

LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE

ABERDEEN, 29 April 2016. Minute of Meeting of the LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE. Present:- Councillor Crockett (as substitute for Councillor Carle), Convener; and Councillors Copland, Hutchison and Nicoll.

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=547&MIId=4206&Ver=4>

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

CONVENER

1. In the absence of the Convener, Councillor Crockett took the Chair.

MINUTE OF PREVIOUS MEETING OF 10 MARCH 2016

2. The Sub Committee had before it the minute of its previous meeting.

The Sub Committee resolved:

to approve the minute as an accurate record.

PROCEDURE NOTE

3. The Sub Committee had before it the procedure note which detailed the procedure to be followed for today's hearing.

The Sub Committee resolved:

to note the procedure.

EXEMPT INFORMATION

IN ACCORDANCE WITH THE DATA PROTECTION ACT 1988 (PRINCIPLE 1), THE PRESS AND PUBLIC WERE EXCLUDED FROM THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM.

RENEWAL OF A TAXI DRIVER'S LICENCE

4. With reference to (1) article 6 of Appendix B of the minute of the meeting of the Licensing Committee of 19 January 2016, and (2) article 1 of the minute of the meeting of the Licensing Evidential Hearings Sub Committee of 10 March 2016, the Sub Committee had before it (a) an information sheet prepared by the Head of Legal and Democratic Services; (b) judgement by the Sheriff; (c) correspondence from the Chief

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Constable, Police Scotland, c/o Aberdeen City Division; and (d) a range of documents submitted by the applicant.

The applicant was in attendance, accompanied by his Counsel, solicitor and a witness.

The Chief Constable, Police Scotland, was represented by Counsel, Sergeant Flett and a witness.

As a preliminary matter, Ruth O'Hare, Legal Advisor to the Sub Committee, advised that a further letter of had been received from Police Scotland in respect of the application beyond the statutory time period within which such letters must be received. A copy of the letter had been provided to the applicant.

Thereafter, Counsel for Police Scotland advised that he wished to refer to (1) section 52(A) of the Civic Government (Scotland) Act 1982 and (2) Murdo v HMA and the rationale for this.

The Sub Committee heard from the applicant's Counsel regarding the additional documents which Police Scotland had requested be entered into proceedings. The applicant's Counsel had no objection to the further letter from Police Scotland and section 52(A) of the Civic Government (Scotland) Act 1982, however objected to case Murdo v HMA being entered into proceedings.

The Sub Committee resolved:

that the letter of representation from Police Scotland and section 52(A) of the Civic Government (Scotland) Act 1982 be introduced to the proceedings and that case Murdo v HMA should not be introduced into proceedings.

The Sub Committee heard the evidence from Police Scotland's Counsel.

The Sub Committee heard from the applicant's Counsel in support of the application.

The Sub Committee asked questions of both Police Scotland's Counsel and witness and the applicant's Counsel and witness.

The Sub Committee resolved:

to grant the application.

- **BARNEY CROCKETT, Convener**