

MINUTE of MEETING of the LICENSING COMMITTEE (PRIVATE) of WEST LoTHIAN COUNCIL held within CONFERENCE ROOM 3, WEST LoTHIAN CIVIC CENTRE, on 27 AUGUST 2014.

Present – Councillors Tony Boyle (Chair), George Paul, Dave King, Anne McMillan, John Muir

Apologies – Councillor Tom Conn

Absent – Martyn Day

1. DECLARATIONS OF INTEREST

Councillor Tony Boyle declared a non-financial interest in Agenda Item 6 Case A as he was a council appointed member of the Citizens Advice Bureau which had objected to the application, and would leave the room taking no part in the deliberation or decision.

2. MINUTE

The committee confirmed the Minute of its meeting held on 29 July 2014 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 Schedule 7A of the Act.

4. CIVIC GOVERNMENT SCOTLAND ACT 1982 – SECOND HAND DEALER'S LICENCE – CASE A

The committee was invited to consider a report (copies of which had been circulated) by the Chief Solicitor advising that objections to the application for a second hand dealer's licence had been submitted.

The committee heard the council's Solicitor, Police Scotland and an objector speak in relation to the report.

The applicant was given an opportunity to question the council's Solicitor, Police Scotland and the objector.

The committee had an opportunity to question the council's Solicitor, Police Scotland and the objector.

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

The council's Solicitor and Police Scotland were given the opportunity to question the applicant.

The committee then questioned the applicant.

Finally, each side summed up before the committee deliberated the merits of the case.

#### Decision

To grant the application for a second hand dealer's licence subject to the council's standard conditions.

#### 5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – STREET TRADER EMPLOYEES LICENCE – CASE B

The Clerk advised the committee that the applicant had advised that he would be unable to attend the hearing and requested an adjournment to allow him to be in attendance.

#### Decision

To adjourn to 24 September 2014 to allow the applicant an opportunity to be in attendance.

#### 6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – SECOND HAND DEALER'S LICENCE – CASE C

The committee was invited to consider a report (copies of which had been circulated) by the Chief Solicitor advising that Police Scotland had requested that the committee consider attaching a specific condition in relation to the application for a second hand dealer's licence.

The report recommended that the committee consider whether it was appropriate to grant the application subject to the specific condition which Police Scotland had requested.

The committee heard the council's Solicitor and Police Scotland speak in relation to the report.

The applicant was given the opportunity to question the council's Solicitor and Police Scotland.

The committee had the opportunity to question the council's Solicitor and Police Scotland.

The committee then heard the applicants speak in relation to the report.

The council's Solicitor and Police Scotland were given the opportunity to question the applicant.

The committee had an opportunity to question the applicant.

Finally, each side summed up before the committee deliberated the merits of the case.

### Decision

To grant the application for a Second Hand Dealer's Licence subject to all standard conditions and the following additional condition as suggested by Police Scotland:-

- Two forms of identification shall be required from each seller. One form of identification shall be photographic, where this is available, and the other shall show the seller's name and address and be no more than 3 months old.

## 7. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – SECOND HAND DEALER'S LICENCE – CASE D

All parties agreed to deal with Agenda Item 9 (Case D) and Agenda 10 (Case E) together.

The committee was invited to consider a report (copies of which had been circulated) by the Chief Solicitor advising that Police Scotland had requested that the committee consider attaching a specific condition in relation to the application for a second hand dealer's licence.

The report recommended that the committee consider whether it was appropriate to grant the application subject to the specific condition which Police Scotland had requested.

The committee heard the council's Solicitor and Police Scotland speak in relation to the report.

The applicant was given the opportunity to question the council's Solicitor and Police Scotland.

The committee had the opportunity to question the council's Solicitor and Police Scotland.

The committee then heard the applicants speak in relation to the report.

The council's Solicitor and Police Scotland were given the opportunity to question the applicant.

The committee had an opportunity to question the applicant.

Finally, each side summed up before the committee deliberated the merits of the case.

### Decision

To grant the application for a Second Hand Dealer's Licence subject to all standard conditions and the following additional condition as suggested by Police Scotland:-

- Two forms of identification shall be required from each seller. One form of identification shall be photographic, where this is available, and the other shall show the seller's name and address and be no more than 3 months old.

8. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – SECOND HAND DEALER'S LICENCE – CASE E

All parties agreed to deal with Agenda Item 9 (Case D) and Agenda 10 (Case E) together.

The committee was invited to consider a report (copies of which had been circulated) by the Chief Solicitor advising that Police Scotland had requested that the committee consider attaching a specific condition in relation to the application for a second hand dealer's licence.

The report recommended that the committee consider whether it was appropriate to grant the application subject to the specific condition which Police Scotland had requested.

The committee heard the council's Solicitor and Police Scotland speak in relation to the report.

The applicant was given the opportunity to question the council's Solicitor and Police Scotland.

The committee had the opportunity to question the council's Solicitor and Police Scotland.

The committee then heard the applicants speak in relation to the report.

The council's Solicitor and Police Scotland were given the opportunity to question the applicant.

The committee had an opportunity to question the applicant.

Finally, each side summed up before the committee deliberated the merits of the case.

Decision

To grant the application for a Second Hand Dealer's Licence subject to all standard conditions and the following additional condition as suggested by Police Scotland:-

- Two forms of identification shall be required from each seller. One form of identification shall be photographic, where this is available, and the other shall show the seller's name and address and be no

more than 3 months old.

9. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – PRIVATE HIRE CAR DRIVER'S LICENCE – D CASE 4

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

The report recommended that the committee refuse to grant the application in view of the objection by Police Scotland.

The committee heard the council's Solicitor and Police Scotland speak in relation to the report.

The applicant was given an opportunity to question the council's Solicitor and Police Scotland.

The committee then had an opportunity to question the council's Solicitor and Police Scotland.

The committee heard the applicant and his representatives speak in relation to the report.

The council's Solicitor and Police Scotland had an opportunity to question the applicant and his representatives.

The committee then had an opportunity to question the applicant and his representatives.

Finally, each side summed up before the committee deliberated the merits of the case.

Decision

To refuse to grant the application for a private hire car driver's licence in terms of the Civic Government (Scotland) act 1982, Paragraph 5(3)(a) as it was the opinion of the committee that the applicant was not a fit and proper person to hold such a licence due to the limited period of time that had elapsed since the applicant had stopped using drugs.

10. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – PRIVATE HIRE CAR DRIVER'S LICENCE – CASE G

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

The report recommended that the committee refuse to grant the application in light of the objection by Police Scotland.

The committee heard the council's Solicitor and Police Scotland speak in

relation to the report.

The applicant was given an opportunity to question the council's Solicitor and Police Scotland.

The committee had an opportunity to question the council's Solicitor.

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

The council's Solicitor and Police Scotland were given the opportunity to question the applicant.

The committee then had an opportunity to question the applicant.

Finally, each side summed up before the committee deliberated the merits of the case.

#### Decision

1. To delegate authority to the Chief Solicitor to grant the application subject to the applicant being certified by the council's Medical Examiners as being fit to drive in terms of the standards set out in the Medical Commission on Accident Prevention's publication entitled "Medical Aspects of Fitness to Drive"; or
2. To refuse the application in the event he fails the medical examination.

#### 11. ACTION TAKEN IN TERMS OF STANDING ORDER 31 (URGENT BUSINESS)

- a) The committee noted the action taken on 13 August 2014 to allow a late temporary public entertainment application to be processed.