

LICENSING COMMITTEE

At a Special Meeting of the Licensing Committee held in Meeting Room 2, Council Offices, Garshake Road, Dumbarton on Tuesday, 28 June 2011 at 2.00 p.m.

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

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

Apologies: Apologies for absence were submitted on behalf of Councillors Ronnie McColl and Lawrence O'Neill.

Councillor Jim Finn in the Chair

DECLARATION OF INTEREST

It was noted that there were no declarations of interest in the item 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. Russell Friel, 35 New Cordale Road, Renton, Dumbarton G82 4DE.

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. Russell Friel under Paragraph 11(2)(a) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the grounds that Mr Friel 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 to be 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; and
- (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 Friel 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 Friel 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 Friel an 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 the Police authority, Sergeant Stewart, were in attendance.

The Committee heard Sergeant Stewart who provided details of the offences allegedly committed by Mr Friel and in relation to the request for suspension of the licence which had been submitted. After hearing Sergeant Stewart in answer to Members' questions, it was noted that an intermediate diet had been fixed for 16 November 2011 and a trial date for 10 January 2012.

Thereafter, the licence holder was invited to come forward. Mr Friel 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 Friel 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 Friel be convicted of the charges pending against him.

The meeting closed at 2.15 p.m.