



**MINUTES OF MEETING of the REGULATORY COMMITTEE held via MS TEAMS on
TUESDAY 2 FEBRUARY 2021 at 9.00 AM.**

PRESENT

Councillor Graham Lindsay (Convenor)
Councillor Donald Balsillie (Vice Convenor)
Councillor Martha Benny
Councillor Chris Dixon
Councillor Kenneth Earle
Councillor Kathleen Martin
Councillor Les Sharp

IN ATTENDANCE

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

RC(19)44 APOLOGIES

Councillor Darren Lee, having been unable to gain access to the first part of the meeting, due to IT issues, submitted his apologies for the remainder of the meeting.

RC(19)45 DECLARATIONS OF INTERESTS

None.

**RC(19)46 MINUTES OF MEETING: REGULATORY COMMITTEE –
27 OCTOBER 2020**

The minutes of the meeting of the Regulatory Committee held on 27 October 2020 were submitted for approval.

Decision

The minutes of the meeting of the Regulatory Committee held on 27 October 2020 were agreed as a correct record and signed by the Convenor.

RC(19)47 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 Leslie Malcolm. 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 Leslie Malcolm, Applicant

Mr Colin McKenzie, Parkside Taxis, Applicant's representative

The Committee heard representation from the CLSO and the Applicant's representative, Mr McKenzie. The Committee also had the opportunity to put questions to all parties.

Following questions, the Committee agreed to adjourn at this point in the proceedings (9.40 am) to take legal advice. When the Committee resumed at 10.00 am, 7 members remained present.

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 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. The reason was that the applicant had breached the Taxi and Private Hire Car Driver Licence - Standard Conditions as a result of failing to properly declare a driving conviction at the time of its occurrence.

Moved by Councillor Kenneth Earle. Seconded by Councillor Chris Dixon.

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 grant the application for the renewal of a taxi driver's licence for a period of one year only subject to the Taxi and Private Hire Car Driver Licence - Standard Conditions.

Moved by Councillor Donald Balsillie. Seconded by Councillor Les Sharp.

Voting on Motion 1

For the motion 3 votes

Against the motion 4 votes

Motion 1 was **defeated** by 4 votes to 3.

Voting on Motion 2

For the motion 4 votes

Against the motion 3 votes

Motion 2 was **carried** by 4 votes to 3.

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, on a division of 4 votes to 3, the Committee granted the application for the renewal of a taxi driver's licence for the period of one year only subject to the Taxi and Private Hire Car Driver Licence - Standard Conditions.

It was also agreed that the Civic Licensing Standards Officer would meet with Mr Macolm following the meeting to re-enforce the requirement to adhere to the Taxi and Private Hire Car Driver Licence - Standard Conditions.

Action

Senior Manager, Legal and Governance

Ends 10:20 am