

MINUTE of MEETING of the LICENSING COMMITTEE (PRIVATE) held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 5 OCTOBER 2022.

Present – Councillors Tony Pearson (Chair), George Paul, Jim Dickson, Peter Heggie, Pauline Orr

Due to technical difficulties Councillor Jim Dickson left the meeting during consideration of Item 10 (Civic Government (Scotland) Act 1982 - Private Hire Car Driver's Licence Application) and did not participate in the remaining items of business.

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTES

The committee confirmed the draft Minutes of its meeting held on 07 September 2022 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 - TAXI DRIVER'S LICENCE

The licence holder was not present at the meeting.

Members of the committee noted the applicant was not present and agreed to proceed in their absence.

The committee considered a report (copies of which had been circulated) by the Chief Solicitor requesting that they consider a suspension of the licence holder's taxi driver's licence under Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

It was recommended that the committee consider an immediate suspension on grounds of public safety in view of the fact that the licence holder had been assessed as unfit by the Council's medical advisers under Group 2 DVLA medical standards.

Decision

1. To agree to consider the case in the absence of the licence holder;
2. To suspend the taxi driver's licence with immediate effect for the unexpired portion of the duration of the licence; and
3. To delegate authority to the Chief Solicitor to recall the suspension once the licence holder was certified fit to drive a taxi by the council's medical advisers.

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

Police Scotland was represented by Inspector Marc Copland and attended via MS Teams.

The clerk informed those present that, due to a long standing appointment, the applicant was not available to attend the meeting and had requested an adjournment. Police Scotland did not oppose the request and the case was subsequently adjourned until the next meeting on 9 November 2022.

Decision

To agree an adjournment on the request of the applicant. The adjournment until 9 November 2022 was not opposed by Police Scotland.

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

The applicant did not attend the meeting.

Police Scotland was represented by Inspector Marc Copland and attended via MS Teams.

Having agreed that the case would be considered in the absence of the applicant, committee discussed whether to admit into proceedings Appendix C to Police Scotland's letter. It was agreed that in order for justice to be done the document should be circulated to those members in attendance.

The committee then considered whether a late letter from Police Scotland should also be admitted. Police Scotland explained the circumstances with regards to the timing of the letter's submission. The committee were satisfied that there was sufficient reason why the letter was not received within the 28-day period and agreed it's circulation. Both documents were duly circulated to members.

During Inspector Copland's explanation on the timing of Police Scotland's late letter, he indicated to the committee that an update was available

regarding the pending case in Appendix D as well as some further information concerning another pending case that had just come to light. The committee agreed to hear a verbal update from Police Scotland in respect of the information that was now available and relevant to proceedings.

The committee considered a report (copies of which had been circulated) by the Chief Solicitor inviting them to consider and determine an application for the renewal of the licence holder's private hire car driver's licence in respect of which an objection had been received from Police Scotland.

It was recommended that the committee consider and determine the licence holder's application.

#### Decision

1. To agree to consider the case in the absence of the applicant;
2. To agree the circulation to members of Appendix C and late letter provided by Police Scotland;
3. To agree to hear an update from Police Scotland which had become available to them on 05/10/2022; and
4. To refuse the private hire car driver's licence renewal application.

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

The applicant did not attend the meeting.

Police Scotland was represented by Inspector Marc Copland and attended via MS Teams.

Those present noted the applicant was not present and agreed to proceed in their absence.

The committee considered a report (copies of which had been circulated) by the Chief Solicitor inviting them to consider and determine an application for the grant of a private hire car driver's licence in respect of which an objection had been received from Police Scotland.

It was recommended that the committee consider and determine the application.

#### Decision

1. To agree to consider the case in the absence of the applicant; and
2. To refuse the private hire car driver's licence application.

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

The applicant was not in attendance.

Police Scotland was represented by Inspector Marc Copland and attended via MS Teams.

Those present noted the applicant was not present and agreed to proceed in their absence.

The committee considered a report (copies of which had been circulated) by the Chief Solicitor inviting them to consider and determine an application for the grant of a private hire car driver's licence in respect of which an objection has been received from Police Scotland.

Decision

1. To agree to consider the case in the absence of the applicant; and
2. To refuse the private hire car driver's licence application.

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

The licence holder was not present at the meeting.

Members of the committee noted the applicant was not present and agreed to proceed in their absence.

The committee considered a report (copies of which had been circulated) by the Chief Solicitor requesting that they consider a suspension of the licence holder's private hire car driver's licence under Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

It was recommended that the committee consider an immediate suspension on grounds of public safety in view of the fact that the licence holder had been assessed as unfit by the Council's medical advisers under Group 2 DVLA medical standards.

Decision

1. To agree to consider the case in the absence of the licence holder;
2. To suspend the private hire car driver's licence with immediate effect for the unexpired portion of the duration of the licence; and
3. To delegate authority to the Chief Solicitor to recall the suspension once the licence holder was certified fit to drive a private hire car by the council's medical advisers.

