

MINUTE of MEETING of the LICENSING COMMITTEE (PRIVATE) of WEST Lothian Council held within Council Chambers, West Lothian Civic Centre, on 6 September 2017.

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

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The committee confirmed the Minute of its meeting held on 9 August 2017 as 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 - ITEM 6

Introductions were made by all parties.

The applicant was in attendance and unaccompanied, he confirmed he was ready to proceed without representation.

The Clerk explained the procedures that would be followed. The applicant confirmed he understood the procedure.

The Clerk referred the committee to the report (copies of which had been circulated) by the Chief Solicitor advising that Police Scotland had submitted an objection to the application.

The applicant advised that the information contained in the report by Police Scotland did not reflect the court notes. However, he advised that he was content to have the matter dealt with as he did not feel any further investigation would change the outcome of the hearing.

Inspector Mailer, Police Scotland had an opportunity to respond and advised that the information supplied was based on the original report to Police Scotland and did not dispute that there could be differences in the court outcome.

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

The applicant was given an opportunity to question Inspector Mailer.

The committee had an opportunity to question Inspector Mailer.

The committee heard the applicant speak in support of his application.

Inspector Mailer was given an opportunity to question the applicant.

The committee had an opportunity to question the applicant.

Finally, all parties were given an opportunity to sum up.

All parties then left the room to allow the committee to deliberate in private.

Following deliberations all parties returned and the committee then made its decision.

#### Decision

To grant the application for a private hire car driver's licence.

#### 5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - PRIVATE HIRE CAR DRIVER'S LICENCE – ITEM 7

Introductions were made by all parties.

The applicant was in attendance and unaccompanied. He confirmed that he was ready to continue without representation.

The Clerk explained the procedures that would be followed. The applicant confirmed he understood the procedures.

The Clerk referred the committee to the report by the Chief Solicitor advising that an objection to the application had been submitted by Police Scotland.

The report advised that in terms of the Civic Government (Scotland) Act 1982 3(1)(e) an objection/representation should be lodged within 28 days of the date the application was made. The current objection was received outwith the 28 day period.

The report further advised that paragraphs 3(2) gave the committee the discretion to consider an objection/representation if it was satisfied that there were sufficient reasons as to why it was outwith the 28 day period.

Inspector Mailer, Police Scotland provided the committee with an explanation as to why the objection was outwith the 28 day period.

The applicant had no objections to the objection by Police Scotland being circulated.

The committee accepted the reasons given for the late submission of the objection and exercised its discretion to hear the objection to the application.

Copies of the objection were then circulated.

The applicant advised he did not dispute the contents of the report or police objection.

The committee heard Inspector Mailer, Police Scotland speak in relation to the objection.

The applicant was given the opportunity to question Inspector Mailer.

The committee had an opportunity to question Inspector Mailer.

The committee heard the applicant speak in support of the application.

Inspector Mailer was given an opportunity to question the applicant.

The committee had an opportunity to question the applicant.

Finally, both parties summed up the merits of their case before leaving the room to allow the committee to deliberate in private.

Following deliberations both parties returned and the committee then made its decision.

#### Decision

To refuse to grant the application in terms of Civic Government (Scotland) Act 1982 Section 5(3)(a)(ii) as it was the opinion of the committee that the applicant was not a fit and proper person to hold such a licence in view of the nature of his previous convictions and disregard for the Road Traffic Regulations.

#### 6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - TAXI LICENCE RENEWAL - ITEM 8

Introductions were made by all parties.

The applicant was in attendance at the meeting and represented by his Solicitor Mr Sandeman.

The Clerk explained the procedure that would be followed and that a copy of the procedure was emailed to Mr Sandeman prior to the hearing.

Mr Sandeman was given an opportunity to comment on the procedures to be followed and commented that they were the committee's procedures. Mr Sandeman also confirmed receipt of the procedure that had been emailed prior to the hearing.

Mr Sandeman confirmed there were no disputes in relation to the contents

of the report.

The committee heard Mr Sandeman speak in support of the application.

The Taxi Examination Centre representative Mr Brown was given an opportunity to question Mr Sandeman.

The committee had an opportunity to question Mr Sandeman.

The committee heard Mr Brown speak in relation to the report.

Mr Sandeman was given an opportunity to question Mr Brown.

The committee had an opportunity to question Mr Brown.

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

Both parties were then called back into the meeting. The Chair invited both parties to provide further submissions in relation to their positions if the committee was minded to renew the licence for the vehicle proposed for 7 passengers on condition that the vehicle only had 1 passenger seat fitted to the front area of the vehicle.

Mr Sandeman advised that it was a matter for the committee and gave no further comment.

Mr Brown made no comment.

All parties then left the room to allow the committee to continue its private deliberations.

After deliberations both parties returned. The Clerk advised parties of the advice he had given during the private session.

Both parties were invited to comment on the advice given by the Clerk.

Mr Sandeman commented that it was an application to be granted and vehicle to be substituted.

Mr Brown made to comment.

### Decision

1. To refuse to disapply condition in relation to the number of passengers that can be carried by a taxi.
2. To grant the application to renew the taxi licence to carry 7 passengers subject to an additional condition to only allow one passenger seat in the front of the vehicle.
3. To disapply condition in relation to retractable step to allow a running board to be installed on the vehicle.

