

MINUTE of MEETING of the LICENSING COMMITTEE (PRIVATE) held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 29 MARCH 2023.

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

Apologies – Councillor Tony Pearson

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTES

The committee confirmed the draft Minutes of its meeting held on 1 March 2023 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 - PRIVATE HIRE CAR DRIVER'S LICENCE - ITEM 6

The Clerk advised the committee that the licence holder had surrendered their licence and therefore this item of business no longer required to be considered.

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

The applicant was not present at the meeting.

Police Scotland was represented by Sergeant Rachel Stark who attended the meeting via MS Teams.

Introductions were made and the procedures explained.

Members were informed by the Clerk of the communication that had taken place between the Licensing Team and the applicant. Having confirmed that they would not attend the meeting, the applicant provided a written submission. The applicant was made aware that the committee could consider the application in their absence with their written submission

taken into account. As such, the committee agreed to consider the application in their absence.

Police Scotland had included information in their objection regarding the applicant's spent convictions, details of which were not circulated to the committee before the meeting. The Clerk informed members that these could only be admitted into proceedings if they were satisfied that justice could not be done in the case without the circulation of the information relating to spent convictions. After hearing submissions from Police Scotland, and having been informed by the Clerk that the applicant was made aware that the committee may decide to admit the spent convictions, the members agreed to their circulation and the information was duly distributed to the members.

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 the committee consider and determine the street trader's licence application.

Decision

1. To note the applicant was aware the application could be considered in their absence and to agree to do so;
2. To agree to admit information from Police Scotland relating to spent convictions and for that information to be circulated to the committee; and
3. To refuse the street trader's licence application.