

Agenda



Meeting of Licensing Committee

Date: Wednesday, 5 February 2020

Time: 10:00

Venue: Civic Space, Council Offices, 16 Church Street, Dumbarton

Contact: Nuala Borthwick, Committee Officer
Tel: 01389 737594 nuala.borthwick@west-dunbarton.gov.uk

Dear Member

Please attend a meeting of the **Licensing Committee** as detailed above. The business is shown on the attached agenda.

Yours faithfully

JOYCE WHITE

Chief Executive

Distribution:

Councillor Jim Finn (Chair)
Councillor Jim Brown
Councillor Ian Dickson
Councillor Jonathan McColl (Vice Chair)
Councillor Marie McNair
Councillor Lawrence O'Neill
Councillor Brian Walker
Vacancy

All other Councillors for information

Chief Executive
Strategic Director – Regeneration, Environment and Growth
Strategic Director – Transformation and Public Service Reform
Chief Officer of Health & Social Care Partnership

Date issued: 23 January 2020

LICENSING COMMITTEE

WEDNESDAY, 5 FEBRUARY 2020

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

Members are invited to declare if they have an interest in any of the undernoted items of business on this agenda and, if so, state the reasons for such declarations.

3 MINUTES OF PREVIOUS MEETING 5 - 16

Submit for approval as a correct record, Minutes of Meeting of the Licensing Committee held on 4 December 2019 (including the reconvened Meeting held on 16 December 2019).

4 OPEN FORUM

The Committee is asked to note that no open forum questions have been submitted by members of the public.

5 EXCLUSION OF PRESS AND PUBLIC 17

The Committee is asked to consider passing the following resolution prior to consideration of each of the undernoted items 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.”

6/

6 APPLICATION FOR GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE 19 - 21

Name and Address of Applicant

Date Applied

Scott Brownlie
12 Oxhill Place
Dumbarton
G82 4QU

4 December 2019

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

7 APPLICATION FOR GRANT OF A WINDOW CLEANER'S LICENCE 23 - 25

Name and Address of Applicant

Date Applied

John Taylor
12 Roman Crescent
Old Kilpatrick
G60 5NF

4 December 2019

Submit report by the Strategic Lead – Regulatory concerning an Application for Grant of a Window Cleaner's Licence for the above named person.

8 HEARING REGARDING POSSIBLE SUSPENSION OR REVOCATION OF A TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE 27 - 30

Submit report 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.

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in the Civic Space, Council Offices, 16 Church Street, Dumbarton on Wednesday, 4 December 2019 at 10.05 a.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, 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 MEETING

The Minutes of Meeting of the Licensing Committee held on 23 October 2019 was 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.

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

Name and Address of Applicant

Date Applied

John Bingham
22B Waulkingmill Road
Faifley
Clydebank
G81 5AH

8 August 2019

A report was submitted by the Strategic Lead – Regulatory concerning a continued 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:-

- (a) that a letter had been received from the Chief Superintendent of Police Scotland on 28 August 2019 advising that the Chief Constable had a representation to make in relation to the application;
- (b) that in view of the representation, 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 Bingham and a representative of Police Scotland, Sergeant Maginnis, were in attendance.

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

DECIDED:-

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

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

(a) Name and Address of Applicant

Date Applied

William East
35 Glencairn Road
Dumbarton
G82 4DN

16 October 2019

A report was submitted by the Strategic Lead – Regulatory concerning an Application for Grant of a Taxi/Private Hire Car Driver's Licence for 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 the Police authority advising that the Chief Constable had a representation to make in relation to the application;
- (b) that in view of the representation, 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, Sergeant Maginnis, were in attendance.

The Committee then heard from Sergeant Maginnis in relation to the letter of representation from the Police authority and in answer to Members' questions. Mr East was then given the opportunity to address the Committee in support of his application and was heard in answer to questions from Members.

DECIDED:-

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

Note:- Councillor O'Neill, having left the meeting during consideration of the above application, took no part in the discussion and decision in relation to the application.

(b)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Thomas Trainer 10 Maryland Road Bellshill Dumbarton G82 3DH	21 October 2019

A report was submitted by the Strategic Lead – Regulatory concerning an Application for Grant of a Taxi/Private Hire Car Driver's Licence for 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 the Police authority advising that the Chief Constable had a representation to make in relation to the application;
- (b) that in view of the representation, 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, Sergeant Maginnis, were in attendance.

The Committee then heard from Sergeant Maginnis in relation to the letter of representation from Police Scotland and in answer to Members' questions.

