

LICENSING COMMITTEE

At a Special Meeting of the Licensing Committee held in Committee Room 2, Council Offices, Garshake Road, Dumbarton on Tuesday, 23 January 2018 at 12.00 p.m.

Present: Councillors Jim Brown, Ian Dickson, John Mooney, Jonathan McColl, Marie McNair and Brian Walker.

Attending: Peter Hessett, Strategic Lead - Regulatory; Raymond Lynch, Section Head (Licensing); Robert Mackie, Senior Officer (Licensing Services); Lawrence Knighton, Licensing Standards Officer and Nuala Borthwick, Committee Officer.

Also Attending: Temporary Inspector Mairi Capaldi and Constable Alison Simpson, Police Scotland.

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

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.

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 REQUEST FOR SUSPENSION 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 13 December 2017 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 serious threat to public order or public safety;
- (b) that on receipt of the letter from the Chief Constable of Police Scotland, and having consulted with 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 be suspended with immediate effect under Paragraph 12 of Schedule 1 to the Act;
- (c) that an immediate suspension under Paragraph 12 of Schedule 1 of the Act had effect for six weeks or until the Licensing Committee made a decision on whether to suspend the licence under Paragraph 11 of Schedule 1 to the Act if held earlier;
- (d) that the licensing authority may order a suspension of a licence under Paragraph 11 of Schedule 1 to the Act if, in its opinion, the holder of the licence is not, or is no longer, a fit and proper person to hold the licence or if the carrying on of the activity to which the licence relates is likely to cause a threat to public order or public safety;
- (e) that the licensing authority must, before deciding to suspend a licence under Paragraph 11 of Schedule 1 to the Act, give the holder of the licence and the Chief Constable of Police Scotland an opportunity of being heard;
- (f) 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 take place;
- (g) that copies of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting;
- (h) that the licence holder was in attendance at the meeting;
- (i) that representatives of the Police Scotland, Inspector Mairi Capaldi and Constable Simpson, were in attendance at the meeting;

- (j) that the matters which the Committee were required to consider in relation to paragraph (d) 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 or whether the carrying on of the activity to which the licence relates is likely to cause a threat to public order and public safety;
 - (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 to which the licence relates is likely to cause a threat to public order and public safety, then the Committee must consider whether his licence should be suspended or revoked;
 - (iv) if the Committee is satisfied that the licence should be suspended, the Committee must give the licence holder an opportunity of being heard on the length of the suspension and if the Committee decided that the licence should be suspended or revoked then the date from which the suspension or revocation 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 heard from Constable Simpson in relation to the request for suspension and in answer to Members' questions.

Thereafter, the licence holder was given the opportunity to address the Committee on the circumstances detailed in the letter from Police Scotland. The Chair, Councillor McColl, reminded the licence holder that as there was an outstanding criminal matter that was yet to be determined, that he should be cautious of saying anything that may incriminate himself with regard to the criminal proceedings.

Thereafter, the licence holder, Constable Simpson and the Senior Officer (Licensing Services) were heard in answer to questions from Members. The licence holder advised the Committee that it was his intention to plead 'guilty' to the pending criminal case.

DECIDED:-

Following consideration and having heard the Strategic Lead – Regulatory in answer to Members' questions, the Committee agreed:-

- (1) that the alleged misconduct had been established and that the carrying on of the activity to which the licence relates was likely to cause a serious threat to public order and public safety;
- (2) that the Committee was of the opinion that the licence holder was no longer a fit and proper person to hold a taxi driver's licence; and
- (3) that, due to the threat to public order and public safety and the Committee determining that the licence holder was no longer a fit and proper person to hold a taxi driver's licence, that the licence be revoked under Paragraph 11(1) of Schedule 1, and that the revocation be immediate.

The meeting closed at 12.12 p.m.