

Agenda



Meeting of Licensing Committee

Date: Wednesday, 31 March 2021

Time: 10:00

Venue: By Zoom Video Conference

Contact: Nuala Borthwick, Committee Officer,
nuala.borthwick2@west-dunbarton.gov.uk

Dear Member

The Convener has directed that the powers contained in Section 18B of the Civic Government (Scotland) Act 1982 will be used as the hearing cannot be held in person because of a reason relating to coronavirus and so Members and parties to the proceedings will attend this meeting of the **Licensing Committee** remotely. The business is shown on the attached agenda.

Yours faithfully

JOYCE WHITE

Chief Executive

Distribution:

Councillor Jim Finn (Chair)
Councillor Ian Dickson
Councillor Caroline McAllister
Councillor Jonathan McColl (Vice Chair)
Councillor Marie McNair
Councillor Lawrence O'Neill
Councillor Brian Walker
Vacancy

All other Councillors for information

Date issued: 18 March 2021

LICENSING COMMITTEE
WEDNESDAY, 31 MARCH 2021

AGENDA

1 STATEMENT BY THE CHAIR – ZOOM VIDEO CONFERENCING

2 APOLOGIES

3 DECLARATIONS OF INTEREST

Members are invited to declare if they have an interest in any of the undernoted items of business on this agenda and, if so, state the reasons for such declarations.

4 MINUTES OF PREVIOUS MEETING 5 - 10

Submit for approval as a correct record, Minutes of Meeting of the Licensing Committee held on 3 February 2021.

5 OPEN FORUM

The Committee is asked to note that no open forum questions have been submitted by members of the public.

**6 APPLICATION FOR RENEWAL OF A TAXI/PRIVATE HIRE 11 - 12
CAR DRIVER'S LICENCE**

Name and Address of Applicant

Date Applied

Kevin Comerford
17 Beeches Avenue
Duntocher
Clydebank
G81 6HX

21 August 2020

Submit report by the Chief Officer – Regulatory and Regeneration concerning an Application for Renewal of a Taxi/Private Hire Car Driver's Licence for the above named person.

13

“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.”

15 - 17

Date Applied

15 February 2021

Submit report by the Chief Officer – Regulatory and Regeneration concerning an Application for Grant of a Taxi/Private Hire Car Driver's Licence for the above named person.

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held by video conference on Wednesday, 3 February 2021 at 10.10 a.m.

Present: Councillors Ian Dickson, Jim Finn, Caroline McAllister, Jonathan McColl, Marie McNair, Lawrence O'Neill and Brian Walker.

Attending: Raymond Lynch, Section Head (Licensing); Robert Mackie, Senior Officer (Licensing Services) and Nuala Borthwick, Committee Officer.

Also Attending: Constable Raymond Borland, 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

Councillors Finn, McNair and O'Neill each declared a non-pecuniary interest in the item under the heading 'Application for Grant of a Principal Street Trader's Licence', being Members of the Planning Committee, and indicated that they would remain in the meeting and take part in the debate in relation to that item.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Licensing Committee held on 2 December 2020 were submitted and approved as a correct record.

OPEN FORUM

The Committee noted that no open forum questions had been submitted by members of the public.

VARIATION IN THE ORDER OF BUSINESS

Having heard the Chair and the Section Head (Licensing), it was agreed that the business be varied as hereinafter minuted.

APPLICATION FOR RENEWAL OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE

Name and Address of Applicant

Date Applied

Steven Dickson
35 Craigbanzo Street
Faifley
Clydebank
G81 5B

10 November 2020

A report was submitted by the Chief Officer – Regulatory & Regeneration concerning an Application for Renewal of a Taxi/Private Hire Car Driver's Licence for the above named person.

Having heard the Section Head (Licensing), it was noted:-

- (a) that a letter had been received from the Divisional Commander, Police Scotland submitting a representation in relation to the application;
- (b) that in view of the representation, the applicant and a representative of Police Scotland had been invited to attend the meeting in order that a hearing may take place; and
- (c) that copies of the letter of representation from Police Scotland had been issued to Members of the Committee in advance of the meeting.

