

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in the Civic Space, Council Offices, 16 Church Street, Dumbarton at 10.00 a.m. on Wednesday, 5 February 2020.

Present: Councillors Jim Brown, Ian Dickson, Jim Finn, Jonathan McColl, Marie McNair, 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 David Shaw, Police Scotland.

Councillor Jim Finn 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 4 December 2019 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.

EXCLUSION OF PRESS AND PUBLIC

The Committee approved 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

Scott Brownlie
12 Oxhill Place
Dumbarton
G82 4QU

Date Applied

4 December 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 30 December 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 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 letter received from Police Scotland, 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
- (d) that the applicant was in attendance and was represented at the meeting by Mr Scott Adair, Adairs Solicitors and that Sergeant Wendy Maginnis and Constable David Shaw were in attendance on behalf of Police Scotland.

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 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 questions from Members of the Committee.

Thereafter, Mr Adair was given an opportunity to address the Committee in support of the application and in answer to Members’ questions.

ADJOURNMENT

Having heard the Chair, Councillor Finn, the Committee agreed to adjourn for a short period. Thereafter, the meeting reconvened at 10.55 a.m. with all members listed in the sederunt present.

DECIDED:-

After consideration, the Committee agreed to continue consideration of the application to the meeting of the Licensing Committee scheduled to be held on Wednesday, 1 April 2020 at 10.00 a.m. in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank.

EXCLUSION OF PRESS AND PUBLIC

The Committee approved 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 WINDOW CLEANER’S LICENCE

Name and Address of Applicant

Date Applied

John Taylor
12 Roman Crescent
Old Kilpatrick
G60 5NF

4 December 2019

A report was submitted by the Strategic Lead – Regulatory concerning an Application for Grant of a Window Cleaner’s Licence for the above named person.

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

- (a) that a letter dated 18 December 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 by Police Scotland detailing the applicant’s previous conviction which were considered “spent” in terms of the Rehabilitation of Offenders Act 1974;
- (c) that in view of the letter received from Police Scotland, 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

- (d) that the applicant was in attendance and that Sergeant Wendy Maginnis and Constable David Shaw were in attendance on behalf of Police Scotland.

Having heard the Section Head (Licensing) with regard to the age, degree of seriousness and relevance of the spent conviction, the Committee agreed that the letter from Police Scotland detailing the spent conviction should be circulated and taken into account. Copies of the letter containing the spent conviction 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 questions from Members of the Committee.

Thereafter, Mr Taylor was given an opportunity to address the Committee in support of the application and in answer to questions from Members.

Following discussion, Councillor Finn, seconded by Councillor McNair, moved that the application be granted.

As an amendment, Councillor McColl, seconded by Councillor Dickson, moved that the application be refused on the grounds that Mr Taylor was not a fit and proper person to hold a window cleaner's licence.

On a vote being taken, three Members voted for the amendment and four Members voted for the motion which was accordingly declared carried.

DECIDED:-

The Committee agreed that the application be granted.

EXCLUSION OF PRESS AND PUBLIC

The Committee approved 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."

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

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 a letter had been received from the Chief Constable of Police Scotland on 9 January 2020 requesting the immediate suspension of a Taxi Driver's/ Private Hire Car Driver's Licence under Paragraph 11(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 related was likely to cause a serious threat to public safety;
- (b) 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 may take place;
- (c) that copies of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting;
- (d) that the matters which the Committee were required to consider in relation to paragraph (d) 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 holder was no longer a fit and proper person to hold a Taxi Driver's/Private Hire Car Driver's Licence;
 - (iii) if the Committee was of the opinion that the licence holder was no longer a fit and proper person, then the Committee must consider whether the licence should be suspended or revoked;
 - (iv) if the Committee was satisfied that the licence should be suspended, the Committee must give the licence holder the opportunity to be heard on the length of the suspension and the date from which the suspension should commence;
 - (v) 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) that if the Committee was satisfied that the circumstances of the case justified revocation, the Committee must then consider whether this revocation should be immediate.

It was noted that the licence holder was not in attendance at the meeting and had not advised officers in advance that she was unable to attend. It was also noted that Sergeant Maginnis and Constable Shaw were in attendance on behalf of Police Scotland.

The Committee then heard from Sergeant Maginnis in relation to the letter from Police Scotland and thereafter both Sergeant Maginnis and the Section Head (Licensing) were heard in answer to Members questions.

After consideration and having heard Sergeant Maginnis and the Senior Officer (Licensing Services) in answer to questions from Members, Councillor McColl, seconded by Councillor Walker, moved that the alleged misconduct had not been established at this time.

Councillor O'Neill, having failed to find a seconder for a proposed amendment, requested that his dissent be recorded in respect of this item.

DECIDED:-

The Committee agreed that the alleged misconduct had not been established at this time.

The meeting closed at 11.34 a.m.