

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on THURSDAY, 16 AUGUST 2012**

Present: Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor Robert G MacIntyre
Councillor George Freeman	Councillor Donald MacMillan
Councillor Fred Hall	Councillor Alex McNaughton
Councillor Alistair MacDougall	Councillor James McQueen

Attending: Charles Reppke, Head of Governance and Law
Sheila MacFadyen, Senior Solicitor
Mr Andrejevs, Applicant
Inspector Tom Harper, Strathclyde Police

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Rory Colville, Robin Currie, Mary-Jean Devon, David Kinniburgh and Richard Trail.

2. DECLARATIONS OF INTEREST

None declared.

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

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

The Chair then invited the Applicant to speak in support of his Application.

Applicant

Mr Andrejevs advised that he had applied for a taxi driver's licence to enable him to work for Clyde Taxis, Dunoon. He confirmed that he used to drive taxis when he lived in Latvia.

The Chair invited the Police to ask questions and Inspector Harper confirmed he had none.

The Chair invited Inspector Harper to speak in support of his objection.

Police

Inspector Harper advised that the Chief Constable had made the observation that the Applicant was convicted for assault to injury in June 2007 and that the Police had been unable to confirm the existence of any foreign offence in respect

of the Applicant and that a certificate of good conduct from the Applicant's embassy was not available.

The Chair invited the Applicant to ask the Police questions and Mr Andrejevs confirmed he had none.

The Chair invited Members to ask the Applicant and the Police questions.

Members' Questions

Councillor Taylor asked Mr Andrejevs what the nature of the assault to injury was and Mr Andrejevs replied that it had been an accident.

Councillor Taylor asked the same question to the Police and Inspector Harper read out the details of the assault which had occurred in Dunoon and involved one other Latvian man and a local youth.

Councillor Taylor asked if the Applicant had pleaded guilty or been found guilty and Mr Andrejevs confirmed he had been found guilty at a trial.

Councillor Hall asked if there was a time bar for convictions and Mrs MacFadyen advised that it depended on the licence being applied for.

Councillor Hall asked if the application could be held back until information in respect of any possible convictions the Applicant may have in Latvia was established and Mrs MacFadyen advised that it would not be possible as the application had to be dealt with within specific timescales.

Councillor Taylor referred to the certificate of good conduct and asked Mr Andrejevs why he did not have one and if he had pursued the lack of response from his embassy. Mr Andrejevs replied he had given up on it.

The Chair invited the Applicant and Police to sum up.

Summing Up

Applicant

Mr Andrejevs advised that it had been a difficult process to apply for the taxi driver's licence and that he had heard nothing from the embassy over the last 6 months.

Police

Inspector Harper advised of concerns of the Applicant's previous history in his own country not being known and that it was not possible to know whether he had any other previous convictions.

The Chair asked the Applicant and Police to confirm they had received a fair hearing and they both confirmed this to be the case.

Councillor Blair asked on a point of order would it not be just straight forward to ask the Applicant if he had any previous convictions in his own country and Mr

Reppke advised that the Committee would require a certificate from the Latvian Embassy in this respect as independent evidence of the position.

Councillor Freeman advised that without this information from the Embassy the Committee had no option but to continue consideration at this time. The Committee were advised that they would have to make a decision today as if they did not the licence would be automatically granted.

Decision

It was unanimously agreed to refuse Mr Andrejevs' application for grant of a taxi driver's licence on the basis that the Committee were not satisfied that he was a fit and proper person to hold a licence given the absence of further information on his character and that he would be notified of this decision in writing within 7 days.

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