It was noted that the applicant, Mr Dickson and a representative of Police Scotland, Constable Borland, were in attendance.

The Committee then heard from Constable Borland in relation to the letter from Police Scotland. Thereafter, the applicant, Mr Dickson, was given the opportunity to address the Committee in support of his application and was heard in answer to Members' questions.

DECIDED:-

After consideration, the Committee agreed that the application be granted.

APPLICATION FOR GRANT OF A PRINCIPAL STREET TRADER'S LICENCE

Name and Address of Applicant

Kieran Kilpatrick
2 Wyvis Quadrant
Blairdardie
Glasgow
G13 4JX

Date Applied

6 October 2020

A report was submitted by the Chief Officer – Regulatory & Regeneration concerning an Application for Grant of a Principal Street Trader's Licence for the above named person.

Having heard the Section Head, Licensing, it was noted:-

- (a) that Mr Kilpatrick had submitted an application for grant of a Principal Street Trader's Licence to the Council on 6 October 2020, requesting permission to trade from a snack van within the grounds of 834 Dumbarton Road, Dalmuir, Clydebank G81 4BX which operates a car wash and valet, with the permission of the proprietor;
- (b) that at a meeting of the Regulatory Committee (Licensing) held on 2 October 2020, Members decided that the practice of giving public notice of applications for the grant of Street Traders' licences involving static locations which were regarded as being of a controversial nature be introduced and that appropriate additional fees be payable by applicants to cover the cost of any public notice;
- (c) that an advert had been placed in the November 2020 edition of the Clydebank Post and that no objections had been received;
- (d) that West Dunbartonshire Council's Planning Team had advised Mr Kilpatrick that he would require to apply for planning permission in order to occupy the site location within 834 Dumbarton Road and that the applicant had been given pre-application advice from the planning service; and
- (e) that Police Scotland had no objection to the application.

The Committee then heard from Mr Kilpatrick in support of the application and in answer to questions from Members. At the request of Members of the Committee, the proposed location site for the hot food van was provided on screen.

Having heard the Section Head (Licensing) in further explanation and in answer to questions from both Members and Mr Kilpatrick, the Committee agreed that the application be granted in terms of the Civic Government (Scotland) Act 1982. In response to questions, Mr Kilpatrick was advised that he would be unable to operate the licence until he had also received the relevant planning permission to do so.

DECIDED:-

After consideration, the Committee agreed that the application be granted.

Note: Councillor O'Neill left the meeting during consideration of the above item.

ADJOURNMENT

Having heard the Chair, Councillor Finn, the Committee agreed to a short adjournment to enable the undernoted applicant's connectivity issue to be resolved. The meeting resumed at 10.55 a.m. with all Members present, with the exception of Councillor O'Neill.

**APPLICATION FOR RENEWAL OF A TAXI/
PRIVATE HIRE CAR DRIVER'S LICENCE**

Name and Address of Applicant

Date Applied

Thomas Gillies
219 Braehead
Bonhill
Alexandria
G83 9NE

19 November 2020

A report was submitted by the Chief Officer – Regulatory & Regeneration concerning an Application for Renewal of a Taxi/Private Hire Car Driver's Licence for the above named person.

Having heard the Section Head (Licensing), it was noted:-

- (a) that a letter had been received from the Divisional Commander of Police Scotland making a representation with respect to the application;
- (b) that in view of the representation which had been received from Police Scotland, the applicant and a representative of Police Scotland had been invited to attend the meeting in order that a hearing may take place; and
- (c) that copies of the letter of representation from Police Scotland had been issued to Members of the Committee in advance of the meeting.

It was noted that the applicant, Mr Gillies and a representative of Police Scotland, Constable Borland, were in attendance.

The Committee then heard from Constable Borland in relation to the letter from Police Scotland. Thereafter, the applicant, Mr Gillies, was given the opportunity to address the Committee in support of his application and was heard in answer to Members' questions.

DECIDED:-

After consideration, the Committee agreed:-

- (1) that the application be granted and that the applicant be cited to appear before the Committee again in a year's time; and
- (2) that a warning letter be issued to Mr Gillies from the Chair of the Licensing Committee in light of the seriousness of the contravention of the Road Traffic Act 1988.

