

MINUTE of MEETING of the LICENSING COMMITTEE (PRIVATE) held within MS TEAMS VIRTUAL MEETING ROOM, on 26 JANUARY 2022.

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

Apologies – Councillor Jim Dickson (due to technical difficulties connecting to the virtual meeting)

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The committee confirmed the draft Minute of its meeting held on Wednesday 22 December 2021 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 OPERATOR'S LICENCE

The licence holder was not in attendance and represented by their solicitor Mr Dick Sandeman.

Police Scotland was represented by Inspector Alan Struthers.

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 note the preliminary point had not been clarified in advance of the meeting;
2. To fix an evidential hearing for 23 February 2022; and

3. To agree dates for parties to exchange information in advance of the evidential hearing.

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

The licence holder was not in attendance and represented by their solicitor Mr Dick Sandeman.

Police Scotland was represented by Inspector Alan Struthers.

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

1. To note the preliminary point had not been clarified in advance of the meeting;
2. To fix an evidential hearing for 23 February 2022; and
3. To agree dates for parties to exchange information in advance of the evidential hearing.

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

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

Police Scotland was represented by Inspector Alan Struthers.

The committee considered a report (copies of which had been circulated) by the Chief Solicitor advising of the immediate suspension of the private hire car driver's licence which was authorised under Standing Order 31 on 6 December 2021 and requesting that the committee consider a further suspension or revocation under Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

It was recommended that the committee consider a further suspension or revocation of the private hire car driver's licence under Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

Decision

1. To adjourn to 23 March 2022 to enable the private hire car driver to

attend in person and seek legal representation; and

2. To immediately suspend the private hire car driver's licence until 23 March 2022.

7. 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 inviting them to consider a request from Police Scotland for suspension or revocation of the private hire car driver's licence.

It was recommended that the committee determine whether to suspend or revoke the private hire car driver'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

1. To suspend the private hire car driver's licence with immediate effect until 23 March 2022; and
2. To fix an evidential hearing for 23 March 2022 in order to invite the complainer to be heard before determination.