

LICENSING COMMITTEE

At a Special Meeting of the Licensing Committee held in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank on Thursday, 29 March 2018 at 10.05 a.m.

Present: Councillors Jim Finn, Jim Brown, Ian Dickson, Marie McNair, John Mooney and Brian Walker.

Attending: Raymond Lynch, Section Head (Licensing); Lawrence Knighton, Licensing Standards Officer and Nuala Borthwick, Committee Officer.

Also attending: Sergeant Mairi Capaldi and Constable Alison Simpson, Police Scotland.

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

Councillor Jim Finn in the Chair

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in the item of business on the agenda.

EXCLUSION OF PRESS AND PUBLIC

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.”

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 following 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) in further explanation of the report, it was noted:-

- (a) that a letter had been received from the Chief Constable of Police Scotland requesting the immediate suspension of a Taxi Driver's/Private Hire Car Driver's Licence under Paragraph 12(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 relates was likely to cause a serious threat to public order or public safety;
- (b) that, having consulted the Chair of the Licensing Committee it was decided that, due to the content of the letter received from Police Scotland, the Taxi Driver's/Private Hire Car Driver's Licence should be suspended with immediate effect under Paragraph 12 of Schedule 1 of the Act;
- (c) that in view of the request for suspension of the licence received 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;
- (d) that copies of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting; and
- (e) that the matters which the Committee required to consider in relation to paragraph (c) 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;
 - (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 despite having been given advance notice of the hearing date.

It was noted that Sergeant Mairi Capaldi, Licensing Sergeant and Constable Alison Simpson were in attendance at the meeting on behalf of the Chief Constable, Police Scotland.

The Committee heard from Sergeant Capaldi in terms of the Police letter dated 5 March 2018. Thereafter, Sergeant Capaldi answered questions from Members.

DECIDED:

Following consideration and having heard the Section Head (Licensing) in further explanation of the report, the Committee agreed:-

- (1) to note that the licence holder's licence was currently suspended;
- (2) that the alleged misconduct by the licence holder had been established;
- (3) that, having regard to the misconduct, Councillor Mooney, seconded by Councillor Walker, moved:-

That the licence be revoked on the grounds of public safety.

As an amendment, Councillor McNair, seconded by Councillor Dickson, moved:-

That the licence be suspended for the unexpired portion of the duration of the licence on the grounds of public safety.

On a vote being taken, 2 Members voted for the amendment and 4 Members voted for the motion which was accordingly declared carried.

The Committee revoked the licence holder's licence on the grounds that he was no longer a fit and proper person to hold a taxi driver's licence and on the grounds of public safety.

Thereafter, the Committee also agreed that the circumstances of the case justified revocation with immediate effect.

The meeting closed at 10.20 a.m.