

MINUTE of MEETING of the LICENSING COMMITTEE (PRIVATE) held within MS TEAMS VIRTUAL MEETING ROOM, on 24 NOVEMBER 2021.

Present – Councillors George Paul (Chair), Harry Cartmill, David Dodds and Chris Horne

Apologies – Councillors Peter Heggie and Jim Dickson

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTES

The committee confirmed the draft Minute of its meeting held on Wednesday 20 October 2021 as a correct record.

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 OPERATOR'S LICENCE

The licence holder was in attendance and represented by their solicitor Mr Dick Sandeman.

Police Scotland was represented by Inspector Alan Struthers.

A Punjabi interpreter also attended the meeting and had previously confirmed her qualifications.

Introductions were made and procedures explained. It was also agreed that everything that was said was to be interpreted consecutively.

The committee considered a report (copies of which had been circulated) by the Chief Solicitor with regard to the taxi operator's application for renewal of their licence in respect of which an objection had been received from Police Scotland.

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

Decision

1. To adjourn to 26 January 2022 for a hearing on the preliminary legal point raised by Mr Sandeman;
2. To adjourn the reports to 26 January 2022 to allow dialogue between Mr Sandeman and Inspector Struthers regarding the scope of factual matters disputed; and
3. To fix an evidential hearing for 23 February 2022 should this be required following the hearing on 26 January 2022.

5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - TAXI DRIVER'S LICENCE

The licence holder was in attendance and represented by their solicitor Mr Dick Sandeman.

Police Scotland was represented by Inspector Alan Struthers.

A Punjabi interpreter also attended the meeting and had previously confirmed her qualifications.

Introductions were made and procedures explained. It was also agreed that everything that was said was to be interpreted consecutively.

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

It was recommended that the committee determine whether to suspend or revoke the licence holder's licence, and if so, on what ground(s) and in the case of suspension to decide on the duration of suspension and if the licence should be suspended immediately.

Decision

4. To adjourn to 26 January 2022 for a hearing on the preliminary legal point raised by Mr Sandeman;
5. To adjourn the reports to 26 January 2022 to allow dialogue between Mr Sandeman and Inspector Struthers regarding the scope of factual matters disputed; and
6. To fix an evidential hearing for 23 February 2022 should this be required following the hearing on 26 January 2022.

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

The licence holder was in attendance.

Police Scotland was represented by Inspector Alan Struthers.

Introductions were made and the procedures explained.

The committee considered a report (copies of which had been circulated) by the Chief Solicitor with regard to an application for the renewal of the 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 private hire car driver's renewal application.

Decision

To renew the private hire car driver's licence with a warning regarding the licence holder's future conduct.

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

The applicant was in attendance.

Introductions were made and the procedures explained.

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

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

Decision

To grant the application for a private hire car driver's licence.

8. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - TAXI DRIVER'S LICENCE

The committee noted that the licence holder was not in attendance at the MS Teams virtual meeting.

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

It was recommended that the committee consider an immediate suspension on the grounds of public safety in view of the fact that the licence holder had declared a medical condition which may affect their fitness to drive a licensed hire car vehicle.

Decision

1. To suspend the taxi driver's licence with immediate effect for the unexpired portion of the duration of the licence; and

2. To delegate authority to the Chief Solicitor to recall the suspension once the licence holder is certified fit to drive a taxi by the council's medical advisers