

Agenda



Meeting of Licensing Committee

Date: Wednesday, 19 April 2017

Time: 14:00

Venue: Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank

Contact: Nuala Borthwick, Committee Officer
Tel: 01389 737594 nuala.borthwick@west-dunbarton.gov.uk

Dear Member

Please attend a meeting of the **Licensing Committee** as detailed above. The business is shown on the attached agenda.

Yours faithfully

JOYCE WHITE

Chief Executive

Distribution:

Councillor Lawrence O'Neill (Chair)
Councillor Jim Brown
Councillor Jim Finn
Provost Douglas McAllister (Vice Chair)
Councillor Jonathan McColl
Councillor John Mooney
Councillor Tommy Rainey
Councillor Hazel Sorrell

All other Councillors for information

Chief Executive
Strategic Director – Regeneration, Environment and Growth
Strategic Director – Transformation and Public Service Reform
Chief Officer of Health & Social Care Partnership

Date issued: 4 April 2017

LICENSING COMMITTEE

WEDNESDAY, 19 APRIL 2017

AGENDA

1 APOLOGIES

2 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.

3 MINUTES OF PREVIOUS MEETINGS 7 - 21

Submit for approval as a correct record:-

- (a) Minutes of Meeting of the Licensing Committee held on 15 February 2017; and
- (b) Minutes of the Special Meeting of the Licensing Committee held on 1 March 2017.

4 APPLICATION FOR GRANT OF A TAXI DRIVER'S/PRIVATE CAR HIRE DRIVER'S LICENCE 23 - 24

Name and Address of Applicant

Date Applied

Brian Stewart
Flat 4/12 Bonhill Road
Dumbarton
G82 2ER

16 March 2017

Submit report by the Strategic Lead – Regulatory concerning an application for grant of a Taxi/Private Hire Car Driver's Licence by the above named person.

5/

5 APPLICATION FOR RENEWAL OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE 25 - 32

(a) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
John Slevin 3 Allan Crescent Alexandria G83 0BJ	21 October 2016

Submit report by the Strategic Lead – Regulatory concerning an application for Renewal of a Taxi/Private Hire Car Driver's Licence by the above named person.

(b) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
Andrew Houston 21/7 Ashtree Court Old Kilpatrick Glasgow G60 5JD	20 January 2017

Submit report by the Strategic Lead – Regulatory concerning an application for Renewal of a Taxi/Private Hire Car Driver's Licence by the above named person.

(c) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
Brian McIndewar 14 Russell Drive Alexandria G83 0JH	25 January 2017

Submit report by the Strategic Lead – Regulatory concerning an application for Renewal of a Taxi/Private Hire Car Driver's Licence by the above named person.

6 APPLICATION FOR GRANT OF SKIN PIERCING & TATTOOING LICENCE 33 - 35

Submit report by the Strategic Lead – Regulatory concerning an application for Grant of Skin Piercing & Tattooing Licence.

7 INTRODUCTION OF LICENSING CONDITIONS FOR HOME BOARDING AND COMMERCIAL DAY BOARDING OF DOGS UNDER THE ANIMAL BOARDING ESTABLISHMENTS ACT 1963 **Copy to follow**

Submit report by the Strategic Lead – Regulatory seeking approval for the introduction of licensing conditions for Home Boarding and Commercial Boarding of Dogs under the Animal Boarding Establishments Act 1963.

8 CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – REVIEW OF TAXI FARES AND CHARGES - CLYDEBANK TAXI LICENSING ZONE **37 - 49**

Submit report by the Strategic Lead – Regulatory advising on a proposed review of fares and charges applicable to taxis operating within the Clydebank Taxi Licensing Zone.

9 PROPOSED LICENSING SCHEME FOR BOAT HIRERS - UPDATE **51 – 65**

Submit report by the Strategic Lead – Regulatory providing an update on the proposed licensing scheme for boat hirers and advising on progress.

10 EXCLUSION OF PRESS AND PUBLIC **67**

The Committee is asked to pass 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.”

11 HEARING REGARDING POSSIBLE SUSPENSION OF A TAXI DRIVER’S/PRIVATE HIRE CAR DRIVER’S LICENCE **69 - 72**

Submit report by the Strategic Lead – Regulatory seeking consideration of a request from the Chief Constable of Police Scotland for the suspension of a Taxi Driver’s/Private Hire Car Driver’s Licence held by Mr Mark Harvey.

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Wednesday, 15 February 2017 at 10.00 a.m.

Present: Councillors Jim Finn, Jonathan McColl*, John Mooney and Lawrence O'Neill.

*Arrived later in the meeting.

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

Apologies: Apologies for absence were intimated on behalf of Provost McAllister and Councillors Jim Brown, Tommy Rainey and Hazel Sorrell.

Councillor Lawrence O'Neill in the Chair

CHAIR'S REMARKS

The Chair, Councillor O'Neill advised that the item of business entitled, 'Continued Application for Grant of a Taxi Licence' submitted by Mr Andrew Park had been withdrawn by the applicant. He also advised that the item of business entitled, 'Hearing regarding possible suspension or revocation of Taxi Driver's/Private Hire Car Driver's Licence' relating to Mr Biju Thomas would be continued to a Special Meeting of the Licensing Committee being held on 1 March 2017.

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in any of the items of business on the agenda.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Licensing Committee held on 7 December 2016 were submitted and approved as a correct record.

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

Name and Address of Applicant

Date Applied

Andrew Park
3 Braehead
Bonhill
Alexandria
G83 9NA

10 October 2016

A report was submitted by the Strategic Lead – Regulatory concerning an application for grant of a Taxi/Private Hire Car Driver's Licence by the above named person.

Having heard the Section Head (Licensing), it was noted that the application had been withdrawn by the applicant.

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

(a) Name and Address of Applicant

Date Applied

Caroline Buchanan
23 Cordale Avenue
Renton
G82 4QF

10 October 2016

A report was submitted by the Strategic Lead – Regulatory concerning an application for Renewal of a Taxi/Private Hire Car Driver's Licence by the above named person.

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

- (a) that a letter had been received by the Chief Superintendent of the Police authority advising that the Chief Constable had a representation to make in relation to the application;
- (b) that in view of the representation, the applicant and a representative of the Police authority had been invited to attend the meeting of the Committee in order that a hearing could take place;
- (c) that the applicant, Ms Buchanan, and representatives of the Police authority, Sergeant Angela Walker and Constable Alison Simpson, were in attendance; and
- (d) that copies of the letter of representation from the Police authority dated 21 December 2016, had been issued to Members of the Committee in advance of the meeting.

The Committee then heard from Sergeant Walker in relation to the letter of representation from Police Scotland. Thereafter, Ms Buchanan was given an opportunity to address the Committee in support of the application.

DECIDED:-

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

(b) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
Stephen Walker 55 Elmbank Drive Bonhill Alexandria G83 9EL	30 December 2016

A report was submitted by the Strategic Lead – Regulatory concerning an application for Renewal of a Taxi/Private Hire Car Driver's Licence by the above named person.

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

- (a) that a letter had been received from the Chief Superintendent of the Police authority advising that the Chief Constable had a representation to make in relation to the application;
- (b) that in view of the representation, the applicant and a representative of the Police authority had been invited to attend the meeting of the Committee in order that a hearing could take place;
- (c) that the applicant and representatives of the Police authority, Sergeant Angela Walker and Constable Alison Simpson, were in attendance; and
- (d) that copies of the letter of representation from the Police authority dated 24 January 2017, had been issued to Members of the Committee in advance of the meeting.

DECIDED:-

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

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

(a) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
Scott Brownlie Flat 2/2, 62 Glasgow Road Dumbarton G82 1HQ	7 December 2016

A report was submitted by the Strategic Lead – Regulatory concerning an application for Grant of a Temporary Taxi/Private Hire Car Driver's Licence by the above named person.

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

- (a) that a letter had been received from the Chief Superintendent of the Police authority advising that the Chief Constable had an objection to make in relation to the application;
- (b) that in view of the objection, the applicant and a representative of the Police authority had been invited to attend the meeting of the Committee in order that a hearing could take place;
- (c) that the applicant and representatives of the Police authority, Sergeant Walker and Constable Simpson, were in attendance; and
- (d) that copies of the letter of objection from the Police authority dated 29 December 2016, had been issued to Members of the Committee in advance of the meeting.

The Committee then heard from Sergeant Walker in relation to the letter of objection from the Police authority and in answer to Members' questions.

The applicant, Mr Brownlie, was then given the opportunity to address the Committee in support of his application and in connection with the circumstances relating to matters detailed in the Police letter. Thereafter, Mr Brownlie answered questions from Members'.

DECIDED:-

After consideration, the Committee agreed to continue consideration of the application for Grant of a Temporary Taxi/Private Hire Car Driver's Licence to the Special Meeting of the Licensing Committee to be held on 1 March 2017 to enable Mr Brownlie to present further information in support of his application.

