

SCOTTISH BORDERS COUNCIL CIVIC GOVERNMENT LICENSING COMMITTEE

MINUTES of Meeting of the CIVIC GOVERNMENT LICENSING COMMITTEE held in Committee Rooms 2 and 3, Council Headquarters, Newtown St Boswells on Friday, 18 January 2019 at 10.30 am

- Present:- Councillors J. Greenwell (Chairman), D. Paterson, N. Richards, S. Scott, R. Tatler, G. Turnbull, T. Weatherston.
- Apologies:- Councillor J. Brown, E. Thornton-Nicol.
- In Attendance:- Managing Solicitor – Property and Licensing, Licensing Team Leader, Licensing Standards and Enforcement Officers (Mr I. Tunnah and Mr M. Wynne), Democratic Services Officer (F. Henderson), Inspector J. McGuigan, Sergeant J Fortune - Police Scotland

1.0 **MINUTE**

The Minute of the Meeting of 14 December 2018 had been circulated.

DECISION

APPROVED and signed by the Chairman.

2.0 **LICENCES ISSUED UNDER DELEGATED POWERS**

There had been circulated copies of the Civic Government and Miscellaneous Licences issued under delegated powers between 5 December 2018 to 8 January 2019.

DECISION

NOTED.

3.0 **PRIVATE BUSINESS**

DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 12 of part 1 of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

DECLARATION OF INTEREST

Councillor Tatler declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

4.0 **LICENSING OF SECOND HAND DEALERS**

There had been circulated copies of an application for the Grant of a Second Hand Dealer Licence together with a letter of representation dated 19 December 2018 from Police Scotland. The representation highlighted that a conviction which it was considered relevant to the licensable activity had not been declared on the application. The applicant was present at the meeting. After hearing both parties, the Committee agreed to Grant the Second Hand Dealer Licence.

5.0 **CONTINUATION OF SUSPENSION OF TAXI DRIVER LICENCE**

With reference to paragraph 5 of the Private Minute of 14 December 2018, there had been circulated copies of letters from Police Scotland dated 13 and 23 November 2018, requesting immediate suspension of a Taxi Drivers Licence in terms paragraph 12(1) of Schedule 1 of the Civic Government (Scotland) Act 1982 and in terms of paragraph 11(2)(a) and/or (2)(c) of Schedule 1 of the same Act. It was submitted that due to ongoing matters raising concerns regarding public safety, the licence holder was not a fit and proper person to hold the licence. The licence holder and his partner were present. The Committee agreed to continue the suspension until evidence of the current position as stated by the licence holder at the hearing was received. It was further agreed that those matters could be dealt with by delegated powers if the Committee's requirements were satisfied otherwise to be referred to a future meeting.

6.0 CONTINUATION OF SUSPENSION OF TAXI DRIVER LICENCE

There had been circulated copies of a letter from Police Scotland dated 24 December 2018, requesting immediate suspension of a Taxi Drivers Licence in terms of paragraph 12(1) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds of public safety. There had also been circulated copies of a supporting submission dated 14 January 2019 from the licence holder's solicitor. The Licence Holder was present. After hearing from both parties, the Committee agreed that the Taxi Driver Licence be reinstated with immediate effect.

7.0 RENEWAL OF TAXI DRIVER LICENCE

There had been circulated copies of an application for the renewal of a Taxi Driver Licence together with a letter of objection from Police Scotland detailing an incident resulting in pending criminal charges against the applicant. The applicant was present and after hearing from both parties the Committee agreed that the renewal of the Taxi Driver Licence application be refused.

8.0 REVIEW DECISION TO REVOKE TAXI DRIVER LICENCE

With reference to paragraph 7 of the Private Minute of 14 December 2018, The Managing Solicitor reminded the Committee that an appeal had been lodged in respect of a previous decision to revoke a Taxi Driver Licence. The outcome of the appeal resulted in the Sheriff referring the matter back to the Civic Government Licensing Committee for a new hearing. Members were also made aware that Police Scotland had withdrawn their original objection. In the circumstances, the Committee agreed to reinstate the Taxi Driver Licence previously revoked with immediate effect.

DECLARATION OF INTEREST

Councillor Tatler declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

9.0 LICENSING OF TAXI, PRIVATE HIRE VEHICLES AND DRIVERS

With reference to paragraph 4 of the Private Minute of 14 December 2018, there had been circulated copies of a letter from Police Scotland dated 28 November 2018, requesting that a Street Trader Licence be revoked in terms of Paragraph 11(2)(a) of Schedule 1 of the 1982 Act on the grounds of public safety. There had also been circulated copies of a written statement and supporting information submitted by the licence holder. Although cited to attend the licence holder was not present at the meeting. Taking into account the matter had been remitted from the previous meeting to allow the licence holder to be personally present and no contact had been made with officers since that date, it was agreed to proceed to consider the application and in view of the pending criminal proceedings the Committee agreed that the Street Trader Licence be revoked with immediate effect.

10.0. MINUTE

The Private section of the Minute of 14 December 2018 was approved.

The meeting concluded at 11.50 a.m.