

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Wednesday, 6 December 2017 at 10.05 a.m.

Present: Councillors Ian Dickson, John Mooney, 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 Angela Walker, Police Scotland.

Apologies: Apologies for absence were intimated on behalf of Councillors Jim Brown, Jim Finn and Jonathan McColl.

APPOINTMENT OF CHAIR

In the absence of the Chair, Councillor Finn, and the Vice Chair, Councillor McColl, it was unanimously agreed that Councillor O'Neill would chair the meeting. Accordingly, Councillor O'Neill assumed 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.

VARIATION IN THE ORDER OF BUSINESS

Having heard the Chair, Councillor O'Neill, the Committee agreed that the business be varied as hereinafter minuted.

MINUTES OF PREVIOUS MEETINGS

The following Minutes of Meetings were submitted and approved as correct records:-

- (1) Minutes of Ordinary Meeting of the Licensing Committee held on 11 October 2017; and

- (2) Minutes of Special Meeting of the Licensing Committee held on 1 November 2017.

In response to a question from Councillor Mooney in relation to the Committee's request for an explanation of the factual inaccuracies contained in a Review Request from Police Scotland, it was noted that a response had been received from the Licensing Sergeant and that the Section Head (Licensing) would discuss the matter further with the Licensing Sergeant.

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

Name and Address of Applicant

Date Applied

Gerard Ross
2 Cunard Court
Clydebank
G81 1QD

28 September 2017

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

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

- (a) that a letter had been received from the Chief Constable of Police Scotland on 12 October 2017 advising that a separate letter had been received from Police Scotland detailing the applicant's alternatives to prosecution which were considered "spent" under the Rehabilitation of Offenders Act 1974;
- (b) that copies of the letter of 12 December 2017 from Police Scotland had been issued to Members in advance of the meeting; and
- (c) that the licence holder, Mr Gerard Ross, and a representative of Police Scotland, Sergeant Angela Walker, were in attendance.

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

The Committee then heard from Sergeant Walker in relation to both letters from Police Scotland and in answer to Members' questions.

Thereafter, the applicant 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 letters from Police Scotland. The applicant was also heard in answer to questions from Members.

DECIDED:-

After consideration, the Committee agreed that the application be granted for a period of 6 weeks.

Note: Councillor Walker left the meeting at this point.

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

Name and Address of Applicant

Date Applied

Gavin Bonner
4 Erskine View
Old Kilpatrick
Glasgow
G60 5JF

28 September 2017

A report was submitted by the Strategic Lead – Regulatory concerning an application for Renewal of a Taxi/Private Hire Car Driver's Licence by 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 Walker, were in attendance.

The Committee heard from Sergeant Walker in relation to the letter of representation from Police Scotland and thereafter Sergeant Walker and the Senior Officer (Licensing Services) were heard in answer to Members' questions relating to Mr Bonner's convictions. Mr Bonner 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.

HEARING REGARDING REQUEST FOR SUSPENSION 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 for Mr Steven Ordish.

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

- (a) that on 27 October 2017, 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 Mr Steven Ordish under Paragraph 11(1) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the grounds that the licence holder is no longer a fit and proper person to hold a licence;
- (b) that Mr Ordish's current Taxi Driver's/Private Hire Car Driver's Licence expired on 27 October 2017 and that an application for renewal of the licence was submitted by Mr Ordish on 30 October 2017;
- (c) that the licensing authority may order the suspension of a licence under Paragraph 11 of Schedule 1 to the Act if, in its opinion, the holder of the licence is not, or is no longer, a fit and proper person to hold the licence or if the carrying on of the activity to which the licence relates is likely to cause a threat to public safety;
- (d) that in view of the request for suspension of the licence received from Police Scotland, Mr Ordish and a representative of Police Scotland had been invited to attend the meeting in order that a hearing may take place;
- (e) that copies of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting; and
- (f) that the matters which the Committee was 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 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 his licence should be suspended;
 - (iv) if the Committee was satisfied that the licence should be suspended, the Committee must give the licence holder 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 Mr Ordish and Sergeant Angela Walker, Police Scotland, were in attendance.