(b)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Alan Spence 34 Fasque Place Drumchapel Glasgow G15 8HU	12 December 2016

A report was submitted by the Strategic Lead – Regulatory concerning an application for Grant of a Temporary Taxi/Private Hire Car Driver's Licence by the above named person.

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

- (a) that a letter had been received from the Chief Superintendent of the Police authority providing information in respect of the application for the Committee's consideration;
- (b) that the applicant and representatives of the Police authority, Sergeant Walker and Constable Simpson, were in attendance; and
- (c) that copies of the letter from the Police authority dated 29 December 2016, providing information in relation to the application, had been issued to Members of the Committee in advance of the meeting.

The Committee then heard from Sergeant Walker in relation to the information which had been provided by the Police authority concerning the application and she was then heard in answer to Members' questions.

Thereafter, Mr Spence was given the opportunity to address the Committee in support of the application and in connection with the circumstances relating to matters detailed in the Police letter.

DECIDED:-

After consideration, the Committee agreed that the application be granted for a period of 6 weeks.

(c)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	David Cross Flat 1/1, 1 Larchfield Avenue Glasgow G14 9BZ	16 December 2016

A report was submitted by the Strategic Lead – Regulatory concerning an application for Grant of a Temporary Taxi/Private Hire Car Driver's Licence by the above named person.

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

- (a) that a letter had been received from the Chief Superintendent of the Police authority providing information in respect of the application for the Committee's consideration;
- (b) that the applicant and representatives of the Police authority, Sergeant Walker and Constable Simpson, were in attendance; and
- (c) that copies of the letter from the Police authority dated 29 December 2016, providing information in relation to the application, had been issued to Members of the Committee in advance of the meeting.

The Committee then heard from Sergeant Walker in relation to the information which had been provided by the Police authority concerning the application and she was then heard in answer to Members' questions.

Thereafter, Mr Cross was given the opportunity to address the Committee in support of the application and in connection with the circumstances relating to matters detailed in the Police letter.

DECIDED:-

After consideration, the Committee agreed that the application be granted for a period of 6 weeks.

Note: Councillor McColl entered the meeting at this point.

AVAILABILITY OF WHEELCHAIR ACCESSIBLE VEHICLES IN THE DUMBARTON AND VALE OF LEVEN TAXI ZONE

A report was submitted by the Strategic Lead – Regulatory providing an update on the current level of Wheelchair Accessible Vehicles in the Dumbarton and Vale of Leven taxi zone and seeking approval to increase their numbers.

Having heard the Chair, Councillor O'Neill, the Committee agreed to hear from representatives of the taxi trade, Mr David Thomson and Mr John Watters, West Dunbartonshire Area Taxi Trade Association. It was noted that consultation with taxi operators had resulted in the majority opinion that the current level of WAVs in the Dumbarton and Vale of Leven zone was acceptable as WAV numbers were currently more than sufficient to meet the actual demand of users.

Following discussion, the Committee agreed:-

- (1) that in future all vehicles proposed for use as a taxi or private hire car, within the Dumbarton and Vale of Leven zone of West Dunbartonshire, with a carrying capacity of 5 or more passengers would require to be wheelchair accessible; and

- (2) that officers would continue to monitor the provision of WAVs both locally and nationally.

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982 PART V – PUBLIC
PROCESSIONS – POLICE, PUBLIC ORDER AND CRIMINAL JUSTICE
(SCOTLAND) ACT 2006 – NOTICE OF PROPOSAL TO HOLD A PUBLIC
PROCESSION: CLYDEBANK PROTESTANT MARTYRS**

A report was submitted by the Strategic Lead – Regulatory concerning a Notice of Proposal to hold a Public Procession submitted by Clydebank Protestant Martyrs.

Having heard the Chair, Councillor O'Neill, it was noted that the applicant was not in attendance and that due to an administrative error, had not received a letter inviting him to attend the meeting. On behalf of the Committee, an apology was issued to Constable Millar, Police Scotland and objectors to the application, Community Councillors John Hainey and Mary McAleer, all of whom were in attendance at the meeting.

DECIDED:-

It was agreed that the application be continued to a Special Meeting of the Licensing Committee being held on Wednesday, 1 March 2017 and that a letter of apology would be issued to both the applicant and objectors.

**HEARING REGARDING POSSIBLE SUSPENSION OF A TAXI DRIVER'S/
PRIVATE HIRE CAR DRIVER'S LICENCE**

A report was submitted by the Strategic Lead – Regulatory requesting consideration of the possible suspension of a Taxi Driver's/Private Hire Car Driver's Licence following a complaint which has been submitted by Police Scotland.

It was noted that the applicant was not in attendance however had been sent a letter inviting him to the meeting of the Committee.

DECIDED:-

Following consideration of all matters before the Board and having heard the Section Head (Licensing), the Senior Officer (Licensing) and the Licensing Sergeant in answer to questions from Members, the Committee agreed that the Hearing be continued to the Special Meeting of the Licensing Committee being held on Wednesday, 1 March 2017.

HEARING REGARDING POSSIBLE SUSPENSION OF TAXI DRIVER'S/ PRIVATE HIRE CAR DRIVER'S LICENCE

A report was submitted by the Strategic Lead – Regulatory requesting consideration of the possible suspension of a Taxi Driver's/Private Hire Car Driver's Licence following a complaint which has been submitted by Police Scotland.

Having heard the Chair, Councillor O'Neill, it was noted that the Hearing would be continued to the Special Meeting of the Licensing Committee being held on Wednesday, 1 March 2017.

The meeting closed at 11.15 a.m.

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LICENSING COMMITTEE

At a Special Meeting of the Licensing Committee held in Committee Room 2, Council Offices, Garshake Road, Dumbarton on Wednesday, 1 March 2017 at 1.05 p.m.

Present: Provost Douglas McAllister and Councillors Jim Brown, Jim Finn, John Mooney, Lawrence O'Neill, Tommy Rainey and Hazel Sorrell.

Attending: Raymond Lynch, Section Head (Licensing); Robert Mackie, Senior Officer (Licensing Services); Lawrence Knighton, Licensing Standards Officer and Craig Stewart, Committee Officer.

Also Attending: Constable Calum Fulton and Constable Alison Simpson, Police Scotland.

Apology: An apology for absence was intimated on behalf of Councillor Jonathan McColl.

Councillor Lawrence O'Neill in the Chair

DECLARATIONS OF INTEREST

Provost McAllister declared an interest in relation to Item 5 on the agenda ('Hearing regarding possible suspension of Taxi Driver's/Private Hire Car Driver's Licence') and advised that he would leave the meeting during consideration of that item.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 PART V – PUBLIC PROCESSIONS – POLICE, PUBLIC ORDER AND CRIMINAL JUSTICE (SCOTLAND) ACT 2006 – NOTICE OF PROPOSAL TO HOLD A PUBLIC PROCESSION: CLYDEBANK PROTESTANT MARTYRS

A report was submitted by the Strategic Lead – Regulatory concerning a Notice of Proposal to hold a Public Procession submitted by Clydebank Protestant Martyrs.

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

- (a) that a Notice of Proposal to hold a public procession and risk assessment had been submitted by Mr Cameron Russell on behalf of the Protestant Martyrs Loyal Orange Lodge 2000 on 10 January 2017. The reason for the procession, as stated on the notice of proposal, was for an Annual Clydebank Blitz Anniversary Parade;
- (b) that notification of the proposed procession had been sent to all Councillors whose ward the procession passes through along with Members of the Licensing Committee and all Community Councils whose route the procession affected;
- (c) that a precursory meeting had been held on 25 January 2017 at which there had been no issues regarding the notice of proposal other than advice being given to the organiser that an objection had been received and that the report would be subject to a report to the Licensing Committee on 15 February 2017;
- (d) that during the course of the Licensing Committee held on 15 February 2017, officers became aware that due to an administrative error, the organiser, Mr Russell, had not received a letter inviting him to attend the meeting of the Licensing Committee. Having taken this into consideration, Members decided to continue the matter to a Special Meeting of the Licensing Committee to be held on 1 March 2017 and offered apologies to those who had attended the Committee in relation to this item of business. Apologies have since been issued by officers to Constable Miller, Community Councillors John Hainey and Mary McAleer and the organiser, Mr Russell; and
- (e) that the applicant, a representative of the Police authority and the two community councillors, who had made a representation, had been invited to attend this meeting of the Committee in order that a hearing may take place.

Thereafter, the Committee heard from Constable Calum Fulton of Police Scotland, Mr Edward McGonnell, County Grand Master and applicant Mr Russell, and Community Councillor John Hainey in relation to the proposal.

DECIDED:-

After consideration, the Committee agreed that the procession be approved as per the notification of proposal.

Note: At this point, Constable Fulton left the meeting. Councillor O'Neil, Chair, handed over to Provost McAllister, Vice-Chair, at this point, for the next item.

