

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 23 October 2019 at 2.10 p.m.

Present: Councillors Jim Brown, Ian Dickson, Jonathan McColl, Lawrence O'Neill and Brian Walker.

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

Also Attending: Sergeant Wendy Maginnis and Constable Alison Simpson, Police Scotland.

Apologies: Apologies for absence were intimated on behalf of Councillors Jim Finn and Marie McNair.

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 MEETINGS

The Minutes of Meeting of the Licensing Committee held on (a) 4 September 2019 (Ordinary meeting) and (b) 9 October 2019 (Special Meeting) were submitted and approved as correct records.

OPEN FORUM

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

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

Name and Address of Applicant

John Bingham
22B Waulkingmill Road
Faifley, Clydebank
G81 5AH

Date Applied

8 August 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 that the applicant was not in attendance at the meeting and had not advised in advance that he was unable to attend.

DECIDED:

Following discussion, the Committee agreed that the application be continued to the next scheduled meeting of the Licensing Committee to be held on Wednesday, 4 December 2019, in order to provide the licence holder with a further opportunity to attend.

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 PARTNERSHIP LICENCE

With reference to the Minutes of Special Meeting of the Licensing Committee held on 9 October 2019, 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 Partnership Licence.

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 suspension of a Taxi Partnership Licence under Paragraph 11(1) of Schedule 1 to the Civic Government (Scotland) Act 1982 complaining that one of the licence holders, in his capacity as joint licence holder and day to day manager, was no longer a fit and proper person to hold a licence on the grounds that the carrying on of the activity to which the licence relates was likely to cause a serious threat to public safety;
- (b) that the letter from the Chief Constable also requested that the licensing authority order the immediate suspension of the Taxi Partnership Licence held by the licence holders in terms of 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;
- (c) that having consulted both the Strategic Lead – Regulatory and the Depute Chair of the Licensing Committee it was decided that, having considered the submission from Police Scotland, that the circumstances did not merit an immediate suspension;
- (d) that the Taxi Partnership Licence held by the licence holders was due to expire on 20 June 2020; and
- (e) that at a Special Meeting of the Licensing Committee held on 9 October 2019, Members decided to continue the hearing until 23 October 2019 due to one of the licence holders being unable to attend for health reasons.
- (f) 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 could take place;
- (g) that copies of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting; and
- (h) that the matters which the Committee were required to consider in relation to paragraph (g) 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 holders were no longer fit and proper persons to hold a Taxi Partnership Licence;
 - (iii) if the Committee was of the opinion that the licence holders were no longer fit and proper persons, the Committee must consider whether their licence should be suspended or revoked;

- (iv) if the Committee was satisfied that the licence should be suspended, the Committee must give the licence holders an opportunity of being heard on the length of the suspension and the date from which the suspension should commence;
- (v) that 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) if the Committee was satisfied that the circumstances of the case justified revocation, the Committee must consider whether this revocation should be immediate.

It was noted that the licence holders and representatives of Police Scotland, Sergeant Maginnis and Constable Simpson, were in attendance.

The Committee then heard from Constable Simpson in relation to the letter from Police Scotland and in answer to questions from Members. It was noted that the court case for the offence allegedly committed by one of the licence holders in relation to the request for suspension of the Taxi Partnership Licence had not yet been scheduled by the Procurator Fiscal's office and therefore remained sub-judice.

Thereafter, the licence holder was given an opportunity to address the Committee in relation to the suspension request and was heard in answer to questions from Members'.

DECIDED:-

After consideration, the Committee agreed:-

- (1) that the alleged misconduct had not been established at this time;
- (2) that the licence holders remained fit and proper persons to hold a Taxi Partnership Licence; and
- (3) that the Hearing be continued until the meeting of the Licensing Committee scheduled to be held on Wednesday, 5 February 2019 to allow the licence holders to instruct a legal representative and to enable Police Scotland to provide an update on the outcome of the pending court proceedings.

The meeting closed at 2.25 p.m.