

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held BY MICROSOFT TEAMS on WEDNESDAY, 18 AUGUST 2021**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Graham Hardie
Councillor Rory Colville	Councillor Sandy Taylor
Councillor Audrey Forrest	Councillor Richard Trail
Councillor Kieron Green	

Attending: Shona Barton, Committee Manager
Graeme McMillan, Solicitor
Sgt Wendy Maginnis, Police Scotland

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mary-Jean Devon, George Freeman, Roderick McCuish, Jean Moffat and Alastair Redman.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: REQUEST FOR SUSPENSION OF TAXI DRIVER'S LICENCE (NO. 6206) (D COLLIER, DUNOON)

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 joined the meeting by telephone. The Licence Holder opted to proceed by way of written submission and a copy of this was circulated to the Committee in advance of today's hearing.

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

POLICE SCOTLAND

Sgt Maginnis referred to a letter dated 28 June 2021 from Police Scotland which advised that the Chief Constable requested, in terms of Paragraph 11(1) of Schedule 1 of the Act that the Licensing Committee suspend Mr Collier's licence. The Chief Constable complained, in terms of Paragraph 11(2)(a) of Schedule 1 of the Act that Mr Collier was no longer a fit and proper person to hold the licence. The Chief Constable also asked the Committee to order the immediate suspension of Mr Collier's licence, in terms of Paragraph 12(1) of Schedule 1 of the Act, on the grounds that the carrying on of the activity to which his licence relates was likely to cause a serious threat to public order or public safety. In support of his request, the Chief Constable advised that as a result of an incident on 10 March 2021, Mr Collier was reported to the Procurator Fiscal on eight charges and that there may be a further charge pending laboratory results of a blood sample taken from Mr Collier. On 11 June 2021 Mr Collier was involved in a further

incident which resulted in him being charged with the Misuse of Drugs Act 1971 Section 5(2). As these matters were sub-judice Sgt Maginnis advised that she was constrained with regard to the nature of any further information that could be provided at this time.

MEMBERS' QUESTIONS

Councillor Colville sought and received confirmation from Sgt Maginnis that Mr Collier had been driving a vehicle at the time of the incident on 10 March 2021.

Councillor Colville sought and received an explanation from Sgt Maginnis on what each charge related to without the exact nature of each charge being divulged. Sgt Maginnis explained that blood samples were taken while Mr Collier was in custody and that it was taking up to 6 months for samples to be analysed so she could not comment on whether these were found to be positive for a controlled substance. If found to be positive this could lead to a further Drug Driving charge. Councillor Colville expressed his concern at the number of offences.

Councillor Trail commented that the first incident on 10 March 2021 appeared to be very serious and he asked why it had taken until after the 11 June 2021 incident for this to be reported to the Council. Sgt Maginnis advised that normally Police Scotland had very robust checks in place for licence holders but for some reason this incident on 10 March 2021 was missed and only picked up when reporting on the second incident.

Councillor Kinniburgh sought and received confirmation from Sgt Maginnis that both incidents have been reported to the Procurator Fiscal and would be dealt with in the normal timescales. In respect of the possible Drug Driving charge, she advised that this would take some considerable time to come to Court if the blood sample taken came back with a positive reading of a controlled substance.

Councillor Colville sought and received confirmation from Mr McMillan that Mr Collier had not advised why he could not come to the hearing today.

SUMMING UP

Police Scotland

Sgt Maginnis apologised for the first incident being missed and only being brought to the attention of the Council at the end of June. She pointed out that the nine charges were very serious charges and that there was the possibility of a further Drug Driving charge. She said that they all related to similar circumstances which showed a pattern of behaviour which was very concerning for someone holding an Argyll and Bute Taxi Licence.

Sgt Maginnis confirmed that she had received a fair hearing.

DEBATE

Councillor Hardie advised that if the Chief Constable was calling for the immediate suspension of the licence he trusted the judgement of the Chief Constable and thought that the Committee should suspend the licence.

Councillor Trail commented that these were very serious charges and that Mr Collier had offered no explanation as to what had occurred. He confirmed that he would have no hesitation in suspending the licence.

Councillor Colville confirmed that he agreed with Councillor Trail's comments.

Councillor Kinniburgh advised that he too agreed with the comments that had gone before and that the licence should be suspended. He said that he had noted that Mr Collier had indicated that he would be pleading not guilty to the charges but due to the list of charges, he would be concerned to leave him with his licence. He also advised that he had noted that Mr Collier had other employment so would be able to carry on with other work.

Councillor Kinniburgh moved that the licence be suspended and this was seconded by Councillor Colville and no one was otherwise minded.

Councillor Kinniburgh sought and received confirmation from Mr McMillian that the Committee could proceed to debate and determine the duration of the suspension and the commencement date in the absence of the Licence Holder as Mr Collier had been given the opportunity of addressing these points in his submission but had chosen not to. Mr McMillan confirmed that Mr Collier's licence would expire on 10 December 2021.

DECISION

The Committee unanimously agreed to suspend Mr Collier's Taxi Driver's Licence (No. 6206) with immediate effect for the unexpired portion of the Licence as he was no longer a fit and proper person to be the holder of the Licence.

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