CONTINUED APPLICATION FOR GRANT OF A TEMPORARY TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE

Name and Address of Applicant

Scott Brownlie
Flat 2/2, 62 Glasgow Road
Dumbarton
G82 1HQ

Date Applied

7 December 2016

With reference to the Meeting of the Licensing Committee held on 15 February 2017, a report was submitted by the Strategic Lead – Regulatory concerning an application for Grant of a Temporary Taxi/Private Hire Car Driver's Licence by the above named person.

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

- (a) that a letter had been received from the Chief Constable of the Police authority on 29 December 2016 supplying information for consideration by the Committee;
- (b) that at the meeting of the Licensing Committee held on 15 February 2017 it had been decided that the matter be continued to a Special Meeting of the Licensing Committee to be held on 1 March 2017 to allow Mr Brownlie the opportunity to present further information in support of his application;
- (c) that copies of the letter from the Police authority dated 29 December 2016, providing information in relation to the application, had been issued to Members of the Committee in advance of the meeting; and
- (d) that the licence holder and a representative of the Police authority, Constable Simpson, were in attendance.

The Committee then heard from Constable Simpson in relation to the letter from the Police authority.

Thereafter, the licence holder was given the opportunity to address the Committee in support of his application and in connection with the circumstances relating to matters detailed in the Police letter. A copy of a letter received from the Criminal Justice Social Work section was circulated. The licence holder was also heard in answer to Members' questions.

DECIDED:-

After consideration, the Committee agreed that the application be granted for a period of 6 weeks.

Note: Councillor O'Neill assumed the Chair again shortly after this item had commenced. As referred to earlier in these minutes, Provost McAllister, having declared an interest in the following item, left the meeting at this point.

HEARING REGARDING POSSIBLE SUSPENSION OF TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE

A report was submitted by the Strategic Lead – Regulatory requesting consideration of the possible suspension of a Taxi Driver's/Private Hire Car Driver's Licence following a complaint which had been submitted by Police Scotland.

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

- (a) that on 1 June 2016, the licence holder applied for the grant of a Taxi/Private Hire Car Driver's Licence. Notification had been received from the Chief Constable of Police Scotland on 8 June 2016 stating that there were no police objections in relation to the application. The licence had subsequently been granted under delegated powers on 30 June 2016, valid for 1 year;
- (b) that a complaint had been received by the Licensing Team on 24 January 2017 regarding a conduct issue relating to the licence holder which prompted an investigation by the Senior Officer (Licensing Services). On examining the licence holder's original application form, an issue came to light regarding the declaration of convictions which he had completed at the time of his application;
- (c) that on request by the Senior Officer (Licensing Services), a letter had been received from the Chief Constable of Police Scotland dated 26 January 2017 providing details of the conviction declared on the application form submitted by the licence holder on 1 June 2016;
- (d) that new information then came to light with regard to a previous conviction which the licence holder had failed to declare on the application form which he submitted on 1 June 2016. Following a further request by the Senior Officer (Licensing Services), a second letter had been received from the Chief Constable of Police Scotland dated 7 February 2017. The letter detailed a conviction considered spent under the Rehabilitation of Offenders Act 1974. As the licence holder had not received adequate notice of the contents of the second letter it had been decided that Members would continue the matter to a Special Meeting of the Licensing Committee to be held on 1 March 2017;
- (e) that due to the information contained within the Police letter dated 26 January 2017, subsequently replaced by 2 letters dated 7 February 2017, officers felt it appropriate that the licence holder be asked to attend a meeting of the Licensing Committee in order that Members can decide whether he is a fit and proper person to hold a Taxi Driver's/Private Hire Car Driver's Licence;
- (f) that the licensing authority may order the suspension or revocation of a licence if, in its opinion, the holder of the licence is not, or is no longer, a fit and proper person to hold the licence;
- (g) that the licence holder and a representative of Police Scotland had been invited to attend the meeting in order that a hearing may take place;

- (h) that copies of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting;
- (i) that Constable Simpson was in attendance on behalf of the Chief Constable; and
- (j) that the matters which the Committee was required to consider in relation to paragraph (f) above were as follows:-
 - (i) in considering whether to suspend or revoke a licence the licensing authority may have regard to any misconduct on the part of the licence holder which in the opinion of the authority has a bearing on his fitness to hold a licence;
 - (ii) if the Committee was of the opinion that the licence holder was no longer a fit and proper person, then the Committee must consider whether his licence should be suspended or revoked;
 - (iii) if the Committee was satisfied that the licence should be suspended, the Committee must give the licence holder the opportunity to be heard on the length of the suspension and if the Committee decided that the licence should be suspended or revoked then the date from which the suspension or revocation should commence; and
 - (iv) the Committee must then consider what length of suspension would be appropriate and whether the circumstances of the case would justify immediate suspension or revocation.

It was noted that the licence holder, his representative Mr Scott McQuire and a representative of Police Scotland, Constable Simpson, were in attendance. Having heard the Section Head (Licensing), a revised letter from the Police was circulated, along with a letter detailing a previous spent conviction.

The Committee then heard from Constable Simpson who provided details of the information contained in the Police letters which had been submitted. Thereafter, the Committee heard from the licence holder's representative, Mr McQuire, in relation to the background and current position in respect of this matter.

DECIDED:-

After consideration, it was agreed that the licence holder remained a fit and proper person to hold a taxi/private hire car driver's licence.

Note: Councillor Mooney left the meeting at this point, as he had another meeting to attend.

HEARING REGARDING POSSIBLE SUSPENSION OF TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE

A report was submitted by the Strategic Lead – Regulatory requesting consideration of the possible suspension of a Taxi Driver's/Private Hire Car Driver's Licence following a complaint which had been submitted by Police Scotland.

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

- (a) that a letter had been received from the Chief Constable of Police Scotland requesting the suspension of a Taxi Driver's/Private Hire Car Driver's Licence under Paragraph 11(1) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the grounds that the carrying on of the activity to which the licence relates is likely to cause a serious threat to public safety;
- (b) that in view of the request for suspension of the licence received from the Police, the licence holder and a representative of Police Scotland had been invited to attend the meeting in order that a hearing may take place;
- (c) that copies of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting; and
- (d) that the matters which the Committee was required to consider were as follows:-
 - (i) whether the alleged misconduct had been established;
 - (ii) if the Committee was satisfied that the alleged misconduct had been established, whether, having regard to the misconduct, the licence holder was no longer a fit and proper person to hold a taxi driver's licence;
 - (iii) if the Committee was of the opinion that the licence holder was no longer a fit and proper person, then the Committee must consider whether his licence should be suspended;
 - (iv) if the Committee was satisfied that the licence should be suspended, the Committee must give the licence holder an opportunity to be heard on the length of the suspension and the date from which the suspension should commence; and
 - (v) the Committee must then consider what length of suspension would be appropriate and whether the circumstances of the case would justify immediate suspension.

It was noted that the licence holder and a representative of Police Scotland, Constable Simpson, were in attendance.

The Committee then heard from Constable Simpson in relation to the letter from Police Scotland.

Thereafter, the licence holder was given the opportunity to address the Committee on the circumstances detailed in the letter from the Police authority and answered questions from Members.

DECIDED:-

After consideration, it was agreed that the licence holder remained a fit and proper person to hold a taxi/private hire car driver's licence.

The meeting closed at 2.03 p.m.

DRAFT

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead – Regulatory
Licensing Committee – 19 April 2017

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

1. Purpose

- 1.1** To consider an application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Brian Stewart, Flat 4/12 Bonhill Road, Dumbarton, G82 2ER.

2. Recommendations

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

3. Background

- 3.1** Mr. Stewart submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 16 March 2017.
- 3.2** A letter was received from the Chief Superintendent of the Police authority on 27 March 2017 advising that the Chief Constable has a representation to make in relation to the application.

4. Main Issues

- 4.1** In view of the representation 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 19 April 2017.
- 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.

Strategic Lead - Regulatory

Date 28 March 2017

Person to Contact: Robert Mackie,
Senior Officer (Licensing Services),
Licensing Team,
Garshake Road,
Dumbarton,
G82 3PU.

Tel. No. (Direct line) 01389 738742.
robert.mackie@wdc.gcsx.gov.uk

Appendices: N/A.

Background Papers:

- 1.** Application for renewal of Taxi/Private Hire Car Driver's Licence from Mr. Brian Stewart, Flat 4/12 Bonhill Road, Dumbarton, G82 2ER.
- 2.** Letter dated 27 March 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Stewart dated 29 March 2017.
- 4.** Email to Chief Constable dated 3 April 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead – Regulatory
Licensing Committee – 19 April 2017

Subject: Application for renewal of 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 John Slevin, 3 Allan Crescent, Alexandria, G83 0BJ.

