

## **LICENSING COMMITTEE**

At a Special Meeting of the Licensing Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Wednesday, 11 May 2016 at 10.00 a.m.

**Present:** Councillors Jim Brown, John Mooney, Jonathan McColl, Lawrence O'Neill, Tommy Rainey and Hazel Sorrell.

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

**Apology:** An apology for absence was intimated on behalf of Provost Douglas McAllister.

**Councillor Lawrence O'Neill in the Chair**

### **DECLARATION OF INTEREST**

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

### **EXCLUSION OF PRESS AND PUBLIC**

The Committee passed 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 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."

### **CONTINUED 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.

After discussion, Councillors Rainey and Sorrell decided to leave the meeting given that they were not present at the meeting of the Committee on 20 April 2016.

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

- (a) that at a meeting of the Licensing Committee held on 20 April 2016, Members agreed to suspend the licence under Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 until further enquiries were carried out by the Senior Officer (Licensing Services);
- (b) that the licence holder's current Taxi Driver's/Private Hire Car Driver's Licence would expire on 25 August 2016;
- (c) that in view of the further enquiries carried out by the Senior Officer (Licensing Services), 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;
- (d) that copies of the letter from the Police authority dated 11 March 2016 and considered at the Hearing on 20 April 2016, had been re-issued to Members of the Committee in advance of the meeting; and
- (e) that the matters which the Committee was required to consider 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;
- (f) that a copy of a character reference for the licence holder, received from Mr Hambley, Group Operations Manager, Clydebank Taxis, at the meeting, had been circulated to members of the Committee; and

- (g) that the copy of a documentary information received from the Senior Officer (Licensing Services) as a result of further enquiries requested by Members at the Hearing on 20 April 2016, had been distributed to members of the Committee at the meeting.

It was noted that the licence holder, his legal representative, Mr Phillips, Bridge Litigation Solicitors and Mr Hambley, Clydebank Taxis and a representative of the Police authority, Sergeant Walker, were in attendance.

The Committee then heard from Sergeant Walker in relation to the letter from the Police authority. It was noted that the police had updated the Procurator Fiscal in relation to further information which had arisen as a result of enquiries relating to GPS information requested by the Committee at its meeting on 20 April 2016.

Thereafter, the Committee heard from the Senior Officer (Licensing Services) in relation to the further enquiries carried out in relation to the alleged incident involving the licence holder and in answer to Members' questions.

The Committee then heard from the licence holder and his legal representative who were given the opportunity to address the alleged offences and the further evidence provided by the Senior Officer (Licensing Services). Thereafter, the licence holder, his legal representative and Mr Hambley were heard in answer to Members' questions.

## **ADJOURNMENT**

After hearing the Chair, Councillor O'Neill, the Committee agreed to adjourn at 11.05 a.m. for a short period of time to allow the licence holder to consult with his legal representative.

The meeting reconvened at 11.13 a.m. with Councillors Brown, Mooney, McColl and O'Neill in attendance.

## **DECIDED:**

The Committee agreed:-

- (1) that the alleged misconduct had been established;
- (2) that the misconduct did not form grounds for suspending the licence holder's licence; and
- (3) that a warning letter be issued to the licence holder from the Strategic Lead - Regulatory concerning his behaviour.

The meeting closed at 11.18 a.m.