

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 18 APRIL 2012**

Present: Councillor Roderick McCuish (Chair)

Councillor Rory Colville	Councillor Mary-Jean Devon
Councillor Gordon Chalmers	Councillor David Kinniburgh
Councillor Robin Currie	Councillor Bruce Marshall

Attending: Alison Younger, Central Governance Manager
Graeme Forrester, Solicitor
Sergeant Stewart, Strathclyde Police

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Vivien Dance, Daniel Kelly, Neil Mackay, Donald MacMillan, Alex McNaughton and James McQueen.

2. DECLARATIONS OF INTEREST

None declared.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (S GRACE, ALEXANDRIA)

The Chair welcomed everyone to the Hearing and asked that the participants introduce themselves. Thereafter he outlined the procedure that would be followed.

Mr Forrester advised that the Applicant had received notification of this Hearing but was not in attendance. The Committee agreed to proceed with the Hearing in the absence of the Applicant.

The Chair invited the Police to speak in support of their objection.

Police

Sergeant Stewart spoke to the terms of the letter of objection submitted by Strathclyde Police which advised that the Chief Constable's objection was based on previous convictions which pertained to the Applicant. Sergeant Stewart referred to each conviction in turn and to the circumstances surrounding each of these convictions. He advised that it was the contention of the Chief Constable that the Applicant was not a fit and proper person to be the holder of a taxi licence.

Mr Forrester, having left the Hearing briefly to take a message, returned to the Hearing and advised that he had been notified by licensing staff that a phone message had been left by the Applicant confirming that he would not be in attendance at the Hearing today. The Committee agreed to proceed with the Hearing.

The Chair then invited Members to ask the Police questions.

Members' Questions

Councillor Colville referred to the first two convictions and asked if it was common practice to have convictions admonished. Sergeant Stewart advised that it was not unusual for convictions to be admonished after a period of time. He confirmed that the Applicant was found guilty of each offence detailed in the letter from Strathclyde Police with the exception of the offence reported to have been carried out on 17 March 2001.

Councillor Chalmers referred to there being no mention of a conviction in respect of racial abuse towards a police officer which had been reported to have been carried out by the Applicant at Clydebank Police station on 21 December 2008 and asked why this was the case. Sergeant Stewart advised that it was common practice by the Courts to drop offences against Police Officers if they have other offences to consider.

The Chair invited Sergeant Stewart to sum up.

Summing Up

Sergeant Stewart referred to the previous convictions which pertain to the Applicant and reaffirmed the contention of the Chief Constable that the Applicant was not a fit and proper person to be the holder of a taxi licence.

The Chair asked Sergeant Stewart to confirm he had received a fair hearing and he confirmed this to be the case.

Debate

Councillor Devon advised that she would be supporting the view of the Chief Constable that the Applicant was not a fit and proper person to hold a taxi licence.

Councillor Chalmers also agreed with this view.

Decision

It was unanimously agreed to refuse the application for grant of a taxi licence on the grounds that the Applicant was not a fit and proper person to hold a taxi licence.

(Reference: Report by Head of Governance and Law, submitted)