EXCLUSION OF PRESS AND PUBLIC

Having heard the Section Head (Licensing) in relation to the undernoted item 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."

APPLICATION FOR RENEWAL OF A TAXI/ PRIVATE HIRE CAR DRIVER'S LICENCE

Name and Address of Applicant

David Darroch
51 Napier Crescent
Dumbarton
G82 4ED

Date Applied

5 December 2020

A report was submitted by the Chief Officer – Regulatory & Regeneration concerning an Application for Renewal of a Taxi/Private Hire Car Driver's Licence for the above named person.

Having heard the Section Head (Licensing), it was noted:-

- (a) that a letter had been received from the Divisional Commander, Police Scotland submitting an objection on behalf of the Chief Constable;
- (b) that in view of the objection, the applicant and a representative of Police Scotland had been invited to attend the meeting in order that a hearing may take place; and
- (c) that copies of the letter of objection from Police Scotland had been issued to Members of the Committee in advance of the meeting.

It was noted that the applicant, Mr Darroch and a representative of Police Scotland, Constable Borland, were in attendance.

The Committee then heard from Constable Borland in relation to the letter from Police Scotland and thereafter Constable Borland and Mr Darroch were heard in answer to Members' questions.

The applicant, Mr Darroch was then given the opportunity to address the Committee in support of his application and was heard in answer to questions from Members.

DECIDED:-

After consideration, the Committee agreed that the application be granted and that Mr Darroch be cited to appear before the Committee again in a year's time.

The meeting closed at 11.48 a.m.

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer – Regulatory & Regeneration

Licensing Committee – 31 March 2021

Subject: Application for renewal of a Taxi/Private Hire Car Driver's Licence

1. Purpose

- 1.1** To consider an application for renewal of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Kevin Comerford, 17 Beeches Avenue, Duntocher, Clydebank G81 6HX.

2. Recommendations

- 2.1** It is recommended that the application be considered and determined by the Committee.

3. Background

- 3.1** Mr. Comerford submitted an application for renewal of a Taxi/Private Hire Car Driver's Licence to the Council on 21 August 2020.
- 3.2** A letter was received from the Chief Constable of the Police authority on 19 September 2020 submitting a representation in relation to the application.

4. Main Issues

- 4.1** In view of the submission received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 31 March 2021.
- 4.2** The terms of the letter from the Police will be made known to the Committee at the meeting as appropriate.

5. People Implications

- 5.1** There are no personnel issues.

6. Financial Implications

- 6.1** There are no financial implications

7. Risk Analysis

- 7.1** There is no increased risk to the Council associated with the contents of this report.

8. Equalities Impact Assessment (EIA)

- 8.1** No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

- 9.1** Police Scotland were consulted in relation to the application.

10. Strategic Assessment

- 10.1** In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Chief Officer – Regulatory & Regeneration

Date 26 February 2021

Person to Contact: Robert Mackie,
Senior Officer (Licensing Services),
Licensing Team,
Municipal Buildings,
College Street,
Dumbarton,
G82 1NR.

Tel. No. (Direct line) 01389 738742.
robert.mackie@west-dunbarton.gov.uk

Appendices: N/A.

Background Papers:

1. Application for renewal of a Taxi/Private Hire Car Driver's Licence from Mr. Kevin Comerford, 17 Beeches Avenue, Duntocher, Clydebank G81 6HX.
2. Letter dated 19 September 2020 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton G82 3PT.
3. Letter to Mr. Comerford dated 26 February 2021.

Wards Affected: N/A.



NOT FOR PUBLICATION

**by virtue of Paragraph 14 of Part 1 of Schedule 7A of
the Local Government (Scotland) Act, 1973**

**ANY ACTION TAKEN OR TO BE TAKEN IN
CONNECTION WITH THE PREVENTION,
INVESTIGATION OR PROSECUTION OF CRIME**

PLEASE NOTE CONFIDENTIAL PAGES HAVE BEEN REMOVED