

MINUTE of MEETING of the LICENSING COMMITTEE (PRIVATE) of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 11 JULY 2018.

In the absence of the Chair and Vice Chair the remaining members of the Committee agreed to nominate Councillor Dom McGuire to the role of Chair for this meeting.

Present – Councillors George Paul, Dom McGuire, David Dodds (substituting for Harry Cartmill)

Apologies – Councillor Peter Heggie (Chair), Harry Cartmill, 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 13 June 2018 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 - ITEM 7

The committee noted that the applicant was not in attendance, however he had emailed to advise that his solicitor was unavailable for the hearing and requested an adjournment to allow an opportunity for him and his solicitor to be in attendance.

Decision

The committee agreed to adjourn to 29 August 2018.

5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - PRIVATE HIRE CAR LICENCE - ITEM 8

The committee noted that the applicant was not in attendance, however

he had emailed to advise that his solicitor was unavailable for the hearing and requested an adjournment to allow an opportunity for him and his solicitor to be in attendance.

Decision

The committee agreed to adjourn to 29 August 2018.

6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - MARKET OPERATOR'S LICENCE -ITEM 9

Introductions were made by all parties.

The applicant was in attendance and was accompanied by a friend for support.

Also in attendance was Sgt John Fleming and PC Tom White, Police Scotland.

The applicant confirmed he had no dispute with the content of the report or Police Scotland letter.

Preliminary Matter – Late Submission of Police Scotland Letter

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 out with 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.

In relation to the late submission Inspector Sgt Fleming provided an explanation and requested that the committee allow the information that was contained in the late letter to be circulated and considered by the committee as he was of the opinion this information was relevant to their representation.

The applicant confirmed he had no objection to the late letter being circulated. He also confirmed he had no dispute with the contents of the letter.

Decision

The committee exercised its discretion to admit the late letter.

Consideration of Application

The committee heard Sgt Fleming and PC White speak in relation to the report and representation by Police Scotland.

The applicant had an opportunity to question Sgt Fleming and PC White.

The committee had an opportunity to questions Sgt Fleming and PC White.

The committee heard the applicant speak in support of his application. He produced documentation which he wished the committee to consider.

Sgt Fleming had no objection to the documentation being circulated.

The committee agreed to allow the documentation to be circulated.

Sgt Fleming 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 before leaving the room to allow the committee to deliberate in private.

Following deliberations all parties returned and the Clerk reiterated the legal advice she had given the committee during private deliberations.

Sgt Fleming had no comment to make on the legal advice provided..

The applicant had no comment to make on the legal advice provided.

The committee then made its decision

Decision

To grant the application subject to standard conditions.

7. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - SKIN PIERCING AND TATTOOING LICENCE - ITEM 10.

The committee noted that the applicant was not present. The Clerk advised that all efforts to contact the applicant had failed. The Clerk suggested in the circumstances that the committee may wish to consider the application as being withdrawn.

Decision

To treat the application as being withdrawn.

8. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - PRIVATE HIRE CAR DRIVER'S LICENCE - ITEM 6

The committee noted that the licence holder was not present and although satisfied that he had been properly cited agreed to adjourn to allow the licence holder an opportunity to be in attendance.

Decision

To adjourn to 29 August 2018.

