

LICENSING COMMITTEE

At a Special Meeting of the Licensing Committee held in Meeting Room 3, Council Offices, Garshake Road, Dumbarton on Thursday, 7 April 2011 at 10.00 a.m.

Present: Councillors Jim Brown, Geoff Calvert, Jim Finn, Jonathan McColl and Ronnie McColl.

Attending: Nigel Ettles, Principal Solicitor; Robert Mackie, Senior Licensing Officer and Nuala Borthwick, Committee Officer, Legal, Administrative and Regulatory Services.

Councillor Jim Finn in the Chair

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in relation to any of the items of business on the agenda.

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

A report was submitted by the Head of Legal, Administrative and Regulatory Services concerning a request from the Chief Constable of Strathclyde Police for the suspension of a Taxi Driver's/Private Hire Car Driver's Licence held by Mr. John MacDonald, 40A Whitecrook Street, Clydebank, G81 1QR.

Having heard the Principal Solicitor, it was noted:-

- (a) that a letter had been received from the Chief Constable of Strathclyde Police requesting the suspension of the Taxi Driver's Licence held by Mr. John MacDonald under Paragraph 11(2)(a) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the grounds that Mr MacDonald was no longer a fit and proper person to be the holder of a Taxi Driver's/Private Hire Car Driver's Licence;
- (b) that a licensing authority must, before deciding to suspend a licence, give the holder of the licence and the Chief Constable an opportunity of being heard;
- (c) that in view of the request for suspension of the licence received from the Police, the licence holder and a representative from 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 had been issued to Members of the Committee in advance of the meeting;
- (e) that matters which the Committee were 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, Mr MacDonald was no longer a fit and proper person to hold a taxi driver's licence;
 - (iii) if the Committee was of the opinion that Mr MacDonald 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 Mr MacDonald 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 representatives of the Police authority, Inspector Byrne and Sergeant Stewart, were in attendance.

The Committee heard from Sergeant Stewart in relation to the request for suspension of the licence which had been submitted and in answer to Members' questions.

Thereafter, the licence holder was invited to come forward. Mr McDonald was given the opportunity to address the Committee on the circumstances relating to the alleged offence reported to the Procurator Fiscal, as detailed in the letter from the Police authority. Mr McDonald then answered questions from Members.

After consideration, the Committee agreed:-

- (1) that no action be taken in relation to the request for suspension of the licence; and
- (2) that a report on the possible suspension of the licence would be submitted to a future meeting of the Committee should Mr MacDonald be convicted of the charge against him.

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

A report was submitted by the Head of Legal, Administrative and Regulatory Services concerning a request from the Chief Constable of Strathclyde Police for the suspension of a Taxi Driver's/Private Hire Car Driver's Licence held by Mr. Stephen Biggins, 190 Crosslet Road, Dumbarton, G82 2LH.

Having heard the Principal Solicitor, it was noted:-

- (a) that a letter had been received from the Chief Constable of Strathclyde Police requesting the suspension of the Taxi Driver's Licence held by Mr. Biggins under Paragraph 11(2)(a) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the grounds that Mr Biggins was no longer a fit and proper person to be the holder of a Taxi Driver's/Private Hire Car Driver's Licence;
- (b) that, on the advice of the Head of Legal, Administrative and Regulatory Services and due to the information contained within the letter from the Police authority, Mr Biggins' Licence was to be suspended with immediate effect. Having been informed of this decision, Mr Biggins chose to surrender his Taxi Driver's/Private Hire Car Driver's Licence and Identification Badge to the Council's Senior Officer (Licensing) on 7 March 2011;
- (c) that, in view of the request for suspension of the licence received from the Police, the licence holder and a representative from 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 had been issued to Members of the Committee in advance of the meeting;
- (e) that matters which the Committee were 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, Mr Biggins was no longer a fit and proper person to hold a taxi driver's licence;
 - (iii) if the Committee was of the opinion that Mr Biggins was no longer a fit and proper person, 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 Mr Biggins 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 representatives of the Police authority, Inspector Byrne and Sergeant Stewart, were in attendance.

