

LICENSING COMMITTEE

At a Special Meeting of the Licensing Committee held in the Civic Space, Council Offices, 16 Church Street, Dumbarton on Tuesday, 21 May 2019 at 2.00 p.m.

Present: Councillors Jim Brown, Ian Dickson, John Mooney, Jonathan McColl 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: Constable Alison Simpson, Police Scotland.

Apologies: Apologies for absence were intimated on behalf of Councillors Jim Finn, Marie McNair and Lawrence O'Neill.

Councillor Jonathan McColl in the Chair

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

Having heard the Section Head (Licensing), 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 they may involve the likely disclosure of exempt information as defined in Paragraph 14 of Part 1 of Schedule 7A of the Act.”

HEARING REGARDING REQUEST FOR 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 for Mr Gavin Bonner.

Having heard the Chair and the Senior Officer (Licensing), it was noted:-

- (a) that a letter had been received from the Chief Constable of Police Scotland on 25 April 2019 requesting the immediate suspension of the Taxi Driver's/Private Hire Car Driver's Licence held by Mr Bonner 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 Depute Chair of the Licensing Committee, it was decided that, due to the content of the letter received from the Police, the Taxi Driver's/Private Hire Car Driver's Licence 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 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 Constable Alison Simpson was in attendance on behalf of Police Scotland and that the licence holder, Mr Bonner was in attendance and was represented at the meeting by his legal representative Mr McWilliams, Finnieston, Franchi and McWilliams Solicitors;
- (e) that the licence holder had previously attended a meeting of the Licensing Committee in December 2017 having been subject to a Police representation in relation to renewal of Taxi Driver's/Private Hire Car Driver's Licence and on that occasion the Committee agreed to renewal of his licence;
- (f) that copies of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting; and
- (g) 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;

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- (iii) if the Committee was of the opinion that the licence holder was no longer a fit and proper person or that the carrying on of the activity was likely to cause a threat to public safety, 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; 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.

The Committee then heard from Constable Simpson in terms of the Police letter dated 25 April 2019 and in answer to questions from Members. It was noted that the licence holder's pending case was sub judice.

Thereafter, Mr McWilliams on behalf of Mr Bonner addressed the Committee on behalf of Mr Bonner and on the circumstances detailed in the letter from Police Scotland. Thereafter, he answered questions from Members.

ADJOURNMENT

Having heard the Chair, Councillor McColl, the Committee agreed to adjourn at 2.15 p.m. for a short period.

The Committee resumed at 2.25 p.m. with all Members shown in the sederunt in attendance.

DECIDED:-

Following discussion, it was agreed:-

- (1) that the alleged misconduct by the licence holder had been established; and
- (2) that the misconduct did not form grounds for suspending or revoking Mr Bonner's licence and that a warning letter be issued to Mr Bonner.

The meeting closed at 2.28 p.m.