

Committee Minutes

Licensing Sub-Committee of the Regulatory Committee

Edinburgh, 26 January 2011

Present:- Councillors Keir (Convener), Cairns, Henderson, McKay, Kate MacKenzie, Mowat and Snowden.

1 Wheelchair Accessible Taxis – Fitness of Taxi Drivers

The Director of Corporate Services provided details of 7 requests from taxi drivers for exemptions from compliance with condition 129 of the Council's Standard Licensing Condition for Taxis, Private Hire Cars, Taxi Drivers and Private Car Hire Drivers on the basis of a medical condition.

The Council's Medical Adviser had recommended that the exemptions be granted as detailed in the appendix to the report by the Director of Corporate Services.

Decision

To grant the exemptions as detailed in the report by the Director of Corporate Services.

(Reference – report by the Director of Corporate Services, submitted.)

2 Resolution to Consider in Private

The Sub-Committee, under Section 50 (A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting for the following items of business on the grounds that they involved the disclosure of exempt information as defined in Paragraphs 3, 12 and 14 of part 1 of schedule 7(A) of the Act.

3 Applications for Miscellaneous Licences – Civic Government (Scotland) Act 1982

The Director of Corporate Services provided details of 20 applications for Miscellaneous Licences under the Civic Government (Scotland) Act 1982.

The Committee agreed in the interests of public safety, to hear objections to applications submitted outwith the 21 day period in terms of Paragraph 3(1) of Schedule 1 of the Civic Government (Scotland) Act 1982,

Decision

That the applications be determined as detailed in the Confidential Schedule signed by the Convener, with reference to this minute.

(Reference- list of applications, submitted.)

4 Private Hire Car Driver's Licence – Application (agenda item B2)

The Director of Corporate Services provided details of a comment by the Chief Constable which had been received outwith the 21 day period in terms of Paragraph 3(1) of Schedule 1 of the Civic Government (Scotland) Act 1982, against an application for a Private Hire Car Driver's Licence.

The Sub-Committee having heard representations from the applicant and the chief constable on whether to consider the late objection, agreed that there was sufficient reason to consider it.

The Sub-Committee was then invited to consider whether or not to approve the application.

The applicant and his representative were then heard regarding the suspension request.

Motion

To refuse the application.

- moved by Councillor Keir, seconded by Councillor Mackenzie.

Amendment

To grant the licence

- moved by Councillor Mowat, seconded by Councillor Cairns.

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Voting

For the motion - 4 votes
For the amendment - 2 votes

Decision

To refuse the application in terms of Paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982.

(Reference – report by the Director of Corporate Services, submitted.)

5 Private Hire Car Driver's Licence – Application – Medical Fitness (agenda item B3)

The Director of Corporate Services provided details of a medical report in relation to an application for a private hire car driver's licence.

The applicant was heard.

Decision

To consent to the Licensing Section proceeding with an application to the Sheriff to extend the determination period of the licence in terms of Section 3(2) of the Civic Government (Scotland) Act.

(Reference – report by the Director of Corporate Services, submitted.)

6 Taxi Driver's Licence – Suspension (agenda item B4)

The Director of Corporate Services provided details of a complaint by the Chief Constable against a holder of a Taxi Driver's Licence advising that he was no longer a fit and proper person to hold such a licence. The Sub-Committee was invited to consider whether or not to suspend the licence, with or without immediate effect.

The licence holders' representative was heard.

Decision

Not to suspend the licence.

(Reference – report by the Director of Corporate Services, submitted.)

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7 Taxi Driver's Licence – Suspension (agenda item B5)

The Director of Corporate Services provided details of a comment by the Chief Constable against a holder of a Taxi Driver's Licence advising that he was no longer a fit and proper person to hold such a licence. The Sub-Committee was invited to consider whether or not to suspend the licence, with or without immediate effect.

The licence holder was heard.

Decision

- 1) Not to suspend the licence.
- 2) To issue a warning to the licence holder about his future conduct.
- 3) To instruct the licence holder to attend the Handling Conflict and Stress Course, at his own expense, with proof of attendance submitted to the Head of Legal and Administration Services within three months.

(Reference – report by the Director of Corporate Services, submitted.)

8 Taxi Driver's Licence – Suspension (agenda item B6)

The Director of Corporate Services provided details of a complaint by the Chief Constable against a holder of a Taxi Driver's Licence advising that he was no longer a fit and proper person to hold such a licence. The Sub-Committee was invited to consider whether or not to suspend the licence, with or without immediate effect.

The licence holder was heard.

Decision

- 1) Not to suspend the licence.
- 2) To issue a warning to the licence holder about his future conduct.

(Reference – report by the Director of Corporate Services, submitted.)

9 Taxi Driver's Licence – Suspension (agenda item B7)

The Director of Corporate Services provided details of a comment by the Chief Constable against a holder of a Taxi Driver's Licence advising that he was no

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longer a fit and proper person to hold such a licence. The Sub-Committee was invited to consider whether or not to suspend the licence, with or without immediate effect.

