

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held by video conference on Wednesday, 19 August 2020 at 2.00 p.m.

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

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

Also Attending: Sergeant Wendy Maginnis, Licensing Sergeant, Police Scotland.

Apology: An apology for absence was intimated by Councillor Marie McNair.

Councillor Jim Finn in the Chair

CHAIR'S REMARKS

Councillor Finn, Chair, welcomed everyone to the meeting which was being held remotely, in terms of Section 18B of the Civic Government (Scotland) Act 1982.

Accordingly, the Chair advised that a process/procedure had been developed for the meeting (a copy of which had previously been circulated to Members). Thereafter, the Committee agreed to note the procedure in place for the conduct of the meeting and the meeting then continued by video conferencing.

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 10 June 2020 were submitted and approved as a correct record.

OPEN FORUM

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

VARIATION IN THE ORDER OF BUSINESS

Having heard the Section Head (Licensing), it was noted that one of the applicants, Mr Brownlie was experiencing technical difficulties whilst accessing the meeting and therefore the business was varied as hereinafter minuted.

EXCLUSION OF PRESS AND PUBLIC

Having heard the Section Head (Licensing) in relation to the undernoted item of business, the Committee agreed to approve 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.”

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

Name and Address of Applicant

Date Applied

Thomas Kearney
30 Delhi Avenue
Clydebank
G81 4JS

27 January 2020

A report was submitted by the Strategic Lead – Regulatory concerning an Application for Grant of a 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 dated 24 February 2020 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 a separate letter had been submitted by Police Scotland 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 letters received 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
- (d) that both the applicant and Sergeant Wendy Maginnis, Police Scotland 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 provided to Members and taken into account.

The Committee then heard from Sergeant Maginnis in relation to both letters from Police Scotland.

Thereafter, Mr Kearney was given an opportunity to address the Committee in support of the application and in doing so referred to information in support of his application, a copy of which had been provided to Members for their information.

DECIDED:-

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

EXCLUSION OF PRESS AND PUBLIC

Having heard the Section Head (Licensing) in relation to the undernoted application, the Committee agreed to approve 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.”

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

Name and Address of Applicant

Date Applied

Drew Stewart
10 Cameron Drive
Alexandria
G83 0JT

17 July 2020

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 dated 5 August 2020 had been received from the Chief Constable of Police Scotland providing information in relation to the application and that copies of the letter had been circulated to Members in advance of the meeting;
- (b) that a report had been submitted by the Senior Officer (Licensing Services) dated 6 August 2020 in relation to the application and had been provided to Members in advance of the meeting; and
- (c) that in view of the submissions received from both the Police and the Senior Officer (Licensing Services), the applicant, a representative from Police Scotland, Sergeant Wendy Maginnis, and the Senior Officer (Licensing Services), were in attendance at the meeting in order that a hearing could take place.

The Committee then heard from Sergeant Maginnis in relation to the letter from Police Scotland.

Thereafter, Mr Mackie, Senior Officer (Licensing Services) was heard in relation to his report submitted to the Committee. Mr Mackie then answered questions from Members and the applicant in relation to information provided in the report.

Mr Stewart was then given the opportunity to address the Committee in support of his application and thereafter he and the Senior Officer (Licensing Services) were heard in answer to questions from Members.

Following discussion and having heard from the Section Head (Licensing), the Committee agreed that the application be granted for a period of 6 weeks.

DECIDED:-

The Committee agreed that the application be granted for a period of 6 weeks.

ADJOURNMENT

Having heard the Chair, Councillor Finn, the Committee agreed to adjourn for a short period. Thereafter, the meeting reconvened at 3.00 p.m. with all Members in attendance.

EXCLUSION OF PRESS AND PUBLIC

Having heard the Section Head (Licensing) in relation to the undernoted application, the Committee agreed to approve 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 APPLICATION FOR GRANT OF A TAXI/
PRIVATE HIRE CAR DRIVER'S LICENCE**

Name and Address of Applicant

Date Applied

Scott Brownlie
12 Oxhill Place
Dumbarton
G82 4QU

4 December 2019

With reference to the Minutes of Meeting of the Licensing Committee held on 5 February 2020, a report was submitted by the Strategic Lead – Regulatory concerning an Application for Grant of a 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 dated 30 December 2019 had been received from the Chief Constable of the Police authority submitting an objection in relation to the application;
- (b) that a separate letter from the Chief Constable dated 30 December 2019 had been submitted by Police Scotland 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 letters received 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;
- (d) that the applicant was in attendance at the meeting and that Sergeant Wendy Maginnis was in attendance on behalf of Police Scotland; and
- (e) that letters from the applicant's Solicitor, Mr J Scott Adair, dated 30 January 2020 and 10 August 2020, both of which related to the application had been received and the Committee would require to consider the terms of these as Mr Brownlie was unrepresented at the hearing the said Solicitor having previously intimated to the Committee that he could not attend today's hearing, but that Mr Brownlie would attend personally.

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 provided to Members and taken into account.

The Committee then heard from Sergeant Maginnis in relation to both letters from Police Scotland and in answer to questions from Members of the Committee.

Thereafter, the letters from Mr Brownlie's solicitor were considered by the Committee and the contents of the letters were provided and taken into account.

The Committee then heard from Mr Brownlie (who was content to represent himself and have the letters from his Solicitor submitted to the Committee) in support of his application and in answer to questions from Members.

ADJOURNMENT

Having heard the Chair, Councillor Finn, the Committee agreed to adjourn for a short period. Thereafter, the meeting reconvened at 3.34 p.m. with all members in attendance.

After discussion, the Committee agreed that Mr Brownlie was not a fit and proper person to be the holder of a taxi licence

ADJOURNMENT

Having heard the Section Head (Licensing), the Committee agreed to adjourn for a short period to re-admit the applicant to the meeting following a loss in telephone connection. Thereafter, the applicant re-joined and the meeting reconvened and the discussion and decision was repeated with all members and the applicant in attendance.

DECIDED:-

The Committee agreed that the application be refused on the grounds that Mr Brownlie was not a fit and proper person to be the holder of a Taxi/Private Hire Car Driver's Licence licence.

The meeting closed at 3:46 p.m.