeting (a copy of which had previously been circulated to Members). Thereafter, the Committee agreed to note the procedure in place for the conduct of the meeting and the meeting then continued by video conferencing.

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in any of the items of business on the agenda.

MINUTES OF PREVIOUS MEETINGS

- (a) The Minutes of Special Meeting of the Licensing Committee held on 17 March 2021 were submitted and approved as a correct record; and
- (b) the Minutes of Meeting of the Licensing Committee held on 31 March 2021 were submitted and approved as a correct record subject to the inclusion of the word "immediately" in front of the phrase 'prior to the meeting' in the third paragraph under the heading 'Chair's Remarks'.

OPEN FORUM

The Committee noted that no open forum questions had been submitted by members of the public.

CONTINUED APPLICATION FOR RENEWAL OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE

<u>Name and Address of Applicant</u>	<u>Date Applied</u>
Kevin Comerford 17 Beeches Avenue Duntocher Clydebank G81 6HX	21 August 2020

With reference to the Minutes of Meeting of the Licensing Committee held on 31 March 2021, a report was submitted by the Chief Officer – Regulatory and Regeneration concerning an Application for Renewal of a Taxi/Private Hire Car Driver's Licence for the above named person.

Having heard the Section Head (Licensing), it was noted:-

- (a) that a letter had been received from the Chief Constable of Police Scotland on 19 September 2020 submitting a representation in relation to the application and that copies of the letter had been circulated to Members in advance of the meeting;
- (b) that in view of the letter received from Police Scotland, the applicant and a representative of Police Scotland had been invited to attend the meeting in order that a hearing could take place; and
- (c) that both the applicant and Constable Borland, Police Scotland were in attendance.

The Committee then heard from Constable Borland in relation to the letter from Police Scotland.

Thereafter, Mr Comerford was given an opportunity to address the Committee in support of the application and was heard in answer to Members' questions.

DECIDED:-

After consideration, it was agreed that the application be granted for a period of one year and that Mr Comerford's next application for renewal of licence would be referred to the Committee for consideration and determination.

**APPLICATION FOR RENEWAL OF A TAXI/
PRIVATE HIRE CAR DRIVER'S LICENCE****Name and Address of Applicant****Date Applied**

John Hepburn
173 Pappert
Bonhill
Alexandria
G83 9LG

2 March 2021

A report was submitted by the Chief Officer – Regulatory and Regeneration concerning an Application for Renewal of a Taxi/Private Hire Car Driver's Licence for the above named person.

Having heard the Section Head (Licensing), it was noted:-

- (a) that at a meeting of the Licensing Committee held on 4 December 2019, having considered an objection received from the Chief Constable, the applicant, Mr Hepburn had been granted a Taxi/Private Hire Car Driver's Licence. Members had decided to grant the licence for a period of 1 year but had requested that, if Mr Hepburn were to re-apply for renewal of the Taxi/Private Hire Car Driver's Licence, then the matter be referred back to Committee for consideration and determination;
- (b) that there were no Police objections or representations in relation to the application; and
- (c) that Mr Hepburn was in attendance at the meeting.

DECIDED:

The Committee agreed that the application be granted.

EXCLUSION OF PRESS AND PUBLIC

Having heard the Section Head (Licensing) in relation to the undernoted items of business the Committee agreed to approve the following resolution:-

"That under Section 50A(4) of the Local Government (Scotland) Act, 1973 the press and public be excluded from the meeting for the following item of business on the

grounds that it may involve the likely disclosure of exempt information as defined in Paragraph 14 of Part 1 of Schedule 7A of the Act.”

APPLICATION FOR GRANT OF AN EMPLOYEE’S STREET TRADER’S LICENCE

Name and Address of Applicant

Date Applied

Connor MacLeod
431 Alderman Road
Knightswood
Glasgow
G13 4HF

5 January 2021

A report was submitted by the Chief Officer – Regulatory and Regeneration concerning an Application for Grant of an Employee’s Street Trader’s Licence for the above named person.

