

Protective Services Committee  
19 March 1998

**Irvine, 19 March 1998** - At a Meeting of the Special Protective Services Committee of North Ayrshire Council at 11.00 a.m.

**Present**

Jack Carson, Thomas Barr, Ian Clarkson, Elliot Gray and Joseph McKinney

**In Attendance**

J. Kerr, Principal Licensing and District Court Officer, A. Fraser, Principal Legal Officer and M. McKeown, Administration Officer (Chief Executive) and Superintendent Johnstone, Strathclyde Police.

**Chair**

Councillor Carson in the Chair.

**Apologies for Absence**

George Steven and Richard Wilkinson.

**1.**

**Exclusion of Public**

The Committee resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 6 and 13 and 14 of Part 1 of Schedule 7A of the Act.

**2. Civic Government (Scotland) Act 1982 - Licensing Hearings**

Submitted report by the Legal Services Manager detailing applications to be heard by the Committee.

**a) Taxi Drivers Licence: TDL/350**

The Committee, at its meeting on 5 February 1998 agreed that a hearing be held in terms of Paragraph 11 of Schedule I of the Civic Government (Scotland) Act 1982 with regard to suspension of Taxi Driver's Licence: TDL/350 held by Mr C. C.

The applicant was invited to attend the hearing and/or submit a written statement. The applicant attended the hearing but no written statement was received. Superintendent Johnstone, spoke to the Chief Constable's objections regarding the continued grant of a licence and Mr C. C. then addressed the Committee. Thereafter the applicant, the Police and the Principal Licensing and District Court Officer left the meeting.

Having considered the submission before them, the Committee agreed to immediately suspend the licence in terms of Paragraph 11(10) of the Civic Government (Scotland) Act 1982 on the grounds indicated in Paragraph 11(2)(a) and 11(2)(d) of Schedule I of the Act, that the applicant is not a fit or proper person to be the holder of a taxi drivers licence by virtue of the conviction recorded against him and has contravened a condition of his licence.

**b) Taxi Drivers Licence: TDL/656**

The Committee, at its meeting on 5 February 1998 agreed that a hearing be held in terms of Paragraph 11 of Schedule I of the Civic Government (Scotland) Act 1982 with regard to suspension of Taxi Driver's Licence: TDL/656 held by Mr J.G.

The Committee had regard to the fact that the applicant had been duly cited to attend the Hearing, had failed to do so, nor was he represented, nor had a written submission been received and agreed to proceed with the Hearing in the absence of the applicant.

Superintendent Johnstone spoke to the Chief Constable's objections to the continued grant of the licence and, thereafter, the Police and the Principal Licensing and District Court Officer left the meeting.

Having considered the submission before them, the Committee agreed to immediately suspend the licence in terms of Paragraph 11(10) of the Civic Government (Scotland) Act 1982 on the grounds indicated in Paragraph 11(2)(a) and 11(2)(d) of Schedule I of the Act that the applicant is not a fit or proper person to be the holder of a taxi drivers licence by virtue of the convictions recorded against him and had contravened a condition of his licence.

**c) Private Hire Car Drivers Licence: PHCDL/047**

The Committee, at its meeting on 5 February 1998 agreed that a hearing be held in terms of Paragraph 11 of Schedule I of the Civic Government (Scotland) Act 1982 with regard to suspension of a Private Hire Car Drivers Licence: PHCDL/047 held by Mr G.C.

The applicant had been invited to attend the hearing or submit a written statement in support of the application. The applicant attended the hearing but no written statement was received. Superintendent Johnstone spoke to the Chief Constable's objections to the continued grant of a licence and then Mr G. C. addressed the Committee. Thereafter the applicant, the Police and the Principal Licensing and District Court Officer left the meeting.

Having considered the submission before them, the Committee agreed to suspend the licence in terms of Paragraph 11(9) of the Civic Government (Scotland) Act 1982 on the grounds indicated in Paragraphs 11(2)(a) and 11(2)(d) of the said Act that the applicant is not a fit and proper person to be the holder of a private hire car drivers licence by virtue of the convictions recorded against him and had contravened a condition of his licence.

**d) Taxi Drivers Licence: TDL/612**

An application received 27 November 1997 from Mr A. H. for the renewal of taxi drivers licence No. 36.

The applicant had been invited to attend the hearing or submit a written statement in support of the application. The applicant attended the hearing but no written statement was received. Superintendent Johnstone spoke to the Chief Constable's objections to the renewal of this licence and then Mr A.H. addressed the Committee. Thereafter the applicant, the Police and the Principal Licensing and District Court Officer left the meeting.

Having considered the submission before them, and the terms of the objection, the Committee agreed to grant the licence but, under the terms of Paragraph 8(2)(b) of Schedule I of the Civic Government (Scotland) Act 1982, for a restricted period of 6 months.

