

SCOTTISH BORDERS COUNCIL
CIVIC GOVERNMENT LICENSING COMMITTEE

MINUTE of Meeting of the CIVIC
GOVERNMENT LICENSING COMMITTEE
held in COMMITTEE ROOMS 2 AND 3,
COUNCIL HEADQUARTERS, NEWTOWN
ST BOSWELLS on Friday, 25 September
2015 at 10.45 a.m.

Present:- Councillors W. Archibald, J. Campbell, G. Edgar, B. Herd, G. Logan,
D. Paterson, T. Weatherston and B White.

Apologies:- Councillors J. Greenwell, R. Stewart, J. Torrance.

In Attendance:- Solicitor (R. Kirk), Licensing Team Leader, Democratic Services Officer (F
Henderson), P.C. P.Robertson, Inspector K. Bennett - Police Scotland.

1. **MINUTE**

The Minute of the Meeting of 21 August 2015 had been circulated.

DECISION

APPROVED and signed by the Chairman

2. **LICENCES ISSUED UNDER DELEGATED POWERS**

There had been circulated copies of lists detailing the Civic Government and
Miscellaneous Licences issued under delegated powers between 13 August 2015 and 16
September 2015.

DECISION

NOTED

3. **LICENSING OF TAXI, PRIVATE HIRE VEHICLES AND DRIVERS**

There had been circulated copies of an application submitted by Mr Stuart Ayre for the
renewal of a Taxi Driver Licence together with a letter of objection dated 12 August 2015
received from Police Scotland. Mr Ayre was present at the meeting.

3.1 Inspector Bennett confirmed the information provided in the Police objection that Mr Ayre
had submitted an application for the renewal of a Taxi Driver Licence to Scottish Borders
Council dated 7 August 2015. Mr Ayre had disclosed his previous convictions, but had
failed to declare his Procurator fine from 2015. There was no police record held for the
convictions relating to the two charges for drink driving and the speeding charge on 31
August 2011 related to Mr Ayre driving an HGV at 59mph when the speed limit for that
class of vehicle was 40 mph. It was further reported that Mr Ayre had constantly failed to
disclose his full convictions each year and in view of the recent fine for no insurance and
previous road traffic convictions there was a serious doubt as to his suitability of being a
taxi driver. The Police were therefore unable to support the grant of the licence on the
basis that the applicant was not a fit and proper person to be the holder of such a licence,
in terms of Schedule 1, paragraph 5(3)(a)(ii) of the Civic Government (Scotland) Act 1982.

3.2 On being invited to address the Committee, Mr Ayre advised that he had recently
separated from his wife resulting in correspondence regarding vehicle insurance not being
received by him and the car in question was in fact parked in the drive of his home
address. Mr Ayre had not realised that insurance was required for a vehicle which was
not on the road. Mr Ayre explained he had taken the car off the road but had failed to
complete the required SORN documentation and had not insured the vehicle. When

questioned about the most recent speeding fine Mr Ayre confirmed that he had been driving a van at 59mph near Chirnside when the speed limit for that class of vehicle was 40 mph and that all his speeding fines had occurred while driving a van and not a taxi. In response to a question, the Licensing Team Leader advised that Mr Ayre had been granted his Taxi Licence in 2013. Members expressed concern regarding the regular occurrence of road traffic related offences and Mr Ayre's repeated failure to declare his convictions as highlighted by Police Scotland. The Committee considered the options and whether a 6 month renewal period would be appropriate to allow his behaviour to be more closely monitored.

VOTE

Councillor Paterson, seconded by Councillor Herd, moved that the application be renewed for a limited period of 6 months.

Councillor Logan, seconded by Councillor White, moved as an amendment that the application be refused.

On a show of hands Members voted as follows:

Motion - 3 votes

Amendment - 5 votes

DECISION

AGREED that the application for renewal of a Taxi Driver Licence from Mr Ayre be refused.

4. With reference to Paragraphs 4 - 6 of the Minute of 20 March 2015, there had been circulated copies of an application submitted by Mr Peter Dun for the renewal of a Taxi Driver Licence following an initial 6 month grant. Mr Dun was present at the meeting and the Committee noted that no further incidents had come to the attention of the Police.

DECISION

AGREED that the application for renewal of a Taxi Driver Licence submitted by Mr P Dun be granted.

The meeting concluded at 11.15 a.m.