

MINUTE of MEETING of the LICENSING COMMITTEE (PRIVATE) of WEST Lothian Council held within Council Chambers, West Lothian Civic Centre, on 9 AUGUST 2017.

Present – Councillors Peter Heggie (Chair), George Paul, Harry Cartmill, David Dodds and Chris Horne

Apologies – Councillor Dave King

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The committee confirmed the Minute of its meeting held on 21 June 2017 as a correct record. The Minute was thereafter signed by the Chair.

3. PRIVATE SESSION

The committee resolved under Section 50(A)(4) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting during consideration of the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 3,12 and 14 of Part 1 of Schedule 7A of the Act.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - PRIVATE HIRE CAR DRIVER'S LICENCE

Introductions were made by all parties.

The applicant was in attendance at the meeting and advised that he did not wish to be represented.

Police Scotland was represented by Inspector Keith Mailer.

The Clerk explained the procedure.

The committee was advised that the objection from Police Scotland dated 10 July 2017 was received late in terms of Schedule 1 of the Civic Government (Scotland) Act 1982 paragraph 3(2). Inspector Mailer then explained why the police submission was late.

The applicant advised that he had no objections to this being considered.

The committee accepted the reasons given by Police Scotland for the late objection to the application and agreed to circulate this to members of the committee for consideration.

The applicant confirmed that the convictions outlined within Police Scotland's objection were correct and that he had not disclosed this information within his application due to a misunderstanding when completing the application for a Private Hire Car Driver's Licence.

The committee heard Police Scotland speak in relation to his objection to the application. Inspector Mailer summarised the nature of the offences outlined within the objection to the application.

The applicant was given an opportunity to question Police Scotland.

The committee then had an opportunity to question Police Scotland.

The committee heard the applicant speak in relation to the application.

Police Scotland was given an opportunity to question the applicant.

The committee had an opportunity to question the applicant.

Finally, both parties had the opportunity to sum up before leaving the room to allow the committee to deliberate in private. .

After deliberations both parties returned. The Clerk advised parties of the advice she had given during the private session. Neither party had any comments to make on that advice. The committee then made its decision.

### Decision

To refuse to grant the application for a Private Hire Car Driver's Licence in terms of Schedule 1 of the Civic Government (Scotland) Act 1982 paragraph 5(3), as it was the opinion of the committee that the applicant was not a fit and proper person to hold such a licence on the basis of the number and character of his convictions, none of which had been declared.

## 5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - STREET TRADER'S LICENCE

Introductions were made by all parties.

The applicant was in attendance at the meeting and advised that he did not wish to be represented.

Police Scotland was represented by Inspector Elliot and PC White.

The Clerk explained the procedure.

The committee was invited to consider a report (copies of which had been circulated) by the Chief Solicitor advising that Police Scotland had submitted an objection to the application. The report recommended that the committee determine the application in light of the objection by Police Scotland.

The committee heard Inspector Elliot speak in relation to the objection.

The applicant was given an opportunity to question Police Scotland.

The committee then had an opportunity to question Police Scotland and asked for details of the convictions referred to. Inspector Elliot said that further information could not be shared due to the sensitive nature of the convictions. After further questions from the committee he agreed that if an adjournment was granted for an hour he could seek instructions regarding what information could be disclosed.

The committee asked the applicant if he had any objection to an adjournment for an hour. The applicant advised the committee that in order to be open and transparent he was willing to answer any questions put to him and divulge more information relating to the offences. He advised that both police officers in attendance were aware of his background and would be able to highlight if he attempted to mislead the committee.

Police Scotland had no objections to the applicant's proposal and advised that they would be able to comment on the applicant's submissions and his responses to questions.

The applicant provided further details relating to the offences outlined within Police Scotland's letter of objection and spoke in support of his application.

Police Scotland had an opportunity to question the applicant.

The committee then had an opportunity to question the applicant.

Finally, both parties had the opportunity to sum up before leaving the room to allow the committee to deliberate in private.

After deliberations both parties returned. The Clerk advised parties of the advice she had given during the private session. Neither party had any comments to make on that advice. The committee then made its decision.

### Decision

To refuse to grant the application for a Street Trader's licence in terms of Schedule 1 of the Civic Government (Scotland) Act 1982 paragraph 3, as it was the majority opinion of the committee that the applicant was not a fit and proper person to hold such a licence on the basis of the serious nature of his previous convictions.

Councillor Paul moved an alternative position which did not receive a seconder therefore his dissent was noted.