2. Recommendations

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

3. Background

- 3.1** Mr Slevin submitted an application for renewal of a Taxi/Private Hire Car Driver's Licence to the Council on 21 October 2016.
- 3.2** A letter was received from the Chief Constable of the Police authority on 17 November 2016 submitting an objection in relation to the application.
- 3.3** A further letter received from the Chief Constable of the Police authority on 17 November 2016 details alternatives to prosecution which are considered spent under the Rehabilitation of Offenders Act 1974.
- 3.4** At the meeting of the Licensing Committee held on 7 December 2016, Members agreed to continue consideration of the application for Renewal of a Taxi/Private Hire Car Driver's Licence to the meeting of the Licensing Committee to be held on 19 April 2017.

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 19 April 2017.
- 4.2** It will also be a matter for the Committee to decide whether the applicant's spent alternatives to prosecution should be disclosed and taken into consideration. It should be noted that spent alternatives to prosecution cannot be considered unless there is no other way of doing justice.
- 4.3** The terms of the letters 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.

Strategic Lead - Regulatory

Date 23 February 2017

Person to Contact: Robert Mackie,
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Appendices: N/A.

Background Papers:

1. Application for renewal of Taxi/Private Hire Car Driver's Licence from Mr John Slevin, 3 Allan Crescent, Alexandria, G83 0BJ.

2. Letters dated 17 November 2016 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letter to Mr. Slevin dated 18 November 2016.
4. Letter to Chief Constable dated 18 November 2016.
5. Letter to Mr. Slevin dated 22 February 2017.
6. Email to Chief Constable dated 3 April 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead – Regulatory

Licensing Committee – 19 April 2017

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. Andrew Houston, 21/7 Ashtree Court, Old Kilpatrick, Glasgow, G60 5JD.

2. Recommendations

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

3. Background

- 3.1** Mr. Houston submitted an application for renewal of a Taxi/Private Hire Car Driver's Licence to the Council on 20 January 2017.
- 3.2** A letter was received from the Chief Superintendent of the Police authority on 24 January 2017 advising that the Chief Constable has a representation to make in relation to the application.

4. Main Issues

- 4.1** In view of the representation 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 19 April 2017.
- 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.

Strategic Lead - Regulatory

Date 23 February 2017

Person to Contact: Robert Mackie,
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Appendices: N/A.

Background Papers:

- 1.** Application for renewal of Taxi/Private Hire Car Driver's Licence from Mr. Andrew Houston, 21/7 Ashtree Court, Old Kilpatrick, Glasgow, G60 5JD.
- 2.** Letter dated 24 January 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Houston 21 February 2017.
- 4.** Email to Chief Constable dated 3 April 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead – Regulatory

Licensing Committee – 19 April 2017

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. Brian McIndewar, 14 Russell Drive, Alexandria, G83 0JH.

2. Recommendations

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

3. Background

- 3.1** Mr. McIndewar submitted an application for renewal of a Taxi/Private Hire Car Driver's Licence to the Council on 25 January 2017.
- 3.2** A letter was received from the Chief Superintendent of the Police authority on 15 February 2017 advising that the Chief Constable has a representation to make in relation to the application.

4. Main Issues

- 4.1** In view of the representation 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 19 April 2017.
- 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.

Strategic Lead - Regulatory

Date 23 February 2017

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Appendices: N/A.

Background Papers:

- 1.** Application for renewal of Taxi/Private Hire Car Driver's Licence from Mr. Brian McIndewar, 14 Russell Drive, Alexandria, G83 0JH.
- 2.** Letter dated 15 February 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. McIndewar 21 February 2017.
- 4.** Email to Chief Constable dated 3 April 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead – Regulatory

Licensing Committee – 19 April 2017

Subject: Application for grant of a Skin Piercing or Tattooing Licence

1. Purpose

- 1.1** To consider an application for grant of a Skin Piercing or Tattooing Licence submitted by Ms. Natalie Devine, 20 Tontine Crescent, Renton, G82 4LN and Mr. Dane Innes, 13 Argyll Street, Alexandria, G83 0SD to operate from premises located at 121 Main Street, Alexandria, G83 0NX.

2. Recommendations

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

3. Background

- 3.1** Ms. Devine and Mr. Innes submitted an application for grant of a Skin Piercing or Tattooing Licence to the Council on 6 February 2017.
- 3.2** An email was received from the Chief Superintendent of the Police authority on 16 February 2017 advising that the Chief Constable has no objection to make in relation to the application.
- 3.3** Three letters of objection were received objecting to the grant of the Skin Piercing or Tattooing Licence application submitted by Ms. Devine and Mr. Innes.

4. Main Issues

- 4.1** In view of the objections which have been received, the applicants and each individual who submitted a letter of objection have been invited to attend the meeting of the Committee to be held on 19 April 2017.
- 4.2** The full terms of the letters from the 3 objectors will be made known to the Committee at the meeting as appropriate.
- 4.3** Any potential grounds of refusal must relate to the premises, not the fitness of the applicant.
- 4.4** Paragraph 5(3)(c) of Schedule 1 to the Civic Government (Scotland) Act 1982 states that a licensing authority shall refuse an application to grant or renew a licence if in their opinion, where the licence applied for relates to an activity consisting of or including the use of premises, those premises are not suitable

or convenient for the conduct of the activity having regard to-

- i) the location, character or condition of the premises;
- ii) the nature and extent of the activity;
- iii) the kind of persons likely to be in the premises;
- iv) the possibility of undue public nuisance; or
- v) public order or public safety

4.5 Paragraph 5(3)(d) of that Schedule states that a licensing authority shall refuse an application to grant or renew a licence if in their opinion there is other good reason for refusing the application.

4.6 There is a duty on the applicant to display a Notice at or near the premises so that it can be conveniently read by the public. Licensing Standards Officer Lawrence Knighton inspected the site notice on 3 separate occasions and found the Notice to be displayed appropriately.

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, Fire Scotland, Environmental Health and Planning 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.

Strategic Lead - Regulatory

Date 2 March 2017

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robert.mackie@wdc.gcsx.gov.uk

Appendices: N/A.

Background Papers:

1. Application for grant of a Skin Piercing or Tattooing Licence from Ms. Natalie Devine, 20 Tontine Crescent, Renton, G82 4LN and Mr. Dane Innes, 13 Argyll Street, Alexandria, G83 0SD.
2. Email dated 16 February 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letter of objection received 17 February 2017 from Millburn House, Buchanan Castle Estate, Drymen, G63 0HX.
4. Letter of objection received 24 February 2017 from 4 Place of Bonhill, Renton, G82 4QB.
5. Letter of objection received 28 February 2017 from 12 Cameron Drive, Alexandria, G83 0JT.
6. Letter to Ms. Devine and Mr. Innes dated 7 March 2017.
7. Letter to Mr. Wright, Mr Sabiu and Mrs. Law dated 3 April 2017.
8. Email to Chief Constable dated 3 April 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead - Regulatory
Licensing Committee – 19 April 2017

Subject: Civic Government (Scotland) Act 1982
Review of Taxi Fares and Charges
Clydebank Taxi Licensing Zone

1. Purpose

- 1.1** To report to the Committee on a proposed review of fares and charges applicable to taxis operating within the Clydebank Taxi Licensing Zone.

2. Recommendations

2.1 It is recommended:-

- (a) that the Committee agrees to propose fares and charges (the Committee may adopt the view of the majority response from the questionnaire at 4.12 to 4.15 or devise its own proposal);
- (b) that officers be authorised to arrange for the advertisement of the fares and charges agreed by the Committee;
- (c) that it be noted that if representations or objections to the proposal are received, a further report on the matter would require to be considered by the Committee;
- (d) that should no objections or representations be received in relation to the proposal, authority be delegated to the Strategic Lead - Regulatory, in consultation with the Chair of the Licensing Committee, to conclude the review without the requirement for the Committee to consider a further report on the matter; and
- (e) that Officers be delegated authority to consult with representatives of the taxi trade who they consider best meet the statutory criteria of being representative of taxi operators in future consultations on taxi fare reviews.

3. Background

- 3.1** In terms of the Civic Government (Scotland) Act, 1982 licensing authorities must fix scales for taxi fares and related charges within 18 months from the date on which the scales came into effect.
- 3.2** The fares and charges which are applicable to taxis operating within the Clydebank Taxi Licensing Zone have been in effect since 1 February 2016 and

these are detailed in Appendix 1.