Thereafter, Mr Trainer was given the opportunity to address the Committee in support of the application and was heard in answer to Members' questions.

DECIDED:-

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

(c)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	John Hepburn 173 Pappert Estate Bonhill Alexandria G83 9LG	23 October 2019

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

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

- (a) that a letter dated 1 November 2019 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 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, Sergeant Maginnis, 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 be taken into account. Copies of the letter containing the protected convictions were accordingly circulated to Members of the Committee.

The Committee then heard from Sergeant Maginnis 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.

DECIDED:-

Following discussion, it was agreed that the application be granted for a period of one year and that Mr Hepburn's first application for renewal of licence would be referred to the Committee for consideration and determination.

(d)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	John O'Donnell 40 Breval Crescent Hardgate Clydebank G81 6LP	25 October 2019

A report was submitted by the Strategic Lead – Regulatory concerning an Application for Grant of a Taxi/Private Hire Car Driver's Licence for 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 the Police authority advising that the Chief Constable had a representation to make in relation to the application;
- (b) that in view of the representation, 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, Sergeant Maginnis, were in attendance.

The Committee then heard from Sergeant Maginnis in relation to the letter of representation from the Police authority and in answer to Members' questions.

DECIDED:-

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

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

(a) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
Neil Brown 57 Lansbury Street Alexandria G83 0SA	15 October 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:-

- (a) that a letter had been received from the Chief Superintendent of Police Scotland advising that the Chief Constable had a representation to make in relation to the application;
- (b) that in view of the representation, 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 and a representative of Police Scotland, Sergeant Maginnis, were in attendance.

The Committee then heard from Sergeant Maginnis in relation to the letter of representation from Police Scotland. Thereafter the licence holder was given the opportunity to address the Committee in support of the application and in answer to questions from Members.

DECIDED:-

After consideration and having heard from the Section Head (Licensing), the Committee agreed that the application be granted.

(b) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
George Spence 3 Manse Court Haldane Balloch G83 8LT	17 October 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.

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

- (a) that a letter had been received from the Chief Superintendent of Police Scotland advising that the Chief Constable had an objection to make in relation to the application;
- (b) that in view of the objection, 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;
- (c) that the applicant and a representative of Police Scotland, Sergeant Maginnis, were in attendance; and
- (d) that a separate letter had been received from Police Scotland detailing additional and relevant information in relation to Mr Spence and that it was for the Committee to decide whether or not the additional letter should be disclosed and be taken into consideration.

Having heard the Section Head (Licensing) with regard to the relevance of the additional letter, the Committee agreed that the letter from Police Scotland should be circulated and be taken into account.

Copies of the additional letter were accordingly circulated to Members of the Committee.

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

The Committee then heard from Mr Spence who addressed the Committee in support of his application and in connection with the circumstances relating to the matters detailed in the Police letters. A copy of a reference from Mr John Berry, Managing Director of TOA Taxis in support of Mr Spence was provided to Members of the Committee. Thereafter, Mr Spence answered questions from Members'.

ADJOURNMENT

Having heard the Chair, Councillor McColl, the Committee agreed to adjourn for a short period. The meeting reconvened at 11.55 a.m. with all Members listed in the sederunt present.

DECIDED:-

After consideration, the Committee agreed that the application be refused on the grounds that the applicant was no longer a fit and proper person to be the holder of a Taxi/Private Hire Car Driver's Licence.

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

With reference to the Minutes of Meeting of the Licensing Committee held on 4 September 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/Private Hire Car Driver's Licence.

It was noted that Mr Spence had left the meeting and officers were unable to locate him.

Following discussion, the Committee agreed to continue consideration of the Suspension hearing until the end of the meeting to enable officers to locate Mr Spence prior to resuming consideration of the Hearing.

PROPOSED LICENSING SCHEME FOR BOAT HIRERS

A report was submitted by the Strategic Lead – Regulatory providing an update on the proposed licensing scheme for Boat Hirers, reporting on the consultation process and seeking agreement to adopt the resolution to license boat hirers.

DECIDED:-

Having heard the Section Head (Licensing) in further explanation of the report and in answer to Members' questions, the Committee agreed:-

- (1) to adopt the resolution to license boat hirers and the proposed conditions contained at appendix 1 of the report;
- (2) to delegate authority to officers to determine a revised fee for West Dunbartonshire Council for licences for boat hirers; and
- (3) to thank officers for their work to date on the proposed licensing scheme for boat hirers.

