

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 24 JANUARY 2024**

Present: Councillor Amanda Hampsey (Chair)

Councillor John Armour	Councillor Graham Hardie
Councillor Jan Brown	Councillor Liz McCabe
Councillor Audrey Forrest	Councillor Peter Wallace
Councillor Kieron Green	

Attending: Shona Barton, Governance Manager
Fiona Macdonald, Solicitor
Katie Clanahan, Solicitor
Sergeant David Holmes, Police Scotland

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Daniel Hampsey, Mark Irvine, Andrew Kain, Paul Kennedy and Dougie Philand.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: REQUEST FOR SUSPENSION OF TAXI CAR LICENCE NUMBER 6685 (J MACINTYRE, OBAN)

The Chair welcomed everyone to the meeting. In line with recent legislation for Civic Government Hearings, 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 video call and Sergeant David Holmes joined the meeting by MS Teams.

The Licence Holder had confirmed that he would not be attending the meeting.

The Chair then outlined the procedure that would be followed at each stage and invited the Police Scotland to speak in support of the Chief Constable's complaint.

POLICE SCOTLAND

Sergeant Holmes read out the contents of a letter dated 13 November 2023 from the Divisional Commander which advised that the Chief Constable complained, in terms of Paragraph 11(1) of Schedule 1 of the Act that the Licensing Committee suspend Mr MacIntyre's taxi car licence. The Chief Constable complained, in terms of Paragraph 11(2)(a) of Schedule 1 of the Act that Mr MacIntyre was no longer a fit and proper person to hold this licence. In addition the Chief Constable asked the Committee to order the immediate suspension of his taxi car licence in terms of Paragraph 12(1) of Schedule 1 of the act, on the grounds that the carrying out on of the activity to which his licence related was likely to cause a serious threat to public order or public safety. In support of this request the Chief Constable asked the Committee to consider the details of an incident which took place on 10 November 2023.

Sergeant Holmes confirmed that Mr MacIntyre pled guilty to drink driving and careless driving at Oban Sheriff Court on 29 November 2023 and he was disqualified from driving for 16 months and received a monetary fine.

MEMBERS' QUESTIONS

There were no questions.

SUMMING UP

Police Scotland

Sergeant Holmes advised that he had nothing further to add and confirmed that he had received a fair hearing.

DEBATE

Councillor Forrest advised that she supported the immediate suspension of this licence.

Councillor Brown confirmed that she too would support the immediate suspension of the licence.

Councillor Hardie advised that he agreed with his fellow Councillors. He said that following the decision taken at the previous hearing, he thought the licence should be suspended with immediate effect for the duration of the licence.

Councillor Hampsey agreed with the recommendation of Sergeant Holmes and supported the immediate suspension of the licence for the duration of the licence.

DECISION

The Committee unanimously agreed to suspend Mr MacIntyre's Taxi Car Licence (No 6685) with immediate effect for the unexpired portion of the licence.

It was noted that written confirmation of this would be issued within 7 days.

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