

MINUTE of MEETING of the LICENSING COMMITTEE (PRIVATE) of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, LIVINGSTON, on 31 OCTOBER 2014.

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

Apologies – Councillor Tom Conn, Martyn Day, 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 24 September 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 noted that the applicant was not present and although being satisfied that the applicant had been properly cited agreed to adjourn the case to 17 December 2014 to allow time for the Site Notice to be properly displayed.

Decision

To adjourn to 17 December 2014 to allow time for the Site Notice to be properly displayed.

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

The committee was invited to consider a report (copies of which had been circulated) by the Chief Solicitor advising that a request had been made by the applicants to disapply conditions 3 and 4 of the second hand dealer's standard conditions, and a request made by Police Scotland to impose three additional conditions.

The report recommended that the committee consider whether it was appropriate to grant the application subject to the requests made by the applicant and Police Scotland.

The committee heard the council's Solicitor speak in relation to whether the Site Notice had been properly displayed for the required 21 days and that the date on the notice for lodging objections was correct.

The applicant was given an opportunity to contact the premises concerned to check if the Site Notice had been properly displayed.

Following a short adjournment the applicant advised the committee of the details on the Site Notice and how long it had been displayed.

As the information given by the applicant confirmed that the Site Notice had not been properly displayed, the committee agreed to adjourn the case to allow the Site Notice to be displayed for the required time and with correct date for lodging objections.

Decision

To adjourn the case to 17 December 2014 to allow time for the Site Notice to be properly displayed.

6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – WINDOW CLEANER'S LICENCE – CASE C

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

The report recommended that the committee determine the application in light of the representation submitted 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 speak in relation to the report and to his supporting information (copies of which had been circulated).

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

The committee then had the 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 Window Cleaner's Licence.

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

The committee was invited to consider a report (copies of which had been circulated) by the Chief Solicitor advising that Police Scotland had requested the suspension of a Private Hire Car Driver's Licence.

The report recommended that the committee determine whether the private hire car driver's licence should be suspended in view of the request by Police Scotland.

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

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

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

The committee heard the licence holder speak in relation to the report and to his supporting information which had previously been circulated.

The council's Solicitor and Police Scotland were given an opportunity to question the licence holder.

The committee then had an opportunity to question the licence holder.

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

The committee found that there was a case to answer.

Following deliberations all parties were given a further opportunity to provide information that would assist the committee determine if the licence should be suspended and the appropriate duration of any suspension.

Decision

The committee having heard from all parties agreed to take no action against the licence holder.

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

The committee noted that the applicant was not present and not being

satisfied that he had been properly cited agreed to adjourn to 19 November 2014 to allow the applicant an opportunity to be in attendance.

It was also agreed that the Licensing Team would liaise with Committee Services to arrange for Licensing Standards Officers to hand deliver to the applicant the letter advising that the case had been adjourned.

Decision

To adjourn to 19 November 2014 to allow the applicant an opportunity to be in attendance.

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

The committee noted that the applicant was not present and although being satisfied that she had been properly cited agreed to adjourn the case to allow the applicant an opportunity to be in attendance.

Decision

To adjourn to 19 November 2014 to allow the applicant an opportunity to be in attendance.