

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 4 September 2019 at 10.00 a.m.

Present: Councillors Jim Brown, Ian Dickson, Jonathan McColl and Marie McNair.

Attending: Raymond Lynch, Section Head (Licensing); Robert Mackie, Senior Officer (Licensing Services); Lawrence Knighton, Licensing Standards Officer; Marie Grant, Licensing Assistant and Nuala Borthwick, Committee Officer.

Also Attending: Sergeant Mairi Capaldi, Police Scotland.

Apologies: Apologies for absence were intimated on behalf of Councillors Jim Finn, Lawrence O'Neill and Brian Walker.

Councillor Jonathan McColl in the Chair

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in any of the items of business on the agenda.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Licensing Committee held on 7 August 2019 were submitted and approved as a correct record subject to the removal of the wording "for a pending conviction" on the final page of the minutes.

OPEN FORUM

The Committee noted that no open forum questions had been submitted by members of the public.

**CONTINUED APPLICATION FOR GRANT OF A TAXI/
PRIVATE HIRE CAR DRIVER'S LICENCE**

Name and Address of Applicant

Date Applied

Darren Gallacher
10 Briar Drive
North Kilbowie
Clydebank
G81 3HX

19 June 2019

With reference to the Minutes of Meeting of the Licensing Committee held on 7 August 2019, a report was submitted by the Strategic Lead – Regulatory concerning an Application for Grant of a Taxi/Private Hire Car Driver's Licence for the above named person.

Having heard the Section Head (Licensing) it was noted:-

- (a) that a letter dated 16 July 2019 had been received from the Chief Constable of Police Scotland submitting a representation in relation to the application;
- (b) that Mr Gallacher had previously attended a meeting of the Licensing Committee on 14 June 2017 when a hearing had been held to determine an application for grant of Temporary Taxi/Private Hire Car Driver's Licence following receipt of a letter from Police Scotland and that the Committee had refused the application on the grounds that the applicant was not a fit and proper person to be the holder of such a licence at that time;
- (c) that at the meeting of the Licensing Committee held on 7 August 2019, Members had agreed that the current application be continued to the present meeting;
- (d) that in view of the representation from Police Scotland, the applicant and a representative of Police Scotland had been invited to attend the meeting in order that a hearing could take place; and
- (e) that both the applicant and a representative of Police Scotland, Sergeant Mairi Capaldi, were in attendance at the meeting.

The Committee then heard from Sergeant Capaldi in relation to the letter of representation.

Thereafter, the Committee heard from Mr Gallacher in support of his application and in answer to Members' questions.

DECIDED:

After consideration, it was agreed that the application be granted.

**APPLICATION FOR RENEWAL OF TAXI/
PRIVATE HIRE CAR DRIVER'S LICENCE**

Name and Address of Applicant

Date Applied

Waseem Akram
313 Main Street
Alexandria
G83 0AT

10 June 2019

A report was submitted by the Strategic Lead – Regulatory concerning an Application for Renewal of a Taxi/Private Hire Car Driver's Licence for the above named person.

Having heard the Section Head (Licensing), it was noted:-

- (a) that two letters had been received from the Chief Constable of Police Scotland on 9 August 2019. The first letter provided an explanation for a late response whilst the second letter was a representation to the application;
- (b) that the letter of representation from the Chief Constable was received on 9 August 2019 and in terms of the legislation, a representation with respect to an application should be submitted within 28 days of receipt of the application. As Mr Akram's application had been submitted on 10 June 2019, any objection should have been submitted by 8 July 2019. There was, however, provision in the legislation for a Licensing authority to entertain a late representation which had been received before a final decision had been made on the application if the Licensing authority was satisfied that there had been sufficient reason why the representation had not been made in the time required;
- (c) that it would be a matter for the Committee to decide initially whether the late representation from the Police should be taken into consideration; and
- (d) that both the applicant and the representative of Police Scotland, Sergeant Mairi Capaldi, were in attendance at the meeting.

The Committee then agreed that the Police representation would be taken into consideration. Copies of the letter containing the representation were accordingly circulated to Members of the Committee and thereafter the Committee heard from Sergeant Capaldi in relation to the representation.

The Committee then heard from Mr Akram in support of his application and in relation to the circumstances detailed by Police Scotland. Thereafter, Mr Akram answered questions from Members.

DECIDED:-

The Committee agreed that the application be granted subject to the applicant providing a suitable proof of address within 14 days from the date of the meeting.

REVIEW OF THE LEVEL OF DEMAND FOR TAXIS

A report was submitted by the Strategic Lead – Regulatory advising of the conclusions of a study into the level of demand for taxis in West Dunbartonshire.

The Section Head (Licensing) and the Senior Officer (Licensing Services) were heard in further explanation of the report.

Having heard the Chair, Councillor McColl, the Committee agreed to hear from representatives of the taxi trade. Thereafter, the Committee heard from Mr John Watters, West Dunbartonshire Area Taxi Trade Association, Mr John Gallacher, Multiple Taxi Plate Holder in the Clydebank zone and Mr Stephen McEwan, Wrights Taxis in relation to the level of demand for taxis in West Dunbartonshire.