Having heard the Section Head (Licensing), it was noted:-

- (a) that a letter had been received from the Chief Constable of the Police authority making an objection with respect to the application;
- (b) that in view of the objection which had been received from the Police, the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place;
- (c) that the letter from the Chief Constable making an objection in relation to the application, had been received on 18 March 2021. In terms of the relevant legislation, an objection with respect to an application should be submitted within 28 days of receipt of the application. As Mr MacLeod’s application was submitted on 5 January 2021, any objection should have been submitted by 2 February 2021. There was, however, provision in the legislation for the Licensing Authority to entertain a late objection which had been received before a final decision had been made on the application if the Licensing Authority was satisfied that there had been sufficient reason why the objection had not been made in the time required;
- (d) that it was a matter for the Committee to decide initially whether the late objection from the Police should be taken into consideration;
- (e) that there was sufficient reason to allow the terms of the late letter from Police Scotland and that this would be made known to the Committee as appropriate; and
- (f) that Mr MacLeod had previously held an Employee Street Trader’s Licence continuously between 21 April 2016 until 20 April 2020 but had not submitted an application for renewal at that time.

The Committee agreed that the Police objection would be taken into consideration. A copy of the letter from the Police was accordingly shared on screen with Members of the Committee.

The Committee then heard from Constable Borland in relation to the objection and in answer to Members' questions. Mr MacLeod was then given the opportunity to address the Committee in support of the application and in connection with the circumstances relating to the matters detailed in the Police letter.

DECIDED:-

After discussion and having heard the Section Head (Licensing) in further explanation of the report and in answer to Members' questions, the Committee agreed that the application be continued to a future meeting of the Committee once the pending court proceedings had been determined .

**CONTINUED APPLICATION FOR GRANT OF A TAXI/
PRIVATE HIRE CAR DRIVER'S LICENCE**

Name and Address of Applicant

Date Applied

Stephen Campbell
8F Bryson Street
Clydebank
G81 5HG

15 February 2021

With reference to the Minutes of Meeting of the Licensing Committee held on 31 March 2021, a report was submitted by the Chief Officer – Regulatory and Regeneration concerning an Application for Grant of a Taxi/Private Hire Car Driver's Licence for the above named person.

ADJOURNMENT

Having heard the Section Head (Licensing), it was noted that the applicant was not in attendance at the meeting. Thereafter, the Committee agreed to hold a short adjournment to enable officers to provide a copy of the letter sent to Mr Campbell dated 16 April 2021 following his failure to attend or notify officers that he would not be present at the meeting of the Committee held on 31 March 2021. It was noted that the letter had emphasised the importance of attending this meeting at which his application would be further considered by the Committee.

The Committee reconvened at 10.40 a.m. with all Members listed in the sederunt in attendance.

Having heard the Section Head (Licensing), it was noted:-

- (a) that a letter dated 15 March 2021 had been received from the Chief Constable of Police Scotland submitting an objection in relation to the

application and that copies of the letter had been circulated to Members in advance of the meeting;

- (b) that a separate letter had been submitted detailing the applicant's previous convictions which were considered "protected" in terms of the Rehabilitation of Offenders Act 1974; and
- (c) that a representative of the Police authority, Constable Borland, was in attendance at the meeting.

Having heard the Section Head (Licensing) with regard to the age, degree of seriousness and relevance of the protected convictions, the Committee agreed that the letter from Police Scotland detailing the protected convictions should be shared with the Committee and be taken into account. The letter containing the protected convictions was accordingly shared electronically with Members of the Committee.

The Committee then heard from Constable Borland in relation to both letters from Police Scotland and in answer to Members' questions.

DECIDED:-

Following discussion and having heard further from the Section Head (Licensing), it was agreed that the application be refused on the grounds that the applicant was not a fit and proper person to be the holder of a Taxi Driver/Private Hire Car Driver's Licence.

The meeting closed at 10.52 a.m.