4. Main Issues

- 4.1** A letter was sent to Clydebank Taxi Operators Liaison Group (CTOLG), Mr Charles Murray, Chairman of the Clydebank Public Hire Association (CPHA) and Mr. Allan MacLeod, Acting Secretary of the CPHA on 13 December 2016 concerning the requirement to review scales and requesting their views on the fare review by 20 January 2017.
- 4.2** A letter was subsequently received on 17 January 2017 from Mr. Murray advising that he had resigned from his position of Chairman of the CPHA.
- 4.3** A meeting of the Taxi Forum was held on 10 January 2017 where the Senior Officer (Licensing Services) reminded Mr. MacLeod (CPHA) and the representatives of the CTOLG who were in attendance that the cut-off date to receive views on the fare review was approaching. At the conclusion of the meeting a discussion took place with regards to the fare review. It was decided that a further separate meeting would take place to discuss the matter in more depth. It was agreed that the meeting would be extended to include CPHA, CTOLG, a representation from Phoenix Taxis and each operator who held 4 or more taxi licences in order that proposals could be discussed to see if agreement could be reached and a single proposal be put before the Licensing Committee.
- 4.4** The Chair of the Licensing Committee was advised of the change in approach to the Clydebank Taxi Fare Review on 6 February 2017 and was in agreement with the actions being taken.
- 4.5** Subsequently a meeting took place in the Council Chambers, Clydebank Town Hall on 27 January 2017 attended by Robert Mackie (Senior Officer, Licensing Services), Carolann Anderson (Licensing Assistant), Allan MacLeod and John McCormick representing the CPHA, David Radcliffe and Martyn Hambley representing the CTOLG, John Sheppard and Gordon McKinlay representing Phoenix Taxis and multiple plate holders Martin Aird, John Gallacher, Kevin Reynolds and Paul Ashton.
- 4.6** Following discussion it was clear agreement could not be reached on a single proposal however it was agreed that a questionnaire would be prepared and issued to all taxi licence holders. The questionnaire would take into account all issues raised at the meeting and be agreed upon by each operator in attendance before being issued.
- 4.7** The Chair of the Licensing Committee was advised of the change in approach to the Clydebank Taxi Fare Review on 6 February 2017 and was in agreement with the actions being taken.
- 4.8** The questionnaire was subsequently agreed and issued to 96 taxi operators which represent the 159 taxi licences issued in the Clydebank zone of West

Dunbartonshire Council. The questionnaire was issued on 17 February 2017 allowing until 10 March 2017 for submission. A sample questionnaire is attached as Appendix 2.

- 4.9** The questionnaire asked 6 questions pertaining to the taxi fare review with 2 additional questions. The first additional question was asked to establish the number of operators who are represented by the CTOLG and the CPHA in taxi fare reviews. The second additional question gave operators the opportunity to provide feedback on the questionnaire or any other related matter.
- 4.10** 44 questionnaires were returned in total out of the 96 issued.
- 4.11** The questions and subsequent responses to each question are detailed as follows:-

Q1. Fares by Distance/Waiting Time

A proposal was submitted by the CPHA to amend the Fares by Distance for the initial flag fall on all Tariffs from '*a distance not exceeding 5/11ths OF A MILE or for waiting time not exceeding 3 minutes 45 seconds (or a combination of both)*' to '*a distance not exceeding 5/11ths OF A MILE or for waiting time not exceeding 5 minutes (or a combination of both)*'. The current waiting time of £12.00 per hour on all tariffs would also increase to £15.00 per hour on Tariff 1, £20.00 per hour on Tariff 2 and £24.00 per hour on Tariff 3.

Response

Agree 9

Disagree 35

Q2. CHRISTMAS AND NEW YEAR TARIFF

The current fare chart allows:-

Tariff 2 from 6.00pm to Midnight on 24 December and 31 December
Tariff 3 from Midnight on 24 December to Midnight on 26 December and Midnight on 31 December to Midnight on 2 January.

Option 1

A proposal was submitted by the CPHA to amend the hours on which Tariff 2 and Tariff 3 are applicable to:-

Tariff 2 from 6.00am – 6.00 pm on both 24 December and 31 December
Tariff 3 from 6.00 pm on 24 December to 6.00am on 26 December and 6.00pm on 31 December to 6.00am on 2 January

Retention of '*Between 10.00 pm and 6.00 am a 50p extra charge applies*'.

Option 2

A proposal was submitted by the CTOLG to amend the hours on which Tariff 2 and Tariff 3 are applicable to:-

Tariff 2 from 6.00pm to 10.00pm on both 24 December and 31 December
Tariff 3 from 10.00pm on 24 December until Midnight on 26 December and 10.00pm on 31 December to Midnight on 2 January.

The proposal also requests that the initial flag fall on Tariff 3 be increased from £4.00 to £4.50 while removing the wording '*Between 10.00 pm and 6.00 am a 50p extra charge applies.*'

Option 3

Retain the current fare chart timings for Tariff 2 and Tariff 3

Response

Option 1 – 7

Option 2 – 14

Option 3 – 23

Q3. CHARGES WHEN CARRYING 5 OR MORE PASSENGERS

A proposal was submitted by the CPHA to remove the reference on the tariff card which states '*An additional charge of 10p shall be payable for each passenger beyond two*'. This is in conjunction with allowing operators, when operating on Tariff 1, to move to Tariff 2 when 5 or more passengers are carried and similarly when operating on Tariff 2, to move to Tariff 3 when 5 or more passengers are carried. No additional charge would apply on Tariff 3 where 5 or more passengers are being carried.

Response

Agree 13

Disagree 31

Q4. HIRES TERMINATING OUT WITH THE WEST DUNBARTONSHIRE LICENSED AREA

The fare chart currently allows agreement of a rate at the time of hire for hires terminating out with West Dunbartonshire.

A proposal was submitted by the CPHA to allow a taxi driver to agree a rate at the time of hire where a hire terminates out with the Clydebank zone of West Dunbartonshire. This in effect would allow driver's to agree a rate at the time of hire for hires terminating in the Dumbarton and Vale of Leven zone of West Dunbartonshire as well as all other areas.

Response

Agree 14

Disagree 30

Q5. SOILING FEE / EXTRA CHARGES

It was unanimously agreed by both the CPHA and the CTOLG that the Soiling Fee be stipulated on the tariff card as a maximum of £50 rather than the current wording which states 'A fee is chargeable'.

Response

Agree 38

Disagree 6

Q6. EXTRA CHARGES

A proposal was submitted by the CPHA in reference to the charge of £2.50 being payable for a taxi called by telephone and not used be extended to include bookings via App. The charge of £2.50 would only apply where the booking has not been cancelled before arrival.

Response

Agree 24

Disagree 20

- 4.12** The results of the questionnaire indicate therefore that the majority response to Questions 1 – 3 is that there should be no change to the current fare chart in relation to what charges are applied to metered fares.
- 4.13** The proposal put forward by the CPHA in Question 4, although included in the questionnaire, is contrary to the policy of West Dunbartonshire Council which agreed on 25 September 1996 to approve a recommendation that no boundary charge be permitted where a taxi crosses from the Dumbarton zone into the Clydebank zone and vice versa, but that a boundary charge continue to be permissible where the taxi travels out with the Local Authority area.

- 4.14** The majority view in response to Question 5 was in favour of the fare chart stipulating a £50.00 soiling fee. This would bring the fare chart for the Clydebank zone into line with the Dumbarton and Vale of Leven fare chart which states:-

A fee of £50 is chargeable for any soiling which necessitates a taxi being removed from service for cleaning. Soiling in this context includes any soiling by means of food, drink, vomit, urine or excrement.

- 4.15** There was a slight majority view in response to Question 6 in favour of expanding the wording under Extra Charges to include a £2.50 charge being payable for taxis booked via Apps as well as by telephone. The proposed change would also include the wording that the charge would now only apply where the booking had not been cancelled before arrival.

- 4.16** The first additional question and response is detailed as follows:-

REPRESENTATION -

In order to gauge accurate representation, please indicate below whether you are a member of the CPHA, CTOLG, Both or Neither. Please mark an X in the box below stating which organisation(s) you are a member of and represents you in taxi fare reviews.

CPHA – 6

CTOLG – 5

Both – 0

Neither – 30

(Did not give any indication) - 3

- 4.17** The second additional question and subsequent responses are listed as follows:-

1. As CPHA have not held an AGM for some years it is my belief that in actual fact CPHA no longer represents the trade in any aspect as there is only Allan MacLeod and John McCormick and therefore should not be allowed to make any decisions.

2. Should be same tariff as Dumbarton Taxis as same Licensing Authority. Both Clydebank and Dumbarton should be same.

3. Why are the CPHA being given a vote when they breach the terms of their own constitution?

4. I don't believe this questionnaire fairly represents the drivers of Clydebank. All

badge holders, not just plate holders should be asked their opinion as we all pay an exorbitant amount annually to trade here and they should be able to have a say in what affects their livelihood.

5. I wouldn't expect Public Hire plate holders that work under the private hire system to disagree with any fare increase. Only going to generate calls via private hire.

6. Both CPHA and CTOLG don't have regular meetings. How did they get to these proposals? Mr. Macleod has loaded these proposals to suit his own personal agenda.

7. Neither of these 2 groups reflects the opinions of all plate holders as they do not hold meetings or even communicate with owners. Nobody I know has been consulted by any of these groups.

