

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held by MICROSOFT TEAMS on WEDNESDAY, 22 SEPTEMBER 2021**

Present: Councillor David Kinniburgh (Chair)

Councillor Mary-Jean Devon	Councillor Donald MacMillan BEM
Councillor Audrey Forrest	Councillor Alastair Redman
Councillor Kieron Green	Councillor Richard Trail
Councillor Graham Hardie	

Attending: Patricia O'Neill, Governance Manager
Graeme McMillan, Solicitor
Sgt Wendy Maginnis, Police Scotland

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Rory Colville, George Freeman, Roderick McCuish, Jean Moffat and Sandy Taylor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: REQUEST FOR SUSPENSION OF TAXI DRIVER LICENCE (NUMBER 5434) (G DEMPSEY, GARELOCHHEAD)

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, and following the Council's current approach to the Coronavirus pandemic, the parties (and any representatives) were given the options for participating in the meeting today. The options available were by video call, by audio call or by written submission. For this hearing Police Scotland opted to proceed by way of audio call and Sgt Maginnis joined the meeting by telephone.

The Council's Solicitor, Mr McMillan, advised that it had come to light following publication of the Agenda that the address held for the Licence Holder was incorrect. It had since been established that he lived in Kilcreggan and not Garelochhead. Mr McMillan advised that notice of this hearing was issued to the Licence Holder by Recorded Delivery and thus far no return had been made that service of this paperwork had been successful. He said that in the absence of any evidence of service of the paperwork to the Licence Holder it could not be demonstrated that Mr Dempsey had been given the minimum of 14 days statutory notice of this hearing.

On that basis, Mr McMillan invited the Committee to continue consideration of this matter to a future meeting in order for the paperwork to be corrected and reissued to the correct address and for notification of the hearing to be issued within the timescales set out in the Act.

Councillor Green commented that he had noted that the Licence Holder was due to have appeared at Court. He said that even although the Committee were not aware of the outcome of the Court appearance, if a decision had been made to suspend Mr Dempsey's driving licence then that in itself would stop him from driving his taxi.

Mr McMillan confirmed that if the outcome of the court appearance had resulted in a conviction to suspend the driving licence that would be the case. He advised that if the Committee agreed to continue consideration of this matter today it would allow for more detailed information on the outcome of the criminal proceedings to be presented to the Committee at a future meeting.

Councillor Green advised that on that basis he was satisfied, in terms of protecting the public, to continue consideration of this matter to a future meeting.

Councillor Hardie advised that he agreed with Mr McMillan that the Licence Holder should be given 14 days notice to appear at a hearing. He said it was important for the Committee to follow the letter of the law and to proceed as suggested by Mr McMillan.

Councillor Kinniburgh sought and received confirmation from Mr McMillan that the criminal proceedings had not reached a conclusion.

Councillor Kinniburgh said he had noted that Mr Dempsey's Taxi Driver Licence expired on 20 October 2021. He sought and received confirmation from Mr McMillan that an application to renew this licence had not yet been submitted.

DECISION

The Committee agreed to continue consideration of this matter to a future meeting.

(Reference: Report by Head of Legal and Regulatory Support, submitted)