

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held by video conference on Wednesday, 2 December 2020 at 10.00 a.m.

Present: Councillors Ian Dickson, Jim Finn, Caroline McAllister, Jonathan McColl, Marie McNair, Lawrence O'Neill and Brian Walker.

Attending: Raymond Lynch, Section Head (Licensing); Robert Mackie, Senior Officer (Licensing Services) and Nuala Borthwick and Lynn Straker, Committee Officers.

Also Attending: Sergeant Wendy Maginnis, Licensing Sergeant and Constable Raymond Borland, Police Scotland.

Councillor Jim Finn in the Chair

CHAIR'S REMARKS

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.

Accordingly, the Chair advised that a process/procedure 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 any of the items of business on the agenda.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Licensing Committee held on 21 October 2020 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.

APPLICATION FOR GRANT OF A TEMPORARY WINDOW CLEANER'S LICENCE

Name and Address of Applicant

Date Applied

Harry McLachlan
7 Broom Drive
Clydebank
G81 3JB

16 October 2020

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

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

- (a) that a letter had been received from the Divisional Commander of the Police authority in relation to the application;
- (b) that in view of the letter from the Police, the applicant and a representative of the Police authority 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.

It was noted that the applicant, Mr McLachlan, and representatives of Police Scotland, Sergeant Maginnis and Constable Borland, were in attendance.

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

The applicant, Mr McLachlan, was then given the opportunity to address the Committee in support of his application and was heard in answer to Members' questions.

DECIDED:-

After discussion and having heard the Section Head (Licensing) in explanation of proceedings and the Senior Officer (Licensing Services) with regard to the history of the applicant as a Licence Holder within this authority, it was agreed that the application be granted for a period of 6 weeks.

EXCLUSION OF PRESS AND PUBLIC

Having heard the Section Head (Licensing) in relation to the undernoted item of business, 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.”

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

Name and Address of Applicant

Date Applied

Drew Stewart
10 Cameron Drive
Alexandria
G83 0JT

29 September 2020

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 had been received from the Chief Constable of Police Scotland submitting an objection in relation to the application;
- (b) that in view of the objection, the applicant and a representative of the Police Scotland had been invited to attend the meeting in order that a hearing may take place;
- (c) that copies of the letter of objection from Police Scotland had been issued to Members of the Committee in advance of the meeting; and

It was noted that the applicant, Mr Stewart and representatives of Police Scotland, Sergeant Maginnis and Constable Borland, were in attendance.

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.

The applicant, Mr Stewart, was then given the opportunity to address the Committee in support of his application and was heard in answer to Members' questions.

DECIDED:-

After consideration, the Committee agreed that the application be granted for a period of one year.

EXCLUSION OF PRESS AND PUBLIC

Having heard the Section Head (Licensing) in relation to the undernoted item of business, 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 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 Licence for Mr Kenneth Sweeney, 3 Canberra Avenue, Dalmuir, Clydebank G81 3LH.

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

- (a) that a letter had been received from the Chief Constable of Police Scotland on 28 October 2020 requesting the suspension of the Taxi Driver's/Private Hire Car Driver's Licence under Paragraph 11(2)(a) of Schedule 1 to the Civic Government (Scotland) Act 1982 complaining that Mr Sweeney was no longer a fit and proper person to hold a licence and also under Paragraph 11(2)(c) that the carrying on of the activity to which the licence relates was likely to cause a threat to public safety;
- (b) 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 could take place;
- (c) that Mr Sweeney's current licence had an expiry date of 11 August 2021;
- (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 (b) 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 and also whether the carrying on of the activity to which the licence relates was likely to cause a serious threat to public 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;
- (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) 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, Mr Sweeney, and his legal representative, Mr Eugene Boyle, Solicitor, PRG Partnership, and representatives of Police Scotland, Sergeant Maginnis and Constable Borland, were in attendance at the meeting.

The Committee then heard from Sergeant Maginnis in relation to the letter from Police Scotland and in response to questions from Members who received an update with regard to the terms of the letter submitted by Police Scotland. Thereafter, Mr Boyle, on behalf of Mr Sweeney, was given an opportunity to address the Committee on the circumstances detailed in the letter from Police Scotland and was heard in answer to questions from Members.

DECIDED:-

After discussion and having heard the Section Head (Licensing) in relation to the licence holder and the Senior Officer (Licensing Services) in further explanation of proceedings, the Committee agreed:-

- (1) that the alleged misconduct had not been established at this time; and
- (2) that Mr Sweeney remained a fit and proper person to hold a Taxi Driver's/Private Hire Car Driver's Licence.

The meeting closed at 11.09 a.m.