The Committee heard from Sergeant Stewart in relation to the request for suspension of the licence which had been submitted and in answer to Members' questions. It was noted that an intermediate diet had been fixed for 18 August 2011 and a trial date for 19 September 2011.

Thereafter, the licence holder was invited to come forward. Mr Biggins was then heard in answer to questions from Members. Having heard the Principal Solicitor and the Senior Officer (Licensing Services) in clarification, it was noted that Mr Biggins had surrendered his taxi licence until the Hearing of the Licensing Committee and it was for the Committee to decide whether or not to suspend Mr Biggins' taxi licence for a specific period of time.

Mr Biggins was given the opportunity to address the Committee on the circumstances relating to the alleged offence reported to the Procurator Fiscal, as detailed in the letter from the Police authority. Mr Biggins declined to provide any information on the circumstances relating to the alleged offence.

Having considered the information before them, the Committee were satisfied that misconduct had been established. The Committee then deliberated on whether Mr Biggins was a fit and proper person to hold a Taxi/Private Hire Car Driver's Licence. Following discussion and having heard the Principal Solicitor in response to Members' questions, the Committee agreed that Mr Biggins was no longer a fit and proper person to hold such a licence and that his licence should be suspended.

The Committee then considered the length of suspension and the date from which the suspension should commence. Having heard the Senior Officer (Licensing Services) in answer to Members questions, it was noted that Mr Biggins' current licence would expire on 31 August 2011.

Thereafter, the Committee agreed:-

- (1) that the period of suspension would be the unexpired portion of the duration of the licence, which would expire on 31 August 2011; and
- (2) that the circumstances of the case justified immediate suspension and that the licence would be suspended immediately.

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

A report was submitted by the Head of Legal, Administrative and Regulatory Services concerning a request from the Chief Constable of Strathclyde Police for the suspension of a Taxi Driver's/Private Hire Car Driver's Licence held by Mr. William Quinn, 14 Old Mill Walk, Balloch, Alexandria.

Having heard the Principal Solicitor, it was noted:-

- (a) that a letter had been received from the Chief Constable of Strathclyde Police requesting the suspension of the Taxi Driver's Licence held by Mr. William Quinn under Paragraph 11(2)(a) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the grounds that Mr Quinn was no longer a fit and proper person to be the holder of a Taxi Driver's/Private Hire Car Driver's Licence;
- (b) that a licensing authority must, before deciding to suspend a licence, give the holder of the licence and the Chief Constable an opportunity of being heard;
- (c) that in view of the request for suspension of the licence received from the Police, the licence holder and a representative from 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 had been issued to Members of the Committee in advance of the meeting;
- (e) that matters which the Committee were 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, Mr Quinn was no longer a fit and proper person to hold a taxi driver's licence;
 - (iii) if the Committee was of the opinion that Mr Quinn was no longer a fit and proper person, 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 Mr Quinn 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 representatives of the Police authority, Inspector Byrne and Sergeant Stewart, were in attendance.

The Committee heard from Sergeant Stewart in relation to the request for suspension of the licence which had been submitted and in answer to Members' questions. It was noted that an intermediate diet had been fixed for 24 August 2011 and a trial date for 22 September 2011.

Thereafter, the licence holder was invited to come forward. Mr Quinn was given the opportunity to address the Committee on the circumstances relating to the alleged offences reported to the Procurator Fiscal, as detailed in the letter from the Police authority. Mr Quinn then answered questions from Members. With the permission of the Chair, Mr Quinn provided details of a letter from his solicitor advising of the charges pending against him.

After consideration, the Committee agreed:-

- (1) that no action be taken in relation to the request for suspension of the licence;
and
- (2) that a report on the possible suspension of the licence would be submitted to a future meeting of the Committee should Mr Quinn be convicted of the charges against him.

The meeting closed at 10.40 a.m.