EXCLUSION OF PRESS AND PUBLIC

Having heard the Chair, Councillor McColl, 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."

APPLICATION FOR GRANT OF A PRIVATE HIRE CAR PARTNERSHIP LICENCE

Names and Addresses of Applicants

Date Applied

John & Jennifer Lynch 13 McKinlay Avenue Balloch G83 8HH	Lesley Coyle 390 Pappert Estate Bonhill, Alexandria G83 9LL
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18 October 2019

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

Having heard the Section Head (Licensing) in further explanation of the report and in answer to Members questions, it was noted:-

- (a) that a letter had been received from the Chief Superintendent of Police Scotland advising that the Chief Constable had a representation to make in relation to the application;
- (b) that in view of the representation, 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 both the applicant and a representative of Police Scotland, Sergeant Maginnis, were in attendance.

The Committee then heard from Sergeant Maginnis in relation to the letter of representation from Police Scotland and in update of matters from the Procurator Fiscal's office.

The Committee also heard from Mr Lynch who provided information in support of his application including a letter from his solicitor and a letter from the Procurator Fiscal's Office providing an update on matters detailed in the letter from Police Scotland. Thereafter Mr Lynch answered questions from Members.

DECIDED:-

Following discussion and having heard the Senior Officer (Licensing Services) in answer to Members' questions, it was agreed that the application be granted.

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

With reference to the Minutes of Meeting of the Licensing Committee held on 4 September 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/Private Hire Car Driver's Licence.

It was noted that Mr Spence was not in attendance at this point in the proceedings.

DECIDED:-

Having heard the Section Head (Licensing) and the Senior Officer (Licensing Services) in further explanation of the report and in answer to Members' questions, the Committee agreed to adjourn the meeting and resume consideration of the matter to **Monday, 16 December 2019 at 11.00 a.m. in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank** and that Mr Spence be invited to attend on that date.

The meeting was adjourned at 12 noon.

DRAFT

LICENSING COMMITTEE

At the Reconvened Meeting of the Licensing Committee held in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank on Monday, 16 December 2019 at 11.03 a.m.

Present: Councillors Jim Brown, Ian Dickson, Jonathan McColl and Brian Walker.

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

Also Attending: Sergeant Wendy Maginnis, Police Scotland.

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

Councillor Jonathan McColl in the Chair

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

With reference to the Minutes of Meeting of the Licensing Committee held on 4 September 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 Driver's/Private Hire Car Driver's Licence.

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

- (a) that the licence holder and a representative of the Police authority had been invited to attend the reconvened meeting of the Committee in order that a hearing could take place;
- (b) that a representative of the Police authority, Sergeant Maginnis, was in attendance;
- (c) that an email had been received from the licence holder providing a written representation and advising that he would not be able to attend the reconvened meeting of the Committee. Copies of this email were accordingly circulated to Members of the Committee;

- (d) that the licence holder was not in attendance at the meeting; and
- (e) that in the circumstances, the options available to the Committee were (i) to continue the Hearing to the next meeting of the Committee to give the licence holder a further opportunity to attend, or (ii) to consider the revocation of the licence in the absence of the licence holder.

DECIDED:-

After consideration, the Committee agreed to revoke Mr Spence's licence on the grounds that the licence holder was no longer a fit and proper person to be the holder of a Taxi Driver's/Private Hire Car Driver's Licence.

The meeting closed at 11.05 a.m.



EXCLUSION OF PRESS AND PUBLIC

The Committee is asked to consider passing the following resolution prior to consideration of agenda items 6, 7 and 8:-

"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."

NOT FOR PUBLICATION

**by virtue of Paragraph 14 of Part 1 of Schedule 7A of
the Local Government (Scotland) Act, 1973**

**ANY ACTION TAKEN OR TO BE TAKEN IN
CONNECTION WITH THE PREVENTION,
INVESTIGATION OR PROSECUTION OF CRIME**

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead – Regulatory
Licensing Committee – 5 February 2020

Subject: Application for grant of Taxi/Private Hire Car Driver's Licence

1. Purpose

- 1.1** To consider an application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Scott Brownlie, 12 Oxhill Place, Dumbarton G82 4QU

2. Recommendations

- 2.1** It is recommended that the application be considered and determined by the Committee.

