

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in Council Chambers, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 20 April 2016 at 2.00 p.m.

Present: Councillors Jim Brown, Jonathan McColl, John Mooney, and Lawrence O'Neill.

Attending: Raymond Lynch, Section Head (Licensing); Robert Mackie, Senior Officer (Licensing Services); and Nuala Borthwick, Committee Officer - Regulatory Services.

Apologies: Apologies for absence were intimated on behalf of Provost Douglas McAllister and Councillors Jim Finn, Tommy Rainey and Hazel Sorrell.

Councillor Lawrence O'Neill in the Chair

ONE MINUTE SILENCE

After hearing Councillor Jonathan McColl, the Committee stood in silence for a period of one minute as a mark of respect for Clydebank teenager, Paige Doherty, who had been tragically killed and whose funeral had taken place earlier in the day.

CHAIR'S REMARKS

The Chair, Councillor O'Neill, welcomed Sergeant Angela Walker to her first meeting of the Licensing Committee as Licensing Sergeant of "L" Division, Police Scotland.

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 24 February 2016 were submitted and approved as a correct record.

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

Name and Address of Applicant

Date Applied

David Brodie
20 Whin Street
North Kilbowie
Clydebank
G81 3JE

18 February 2016

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

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

- (a) that a letter had been received from the Chief Superintendent of the Police authority making a representation with respect to the application;
- (b) that in view of the representation which had been received from the Police authority, the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place; and
- (c) that copies of the letter from the Police authority containing the representation had been issued to members of the Committee in advance of the meeting.

It was noted that the applicant and a representative of the Police authority, Sergeant Walker, were in attendance.

The Committee heard from Sergeant Walker in relation to the representation and in answer to Members' questions. Thereafter, Mr Brodie was given the opportunity to address the Committee in support of his application and in connection with the matters detailed in the Police letter.

DECIDED:-

After consideration, the Committee agreed:-

- (1) that the application be granted for a period of one year;
- (2) that evidence of finalisation of Mr Brodie's UK Driving Licence from DVLA must be submitted to the Licensing Section and the Police authority within a period of 6 weeks; and
- (3) that Mr Brodie's first application for grant of his full licence be referred to the Committee for consideration.

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

Name and Address of Applicant

Date Applied

William Sweeney
48 Cherry Crescent
Clydebank
G81 3JA

26 February 2016

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

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

- (a) that a letter had been received from the Chief Constable of the Police authority in relation to the application;
- (b) that in view of the letter from the Police authority, the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place;
- (c) that copies of the letter from the Police authority dated 11 March 2016 had been issued to Members in advance of the meeting;
- (d) that a separate letter had been received from the Police authority detailing a number of convictions of the applicant that were considered "spent" in terms of the Rehabilitation of Offenders Act 1974 and that it was for the Committee to decide whether or not the letter detailing the spent convictions should be disclosed and taken into consideration;
- (e) that the applicant and his representative, Mr Boyle, Solicitor, PRG Partnership Solicitors and a representative of the Police authority, Sergeant Walker, were in attendance; and
- (f) that two letters, both dated 12 April 2016, from the Procurator Fiscal's office and an email from Clydebank Taxis dated 14 April 2016 had been received from Mr Boyle on behalf of Mr Sweeney and that it was for the Committee to decide whether or not the details of the correspondence should be disclosed and taken into consideration.

Having heard the Section Head (Licensing) with regard to the age, degree of seriousness and relevance of the spent convictions, the Committee agreed that the letter from the Police authority detailing the spent convictions should be circulated and taken into account. Copies of the letter containing the spent convictions were accordingly circulated to Members of the Committee.

Having heard the Section Head (Licensing), it was agreed that the correspondence referred to at paragraph (f) above, should be circulated and taken into account.

The Committee then heard from Sergeant Walker in relation to both letters from the Police authority.

Both Mr Boyle and Mr Sweeney were then given the opportunity to address the Committee in support of the application and in connection with the circumstances relating to the matters detailed in the Police letters and the disposal of matters in the case against Mr Sweeney as referred to in the letters from the Procurator Fiscal's Office. Thereafter, both Mr Boyle and Mr Sweeney answered questions from Members.

DECIDED:-

Following consideration, the Committee agreed that the application be granted for a period of 6 weeks and that Mr Sweeney's first application for grant of his full licence be referred to the Committee for consideration.

APPLICATION FOR GRANT OF AN EMPLOYEE STREET TRADER'S LICENCE

Name and Address of Applicant

Date Applied

Connor McLeod
431 Alderman Road
Glasgow
G13 4HD

12 February 2016

A report was submitted by the Strategic Lead – Regulatory concerning an application for grant of an Employee Street Trader's Licence by the above named person.

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

- (a) that a letter had been received from the Chief Superintendent of the Police authority making an objection with respect to the application;
- (b) that in view of the objection which had been received from the Police, the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place; and
- (c) that copies of the letter from the Police authority containing the objection had been issued to members of the Committee in advance of the meeting.

It was noted that the applicant and a representative of the Police authority, Sergeant Walker, were in attendance.

The Committee then heard from Sergeant Walker in relation to the objection. Mr MacLeod was then given the opportunity to address the Committee in support of the application and in connection with the circumstances relating to the matters detailed in the Police letter.

DECIDED:-

After consideration, the Committee agreed that the application be granted.

PROPOSED POLICY AND LICENCE CONDITIONS TO REGULATE THE USE OF CCTV WITHIN TAXIS AND PRIVATE HIRE VEHICLES

A report was submitted by the Strategic Lead – Regulatory seeking approval of proposed policy and conditions in relation to the operation of CCTV in licensed vehicles with a view to protecting the public from the misuse of such systems.