The Committee then heard from Sergeant Walker in relation to the request for suspension and in answer to Members' questions.

DECIDED:-

After consideration, the Committee agreed that the alleged misconduct had not been established and that the licence holder remained a fit and proper person to hold a taxi/private hire car driver's licence.

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

<u>Name and Address of Applicant</u>	<u>Date Applied</u>
Gary McArthur 66/1 Onslow Road Drumry Clydebank G81 2PN	2 October 2017

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

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

- (a) that a letter had been received from the Chief Constable of Police Scotland on 18 October 2017 submitting a comment in relation to the application and that copies of the letter had been issued to Members in advance of the meeting;
- (b) that a further letter had been received from the Chief Constable of Police Scotland on 13 November 2017 providing additional information in relation to the application and that copies of the letter were circulated to Members at the meeting;
- (c) that a separate letter had been received from Police Scotland dated 18 October 2017 detailing an alternative to prosecution which was considered spent under the Rehabilitation of Offenders Act 1974 and that it was for the Committee to decide whether or not the letter detailing the spent alternative to prosecution should be disclosed and taken into consideration; and

- (d) that the applicant, Mr Gary McArthur, and a representative of Police Scotland, Sergeant Angela Walker, were in attendance.

Having heard the Section Head (Licensing) with regard to the age, degree of seriousness and relevance of the spent alternative to prosecution, the Committee agreed that the letter detailing the spent alternative to prosecution should be circulated and taken into account. Copies of the letter containing the spent alternative to prosecution were accordingly circulated to Members of the Committee.

The Committee then heard from Sergeant Walker in relation to all three letters from Police Scotland and in answer to Members' questions.

Thereafter, the applicant was given an opportunity to address the Committee in support of his application and in connection to circumstances relating to matters detailed in the letters from Police Scotland. In doing so, Mr McArthur referred to paperwork including a number of character references that he had submitted to support his application. Thereafter, he was also heard in answer to questions from Members.

DECIDED:-

After consideration, the Committee agreed that the application be granted for a period of 6 weeks.

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

(a)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Arron Mansfield 21 Sunderland Avenue Castlehill Dumbarton G82 5AB	4 October 2017

A report was submitted by the Strategic Lead – Regulatory concerning an application for Grant of a Taxi/Private Hire Car Driver's Licence by 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 copies of the letter from Police Scotland had been issued to Members in advance of the meeting;

- (c) 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
- (d) that the applicant, Mr Mansfield, and a representative of Police Scotland, Sergeant Angela Walker, were in attendance.

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

The Committee then heard from Mr Mansfield who was given the opportunity to address the Committee in support of his application and in connection with the circumstances relating to the matters detailed in the Police letter. Thereafter, Mr Mansfield was heard in answer to questions from Members.

DECIDED:-

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

Note: Councillor Mooney, having failed to obtain a seconder for a proposed amendment, requested that his dissent be recorded.

ADJOURNMENT

Having heard the Chair, Councillor O'Neill, the Committee agreed to adjourn at 11.00 a.m. for a short period.

The Committee resumed at 11.07 a.m. with all Members shown in the sederunt in attendance with the exception of Councillor Walker.

(b) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
James McGowan 21/7 MacBride Way Renton Dumbarton G82 4QW	6 October 2017

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

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

- (a) that a letter had been received from Police Scotland advising that the Chief Constable had an objection to make in relation to the application;
- (b) that copies of the letter from Police Scotland had been issued to Members in advance of the meeting;

- (c) that copies of an email from Cairns Brown Solicitors making representations on behalf of Mr McGowan had been circulated to Members in advance of the meeting;
- (d) that a separate letter had been received from Police Scotland detailing the applicant's spent convictions regarded as 'protected' in terms of the Rehabilitation of Offenders Act 1974 and that it was for the Committee to decide whether or not the letter detailing the spent convictions should be disclosed and taken into consideration; and
- (e) that the applicant, Mr McGowan, and a representative of Police Scotland, Sergeant Angela Walker, were in attendance.