Following discussion and having heard the Section Head (Licensing) in further explanation of the report and in answer to Members' questions, the Committee agreed:-

- (1) to note the findings of the study that there was no evidence of any significant unmet demand for taxis generally in either of the taxi licensing zones in West Dunbartonshire;
- (2) to re-affirm the Council's general policy of not granting any new taxi operator's licences in either of the taxi licensing zones (subject always to consideration of the individual circumstances of each application). The maximum number of taxi operator's licences should remain at their current level of 159 in the Clydebank zone and 177 in the Dumbarton & Vale of Leven zone;
- (3) to note the findings in the report that there was no significant unmet demand for Wheelchair Accessible Vehicles (WAVs) operating within the Dumbarton & Vale of Leven zone from taxi ranks and to uphold the decision taken by the Committee in February 2017 in relation to the availability of WAVs in the Dumbarton & Vale of Leven zone; and
- (4) to arrange a meeting of the West Dunbartonshire Taxi Forum to discuss the percentage level of WAVs in the Clydebank zone and thereafter to instruct officers to bring a report to a future meeting of the Licensing Committee as soon as practicable.

PROPOSED LICENSING SCHEME FOR BOAT HIRERS - UPDATE

A report was submitted by the Strategic Lead – Regulatory providing an update on the proposed licensing scheme for boat hirers and seeking authority for officers to publicly advertise the proposed scheme.

Having heard the Section Head (Licensing), the Committee agreed:-

- (1) to delegate authority to officers to advertise the proposed licensing scheme for boat hirers, the proposed conditions for which had been outlined in Appendix A to the report, and seek any comments thereon; and
- (2) to note that any consultation responses received would be considered by the Committee before any decision was made to adopt a proposed resolution for a licensing scheme for boat hirers.

EXCLUSION OF PRESS AND PUBLIC

The Committee agreed to pass the following resolution for the undernoted item of business:-

“That under Section 50A(4) of the Local Government (Scotland) Act 1973, the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in Paragraph 14 of Part 1 of Schedule 7A of the Act.”

HEARING REGARDING POSSIBLE SUSPENSION OR REVOCATION OF A TAXI DRIVER’S/PRIVATE HIRE CAR DRIVER’S LICENCE

A report was submitted by the Strategic Lead – Regulatory concerning a request from the Chief Constable of Police Scotland for the suspension of a Taxi Driver's/ Private Hire Car Driver's Licence.

Having heard the Section Head (Licensing), it was noted:-

- (a) that a letter had been received from the Chief Constable of Police Scotland on 5 August 2019 requesting the immediate suspension of a Taxi Driver's/Private Hire Car Driver's Licence under Paragraph 12(1) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the grounds that the carrying on of the activity to which the licence related was likely to cause a serious threat to public order or public safety;
- (b) that having consulted the Strategic Lead – Regulatory and the Depute? Chair of the Licensing Committee it had been decided that an immediate suspension was not merited in the circumstances;
- (c) that in view of the request for suspension of the licence from Police Scotland, the licence holder and a representative of Police Scotland had been invited to attend the meeting in order that a hearing may take place;
- (d) that copies of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting; and
- (e) that the matters which the Committee were required to consider in relation to paragraph (d) above were as follows:-

- (i) whether the alleged misconduct had been established;
- (ii) if the Committee was satisfied that the alleged misconduct had been established, whether, having regard to the misconduct, the licence holder was no longer a fit and proper person to hold a Taxi Driver's/Private Hire Car Driver's Licence;
- (iii) if the Committee was of the opinion that the licence holder was no longer a fit and proper person, or the carrying on of the activity to which the licence relates had caused or was likely to cause undue public nuisance or a threat to public order or public safety, then the Committee must consider whether the licence should be suspended or revoked;
- (iv) if the Committee was satisfied that the licence should be suspended, the Committee must give the licence holder the opportunity to be heard on the length of the suspension and the date from which the suspension should commence;
- (v) the Committee must then consider what length of suspension would be appropriate and whether the circumstances of the case would justify immediate suspension; and
- (vi) that if the Committee was satisfied that the circumstances of the case justified revocation, the Committee must then consider whether this revocation should be immediate.

It was noted that the licence holder and a representative of Police Scotland, Sergeant Mairi Capaldi, were in attendance.

The Committee then heard from Sergeant Capaldi in relation to the letter from Police Scotland and thereafter both Sergeant Capaldi and the Section Head (Licensing) were heard in answer to questions from the licence holder. It was noted that the court case for the offence allegedly committed by the licence holder in relation to the request for suspension of the licence was due to commence on 4 October 2019. Thereafter, the licence holder was given an opportunity to address the Committee on the circumstances detailed in the letter from Police Scotland.

DECIDED:-

After consideration, the Committee agreed:-

- (1) that the alleged misconduct had not been established at this time;
- (2) that the licence holder remained a fit and proper person to hold a Taxi/Private Hire Car Driver's Licence; and
- (3) that the hearing be continued until such time as the pending court case had been dealt with by the Court authority.

The meeting closed at 11.05 a.m.

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