

## **LICENSING COMMITTEE**

At a Special Meeting of the Licensing Committee held by video conference on Tuesday, 15 June 2021 at 2.00 p.m.

**Present:** Councillors Karen Conaghan, Ian Dickson, Jim Finn, Caroline McAllister, Jonathan McColl and Brian Walker.

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

**Also attending:** Sergeant Wendy Maginnis, 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**

Councillor McColl declared an interest in 'Item 6 - Hearing regarding Possible Suspension or Revocation of a Taxi Driver's/Private Hire Car Driver's Licence' being acquainted to a person involved in the incident being discussed. Councillor McColl indicated he would leave the meeting during discussion of this item.

#### **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) in relation to the undernoted items 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.”

Note: Councillor McColl left the meeting at this point.

## **HEARING REGARDING POSSIBLE SUSPENSION OR REVOCATION OF A TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE**

A report was submitted by the Chief Officer – Regulatory and Regeneration 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 Section Head (Licensing), it was noted:-

- (a) that a letter had been received from the Chief Constable of Police Scotland on 19 May 2021 requesting the immediate 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 on the grounds that the carrying on of the activity to which the licence related was likely to cause a serious threat to public safety;
- (b) 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;
- (c) that copies of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting;
- (d) that the matters which the Committee were required to consider in relation to paragraph in report 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 or revoked;

- (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 and his representative, Eugene Boyle, Solicitor, were in attendance. It was also noted that Sergeant Maginnis was in attendance on behalf of Police Scotland.

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.

Thereafter, both Sergeant Maginnis and the licence holder answered questions from Members. The licence holder was given an opportunity to address the Committee on the circumstances detailed in the letter from the Police authority and both he, his Solicitor, Eugene Boyle, and Sergeant Maginnis were again heard in answer to questions from Members.

## **ADJOURNMENT**

Having heard the Chair, Councillor Finn, the Committee agreed to adjourn for a short period to allow the licence holder and his representative to confer.

The meeting reconvened at 2.55 p.m. with all those noted in the sederunt present, with the exception of the licence holder.

Mr Boyle advised that he would represent the licence holder in his absence.

After consideration and having heard the Senior Officer (Licensing Services) and Mr Boyle in answer to questions from Members, Councillor Dickson, seconded by Councillor Walker, moved:-

That the alleged misconduct had been established due to the licence holder having paid a Fixed Penalty fine and that the licence holder was no longer a fit and proper person to hold a Taxi Driver's/Private Hire Car Driver's Licence and the Licence should be suspended for a period of 4 weeks. The licence holder should attend additional driving skills classes to improve his standard of driving within this 4 week period. The Licence would then be granted after 4 weeks suspension, subject to satisfactory condition being met and no further misconduct recorded.

As an amendment Councillor McAllister, seconded by Councillor Conaghan, moved:-

Tthat although the alleged misconduct had been established due to the licence holder having paid a Fixed Penalty fine, it was felt that the licence holder was a fit and proper person to hold a Taxi Driver's/Private Hire Car Driver's Licence and the Licence should continue until the next renewal date and any further incidents of driver misconduct would be presented to the Committee by Police Scotland for further consideration.

Councillor Finn asked if Councillor McAllister would accept the following addendum to her amendment:-

That a warning letter be sent to the licence holder and he should also attend driving skills class to improve his knowledge and driver skills as a licence holder.

Councillor McAllister agreed to accept Councillor Finn's addendum.

**DECIDED:-**

On a roll call vote being carried out 3 Members voted for the amendment, namely Councillors Conaghan, Finn and McAllister, and 2 Members voted for the motion, namely Councillors Dickson and Walker. The amendment with addendum was accordingly declared carried.

Note: Councillor McColl re-entered the meeting at this point.

**HEARING REGARDING POSSIBLE SUSPENSION OR REVOCATION OF A TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE**

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- (c) that copies of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting; and

- (d) that the matters which the Committee were required to consider in relation to paragraph in report were as follows:-
- (i) whether the alleged misconduct had been established;
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  - (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 was in attendance at the meeting with his representative, Stephen Quinn from Wrights Taxis. It was also noted that Sergeant Maginnis was in attendance on behalf of Police Scotland.

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.

Thereafter, both Sergeant Maginnis and the licence holder answered questions from Members. The licence holder was given an opportunity to address the Committee on the circumstances detailed in the letter from the Police authority and both he and Sergeant Maginnis were again heard in answer to questions from Members.

**DECIDED:-**

Councillor McColl then moved:-

That the alleged misconduct had not been established and was pending a court trial. The proposal to suspend or revoke the licence should be returned to the Committee by Police Scotland once the outcome of the trial was known, if required.

The Committee unanimously agreed and the motion was declared carried.

The meeting closed at 4.05 p.m.