

LICENSING SUB-COMMITTEE

FRIDAY, 8TH DECEMBER, 2023

Members: Councillors A Stirling (Chair), M Ewenson (Vice-Chair), G Crowson, J Gifford, T Mason, L McWhinnie, R Menard and J Nicol.

Officers: Kelly Bissett (Trainee Solicitor), Nicole Chidester (Committee Officer), and Fiona Stewart (Senior Solicitor).

Also in attendance: Sergeant Neil Grant (Police Scotland).

1 SEDERUNT AND DECLARATION OF MEMBERS' INTERESTS

The Chair asked Members if they had any interests to declare, in terms of the Councillors' Code of Conduct. There were no interests declared.

2A PUBLIC SECTOR EQUALITY DUTY

In taking decisions on the undernoted items of business, the Committee **agreed**, in terms of Section 149 of the Equality Act 2010:-

- (1) To have due regard to the need to:-
 - (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality and opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) foster good relations between those who share a protected characteristic and persons who do not share it, and

to consider, where an Integrated Impact Assessment has been provided, its contents and to take those into consideration when reaching a decision.

2B CONFIDENTIAL INFORMATION

The Sub-Committee **agreed**, in terms of Section 50A (2) of the Local Government (Scotland) Act 1973, as amended, to exclude the public and media representatives from the meeting for Items 4, 5 and 6 of the business below on account of the likely disclosure of confidential information in breach of the obligation of confidence.

3 MINUTE OF THE MEETING OF 13 OCTOBER 2023

There had been circulated and was **approved** as a correct record the Minute of the Meeting of the Licensing Sub-Committee of 13 October 2023.

4 APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1089)

There had been circulated a report dated 9 November 2023, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a taxi driver's licence (identified as Case No. 1089), in respect of which

the Chief Constable had made a representation, and (2) detailed information relevant to the application.

This application was presented to the Sub-Committee on 13 October 2023, but was deferred until 8 December 2023 to allow for any further evidence and to seek clarification on details surrounding the charge, if possible.

Members were informed that following publication of committee papers, officers received information from Police Scotland to say that the court hearing was not scheduled until January 2024. Officers recommended that this application be deferred until after January 2024 due to the pending outstanding court case.

Members were also informed that the Chair and Vice-Chair were consulted on this new recommendation and the applicant had been given an indication that this deferral may take place.

Having considered the above, and with the understanding that this case must be determined by May 2024, Members **agreed** to note the application and formally agree to the deferral until 2 February 2023.

5 APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1091)

There had been circulated a report dated 7 November 2023, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a taxi driver's licence (identified as Case No. 1091), in respect of which the Chief Constable had made a representation, and (2) detailed information relevant to the application.

Having heard from the applicant and the Chief Constable's representative, The Sub-Committee unanimously **agreed** that there was sufficient evidence before them to allow a determination to be made.

With a majority decision, the Sub-Committee **agreed** in principle to grant the license for 3 years, subject to satisfactory evidence of group 2 medical standards and with an added condition that the applicant's specified tattoo be covered at all times while driving as a taxi driver.

6 APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1092)

There had been circulated a report dated 1 November 2023, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a taxi driver's licence (identified as Case No. 1092), in respect of which the Chief Constable had made a representation, and (2) detailed information relevant to the application.

Members confirmed that they have received the written submissions which were circulated prior to the committee.

Having heard from the applicant and the Chief Constable's representative, the Sub-Committee unanimously **agreed**:-

- (1) that there was sufficient evidence before them to allow a determination to be made; and
- (2) to GRANT the application for taxi driver's licence for a period of 3 years.