The licence holder was heard.

Decision

- 1) Not to suspend the licence.
- 2) To issue a warning to the licence holder about his future conduct.

(Reference – report by the Director of Corporate Services, submitted.)

10 Taxi Driver's Licence – Suspension (agenda item B8)

The Director of Corporate Services provided details of a complaint by the Chief Constable against a holder of a Taxi Driver's Licence advising that he was no longer a fit and proper person to hold such a licence. The Sub-Committee was invited to consider whether or not to suspend the licence, with or without immediate effect.

The licence holder was heard.

Decision

To continue consideration of the matter pending the outcome of legal proceedings.

(Reference – report by the Director of Corporate Services, submitted.)

11 Private Hire Car Driver's Licence – Suspension (agenda item B9)

The Director of Corporate Services provided details of a comment by the Chief Constable against the holder of a Private Hire Car Driver's Licence advising that they were no longer a fit and proper person to hold such a licence. The Sub-Committee was invited to consider whether or not to suspend the licence, with or without immediate effect.

The licence holder was heard.

Decision

- 1) Not to suspend the licence.

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2) To issue a warning to the licence holder about his future conduct.

(Reference- report by the Director of Corporate Services, submitted)

12 Private Hire Car Driver's Licence – Suspension (agenda item B10)

The Director of Corporate Services provided details of a complaint by the Chief Constable against the holder of a Private Hire Car Driver's Licence advising that they were no longer a fit and proper person to hold such a licence. The Sub-Committee was invited to consider whether or not to suspend the licence, with or without immediate effect.

Decision

To continue consideration of the matter to the meeting of 2 March 2011.

(Reference – report by the Director of Corporate Services, submitted.)

13 Private Hire Car Driver's Licence – Suspension (agenda item B11)

The Director of Corporate Services provided details of a complaint by the Chief Constable against the holder of a Private Hire Car Driver's Licence advising that they were no longer a fit and proper person to hold such a licence. The Sub-Committee was invited to consider whether or not to suspend the licence, with or without immediate effect.

Decision

To continue consideration of the matter to the meeting of 2 March 2011.

(Reference – report by the Director of Corporate Services, submitted.)

14 Private Hire Car Driver's Licence Suspension (agenda item B12)

The Director of Corporate Services provided details of a comment by the Chief Constable against a holder of a Private Hire Car Driver's Licence, advising that they were no longer a fit and proper person to hold such a licence.

Decision

To continue consideration of the matter to the meeting of 2 March 2011.

(Reference- report by the Director of Corporate Services, submitted.)

15 Private Hire Car Driver's Licence (Suspension) and Taxi Driver's Licence – New Application (agenda item B13)

The Director of Corporate Services provided details of a comment by the Chief Constable against the holder of a Private Hire Car Driver's Licence and an applicant for a Taxi Driver's licence advising that he was not a fit and proper person to hold such licences.

The licence holder's representative was heard.

Decision

- 1) Not to suspend the licence.
- 2) To issue a warning to the licence holder about his future conduct
- 3) To grant the Taxi Driver's licence subject to the Council's Standard Licensing conditions

(Reference – report by the Director of Corporate Services, submitted.)

16 Private Hire Car Driver's Licence (Suspension) and Taxi Driver's Licence – New (agenda item B14)

The Director of Corporate Services provided details of a comment by the Chief Constable against the holder of a Private Hire Car Driver's Licence and an applicant to renew a Private Hire Car Vehicle Licence advising that he was not a fit and proper person to hold such licences.

Decision

To continue consideration of both licences to the meeting of 2 March 2011.

(Reference – report by the Director of Corporate Services, submitted.)

17 Private Hire Car Driver's Licence – (Suspension) and Private Hire Car Vehicle Licence- Renewal (agenda item B15)

The Director of Corporate Services provided details of a complaint by the Chief Constable against the holder of a Private Hire Car Driver's Licence and an application to renew a Private Hire Car Vehicle Licence advising that they were no longer a fit and proper person to hold such licences.

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The licence holder's representative was heard.

Decision

- 1) To suspend the Private Hire Car Licence, with immediate effect, until expiry.
- 2) To renew the Private Hire Car Vehicle Licence subject to the Council's Standard Licensing Conditions.

(Reference – report by the Director of Corporate Services, submitted.)

18 Private Hire Car Driver's Licence – (Suspension) and Private Hire Car Licence – New Application (agenda item B16)

The Director of Corporate Services provided details of a complaint by the Chief Constable against the holder of a Private Hire Car Driver's Licence and an applicant for a Private Hire Car Licence advising that he was no longer a fit and proper person to hold such licences.

The licence holder's representative was heard.

Decision

- 1) Not to suspend the Private Hire Car Driver's Licence.
- 2) To grant the application for a Private Hire Car Licence subject to the Council's Standard Licensing Conditions.

(Reference – report by the Director of Corporate Services, submitted.)