3. Background

- 3.1** Mr. Brownlie submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 4 December 2019.
- 3.2** A letter was received from the Chief Constable of the Police authority on 30 December 2019 submitting an objection in relation to the application.
- 3.3** A further letter received from the Chief Constable of the Police authority on 30 December 2019 details a number of convictions regarded as protected in terms of the Rehabilitation of Offenders Act 1974.
- 3.4** At a meeting of the Committee held on 1 March 2017, Members decided to grant Mr. Brownlie a temporary Taxi/Private Hire Car Driver's Licence.
- 3.5** Mr. Brownlie subsequently applied for the full grant of a Taxi/Private Hire Car Driver's Licence and at the meeting of the Committee held on 14 June 2017, having considered the objection submitted by Police Scotland and having heard from Mr. Brownlie, Members refused the application. Mr. Brownlie subsequently appealed the decision of the Council but was unsuccessful as the Sheriff upheld the Committee's decision.
- 3.6** Mr. Brownlie subsequently attended a meeting of the Licensing Committee on 20 February 2019 where a hearing was held to determine an application for the grant of a temporary Taxi Driver's/Private Hire Car Driver's Licence having received a comment from Police Scotland. Having heard from the Police, Members decided to refuse the application.

4. Main Issues

- 4.1** In view of the submission received from the Police, the applicant and a

representative of the Police authority have been invited to attend the meeting of the Committee to be held on 5 February 2020.

4.2 It will also be a matter for the Committee to decide whether the applicant's protected convictions should be disclosed and taken into consideration. It should be noted that protected convictions cannot be considered unless there is no other way of doing justice.

4.3 The terms of the letters from the Police will be made known to the Committee at the meeting as appropriate.

5. People Implications

5.1 There are no personnel issues.

6. Financial Implications

6.1 There are no financial implications

7. Risk Analysis

7.1 There is no increased risk to the Council associated with the contents of this report.

8. Equalities Impact Assessment (EIA)

8.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

9.1 Police Scotland were consulted in relation to the application.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 22 January 2020

Person to Contact: Robert Mackie,
Senior Officer (Licensing Services),
Licensing Team,
Garshake Road,
Dumbarton,

G82 3PU.

Tel. No. (Direct line) 01389 738742.

robert.mackie@wdc.gcsx.gov.uk

Appendices: N/A.

Background Papers:

1. Application for grant of a Taxi/Private Hire Car Driver's Licence from Mr. Scott Brownlie, 12 Oxhill Place, Dumbarton, G82 4QU.
2. Letters dated 30 December 2019 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letter to Mr. Brownlie dated 22 January 2020.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead – Regulatory
Licensing Committee – 5 February 2020

Subject: Application for grant of a Window Cleaner's Licence

1. Purpose

- 1.1** To consider an application for grant of a Window Cleaner's Licence submitted by Mr. John Taylor, 12 Roman Crescent, Old Kilpatrick G60 5NF.

2. Recommendations

- 2.1** It is recommended that the application be considered and determined by the Committee.

3. Background

- 3.1** Mr. Taylor submitted an application for grant of a Window Cleaner's Licence to the Council on 4 December 2019.
- 3.2** A letter was received from the Chief Constable of the Police authority on 18 December 2019 submitting an objection in relation to the application.
- 3.3** The Police objection relates to a further letter received from the Chief Constable of the Police authority on 18 December 2019 which details an alternative to prosecution which is considered spent under the Rehabilitation of Offenders Act 1974.

4. Main Issues

- 4.1** In view of the submission received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 5 February 2020.
- 4.2** It will be a matter for the Committee to decide whether the applicant's spent alternative to prosecution should be disclosed and taken into consideration. It should be noted that spent alternatives to prosecution cannot be considered unless there is no other way of doing justice.
- 4.3** The terms of the letter from the Police will be made known to the Committee at the meeting as appropriate.

5. People Implications

- 5.1** There are no personnel issues.

6. Financial Implications

6.1 There are no financial implications

7. Risk Analysis

7.1 There is no increased risk to the Council associated with the contents of this report.

8. Equalities Impact Assessment (EIA)

8.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

9.1 Police Scotland were consulted in relation to the application.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 21 January 2020

Person to Contact: Robert Mackie,
Senior Officer (Licensing Services),
Licensing Team,
Municipal Buildings,
College Street,
Dumbarton,
G82 1NR.

Tel. No. (Direct line) 01389 738742.
robert.mackie@west-dunbarton.gov.uk

Appendices: N/A.