**e) Taxi Drivers Licence: TDL/063**

An application received on 24 November 1997 from Mr R. M. for the renewal of taxi drivers licence No. 63.

The applicant had been invited to attend the hearing or submit a written statement in support of the application. The applicant attended the hearing but no written statement was received. Superintendent Johnstone spoke to the Chief Constable's objections to the application and Mr R. M. then addressed the Committee. Thereafter the applicant, the Police and the Principal Licensing and District Court Officer left the meeting.

Having considered the submission before them, the Committee agreed to refuse the application on the grounds indicated in Paragraph 5(3)(a)(ii) and 5(3)(d) of Schedule I of the Civic Government (Scotland) Act 1982 that the applicant is not a fit and proper person to be the holder of a taxi driver's licence by virtue of the convictions recorded against him.

**f) Taxi Drivers Licence: TDL/396**

An application received on 4 November 1997 from Mr P. M. for the renewal of taxi drivers licence No. 396.

The applicant had been invited to attend the hearing or submit a written statement in support of the application. The applicant attended the hearing and written statements were received. Superintendent Johnstone spoke to the Chief Constable's objections to the application and Mr P. M. then addressed the Committee. Thereafter the applicant, the Police and the Principal Licensing and District Court Officer left the meeting.

Having considered the submission before them, the Committee agreed to grant the licence but, under the terms of Paragraph 8(2)(b) of Schedule I of the Civic Government (Scotland) act 1982, for a restricted period of 6 months.

**g) Taxi Drivers Licence: TDL/175**

An application received on 23 December 1997 from Mr J. R. for the renewal of taxi drivers licence No. 175.

The applicant had been invited to attend the hearing or submit a written statement in support of the application. The applicant, and his representative, attended the hearing but no written statement was received. Superintendent Johnstone spoke to the Chief Constable's objections and Mr J. R's representative then addressed the Committee. Thereafter the applicant and his representative, the Police, and the Principal Licensing and District Court Officer left the meeting.

Having considered the circumstances surrounding the application, the Committee agreed to grant the licence.

**h) Taxi Drivers Licence: TDL/215**

An application received 17 November 1997 from Mr S. J. A. for the renewal of taxi drivers licence No. 215.

The applicant had been invited to attend the hearing or submit a written statement in support of the application. The applicant attended the hearing but no written statement was received. Superintendent Johnstone spoke to the Chief Constable's objections and Mr S. J. A. then addressed the Committee. Thereafter the applicant, the Police and the Principal Licensing and District Court Officer left the meeting.

Having considered the submission before them, the Committee agreed to grant the licence but, under the terms of Paragraph 8(2)(b) of Schedule I of the Civic Government (Scotland) act

1982, for a restricted period of 1 year.

Superintendent Johnstone left the meeting at this point.

**i) Taxi Drivers Licence: TDL/591**

An application received on 26 September 1997 from Mr A C. for the renewal of taxi drivers licence No. 591.

The applicant had been invited to attend the hearing or submit a written statement in support of the application. The applicant, and his representative, attended the hearing but no written statement was received. The Principal Licensing and District Court Officer advised the Committee as to the circumstances relating to this applicant Mr C's representative then addressed the Committee. Thereafter the applicant and his representative, and the Principal Licensing and District Court Officer left the meeting.

Having considered the submission before them, the Committee agreed to grant the licence.

**j) Taxi Driver Licence: TDL/024**

An application received in September 1997 from Mr J. L. for the renewal of taxi drivers licence No. 024.

The applicant had been invited to attend the hearing or submit a written statement in support of the application. The applicant did not attend the hearing and no written statement was received.

Having considered the submission before them, the Committee agreed a) to refuse the application on the grounds indicated in Paragraph 5(3)(d) of Schedule I of the Civic Government (Scotland) Act 1982 in that the applicant had failed to meet the requirements of the Committee in terms of Section 13(4) of the said Act; and b) that any further reports would be considered as a material change in circumstances for the purposes of Paragraph 6 of the said Schedule.

**k) Taxi Licence: TL/126**

The Committee, at its meeting on 5 February 1998 agreed that a hearing be held in terms of Paragraph 11 of Schedule I of the Civic Government (Scotland) Act 1982 with regard to suspension of Taxi Licence: TL/126 held by Mr G.H.

The applicant had been invited to attend the hearing or submit a written statement in support of the application. The applicant, attended the hearing but no written statement was received. The Principal Licensing and District Court Officer advised the Committee as to the circumstances which had resulted in this hearing and then Mr G. H. addressed the Committee. Thereafter the applicant and the Principal Licensing and District Court Officer left the meeting.

Having considered the submission before them, the Committee agreed to take no further action in respect of suspension but to authorise the Principal Licensing and District Court Officer to suspend the licence immediately should the applicant fail to meet the requirements of Section 10(2) of the Civic Government (Scotland) Act 1982 by 31st May 1998 in respect of the renewal.

The meeting ended at 1.20 p.m.