

MINUTE of MEETING of the LICENSING COMMITTEE (PRIVATE) held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 12 FEBRUARY 2020.

Present – Councillors Peter Heggie (Chair), Harry Cartmill, David Dodds, Chris Horne

Apologies – Councillor George Paul

1. DECLARATIONS OF INTEREST

Agenda Item 11 – Civic Government (Scotland) Act 1982 – Private Hire Car Driver's Licence – Councillor David Dodds declared an interest in that the applicant was known to him and would therefore take no part in the consideration or decision of the item of business.

2. MINUTE

The Committee confirmed the Minute of its meeting held on 15 January 2020 as a correct record. The Minute was thereafter signed by the Chair.

Matters Arising

It was confirmed that with regard to Minute Item 6 the applicant had formally withdrawn his application.

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 - ITEM 6

Introductions were made by all parties and the procedures explained.

The licence holder advised he was happy to proceed unrepresented and confirmed he had no dispute with the contents of the report and also confirmed he had no additional documents to submit.

The Committee considered a report (copies of which had been circulated) by the Chief Solicitor with regard to a taxi driver's licence.

The report recommended that the committee consider a further suspension of the licence under Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

Decision

1. To suspend the taxi driver's licence in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.
2. To suspend with immediate effect for the unexpired portion of the duration of the licence in terms of Paragraph 11(10) of Schedule 1 of the Civic Government (Scotland) Act 1982.
3. To delegate authority to the Chief Solicitor to recall the suspension when the licence holder was certified by the council's Medical Advisors as fit to drive in terms of DVLA Group 2 Standards.

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

The Committee noted that the licence holder was not in attendance and being satisfied he had been properly cited agreed to consider the case in his absence.

The Committee considered a report (copies of which had been circulated) by the Chief Solicitor with regard to a private hire car driver's licence.

The report recommended that the committee consider suspending the private hire car driver's licence in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

Decision

1. To suspend the private hire car driver's licence in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.
2. To suspend with immediate effect for the unexpired portion of the duration of the licence in terms of Paragraph 11 (10) of Schedule 1 of the Civic Government (Scotland) Act.
3. To delegate authority to the Chief Solicitor to recall the suspension when the licence holder was certified by the council's Medical Advisors as fit to drive in terms of DVLA Group 2 Standards.

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

The applicant was in attendance and represented by his solicitor Mr Sandeman.

Police Scotland was represented by Inspector Alan Struthers.

Mr Sandeman advised that he had disputed some of the contents of Appendix A contained in Police Scotland's objection. Mr Sandeman also

advised that the parties were unable to agree an amended version of Appendix A and therefore an evidential hearing would be required.

Inspector Struthers agreed that an evidential hearing would be required.

Decision

1. To adjourn to 15 April 2020 for an evidential hearing.
2. Both parties to submit information/documentation to Committee Services by 18 March 2020.

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

The Committee noted that the licence holder was not in attendance and agreed to adjourn to allow him an opportunity to be present.

Decision

To adjourn to 18 March 2020 to allow the licence holder an opportunity to be in attendance.

8. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - SECOND HAND DEALER'S LICENCE - ITEM 10

Introductions were made by all parties and the Chair explained the procedures that would be followed.

The applicant was in attendance and confirmed he was happy to proceed unrepresented. The applicant also confirmed he did not dispute the contents of the report or Police Scotland's letter of objection.

Police Scotland was represented by Sgt Colleen Hope.

The Committee considered a report (copies of which had been circulated) by the Chief Solicitor containing an objection by Police Scotland in relation to a second-hand dealer's licence application.

The report recommended that the committee consider and determine the application in light of the objection by Police Scotland.

Decision

To grant the application with a warning to the applicant's future conduct.

9. CIVIC GOVERNMENT (SCOTLAND) ACT 1082 - PRIVATE HIRE CAR DRIVER'S LICENCE - ITEM 11

Having previously declared an interest Councillor David Dodds left the meeting during consideration of this item of business.

The Committee noted that the applicant was not in attendance and agreed to adjourn to allow him an opportunity to be present.

Decision

To adjourn to 18 March 2020 to allow the applicant an opportunity to be in attendance.

10. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - PRIVATE HIRE CAR DRIVER'S LICENCE - ITEM 12

Introductions were made by all parties and the procedures explained.

The licence holder advised he was happy to proceed unrepresented and confirmed he had no dispute with the contents of the report and also confirmed he had no additional documents to submit.

The Committee considered a report (copies of which had been circulated) by the Chief Solicitor with regard to a private hire car driver's licence.

The report recommended that the committee consider a further suspension of the licence under Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

Decision

1. To suspend the private hire car driver's licence in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.
2. To suspend with immediate effect for the unexpired portion of the duration of the licence in terms of Paragraph 11(10) of Schedule 1 of the Civic Government (Scotland) Act 1982.

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

- a) To note action taken on 10 January 2020 to immediately suspend a private hire car driver's licence.
- b) To note action taken on 22 January 2020 to immediately suspend a private hire car driver's licence.
- c) To note action taken on 28 January 2020 to immediately suspend a taxi driver's licence.