

MINUTE of MEETING of the LICENSING COMMITTEE (PRIVATE) held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 16 JANUARY 2019.

Present – Councillors Peter Heggie (Chair), Harry Cartmill, Chris Horne, Dom McGuire

Apologies – Councillor George Paul

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The Committee confirmed the Minute of its meeting held on 19 December 2019 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 6

Introductions were made by all parties.

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

Police Scotland was represented by Inspector Keith Mailer.

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

The Chair asked the applicant if he felt he would need an interpreter.

The applicant confirmed he would not require an interpreter.

The Chair explained the procedure and the applicant confirmed he understood.

The Clerk referred the Committee to the report.

The Committee then heard Inspector Mailer speak in relation to the

objection to the application submitted by Police Scotland.

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, both sides were given an opportunity to sum up.

The Clerk provided the Committee with legal advice. Both parties were given an opportunity to comment on the legal advice before leaving the room to allow the Committee to deliberate in private.

Following private deliberations all parties return. The Clerk advised that he had not provided the Committee with any further legal advice. 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 unrepresented and confirmed he was content to continue without representation.

Police Scotland was represented by Inspector Keith Mailer

The applicant requested that the Committee allow him to table additional information in support of his application.

Inspector Mailer had no objection to the additional information being circulated.

The Committee agreed that the additional information could be circulated.

The Chair explained the procedure that would be followed.

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

The Clerk referred the Committee to the report.

The Committee then heard Inspector Mailer speak in relation to the objection to the application submitted by Police Scotland.

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, both sides were given an opportunity to sum up.

The Clerk provided the Committee with legal advice. Both parties were given an opportunity to comment on the legal advice before leaving the room to allow the Committee to deliberate in private.

Following private deliberations all parties return. The Clerk advised that he had not provided the Committee with any further legal advice. The Committee then made its decision.

Decision

To refuse to grant the application for a private hire car driver's licence in terms of the Civic Government (Scotland) Act 1982 Schedule 1, 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.

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 at the meeting and was unrepresented. The applicant confirmed he was content to proceed without representation.

The applicant confirmed he had no dispute with the report or the objection submitted by Police Scotland.

Police Scotland was represented by Keith Mailer.

The Clerk referred the committee to the report.

The Chair explained the procedure that would be followed.

The committee heard Inspector Mailer speak in relation to the report and the objection by Police Scotland.

The applicant was given an opportunity to question Inspector Mailer.

The committee had an opportunity to question Inspector Mailer.

The committee then 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.

The Clerk provided the Committee with legal advice. Both parties were given an opportunity to comment on the legal advice before leaving the room to allow the Committee to deliberate in private.

Following private deliberations all parties return. The Clerk advised that he had not provided the Committee with any further legal advice. The Committee then made its decision.

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 fit to drive in terms of the standards set out in the DVLA publication entitled "Assessing Fitness to Drive- A Guide for Medical Professionals" prior to 9 May 2019, or otherwise to refuse the application.

7. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - PRIVATE HIRE CAR DRIVER'S LICENCE - ITEM 9

The Committee noted that the applicant was not present and although satisfied that he had been properly cited agreed to allow the applicant another opportunity to be in attendance.

Decision

To adjourn to 13 February 2019 to allow the applicant an opportunity to be in attendance.