DECIDED:-

After 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 terms of the discussion in relation to the proposed policy and licence conditions to regulate the use of CCTV within taxis and private hire vehicles;
- (2) to continue consideration of the report to the next meeting of the Licensing Committee on 8 June 2016 to enable officers to respond to Members' concerns; and
- (3) that a briefing session on the proposed policy on the use of CCTV within taxis would be held for Members of the Licensing Committee prior to the June meeting to enable officers to answer Members' questions and queries.

PROPOSED LICENSING SCHEME FOR BOAT HIRERS

A report was submitted by the Strategic Lead – Regulatory providing an update on the proposed scheme for boat hirers.

DECIDED:-

The Committee agreed:-

- (1) to note the update on the proposed scheme contained in the report;
- (2) that officers be authorised to arrange for the public advertisement of the proposed resolution for the introduction of a boat hirer licensing scheme in terms of the Civic Government (Scotland) Act 1982; and
- (3) that a further report, including any representations or objections received in relation to the proposed scheme, would be submitted to a future meeting of the Committee and would detail the full terms of the proposed scheme and licensing conditions.

EXCLUSION OF PRESS AND PUBLIC

The Committee agreed to pass the following resolution:-

“That under Section 50A(4) of the Local Government (Scotland) Act, 1973 the press and public be excluded from the meeting for the following items 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.”

VARIATION IN THE ORDER OF BUSINESS

Having heard the Chair, Councillor O'Neill, the Committee agreed that the business be varied as hereinafter minuted.

HEARING REGARDING POSSIBLE SUSPENSION OF A TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE

A report was submitted by the Strategic Lead – Regulatory requesting consideration of the possible suspension of a Taxi Driver's/Private Hire Car Driver's Licence following a complaint which had been submitted by Police Scotland.

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

- (a) that a letter had been received from the Chief Constable of Police Scotland 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 relates was likely to cause a serious threat to public order or public safety;
- (b) that having consulted the Chair of the Licensing Committee it was decided that, due to the content of the letter received from the Police, the Taxi Driver's/Private Hire Car Driver's Licence held by the licence holder should be suspended with immediate effect under Paragraph 12 of Schedule 1 to the Act;
- (c) that on 15 March 2016, the licence holder surrendered the identification badge;
- (d) that the licence holder's current Taxi Driver's/Private Hire Car Driver's Licence expires on 25 August 2016;
- (e) that the Chief Constable had also requested the suspension of the licence under Paragraph 11 of Schedule 1 to the 1982 Act whereby a licensing authority may order the suspension of a licence under Paragraph 11 if, in its opinion, the holder of the licence is not, or is no longer, a fit and proper person to hold the licence;

- (f) that in view of the request for suspension of the licence received from the Police, the licence holder and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place;
- (g) that copies of the letter from the Police authority had been issued to Members of the Committee in advance of the meeting; and
- (h) that the matters which the Committee was required to consider in relation to paragraph (e) 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 licence;
 - (iii) if the Committee was of the opinion that the licence holder was no longer a fit and proper person, then the Committee must consider whether his licence should be suspended;
 - (iv) if the Committee was satisfied that the licence should be suspended, the Committee must give the licence holder an opportunity of being heard on the length of the suspension and the date from which the suspension should commence; and
 - (v) the Committee must then consider what length of suspension would be appropriate and whether the circumstances of the case would justify immediate suspension.

It was noted that the licence holder and a representative of the Police authority, Sergeant Walker, were in attendance.

The Committee then heard from Sergeant Walker who provided details of the offence allegedly committed by the licence holder in relation to the request for suspension of the licence and answered a question from a Member.

Thereafter, the licence holder was given the opportunity to address the Committee on the circumstances detailed in the letter from the Police authority.

ADJOURNMENT

At the request of the Chair, Councillor O'Neill, the Committee agreed to adjourn for a short period to confirm details of a letter from the Procurator Fiscal's office which had been provided by the licence holder.

The Committee reconvened at 3.26 p.m. with all Members shown on the sederunt in attendance.

The Chair then provided details of the letter from the Procurator Fiscal's office dated 1 April 2016 which advised that no action would be taken in the case against the licence holder at this time.

Thereafter, the licence holder, Sergeant Walker and the Senior Officer (Licensing Services) were heard in answer to questions from Members and in relation to the circumstances relating to the alleged offences, as detailed in the letter from the Police authority.

DECIDED:-

After consideration, the Committee agreed:-

- (1) that the hearing would be continued to a Special Meeting of the Licensing Committee to enable officers to seek further information from the licence holder's taxi office in relation to the alleged incident; and
- (2) that the suspension of the licence under Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 would continue until the Special Meeting of the Licensing Committee.

HEARING REGARDING POSSIBLE RECALL OF AN ORDER TO SUSPEND A TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE

A report was submitted by the Strategic Lead – Regulatory requesting consideration of the recall of the order to suspend a Taxi Driver's/Private Hire Car Driver's Licence.

It was noted that the licence holder was not in attendance.

DECIDED:-

After discussion and having heard the Section Head (Licensing) in further explanation of the circumstances of the possible recall of the suspension, the Committee agreed to continue the Hearing regarding possible recall of the suspension until such time as the applicant can provide suitable medical information.

HEARING REGARDING POSSIBLE SUSPENSION OF A TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE

A report was submitted by the Strategic Lead – Regulatory requesting consideration of the possible suspension of a Taxi Driver's/Private Hire Car Driver's Licence following a complaint which has been submitted by Police Scotland.

It was noted that the licence holder was not in attendance and had not responded to attempts made by officers to contact him.

DECIDED:-

After discussion and having heard the Section Head (Licensing), it was agreed to continue the Hearing regarding the possible suspension of a Taxi Driver's/Private Hire Car Driver's Licence.

The meeting closed at 4.00 p.m.