

**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 Dougie Philand
Councillor Kieron Green	Councillor Peter Wallace

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 and Paul Kennedy.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: REQUEST FOR SUSPENSION OF TAXI DRIVER LICENCE (NUMBER 6662) (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 hearing.

The Chair then outlined the procedure that would be followed at each stage and invited 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 Driver 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 driver 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

Councillor Philand sought and received confirmation from Sergeant Holmes that the Licence Holder had been approximately 3.5 times over the legal limit.

SUMMING UP

Police Scotland

Sergeant Holmes advised that it was extremely concerning. He pointed out that Mr MacIntyre would not be able to drive again until March 2025. He stressed that there were serious concerns for public safety in respect of this ongoing concern.

Sergeant Holmes confirmed that he had received a fair hearing.

DEBATE

Councillor Green advised that quite often objections came to the Committee when there was not necessarily a conviction. He noted in this case that there was a conviction and that under the circumstances he felt it was quite clear that the Committee had a duty to take this licence away and he confirmed that he would be supporting Police Scotland's position on this.

Councillor Forrest said she agreed with Councillor Green. She said she was horrified that this incident had taken place in the Licence Holder's taxi. She noted that there were no passengers at the time but pointed out that he was more than 3 times over the limit and could have picked up people at any time.

Councillor Philand said he was similarly horrified that the Licence Holder was over 3 times the limit. He commented that he was thankful that no one had been injured and agreed that he would support the immediate suspension of the licence.

Councillor Brown also agreed with her fellow Councillors.

Councillor Armour advised that he could not disagree with anything that had been said. He commented on the Licence Holder being 3 times over the limit in the middle of the day when it would have been busy with traffic and young people coming out of the schools. He said that he hoped the Licence Holder would seek help. He confirmed that he supported the immediate suspension of the licence.

Councillor Hardie agreed with his fellow Councillors and confirmed that he would be happy to see the immediate suspension of the licence.

Councillors Wallace and Hampsey also agreed to the immediate suspension of the licence.

DECISION

The Committee unanimously agreed to suspend Mr MacIntyre's Taxi Driver Licence (No 6662) with immediate effect for the unexpired portion of the licence.

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

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