

## **LICENSING COMMITTEE**

At a Meeting of the Licensing Committee held in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 16 May 2018 at 10.04 a.m.

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

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

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

**Apology:** An apology for absence was intimated on behalf of Councillor Marie McNair.

**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 MEETING**

The Minutes of Meeting of the Licensing Committee held on 18 April 2018 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 TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE**

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

### **Date Applied**

Gary McArthur  
66/1 Onslow Road  
Drumry, Clydebank  
G81 2PN

15 January 2018

With reference to the Minutes of Meeting of the Licensing Committee held on Wednesday, 18 April 2018, 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 that the applicant's pending trial date of 3 May 2018 had been adjourned until August 2018 and the application would require to be determined at the meeting in terms of timescales within the legislation.

### **DECIDED:-**

Following discussion, it was agreed that the application be granted.

## **EXCLUSION OF PRESS AND PUBLIC**

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 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 A POSSIBLE SUSPENSION OR REVOCATION OF A LATE HOURS CATERING LICENCE**

Having heard the Vice Chair, Councillor McColl, it was noted that Police Scotland had withdrawn their complaint and accordingly, there was no longer a requirement to hold a Suspension Hearing.

## **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 following 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) and the Senior Officer (Licensing Services) in further explanation of the report, it was noted:-

- (a) that a letter had been received from the Chief Constable of Police Scotland 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 relates was likely to cause a serious threat to public order or public safety;
- (b) that, having consulted the Chair of the Licensing Committee it was decided that, due to the content of the letter received from Police Scotland, the Taxi Driver's/Private Hire Car Driver's Licence had been suspended with immediate effect under Paragraph 12 of Schedule 1 of 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 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 also noted that the licence holder was not in attendance at the meeting and had advised verbally that he no longer wished to hold a taxi driver's licence however had failed to provide this notification in writing or by electronic mail. It was therefore necessary to proceed with the suspension hearing.

Thereafter, it was noted that Sergeant Mairi Capaldi, Licensing Sergeant was in attendance at the meeting on behalf of the Chief Constable, Police Scotland.

The Committee heard from Sergeant Capaldi in terms of the Police letter dated 27 April 2018. Thereafter, Sergeant Capaldi answered questions from Members.

**DECIDED:**

Following consideration, the Committee agreed:-

- (1) to note that the licence holder's licence was currently suspended;
- (2) that the alleged misconduct by the licence holder had been established;
- (3) that the licence holder was no longer a fit and proper person to hold a taxi driver's licence; and
- (4) that the licence be revoked on the grounds of public order and public safety.

The meeting closed at 10.13 a.m.