

MINUTE of MEETING of the LICENSING COMMITTEE (PRIVATE) of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 21 SEPTEMBER 2018.

Present – Councillors Peter Heggie (Chair), George Paul, Harry Cartmill, Dom McGuire

Apologies – Councillor Chris Horne

1. DECLARATIONS OF INTEREST

Councillor Paul declared an interest in Agenda Item 6 in that he was the Chair of the Services for the Community PDSP and left the room taking no part in the deliberation or decision of this item of business.

2. 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.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - SKIN PIERCING AND TATTOOING LICENCE - ITEM 5

The applicant was in attendance and was accompanied by his wife.

Also in attendance was Community Sergeant Vincent Hughes and PC Tom White, Police Scotland.

Introductions were made by all parties.

The applicant confirmed he was content to proceed without representation.

The applicant confirmed he disputed a particular part of what was contained in Police Scotland's letter of objection.

Police Scotland advised they were not in a position to clarify the disputed points at this time as only one of the police officers involved was on duty.

Following lengthy debate Police Scotland advised that they would need an evidential hearing in order to have both police officers available to give evidence. The applicant was of the opinion that an evidential hearing would not be of any merit as he had no evidence to submit and had no witnesses and therefore intimated that he was prepared to retract the points he disputed in Police Scotland's letter to allow the application to be considered without the need for an evidential hearing.

The committee however were not content to continue given the points the applicant had made, and although the applicant was prepared to retract the disputed points the opinion of the committee was that in the interest of fairness and natural justice an evidential hearing should be set.

#### Decision

1. To adjourn to 28 November 2018 for an evidential hearing.
2. It was agreed that the applicant and Police Scotland exchange a list of the evidence and/or witnesses by 31 October 2018.
3. It was agreed that the applicant and Police Scotland provide the Clerk with a list of evidence and/or witnesses by 31 October 2018.

#### 4. ANTI-SOCIAL BEHAVIOUR ETC (SCOTLAND) ACT - LANDLORD REGISTRATION - ITEM 6

Councillor George Paul declared an interest in that he was Chair of Services for the Community PDSP and therefore left the meeting taking no part in the deliberation or decision of this item of business.

Introductions were made by all parties.

The applicant was in attendance and was unrepresented.

Also in attendance was Kenny Selbie, Housing, Customer and Building Services, WLC and Zak Abercrombie, Housing, Customer and Building Services, WLC.

The Chair explained the procedure that would be followed.

The Clerk referred the committee to the report.

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

The applicant was given an opportunity to ask questions of Mr Selbie.

The committee was given an opportunity to ask questions of Mr Selbie

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

During the applicants submission it became apparent that the applicant had not understood proceedings and was asked if he would require support from an interpreter.

The applicant accepted this course of action.

#### Decision

To adjourn to 28 November 2018 to allow a Polish interpreter to be in attendance.

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

The Clerk advised the committee that the licence holder had surrendered his licence and handed back his documents and therefore this item of business no longer required to be considered.

Decision

To note the update by the Clerk.

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

Introductions were made by all parties.

The applicant was in attendance and was unrepresented. The applicant confirmed he was content to proceed without representation.

Also in attendance was Inspector Euan Smith, Police Scotland.

The applicant confirmed he had no dispute with the contents of the report and Police Scotland's letter of objection.

The Chair explained the procedure that would be followed.

The Clerk referred the committee to the report.

The committee heard Inspector Smith speak in relation to the objection by Police Scotland.

The applicant was given an opportunity to question Inspector Smith.

The committee had an opportunity to question Inspector Smith.

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

Inspector Smith 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 private deliberations all parties returned. The committee then made its decision.

Decision

To refuse to grant the application 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.