Background Papers:

- 1.** Application for grant of a Window Cleaner's Licence from Mr. John Taylor, 12 Roman Crescent, Old Kilpatrick G60 5NF.
- 2.** Letters dated 18 December 2019 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton G82 3PT.
- 3.** Letter to Mr. Taylor dated 21 January 2020.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by the Strategic Lead - Regulatory

Licensing Committee – 5 February 2020

**Subject: Hearing regarding possible suspension or revocation of a
Taxi Driver's/Private Hire Car Driver's Licence**

1. Purpose

- 1.1** To consider a request from the Chief Constable of Police Scotland for the suspension of a Taxi Driver's/Private Hire Car Driver's Licence held by Miss Nicole McCallum, 291 Braehead, Bonhill, Alexandria G83 9NF. Members also have the option to revoke the licence.

2. Recommendations

- 2.1** The Committee are asked to consider the terms of this report, the terms of the letter from the Chief Constable and any evidence presented at the hearing and thereafter determine whether the licence should be suspended and, if so, the duration of the suspension and date of commencement thereof or alternatively revoke the licence.

3. Background

- 3.1** On 9 January 2020, a letter was received from the Chief Constable of Police Scotland requesting the suspension of the Taxi Driver's/Private Hire Car Driver's Licence held by Miss Nicole McCallum under Paragraph 11(1) of Schedule 1 to the Civic Government (Scotland) Act 1982 complaining that Miss McCallum is 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 is likely to cause a threat to public safety.
- 3.2** Miss McCallum's current Taxi Driver's/Private Hire Car Driver's Licence expires on 14 May 2020.

4. Main Issues

- 4.1** In his letter the Chief Constable requested a suspension of the licence under Paragraph 11 of Schedule 1 to the 1982 Act. A licensing authority may order the suspension or revocation of a licence under Paragraph 11 if, in its opinion:-
- (a) the holder of the licence is not, or is no longer, a fit and proper person to hold the licence or;
 - (b) the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety or;

- (c) a condition of the licence has been contravened.
- 4.2** The period of suspension of a licence is the unexpired portion of the duration of the licence, or such shorter period as the licensing authority may fix.
- 4.3** Where a licensing authority decides to order the suspension or revocation of a licence, the suspension or revocation generally does not take effect until the expiry of the time within which the holder of the licence may appeal against the suspension or revocation (28 days from the date of the decision) or, if an appeal has been lodged, until the appeal has been abandoned or determined in favour of the suspension or revocation.
- 4.4** A licensing authority must, before deciding to suspend or revoke a licence under Paragraph 11, give the holder of the licence and the Chief Constable an opportunity of being heard.
- 4.5** The licence holder and a representative of the Police authority have been invited to attend the meeting of the Committee on 5 February 2020 in order that a hearing may take place with regard to the possible suspension or revocation of the licence.
- 4.6** In considering whether to suspend or revoke a licence the licensing authority may have regard to any misconduct on the part of the licence holder which in the opinion of the authority has a bearing on his fitness to hold a licence.
- 4.7** The matters which the Committee will require to consider in relation to paragraph 4.1 above are as follows:-
- (a) Whether the alleged misconduct has been established.
 - (b) If the Committee is satisfied that the alleged misconduct has been established, whether, having regard to the misconduct, Miss McCallum is no longer a fit and proper person to hold a taxi driver's licence.
 - (c) If the Committee is of the opinion that Miss McCallum is no longer a fit and proper person, the Committee must consider whether her licence should be suspended or revoked.
 - (d) If the Committee is satisfied that the licence should be suspended, the Committee must give Miss McCallum an opportunity of being heard on the length of the suspension and the date from which the suspension should commence.
 - (e) The Committee must then consider what length of suspension is appropriate and whether the circumstances of the case justify immediate suspension.
 - (f) If the Committee is satisfied that circumstances of the case justify revocation, the Committee must consider whether this revocation should be immediate.

5. People Implications

5.1 There are no personnel issues.

6. Financial Implications

6.1 There are no financial implications

7. Risk Analysis

7.1 There is no increased risk to the Council associated with the contents of this report.

8. Equalities Impact Assessment (EIA)

8.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

9.1 No consultation was required in relation to this request for suspension from Police Scotland.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 22 January 2020

Person to Contact: Robert Mackie,
Senior Officer (Licensing Services)
Licensing Team
Municipal Buildings
College Street
Dumbarton
G82 1NR.

Tel. No. (Direct line) 01389 738742.
robert.mackie@west-dunbarton.gov.uk

Appendices: N/A.

Background Papers:

1. Letter dated 9 January 2020 from the Chief Constable, Police Scotland.

2. Letter to Miss McCallum dated 21 January 2020.

Wards Affected: N/A.