

MINUTE of MEETING of the LICENSING COMMITTEE (PRIVATE) held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 1 FEBRUARY 2023.

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

Apologies – Councillor Tony Pearson (Chair)

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTES

The Committee confirmed the draft Minutes of its meetings held on 30 November 2022 and 11 January 2023 as correct records. The Minutes were 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 - PRIVATE HIRE CAR DRIVER'S LICENCE APPLICATION

The applicant attended the meeting in person.

Police Scotland was represented by Police Constable Donna Pearey who attended the meeting via MS Teams.

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 and determine an application for 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 private hire car driver's licence application.

Decision

To refuse the private hire car driver's licence application.

5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - STREET TRADER'S LICENCE APPLICATION

The applicant attended the meeting via MS Teams.

Police Scotland was represented by Police Constable Donna Pearey who also attended via MS Teams.

Introductions were made and the procedures explained.

The Committee considered whether a letter of objection from Police Scotland should be admitted and circulated to Members. Police Scotland explained the circumstances with regard 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 applicable statutory 28-day period and agreed for the objection to be admitted and the letter to be circulated to the Committee.

Police Scotland's letter referred to an appendix which detailed the applicant's spent convictions. Members were informed that this information should only be admitted into proceedings if the Committee were satisfied that justice could not be done without their disclosure. After hearing submissions from Police Scotland and the applicant, the Committee agreed that the appendix would not be circulated.

The applicant disputed the use of the word "repeatedly" within Police Scotland's letter. To allow consideration of the application to proceed without the possibility of an evidential hearing being considered, Police Scotland accepted the removal of this word from their letter, and Members disregarded it during consideration of the application.

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 a street trader's licence in respect of which an objection had been received from Police Scotland.

It was recommended that the Committee consider and determine the street trader's licence application.

Decision

1. To agree the circulation to Members of the letter provided by Police Scotland;
2. To agree not to admit into proceedings the Police Scotland appendix detailing spent offences;
3. To note the agreement by Police Scotland for the removal of the word "repeatedly" within their letter and disregard this during consideration of the application; and
4. To grant the renewal of the street trader's licence for twelve months, effective from 1 February 2023, and with a warning

regarding future conduct.

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

The licence holder was not present at the meeting.

The Committee considered a report (copies of which had been circulated) by the Chief Solicitor requesting that they consider a suspension of the 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 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 was certified fit to drive a taxi by the Council's medical advisers.

7. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - STREET TRADER'S LICENCE

The applicant was not present at the meeting.

Police Scotland was represented by Police Constable Donna Pearey who attended the meeting via MS Teams.

Members were informed of the various attempts made by officers to communicate with the applicant. The Committee were satisfied that the applicant had been provided with sufficient opportunity to engage in the process to determine their application and agreed to its consideration in their absence.

The Committee considered whether a further letter from Police Scotland received in January 2023 should be admitted and circulated to Members. Police Scotland explained the circumstances concerning the timing of the letter's submission. The Committee were satisfied that there was sufficient reason why the letter was not received within the applicable statutory 28-day period and agreed for the letter to be admitted. It was subsequently circulated to the Committee.

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 street trader's licence in respect of which an

objection had been received from Police Scotland.

It was recommended that Committee consider and determine the street trader's licence application.

Decision

1. To agree to consider the application in the absence of the applicant; and
2. To refuse the street trader's licence application.