

LICENSING COMMITTEE

At a Special Meeting of the Licensing Committee held in the Civic Space, Council Offices, 16 Church Street, Dumbarton on Monday, 7 January 2019 at 10.05 a.m.

Present: Councillors Jim Brown, Ian Dickson¹, John Mooney and Brian Walker.

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

Also Attending: Constable Alison Simpson, Police Scotland.

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

APPOINTMENT OF CHAIR

In the absence of the Chair, Councillor Finn, and Vice Chair, Councillor McColl, it was unanimously agreed that Councillor Brown would chair the meeting. Accordingly, Councillor Brown assumed 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.

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

(a)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Mr Robert Cameron 6A Cumbræ Crescent South Castlehill Dumbarton G82 5AP	26 October 2018

¹ As corrected by Licensing Committee at its meeting on 20 February 2019.

A report was submitted by the Strategic Lead – Regulatory concerning an Application for Grant of a Temporary Taxi/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 Police Scotland on 4 December 2018 advising that a separate letter had been submitted detailing the applicant's previous convictions which were considered "protected" in terms of the Rehabilitation of Offenders Act 1974;
- (b) that in view of the letter from Police Scotland, the applicant and a representative of the Police authority had been invited to attend the meeting of the Committee in order that a hearing could take place; and
- (c) that the applicant and a representative of the Police authority, Constable Simpson, were in attendance.

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

The Committee then heard from Constable Simpson in relation to both letters from Police Scotland and in answer to Members' questions.

Thereafter, the licence holder was given the opportunity to address the Committee in support of his application and in connection with the circumstances relating to matters detailed in the Police letter. The licence holder was also heard in answer to Members' questions.

DECIDED:-

After consideration, the Committee agreed that the application be granted for a period of 6 weeks.

(b)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Mr Mark Shields 2 Quebec House Clydebank G81 4QP	23 October 2018

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

It was noted:-

- (a) that a letter had been received from the Chief Constable of Police Scotland on 28 November 2018 submitting a comment in relation to the application;
- (b) that a separate letter had been submitted detailing the applicant's previous convictions which were considered "protected" in terms of the Rehabilitation of Offenders Act 1974;
- (c) that in view of the letter from Police Scotland, the applicant and a representative of the Police authority had been invited to attend the meeting of the Committee in order that a hearing could take place; and
- (d) that the applicant and a representative of the Police authority, Constable Simpson, were in attendance; and
- (e) that Mr Shields had not received the letter from Police Scotland and that following clarification, his address details were clarified as detailed above.

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

The Committee then heard from Constable Simpson in relation to both letters from Police Scotland and in answer to Members' questions.

Thereafter, the licence holder was given the opportunity to address the Committee in support of his application and in connection with the circumstances relating to matters detailed in the Police letters?. The licence holder was also heard in answer to Members' questions. It was noted that Mr Shields' pending case was subjudice.

ADJOURNMENT

Having heard the Chair, Councillor Brown, the Committee agreed to adjourn at 10.30 a.m. for a short period.

The Committee resumed at 10.40 a.m. with all Members shown in the sederunt in attendance.

DECIDED:-

After consideration, the Committee agreed that the application be granted for a period of 6 weeks.

(c) **Name and Address of Applicant**

Date Applied

Mr Scott Brownlie
12 Oxhill Place
Dumbarton
G82 4QU

9 November 2018

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

Having heard the Section Head (Licensing), it was noted the the applicant was in attendance at the meeting however had requested in advance of the meeting that the application be continued to the next meeting of the Licensing Committee to enable his legal representative to attend.

DECIDED:-

After discussion, it was decided that consideration of the application be continued to the next scheduled meeting of the Licensing Committee being held on Wednesday, 20 February 2019.

APPLICATION FOR GRANT OF A TEMPORARY PRIVATE HIRE CAR LICENCE

Name and Address of Applicant

Date Applied

Mr Scott Brownlie
12 Oxhill Place
Dumbarton
G82 4QU

9 November 2018

A report was submitted by the Strategic Lead – Regulatory concerning an Application for Grant of a Temporary Private Hire Car Licence by the above named person.

