

LICENSING COMMITTEE

At a Special Meeting of the Licensing Committee held by video conference on Wednesday, 29 June 2021 at 10.00 a.m.

Present: Councillors Karen Conaghan, Ian Dickson and Jim Finn.

Attending: Raymond Lynch, Section Head (Licensing); Robert Mackie, Senior Officer (Licensing Services); Christine McCaffary, Senior Democratic Services Officer and Ashley MacIntyre, Committee Officer.

Also attending: Constable Raymond Borland, Police Scotland.

Apologies: Apologies for absence was intimated on behalf of Councillors Jonathan McColl and Brian Walker.

Councillor Jim Finn in the Chair

STATEMENT BY CHAIR

Councillor Finn, Chair, welcomed everyone to the meeting which was being held remotely, in terms of Section 18B of the Civic Government (Scotland) Act 1982.

The Chair advised that a process had been developed for the meeting (a copy of which had previously been circulated to Members). Thereafter, the Committee agreed to note the procedure in place for the conduct of the meeting and the meeting then continued by video conferencing.

DECLARATIONS OF INTEREST

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

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 agreed to approve 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 Chief Officer – Regulatory and Regeneration 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 8 June 2021 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 related was likely to cause a serious threat to public order and public safety;
- (b) that having consulted with the Vice Chair of the Licensing Committee it had been decided that, due to the content of the letter received from the Police, that the Taxi Driver's/Private Hire Car Driver's Licence held by the licence holder should be suspended with immediate effect under Paragraph 12 of Schedule 1 to the Act;
- (c) 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;
- (d) that a copy of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting;
- (e) that the licence holder's current Taxi Driver's/Private Hire Car Driver's Licence had an expiry date of 27 November 2022;
- (f) that the matters which the Committee 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, the licence holder was no longer a fit and proper person to hold a Taxi Driver's/Private Hire Car Driver's Licence and also whether the carrying

on of the activity to which the licence relates was likely to cause a serious threat to public order or safety;

- (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) that 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 the revocation should be immediate.

It was noted that the licence holder was present and that Constable Borland was in attendance on behalf of Police Scotland.

The Section Head (Licensing) then outlined the procedure that was to be followed.

At this point in the meeting the licence holder advised that his intention was to surrender his licence and that he did not wish to continue with the hearing.

Having heard the Section Head (Licensing) further, the Chair agreed to adjourn the meeting until 10.25 a.m. to allow the Senior Officer (Licensing Services) to seek further clarification of the position from the licence holder and attempt to resolve some technical difficulties he was experiencing.

The meeting reconvened at 10.25 a.m. with all those listed in the sederunt present, with the exception of the licence holder and Constable Borland.

Having heard the Section Head (Licensing), the Chair agreed to a further adjournment until 11 a.m. to provide the licence holder with time to submit the surrender of the licence in writing. Constable Borland was readmitted to the meeting and updated of the position by the Section Head (Licensing). It was noted that the licence holder had been advised by the Senior Officer (Licensing Services) by telephone that the meeting would reconvene at 11 a.m., but had decided not to re-join.

The meeting reconvened at 11 a.m. with all those listed in the sederunt present, with the exception of the licence holder.

The Section Head (Licensing) advised the Committee that during the recess the licence holder had submitted an email surrendering his licence with immediate effect. The content of the email was then shared with members of the Committee.

DECIDED:-

The Committee agreed:-

- (1) to note that in view of the licence holder confirming in writing the surrender of the licence with immediate effect, that there was no longer a requirement to consider the suspension or revocation of the licence; and
- (2) that should the licence holder apply for a taxi driver's licence in the future, that the matter would be brought before the Committee for consideration.

The meeting closed at 11.04 a.m.

DRAFT