8. There was no consultation. No meetings. No discussion with CPHA or CTOLG. Where is the proof of membership? Can the Licensing and the Council ask for proof of the above on this matter?

9. I think any alteration to the fare chart should be done by ballot as half the plate holders aren't represented by this present set up.

10. I am a member (of the CPHA) but was not consulted on any of these matters at any point.

11. I think it's not right that unelected members attended the fare review meeting without consulting the plate holders. Also the CPHA has had no meeting in 2 years so these proposals put forward aren't in the best interests of the drivers.

12. In Q3. I would not be entirely opposed to 6 tariffs like Dumbarton.

4.18 In terms of the relevant legislation, before fixing any scales or carrying out any review the Licensing Authority are required to consult with persons or organisations appearing to be representative of operators of taxis within the area. The response to the first additional question in the questionnaire and the comments received in the second additional question would suggest that both the CPHA and the CTOLG are not representative. Prior to holding the meeting on 27 January both organisations were asked to provide a list of the plate numbers which they represent out of the total 159 plates. The CTOLG responded with a figure of 103 made up from 54 separate plate holders. The CPHA declined to respond.

4.19 As a consequence of the minimal level of support expressed by taxi operators for both the CPHA and the CTOLG via the questionnaire responses, Members are asked to approve the recommendation proposed at 2.1 (e). This will allow Officers to broaden the consultation when carrying out future taxi fare reviews.

- 4.20** In terms of the relevant legislation, before fixing any scales or carrying out any review, in addition to consulting with persons or organisations appearing to be representative of operators of taxis within the area, the Licensing Authority is required:
- (a) to publish the proposed scales in a newspaper circulating in the area setting out the proposed scales, explaining the effect of the proposed scales and proposing a date on which the proposed scales are to come into effect;
 - (b) to invite representations from any persons with respect to the proposals within a period of one month from the date of publication of the notice; and
 - (c) to consider any such representations which have been duly lodged before a decision is taken on the matter.

4.21 It should be noted that if representations or objections to the proposals are received, a further report on the matter would require to be considered by the Committee. In addition, there is provision within the legislation for taxi operators within the area to appeal to the Traffic Commissioner against any decision of the licensing authority on the review of scales.

4.22 Should no objections or representations be received in relation to the proposals, in order to expedite matters it is suggested that authority be delegated to the Strategic Lead - Regulatory, in consultation with the Chair of the Licensing Committee, to conclude the review without the requirement for the Committee to consider a further report on the matter.

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** Clydebank Public Hire Association, Clydebank Taxi Operators Liaison Group, Phoenix Taxis and those plate holders who hold 4 or more plates were consulted in relation to the Clydebank fare review.

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.

Strategic Lead - Regulatory

Date 28/3/17

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Appendices: 1. Current Fare Chart for Clydebank Taxi Licensing Zone.
2. Sample questionnaire.

Background Papers:

1. Letter to Mr. C. Murray (CPHA) dated 13 December 2016.
2. Letter to (CTOLG) dated 13 December 2016.
3. Letter to Mr. A. MacLeod (CPHA) dated 13 December 2016.
4. Email to all listed at 4.5 dated 3 April 2017.
5. Returned questionnaires.

WEST DUNBARTONSHIRE COUNCIL**Civic Government (Scotland) Act 1982****Fare Chart (Effective from 1 February 2016)****CLYDEBANK ZONE****Fares by Distance****Tariff One**

6.00 a.m. to 10.00 p.m. daily

For a distance not exceeding 5/11ths OF A MILE
 or for waiting time not exceeding 3 minutes 45
 seconds (or a combination of both).....£2.50
 For each additional 1/17th OF A MILE.....£0.10

Tariff Two

10.00 p.m. to 6.00 a.m. daily

6.00 p.m. to 12 midnight on

Christmas Eve and 31st December

For a distance not exceeding
 5/11ths OF A MILE.....£3.00
 For each additional 1/18th OF A MILE.....£0.10

Tariff Three

Midnight on 24th December to

Midnight on 26th December and

Midnight on 31st December to

Midnight on 2nd January

For a distance not exceeding
 5/11ths OF A MILE.....£4.00
 For each additional 1/20th OF A MILE.....£0.10

Between 10.00 p.m. and 6.00 a.m. a 50p extra charge applies

Any hire terminating outwith the West Dunbartonshire area will be at a rate to be agreed at the time of hire.

Fares for Waiting

The driver is, in addition to the above, entitled to charge for waiting whether in one stoppage or in several stoppages as follows:

For each period of THIRTY SECONDS or part thereof.....£0.10

Extra Charges

A charge of £2.50 shall be payable for a taxi called by telephone and not used.

An additional charge of 10p shall be payable for each passenger beyond two.

Soiling Fee

A fee is chargeable for any soiling which necessitates a taxi being removed from service for cleaning. Soiling in this context includes any soiling by means of food, drink, vomit, urine or excrement.

All questionnaires must be returned no later than Friday 10 March 2017

CLYDEBANK TAXI FARE REVIEW – PLATE NUMBER **«Reference Number»**

Q1. FARES BY DISTANCE/WAITING TIME	
<p>A proposal was submitted by the CPHA to amend the Fares by Distance for the initial flagfall on all Tariffs from 'a distance not exceeding 5/11ths OF A MILE or for waiting time not exceeding 3 minutes 45 seconds (or a combination of both) to 'a distance not exceeding 5/11ths OF A MILE or for waiting time not exceeding 5 minutes (or a combination of both). The current waiting time of £12.00 per hour on all tariffs would also increase to £15.00 per hour on Tariff 1, £20.00 per hour on Tariff 2 and £24.00 per hour on Tariff 3. Please mark an X in the box below stating whether you agree or disagree with this proposal.</p>	
AGREE <input style="width: 30px; height: 30px; border: 1px solid black;" type="checkbox"/>	DISAGREE <input style="width: 30px; height: 30px; border: 1px solid black;" type="checkbox"/>

Q2. CHRISTMAS AND NEW YEAR TARIFF		
<p><u>*Please refer to the separate sheet which provides a clearer representation of both the existing Tariffs applied during these periods alongside both proposals. The area shaded in grey on the sheet highlight proposed changes</u></p>		
<p>The current fare chart allows:-</p> <p>Tariff 2 from 6.00pm to Midnight on 24 December and 31 December Tariff 3 from Midnight on 24 December to Midnight on 26 December and Midnight on 31 December to Midnight on 2 January.</p> <p><u>Option 1</u></p> <p>A proposal was submitted by the CPHA to amend the hours on which Tariff 2 and Tariff 3 are applicable to:-</p> <p>Tariff 2 from 6.00am – 6.00 pm on both 24 December and 31 December Tariff 3 from 6.00 pm on 24 December to 6.00am on 26 December and 6.00pm on 31 December to 6.00am on 2 January</p> <p>Retention of 'Between 10.00 pm and 6.00 am a 50p extra charge applies'.</p> <p><u>Option 2</u></p> <p>A proposal was submitted by the CTOLG to amend the hours on which Tariff 2 and Tariff 3 are applicable to:-</p> <p>Tariff 2 from 6.00pm to 10.00pm on both 24 December and 31 December Tariff 3 from 10.00pm on 24 December until Midnight on 26 December and 10.00pm on 31 December to Midnight on 2 January.</p> <p>The proposal also requests that the initial flagfall on Tariff 3 be increased from £4.00 to £4.50 while removing the wording 'Between 10.00 pm and 6.00 am a 50p extra charge applies.'</p> <p><u>Option 3</u></p> <p>Retain the current fare chart timings for Tariff 2 and Tariff 3</p> <p>Please mark an X in the box below stating which proposal you agree with.</p>		
OPTION 1 <input style="width: 30px; height: 30px; border: 1px solid black;" type="checkbox"/>	OPTION 2 <input style="width: 30px; height: 30px; border: 1px solid black;" type="checkbox"/>	OPTION 3 <input style="width: 30px; height: 30px; border: 1px solid black;" type="checkbox"/>

Q3. CHARGES WHEN CARRYING 5 OR MORE PASSENGERS	
<p>A proposal was submitted by the CPHA to remove the reference on the tariff card which states 'An additional charge of 10p shall be payable for each passenger beyond two'. This is in conjunction with allowing operators, when operating on Tariff 1, to move to Tariff 2 when 5 or more passengers are carried and similarly when operating on Tariff 2, to move to Tariff 3 when 5 or more passengers are carried. No additional charge would apply on Tariff 3 where 5 or more passengers are being carried. Please mark an X in the box below stating whether you agree or disagree with this proposal.</p>	
AGREE <input type="checkbox"/>	DISAGREE <input type="checkbox"/>