DECIDED:-

The Committee agreed that consideration of the application be continued to the next scheduled meeting of the Licensing Committee being held on Wednesday, 20 February 2019 to enable Mr Brownlie's legal representative to attend the meeting.

APPLICATION FOR GRANT OF A WINDOW CLEANER'S LICENCE

Name and Address of Applicant

Mr Gary Trainer
37 Roman Crescent
Old Kilpatrick
G60 5JX

Date Applied

14 November 2018

A report was submitted by the Strategic Lead – Regulatory concerning an Application for Grant of a Window Cleaner'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 Police Scotland making an objection in relation to the application;
- (b) that in view of the objection which had been received from Police Scotland, 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 of objection from the Police authority 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, Constable Simpson, were in attendance.

The Committee then heard from Constable Simpson in relation to the objection and in connection with the matters detailed in the Police letter.

DECIDED:-

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

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 items of business on the grounds that they 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 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 26 November 2018 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 Depute Chair of the Licensing Committee it was decided that, due to the content of the letter received from Police Scotland, the Taxi Driver's/Private Hire Car Driver's Licence should be suspended with immediate effect under Paragraph 12 of Schedule 1 of the Act;
- (c) that in view of the request for suspension of the licence received 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) to note that the licence holder had previously attended the Licensing Committee on three occasions during 2017 having been subject to separate suspension requests from Police Scotland and that on each occasion Members had decided that the licence holder remained a fit and proper person to hold a taxi/private hire car driver's licence;
- (e) that copies of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting; and
- (f) that the matters which the Committee required to consider in relation to paragraph (c) 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 that the carrying on of the activity is likely to cause a threat to public order or public safety, then the Committee must consider whether the licence should be suspended; and

- (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; 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 Police Scotland, Constable Simpson, were in attendance.

The Committee heard from Constable Simpson in terms of the Police letter dated 26 November 2018. It was noted that the licence holder's pending case was sub judice.

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

ADJOURNMENT

Having heard the Chair, Councillor Brown, the Committee agreed to adjourn at 11.05 a.m. for a short period.

The Committee resumed at 11.30 a.m. with all Members shown in the sederunt in attendance.

DECIDED:-

Following consideration and having heard the Section Head (Licensing) in clarification of the proceedings and in answer to Members' questions, the Committee agreed:-

- (1) to note that the licence holder's licence was currently suspended;
- (2) that the alleged misconduct by the licence holder had been established;
- (3) that the licence holder was no longer a fit and proper person to hold a Taxi Driver's/Private Hire Car Driver's Licence; and
- (4) that the licence be suspended with immediate effect on the grounds of public safety.

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

Name and Address of Applicant

Date Applied

Mr Steven Ordish
Address withheld

1 November 2018

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) and the Senior Officer (Licensing Services), it was noted:-

- (a) that a letter dated 28 November 2018 had been received from the Chief Constable of Police Scotland submitting an objection in relation to the application and that copies of the letter had been circulated to Members in advance of the meeting;
- (b) that in view of the letter received from Police Scotland, the applicant and a representative of Police Scotland had been invited to attend the meeting of the Committee in order that a hearing could take place; and
- (c) that the applicant, Mr Ordish, and Constable Alison Simpson, Police Scotland were in attendance.

The Committee then heard from Constable Simpson in relation to the letter from Police Scotland. Thereafter, Mr Ordish was heard in support of his application and was heard in answer to questions from Members.

ADJOURNMENT

Having heard the Chair, Councillor Brown, it was agreed to adjourn for a short period.

The Committee reconvened at 11.45 a.m.

DECIDED:-

After discussion and having heard Mr Ordish in answer to Members' further questions, the Committee agreed that the application be refused on the grounds that the applicant was not a fit and proper person to be the holder of a Taxi Driver/Private Hire Car Driver's Licence.

The meeting closed at 11.50 a.m.