

REGULATORY PANEL

Minutes of a hybrid webcast meeting of
29 September 2022 at 10.00 a.m.

Present in County Hall: Councillors Kenneth Bell (Chair), Ian Cavana, Alec Clark, Brian Connolly, Mark Dixon, Martin Kilbride and Duncan Townson.

Present Remotely: Councillor Craig Mackay.

Apology: Councillor Mary Kilpatrick.

Attending: C. McMenamin, Co-ordinator, Legal Services; D. Scobie, Civic Licensing Standards Officer; M. Wright, Fleet Inspector; J. McClure, Committee Services Lead Officer; and C. McCallum, Committee Services Assistant.

In Attendance Sergeant S. Syme, Police Scotland.

Chair's Remarks

The Chair confirmed to Members the procedures to conduct this meeting and advised that the meeting was being broadcast live.

1. Sederunt and Declarations of Interest.

The Co-ordinator, Legal Services called the Sederunt for the meeting and having called the roll, confirmed that Councillor Cavana had declared an interest in item 7(a)(iii) of this Minute as the licence holder was known to him.

2. Minutes of Previous Meeting

The minutes of 1 September 2022 (issued) were submitted and approved.

3. Civic Government (Scotland) Act 1982 - Licences

(a) Taxi Drivers

- (i) The Panel heard from the Co-ordinator, Legal Services and from the applicant, Robert Ross, in relation to his application.

Decided: to approve this application for one year, subject to standard conditions as previously agreed.

- (ii) The Panel heard from the Co-ordinator, Legal Services and from the applicant, James Mitchell, in relation to his application.

Decided: to approve this application for one year, subject to standard conditions as previously agreed.

- (iii) The Panel heard an objection from Police Scotland and from the applicant, Keiran Dempsie in relation to his application.

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Panel moved to a vote for or against the Motion. Seven Members voted for the Motion and one Member voted against the Motion.

Decided: to approve this application for one year subject to standard conditions as previously agreed.

4. **Variation in order of business**

In terms of Council Standing Order No. 13.3, the Panel agreed to vary the order of business as hereinafter minuted.

5. **Civic Government (Scotland) Act 1982 - Licences**

(a) **Taxi Drivers**

The Panel heard a representation from Police Scotland in relation to the application from Coen Brian Urquhart.

Decided: in the absence of the applicant, to approve this application for one year subject to standard conditions as previously agreed.

(b) **Taxi Vehicle**

The Panel heard from the Civic Licensing Standards Officer, the Fleet Inspector and from the applicant in relation to the proposed suspension of the licence currently held by Balkar Singh (Registration No. SF16 FJJ, Plate 96).

Councillor Clark, seconded by Councillor Townson, moved not to suspend the licence, however, the vehicle be tested every six months for a period of one year.

By way of Amendment, Councillor Connolly, seconded by Councillor Cavana, moved not to suspend the licence, however, the vehicle be tested every four months for a period of one year.

On a vote being taken by electronic means, five Members voted for the Amendment and three for the Motion; and the Amendment was accordingly declared carried.

Decided: not to suspend the licence held by Mr Singh, however, to agree that Mr Singh's vehicle as outlined above should be tested every four months for a period of one year.

(c) **Private Hire Vehicle**

The Panel heard from the Civic Licensing Standards Officer, the Fleet Inspector and from the applicant in relation to the proposed suspension of the licence currently held by Zamen Ali Mirzai (Registration No. GF66 YPU, Plate 17).

Decided: not to suspend the licence held by Mr Mirzai, however, to agree that Mr Mirzai's vehicle as outlined above should be tested every four months for a period of one year.

6. **Exclusion of press and public.**

The Panel resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded from the remaining items of business on the agenda, on the grounds that they involved the likely disclosure of exempt information in terms of paragraph 6 of Part 1 of Schedule 7A of the Act.

7. **Civic Government (Scotland) Act 1982 - Licences**

(a) **Taxi Drivers**

- (i) The Panel heard an objection from Police Scotland who also referred to convictions regarded as 'protected' in terms of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amended Order 2015 and requested that the Panel consider these convictions. Following discussion, the Panel agreed to consider these convictions as it accepted that justice could not be done except by having full information before it and, thereafter, it was agreed to consider a written copy.

The Police letter outlining the 'protected' convictions was then circulated and the Panel heard from Police Scotland in relation to this and from the applicant, Alexander Mitchell in response.

Decided: to approve this application for three years subject to standard conditions as previously agreed.

- (ii) Reference was made to the Minutes of 1 September 2022 (Page 5, paragraph 8(b)(ii)) when the Panel had decided to suspend the Taxi Driver Licence held by John Easdale with immediate effect for a period of six weeks or until a hearing under paragraph 11 of the Act, whichever shall be earlier; and the Panel now heard from Police Scotland in relation to the suspension of the licence held by Mr Easdale.

Decided: to suspend the licence previously held by John Easdale with immediate effect for its unexpired duration under paragraphs 11(2)(a) and (c) of Schedule 1 of the Civic Government (Scotland) Act 1982, namely that the licence holder is not, or is no longer, a fit and proper person to hold the licence and the carrying on of the licensed activity is likely to cause a threat to public safety.

Having previously declared an interest in the following item, Councillor Cavana left the meeting during consideration of this matter:-

- (iii) Reference was made to the Minutes of 1 September 2022 (Page 5, paragraph 8(b)(i)) when the Panel had decided to suspend the Taxi Driver Licence held by Ian Richard Patterson with immediate effect for a period of six weeks or until a hearing under paragraph 11 of the Act, whichever shall be earlier; and the Panel now heard from Police Scotland in relation to the suspension of the licence held by Mr Patterson.

Decided: to suspend the licence previously held by Ian Richard Patterson with immediate effect for its unexpired duration under paragraphs 11(2)(a) and (c) of Schedule 1 of the Civic Government (Scotland) Act 1982, namely that the licence holder is not, or is no longer, a fit and proper person to hold the licence and the carrying on of the licensed activity is likely to cause a threat to public safety.

The meeting ended at 12.10 p.m.