Q4. HIRES TERMINATING OUT WITH THE WEST DUNBARTONSHIRE LICENSED AREA	
<p>The fare chart currently allows agreement of a rate at the time of hire for hires terminating out with West Dunbartonshire.</p> <p>A proposal was submitted by the CPHA to allow a taxi driver to agree a rate at the time of hire where a hire terminates out with the Clydebank zone of West Dunbartonshire. This in effect would allow driver's to agree a rate at the time of hire for hires terminating in the Dumbarton and Vale of Leven zone of West Dunbartonshire as well as all other areas.</p> <p>Please mark an X in the box below stating whether you agree or disagree with this proposal.</p>	
AGREE <input type="checkbox"/>	DISAGREE <input type="checkbox"/>

Q5. SOILING FEE / EXTRA CHARGES	
<p>It was unanimously agreed by both the CPHA and the CTOLG that the Soiling Fee be stipulated on the tariff card as a maximum of £50 rather than the current wording which states 'A fee is chargeable'</p>	
AGREE <input type="checkbox"/>	DISAGREE <input type="checkbox"/>

Q6. EXTRA CHARGES	
<p>A proposal was submitted by the CPHA in reference to the charge of £2.50 being payable for a taxi called by telephone and not used be extended to include bookings via App. The charge of £2.50 would only apply where the booking has not been cancelled before arrival.</p> <p>Please mark an X in the box below stating whether you agree or disagree with this proposal.</p>	
AGREE <input type="checkbox"/>	DISAGREE <input type="checkbox"/>
<p>«Title» «Forename» «Surname» Signed _____ Date _____</p>	

OPTIONAL QUESTIONS			
<p>REPRESENTATION - In order to gauge accurate representation, please indicate below whether you are a member of the CPHA, CTOLG, Both or Neither. Please mark an X in the box below stating which organisation(s) you are a member of <u>and represents you in taxi fare reviews</u>.</p>			
CPHA <input type="checkbox"/>	CTOLG <input type="checkbox"/>	Both <input type="checkbox"/>	Neither <input type="checkbox"/>

FEEDBACK - Please supply any views on the questions asked within this questionnaire or any other related matter. (continue on a separate sheet if required)

WEST DUNBARTONSHIRE COUNCIL**Report by Strategic Lead – Regulatory****Licensing Committee – 19 April 2017**

Subject: Proposed Licensing Scheme for Boat Hirers - Update

1. Purpose

- 1.1** To update the Committee on the proposed licensing scheme for boat hirers and advise on progress.

2. Recommendations

- 2.1** It is recommended that the Committee note the progress to date and that officers prepare a further report detailing the outcome of further discussions with Stirling Council, Argyll and Bute Council and the National Park Authority and also any meeting with parties who have responded to the consultation.

3. Background

- 3.1** A report was submitted to the meeting of the Licensing Committee on 20 April 2016 and authority was granted for officers to advertise the proposed resolution for a licensing scheme for boat hirers. The report on 20 April 2016 fully detailed the background concerning the need for a licensing scheme for boat hirers. Following the meeting of the Committee on 20 April 2016, officers then advertised the proposed resolution in the edition of the Dumbarton and Vale of Leven Reporter on 28 June 2016. The advertisement specified that responses to the consultation were required by 25 July 2016. The Licensing Team received several responses to the consultation. A number of issues were raised in the consultation responses and thereafter a decision was taken to extend the consultation period to 21 August 2016, to allow the parties who responded to also comment on the detail of the proposed draft licensing conditions.
- 3.2** Given the terms of the responses received during the consultation period, it was agreed that officers would meet with representatives of the Loch Lomond Association (LLA) to discuss any concerns with the proposed scheme and its operation. It was determined that face to face meetings with interested parties would follow in order to discuss issues raised and any potential burden on operators that bringing a licensing scheme into force may result in.
- 3.3** A productive meeting was held at Council Offices, Garshake Road, Dumbarton on 29 September 2016 with representatives of the LLA and Licensing Officers. Thereafter, Licensing Officers accepted an invitation to attend a meeting of the LLA on 5 October 2016 to explain the proposed scheme and answer any concerns of LLA members. Unfortunately, due to illness, the representative of West Dunbartonshire Council's licensing team could not attend this meeting. However, the meeting did proceed on 5 October 2016 and the proposed

licensing scheme for boat hirers was discussed at the LLA meeting. A copy of the minute from the meeting was circulated to the Council's Licensing Team for information purposes. This minute again raised several matters with regard to the proposed scheme. The Licensing Team have offered to attend a future meeting of the LLA to address any outstanding concerns.

- 3.4** A summary of the issues raised following the initial consultation are detailed below in the main issues part of this report. It is clear that a number of matters may need to be addressed before any scheme can be suitably approved by the Licensing Committee. It is hoped that further discussions can narrow and address some of the issues of debate. The aim is to have a licensing scheme in this area for boat hirers (which most parties accept is required and necessary) but also one that minimises, as far as possible, the burden on operators. It is the position that over a number of years, West Dunbartonshire Council has met with the other neighbouring Councils and the National Park Authority to attempt to reach agreement on conditions, applicability/coverage of licence and also that there be a consistent approach of all Councils involved.

4. Main Issues

- 4.1** The main concerns/issue areas that came through in the consultation responses are as summarised below. A copy of the consultation questionnaire issued to boat hirers and the draft proposed conditions of the scheme are appended.

4.2 Need for Multiple Licences

- 4.2.1** It is the current position as outlined in the previous report to this Committee that Stirling and West Dunbartonshire Council propose to delegate power to each other to grant boat hirer licences in their parts of Loch Lomond. It is also the position that Argyll and Bute Council have said that any boat hirer operator, who picks up passengers from within Argyll & Bute Council's area, will still require a licence from them. This has caused concern with operators who believe that one licence would help minimise the burden on operators rather than one licence for West Dunbartonshire or Stirling Council and a separate licence from Argyll and Bute Council. This is an issue that officers will further discuss at a future meeting involving the three Councils and report back on.

4.3 Fees

- 4.3.1** There is concern amongst operators that if the fee level and the cost of complying with proposed licensing conditions is too high it may not be economically viable to run such boats commercially.
- 4.3.2** The level of fee is proposed at £1,217 for a three year licence. This level of fee was approved by members at the recent fee review. The fee for this category of licence was agreed by this Licensing Committee following an assessment of the cost of providing such a licence. Argyll and Bute Council's fee is of a lower level at a cost of £474 for a three year licence. It would be the suggestion of officers to ensure a consistent fee across the area that the fee be now amended to be in

line with Argyll and Bute's fee.

4.4 Technical Concerns

4.4.1 There were a number of technical matters with regard to the proposed conditions that were raised by parties that responded. In addition there has been further discussion with the LLA that needs to be read in light of their initial response to the consultation which was made before the referred to meeting with Licensing Officers from West Dunbartonshire Council. It is suggested that before a final decision is made on the scheme that an updated submission be allowed by the LLA on the proposed draft conditions. The LLA have been helpful throughout in seeking to comment on and discuss matters.

4.4.2 Given the technical nature of comments received during the consultation these will require to be further considered, responded on in more detail by officers and reported back to the Committee. Officers have sought the helpful guidance throughout of the Marine and Coastguard Agency. An officer from such agency attended the meeting of the LLA on 5 October 2016, and answered questions posed by the LLA regarding technical matters. The matters raised in the consultation responses and the LLA meeting, will be discussed at a future meeting of the three Councils and thereafter will be reported back to this Committee in more detail. All interested parties who responded to the consultation have now had sight of the proposed Boat Hirer conditions and cognisance will be taken to incorporating suggestions that can suitably improve the conditions. It would in any event be a commitment of officers to review such conditions on a regular basis to ensure that there are no practical difficulties in the operation and enforcement of such conditions.

5. People Implications

5.1 There are no personnel issues.

6. Financial and Procurement Implications

6.1 The current fee for a Boat Hirers licence is set at £1,217. The fee for this category of licence was agreed by the Licensing Committee following an assessment of the cost of providing such a licence, thereafter subject to annual inflationary increases. Argyll and Bute Council's fee is of a lower level at a cost of £474 for a three year licence. It would be the suggestion of officers to ensure a consistent fee across the area that the fee be now amended to be in line with Argyll and Bute's fee.

7. Risk Analysis

7.1 There would be a reputational risk for the Council if it fails to use powers to regulate activities that could cause harm to citizens or businesses.

8. Equalities Impact Assessment (EIA)

- 8.1** An equalities impact assessment identified that a licensing scheme would take account of the need to ensure the safety of people with disabilities or age related infirmities. These issues would be fully considered prior to a further report being presented to the Committee.

9. Consultation

- 9.1** The proposed resolution for a licensing scheme for boat hirers was advertised in the local newspaper and responses were received to the consultation.

10. Strategic Assessment

- 10.1** A licensing scheme will improve the wellbeing of communities and protect the welfare of vulnerable people.

