

## **LICENSING COMMITTEE**

At a Meeting of the Licensing Committee held in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 19 June 2019 at 10.00 a.m.

**Present:** Councillors Jim Brown, Ian Dickson, Jonathan McColl, Marie McNair, Lawrence O'Neill and Brian Walker.

**Attending:** Peter Hessett, Strategic Lead - Regulatory; Robert Mackie, Senior Officer (Licensing Services); Lawrence Knighton, Licensing Standards Officer and Nuala Borthwick and Gabriella Gonda, Committee Officers.

**Also Attending:** Sergeant Mairi Capaldi, Police Scotland\*.

\* Arrived later in the meeting.

**Apologies:** Apologies for absence were intimated on behalf of Councillors Jim Finn and John Mooney.

**Councillor Jonathan McColl in 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.

### **MINUTES OF PREVIOUS MEETINGS**

- (1) The Minutes of Meeting of the Licensing Committee held on 8 May 2019 were submitted and approved as a correct record; and
- (2) the Minutes of Special Meeting of the Licensing Committee held on 21 May 2019 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.

## **EXCLUSION OF PRESS AND PUBLIC**

The Committee agreed to pass the following resolution for the following two items of business:-

“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 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 Strategic Lead – Regulatory and Section Head (Licensing), it was noted that the licence holder had advised officers in advance of the meeting that he would be unable to attend the Hearing and had requested that the matter be continued to the next meeting of the Committee scheduled to be held on 7 August 2019.

#### **DECIDED:-**

Following discussion and having heard the Strategic Lead – Regulatory and the Section Head (Licensing) in further explanation and in answer to Members' questions, it was agreed that the hearing be continued to the next scheduled meeting of the Licensing Committee being held on 7 August 2019.

### **APPLICATION FOR RENEWAL OF A TAXI/PRIVATE HIRE CAR DRIVER’S LICENCE**

#### **Name and Address of Applicant**

#### **Date Applied**

Gerard Divers  
11B Cowal View  
Duncan Street  
Clydebank  
G81 3DF

2 May 2019

A report was submitted by the Strategic Lead – Regulatory concerning an Application for Renewal of a Taxi/Private Hire Car Driver's Licence.

#### **DECIDED:-**

It was agreed that the application be continued to the next scheduled meeting of the Licensing Committee being held on 7 August 2019.

## **VARIATION IN THE ORDER OF BUSINESS**

Having heard the Chair, Councillor McColl, it was agreed that the business of the meeting be varied as hereinafter minuted.

## **SEXUAL ENTERTAINMENT VENUE LICENSING**

A report was submitted by the Strategic Lead – Regulatory providing information on the commencement of legislation relating to the licensing provisions for sexual entertainment venues (SEVs).

### **DECIDED:-**

After discussion and having heard the Strategic Lead – Regulatory in further explanation of the report and in answer to Members' questions, the Committee agreed to authorise officers to carry out a public consultation and evidence gathering process in order to establish views on:-

- (1) whether SEVs in West Dunbartonshire should be licensed and, if so, what the appropriate number of these venues, in West Dunbartonshire or specified parts of West Dunbartonshire, should be; and
- (2) if these venues are to be licensed, what information should be included in a SEV Licensing Policy Statement.

## **ADJOURNMENT**

Having heard the Chair, Councillor McColl, the Committee agreed to adjourn for a short period to allow Sergeant Capaldi, Police Scotland to arrive at the meeting. The meeting reconvened at 10.25 a.m. with all Members listed in the sederunt present.

Note: Sergeant Capaldi entered the meeting at this point in the proceedings.

## **EXCLUSION OF PRESS AND PUBLIC**

The Committee agreed to pass the following resolution for the following two items of business:-

“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.”

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## **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 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 Strategic Lead - Regulatory, it was noted:-

- (a) that a letter had been received from the Chief Constable of Police Scotland on 21 May 2019 requesting the suspension of a Taxi Driver's/Private Hire Car Driver's Licence under Paragraph 11(1) of Schedule 1 to the Civic Government (Scotland) Act 1982 complaining that the licence holder was no longer a fit and proper person to hold a licence on the grounds that the carrying on of the activity to which the licence relates was likely to cause a serious threat to public safety;
- (b) that the applicant's current licence expired on 15 April 2019 however an application for the renewal of licence had been submitted on 23 April 2019;
- (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 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 accompanied by his representative, and a representative of Police Scotland, Sergeant Capaldi, were in attendance.

The Committee then heard from Sergeant Capaldi in relation to the letter from Police Scotland and in answer to Members' questions. The Senior Officer (Licensing Services) was also heard in answer to Members' questions.

Thereafter, the licence holder was given an opportunity to address the Committee on the circumstances detailed in the letter from the Police authority and in answer to questions from Members.

**DECIDED:-**

After consideration, it was agreed:-

- (1) that the alleged misconduct had not been established; and
- (2) that the licence holder remained a fit and proper person to hold a taxi/private hire car driver's licence.

The licence holder was advised by the Strategic Lead – Regulatory that were he subsequently convicted the Committee would be entitled to look at the matter again.

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

**Name and Address of Applicant**

**Date Applied**

Andrew Boyle  
182 Dorchester Avenue  
Glasgow  
G12 0DB

23 April 2019

A report was submitted by the Strategic Lead – Regulatory concerning an Application for Renewal of a Taxi/Private Hire Car Driver's Licence.

Having heard the Strategic Lead - Regulatory, it was noted:-

- (a) that a letter had been received from the Chief Superintendent of the Police authority making an objection with respect to the application;
- (b) that in view of the objection which had been received from Police Scotland, the applicant and a representative of Police Scotland had been invited to attend the meeting in order that a hearing may take place;

- (c) that Mr Boyle was in attendance at the meeting and was accompanied by Mr Henry Glasgow, Clydebank Taxis and that Sergeant Capaldi was in attendance on behalf of Police Scotland;
- (d) that the letter from the Chief Constable was received on 31 May 2019 and in terms of the legislation, an objection with respect to an application should be submitted within 28 days of receipt of the application. As Mr Boyle's application was submitted on 23 April 2018, any objection should have been submitted by 21 May 2019. There is, however, provision in the legislation for the licensing authority to entertain a late objection which had been received before a final decision had been made on the application if the licensing authority was satisfied that there had been sufficient reason why the objection had not been made in the time required; and
- (e) that it would be a matter for the Committee to decide initially whether the late objection from the Police should be taken into consideration.

The Committee heard from Sergeant Capaldi, on the reason for the late objection which had been submitted outwith the statutory period. The Committee then agreed that the Police objection would be taken into consideration. Copies of the letter containing the objection were accordingly circulated to Members of the Committee. Having heard from Sergeant Capaldi, it was noted that Mr Boyle's pending case had still to be marked by the Procurator Fiscal.

Thereafter, the Committee heard from Mr Boyle in support of his application and in answer to Members' questions.

**DECIDED:-**

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

The meeting closed at 10.43 a.m.