



**MINUTES OF MEETING of the REGULATORY COMMITTEE held via MS TEAMS on
TUESDAY 27 OCTOBER 2020 at 9.30 AM.**

PRESENT

Councillor Kenneth Earle (Chair)
Councillor Martha Benny
Councillor Darren Lee
Councillor Kathleen Martin

IN ATTENDANCE

Lindsay Thomson, Senior Manager, Partnership and Performance (Clerk to the Committee)
Gillian White, Committee Services

RC(19)37 APOLOGIES

Apologies for absence were received from Councillor Graham Lindsay (Convenor), Councillor Donald Balsillie (Vice Convenor) and Councillor Les Sharp. In the absence of the Convenor and Vice Convenor, Councillor Kenneth Earle took the Chair.

RC(19)38 DECLARATIONS OF INTERESTS

None.

**RC(19)39 MINUTES OF MEETING: REGULATORY COMMITTEE –
30 JANUARY 2020**

The minutes of the meeting of the Regulatory Committee held on 30 January 2020 were submitted for approval.

Decision

The minutes of the meeting of the Regulatory Committee held on 30 January 2020 were agreed as a correct record and signed by the Convenor.

RC(19)39 ADDITIONAL ITEM OF BUSINESS

The Clerk advised that she had circulated a late paper on “Licensing of Taxi and Private Hire Car Drivers – Medical Certificate” and sought the Committee’s approval for the matter to be considered.

Councillor Earle moved to accept the item of business, seconded by Councillor Benny.

Decision

The Committee agreed unanimously to consider the additional item of business

To accommodate various technical difficulties with the video conference, the Chair agreed to amend the running order of the agenda.

RC(19)40 APPLICATION FOR THE RENEWAL OF A TAXI DRIVERS LICENCE

The Licensing Authority had received an application for the renewal of a Taxi Driver's Licence from Mr Eamon Sweeney. The Council's Scheme of Delegation allows the Strategic Director (Place) to determine all applications for licences under the Civic Government (Scotland) Act 1982, except where there have been objections or representations received from any party. The Licensing Authority had received a representation from the Council's Civic Licensing Standards Officer (CLSO) to the Licensing Authority, therefore the Committee was asked to consider the application.

Attending

Mr Paul Fair, Civic Licensing Standards Officer (CLSO)
Mr Eamon Sweeney, Applicant

The Committee heard representation from the CLSO and the Applicant. The Committee also had the opportunity to put questions to both parties.

Motion

Having considered all the information set out in the report and the representations made, and having had the opportunity to put questions to both parties, that the Committee grant the application for the renewal of a taxi driver's licence for the period of one year only.

Moved by Councillor Martha Benny. Seconded by Councillor Chris Dixon.

Decision

Having considered all the information set out in the report and the representations made, and having had the opportunity to put questions to both parties, the Committee granted the application for the renewal of a taxi driver's licence for the period of one year only.

Action

Senior Manager, Legal and Governance

RC(19)41 ADDITIONAL ITEM OF BUSINESS: LICENSING OF TAXI AND PRIVATE HIRE CAR DRIVERS – MEDICAL CERTIFICATE

The report, submitted by the Senior Manager, Legal and Governance, sought a decision on extending the dis-application of standard condition 3 relating to medical certification. The Emergency Decision Making Forum agreed the dis-application on 3 April 2020 for a period of six months.

Motion

To agree the recommendations as set out in the report.

Moved by Councillor Kenneth Earle. Seconded by Councillor Martha Benny.

Decision

The Committee agreed:

1. To dis-apply standard condition 3 for applicants for taxi and private hire driver applications until 25 March 2021, and
2. To require all to require all applicants who would have been subject to condition 3 during this period of time between 4 April 2020 and 25 March 2021 to submit a medical certificate certifying fitness to drive to the Council by 30 April 2021.

Action

Senior Manager, Legal and Governance

RC(19)42 APPLICATION FOR THE GRANT OF A WINDOW CLEANERS LICENCE

The Licensing Authority had received an application for the grant of a Window Cleaners Licence from Mr Patrick Stolarek. The Council's Scheme of Delegation allows the Strategic Director (Place) to determine all applications for licences under the Civic Government (Scotland) Act 1982, except where there have been objections or representations received from any party. The Licensing Authority had received representations from the Council's Civic Licensing Standards Officer (CLSO) to the Licensing Authority, and from Police Scotland therefore the Committee was asked to consider the application.

Attending

Mr Paul Fair, Civic Licensing Standards Officer (CLSO)
Sergeant Liam Livingston, Police Scotland
Mr Patrick Stolarek, Applicant

The Committee heard representations from the CLSO, Police Scotland and the Applicant. The Committee also had the opportunity to put questions to all parties.

Motion

Having considered all the information set out in the report and the representations made, and having had the opportunity to put questions to all parties, that the Committee grant the application for the window cleaners licence for the period of one year.

Moved by Councillor Chris Dixon. Seconded by Councillor Martha Benny.

Decision

Having considered all the information set out in the report and the representations made, and having had the opportunity to put questions to both parties, the Committee granted the application for the window cleaners licence for the period of one year.

Action

Senior Manager, Partnership and Performance

RC(19)43 APPLICATION FOR THE RENEWAL OF A TAXI DRIVERS LICENCE

The Licensing Authority had received an application for the renewal of a Taxi Driver's Licence from Mr David Muir. The Council's Scheme of Delegation allows the Strategic Director (Place) to determine all applications for licences under the Civic Government (Scotland) Act 1982, except where there have been objections or representations received from any party. The Licensing Authority had received a representation from the Council's Civic Licensing Standards Officer (CLSO) to the Licensing Authority, therefore the Committee was asked to consider the application.

Attending

Mr Paul Fair, Civic Licensing Standards Officer (CLSO)
Mr David Muir, Applicant

The Committee heard representation from the CLSO and the Applicant. The Committee also had the opportunity to put questions to both parties.

Motion 1

Having considered all the information set out in the report and the representations made, and having had the opportunity to put questions to both parties, that the Committee grant the application for the renewal of a taxi driver's licence with an added condition that that the applicant liaises with the CLSO to identify, undertake and pass an advanced driver training course, within 3 months of the date of the meeting.

Moved by Councillor Kenneth Earle. Seconded by Councillor Kathleen Martin.

Motion 2

Having considered all the information set out in the report and the representations made, and having had the opportunity to put questions to both parties, that the Committee refuse to grant the application for the renewal of a taxi driver's licence, as the applicant is not a fit and proper person to hold such a licence.

Moved by Councillor Martha Benny. Seconded by Councillor Chris Dixon.

Following debate on the motions, Councillor Earle and Councillor Martin agreed to withdraw motion 1. The Committee agreed to the withdrawal of Motion 1.

Decision

Having considered all the information set out in the report and the representations made, and having had the opportunity to put questions to both parties, that the Committee **refuse to grant** the application for the renewal of a taxi driver's licence, as the applicant is not a fit and proper person to hold such a licence.

Action

Senior Manager, Legal and Governance

Ends 10:58 am