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

The Committee then heard from Sergeant Walker in relation to both letters from Police Scotland and in answer to Members' questions.

Thereafter, the applicant was 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:-

- (1) that the application be granted; and
- (2) that the applicant's next application for renewal of his Licence should be referred to a meeting of the Committee for consideration and the applicant be invited to attend the meeting.

(c) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
Donna Sweeney 14B Stevenson Street Holytown Motherwell ML1 4RQ	12 October 2017

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

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

- (a) that a letter had been received by 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 may take place;
- (c) that the applicant, Miss Sweeney, and a representative of the Police Scotland, Sergeant Angela Walker, were in attendance; and
- (d) that copies of the letter of representation from Police Scotland dated 8 November 2017 had been issued to Members of the Committee in advance of the meeting.

The Committee then heard from Sergeant Walker in relation to the letter of representation from Police Scotland. Thereafter, Miss Sweeney was given an opportunity to address the Committee in support of the application.

DECIDED:-

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

(d) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
John Rice Flat 0/1 8 The Crescent Clydebank G81 4RH	19 October 2017

A report was submitted by the Strategic Lead – Regulatory concerning an application for Grant of a Taxi/Private Hire Car Driver’s Licence by 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 13 November 2017 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; and
- (c) that the applicant, Mr John Rice, his legal representative, Mr Stuart Buckley, and a representative of Police Scotland, Sergeant Angela Walker, were in attendance.

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

Thereafter, the applicant 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 letters from Police Scotland. The applicant was also heard in answer to a question from a Member.

DECIDED:-

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

APPLICATION FOR GRANT OF A PRIVATE HIRE CAR PARTNERSHIP LICENCE

Name and Address of Applicant

Date Applied

Mr & Mrs John & Patricia Rice
Flat 0/1
8 The Crescent
Clydebank
G81 4RH

19 October 2017

A report was submitted by the Strategic Lead – Regulatory concerning an application for Grant of a Taxi Partnership Licence by the above named persons.

Having heard the Section Head (Licensing) and the Senior Officer (Licensing Services), it was noted:-

- (a) that a letter had been received from the Chief Superintendent of Police Scotland on 13 November 2017 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, Mr & Mrs John & Patricia Rice, and their solicitor, Mr Stuart Buckley, were in attendance; and
- (d) that Sergeant Angela Walker was in attendance on behalf of Police Scotland.

The Committee then heard from Sergeant Walker in relation to the letter from Police Scotland.

DECIDED:-

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

APPLICATIONS FOR RENEWAL OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE

(a) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
Neil Brown 57 Lansbury Street Levensale Alexandria G83 0SA	9 October 2017

A report was submitted by the Strategic Lead – Regulatory concerning an application for Renewal of a Taxi/Private Hire Car Driver's Licence by 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 the Police authority, Sergeant Angela Walker, were in attendance.

The Committee heard from Sergeant Walker in relation to the letter of representation from Police Scotland. Thereafter, Mr Brown was 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.

(b) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
Peter McCrossan 34 Dumbuie Avenue Silverton Dumbarton G82 2JQ	15 September 2017

A report was submitted by the Strategic Lead – Regulatory concerning an application for Renewal of a Taxi/Private Hire Car Driver's Licence by 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 the Police authority, Sergeant Angela Walker, were in attendance.

The Committee heard from Sergeant Walker in relation to the letter of representation from Police Scotland. Thereafter, Mr McCrossan was 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.

APPLICATION FOR GRANT OF A PRINCIPAL STREET TRADER'S LICENCE

Name and Address of Applicant

Date Applied

Alexander Elder
2 Harboury Place
Yoker
Glasgow
G14 0LH

17 October 2017

A report was submitted by the Strategic Lead – Regulatory concerning an application for Grant of a Principal Street Trader's Licence by 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 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, Mr Alexander Elder, and a representative of Police Scotland, Sergeant Angela Walker, were in attendance.

The Committee heard from Sergeant Walker in relation to the letter of representation from Police Scotland. Thereafter, Mr Elder was 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.

The meeting closed at 11.40 a.m.