Strategic Lead - Regulatory

Date 31 March 2017

Person to Contact: Raymond Lynch
Solicitor, Section Head - Licensing
West Dunbartonshire Council
Garshake Road
Dumbarton
G82 3PU.
Tel. No. (Direct line) 01389 737818
raymond.lynch@west-dunbarton.gov.uk

Appendices: Appendix – Consultation on proposed licensing scheme for boat hirers.

Background Papers: Report on the investigation of the foundering of the small passenger ferry Vixen in Ardlui Marina, Loch Lomond Marine Accident Investigation Branch, June 2013.

Reports to the Licensing Committee - 28 August 2013 and 20 April 2016.

Wards Affected: All



Consultation on a proposal to licence boat hirers on Loch Lomond and other waters

What is this consultation about?

Argyll & Bute Council is proposing to strengthen its existing boat hirer licensing scheme. Stirling Council and West Dunbartonshire Council are proposing to implement a new boat hirer licensing scheme.

The three councils have agreed to work together to ensure that any licensing scheme is applied consistently across Loch Lomond, to minimise the administrative burdens on businesses whilst improving the level of protection for people who travel on boats. The councils have developed this consultation in partnership with the Loch Lomond and The Trossachs National Park Authority (LLTNPA) and the Maritime & Coastguard Agency (MCA).

'Boat hirers' refers to the use of a vessel, in the course of a trade or business, for the purpose of (a) letting it for hire; or (b) carrying for reward 12 or fewer passengers, for pleasure, recreational, educational or sporting purposes. Boats that carry more than 12 passengers are already subject to regulatory oversight by the Maritime & Coastguard Agency, and are therefore not affected by the proposals in this consultation.

Please note that any licensing scheme for boat hirers will not replace the need for boat owners to register their boats with LLTNPA and to comply with LLTNPA's bye-laws¹.

Why is there a need to licence boat hirers?

In September 2012, a small passenger ferry called the *Vixen* sank in Loch Lomond while crossing from Ardlui (in Argyll & Bute) to Ardleish (in Stirling Council's area). The six passengers and skipper managed to swim to safety.

An investigation carried out by the Marine Accident Investigation Branch (MAIB)² found that *Vixen* was in poor condition. The investigation found that there was no effective regulatory oversight of small commercial passenger vessels on Loch Lomond because the available legislation, and the Inland Waters Small Passenger Boat Code, were not being applied.

The MAIB found that *“if the vessel had been surveyed by a competent person, the numerous defects identified during this investigation would probably have been detected”*. The MAIB report summarises the reasons for the sinking of the *Vixen* and concludes that *“All of these shortcomings would have been identified if the vessel had been required to meet the standards of the Inland Waters Code.”*

The MAIB recommended that West Dunbartonshire Council and Stirling Council take action (i) to establish a boat hirer licensing system which adopts the Inland Waters Small Passenger Boat Code as the standard applied for small passenger boats carrying fewer than 12 passengers, and (ii) to require such boats to be regularly surveyed by a competent person employed by a Certifying Authority or similar organisation as may be recommended by the Maritime and Coastguard Agency. Argyll & Bute Council was recommended to bring its existing licensing scheme up to that standard.

Referring to the different licensing requirements by the three Councils that regulate Loch Lomond, the MAIB report states *“This difference in licensing requirements, if allowed to persist, could have the effect of encouraging any sub-standard operators to move their operations to parts of Loch Lomond where no licensing is required”*.

What legal framework applies?

Section 38 of the Civic Government (Scotland) Act 1982³ allows Councils to require a licence *“for the use of a vessel, in the course of a trade or business carried on from any place within the area of the licensing authority, for the purpose of (a) letting it for hire; or (b) carrying for reward 12 or fewer passengers, for pleasure, recreational, educational or sporting purposes”*.

The Act requires that:

1. applicants are fit and proper persons.
2. vessels are only licensed if they are in a *“safe condition”*. Licensing authorities are permitted to apply *“reasonable conditions as the licensing authority think fit”*. Such conditions could specify that vessels must meet certain standards of safety.

Section 38(4) of the Act lists various exemptions e.g. boats used exclusively for fishing.

Extent of proposed licensing schemes

Councils may choose whether or not to pass a ‘resolution’ to apply these provisions within the area. Argyll & Bute Council already has a licensing scheme in place and has agreed, in principle, to improve it. Stirling Council and West Dunbartonshire Council have agreed, in principle, to bring in a new licensing scheme. These ‘in principle’ decisions are subject to the outcome of this consultation with people who may be affected by any licensing scheme, including boat hire operators and the travelling public.

Although the MAIB recommendations relate to boats that carry for reward 12 or fewer passengers, the three councils also propose to apply the scheme to all powered boats let for hire, for example motor cruisers that people can hire without a skipper. The councils believe that 'self drive' boats present inherent risks to the public, and regulatory control would ensure that boat hirers provide boats and safety equipment that meet appropriate safety standards, and provide adequate instructions to users about the safe operation of the boat.

At this stage the councils do not propose to apply a boat hirer licensing scheme to non-powered boats such as canoes, kayaks and pedalos. However the councils may introduce such a scheme at a later date, subject to a separate consultation.

The licensing scheme for Argyll & Bute Council and West Dunbartonshire Council would extend to all waters within their areas including coastal waters. Stirling Council's scheme would extent to Loch Lomond only.

How do the councils propose to implement a licensing scheme?

Loch Lomond covers three different council areas (see Appendix 3), but there are no physical boundaries on the loch for boat users. There is clearly a possibility that different approaches by the three councils could place burdens on boat hire operators whose activities cross council boundaries. For example, the 1982 Act states that a licence is required from each local authority for the place where passengers 'embark initially' on their journey. This could in theory require up to three separate licences for multi-stop journeys. There is also the potential for boat hire operators to move their operations around the loch to the council that is perceived to have the most advantageous licensing scheme.

For these reasons, the three councils and their partners (LLTNPA and MCA) have been working together to implement the MAIB recommendations in a way that maximises consistency in the following ways:

1. Stirling Council and West Dunbartonshire Council propose to delegate power to each other to grant boat hire licences in their parts of Loch Lomond. In practice, this will mean that a boat hire licence issued by one of those councils will automatically apply to the area of the other council as well. For example, a boat hire operator who picks up passengers from both Balmaha and Balloch will only need a licence from one of the two councils. Any boat hire operator who picks up passengers from Argyll & Bute Council's area will need a licence from Argyll & Bute Council. This arrangement will mean that a boat hire operator picking up passengers from various locations on Loch Lomond will need, at most, two boat hire licences.
2. Stirling Council and West Dunbartonshire Council will expect that boat hirers apply to the council for the area in which they have their main operational base or from where most of their passengers embark. The council that receives the application may require the applicant to send the application to the other council if they believe that it should properly have been sent to that other council.
3. All three councils propose to require boat hirers who carry for reward 12 or fewer passengers to comply with the *Inland Waters Small Passenger Boat*

Code (the 'Inland Waters Code'⁴). The code was published jointly by the Association of Inland Navigation Authorities and the Maritime & Coastguard Agency in 2007. The Inland Waters Code sets out standards for the construction, equipment, stability, operation, manning and maintenance of small passenger boats.

4. All three councils propose to apply as far as possible a common set of licence conditions as shown in Appendix 2.
5. All three councils propose to require a separate licence for each vessel so that the licensing authority can ensure sufficient regulatory control over the standard of each and every vessel that sails on Loch Lomond.
6. All three councils propose to charge a full application fee for the first vessel and significantly reduced fees for any other vessels operated by the same boat hire operator (to take account of the fact that the 'fit and proper person' test applies to each operator only once).
7. Each council proposes to share information with the other two councils and with LLTNPA and MCA on applications for new licences and for renewals, to ensure that all parties have the opportunity to comment. The councils and partners will also share information on any applications that have been refused.
8. All three councils propose that the applicant will have to pay for a full survey of each vessel by a competent surveyor against the appropriate Code. The licence will last for three years and a fresh survey report will therefore be required once every three years. An application for a licence will not be valid until that survey report has been provided to the licensing authority. An applicant will only need to pay for a single survey report, even if the applicant requires a licence from more than one council.
9. All three councils will consult Police Scotland about each application so that the police have the opportunity to object or make representations about the applicant's fitness to hold a licence.
10. All three councils will establish an online application procedure as well as offering paper forms. The Loch Lomond and The Trossachs National Park Authority proposes to create a web page for boat hire operators that helps direct them to the correct licensing authority.

How will a decision be made?

Council officers are usually able to grant licences fairly quickly if there are no objections and if the inspection report is satisfactory. However decisions may have to be referred to the council's Licensing Committee if the application is contentious, and this will take more time.

How can I comment on this consultation?

Please complete the form in Appendix 1 and send it to your local council as follows:

Argyll & Bute Council

✉ Argyll & Bute Council
Governance and Law
Kilmory
Lochgilphead
PA31 8RT
💻 licensing@argyll-bute.gov.uk

Stirling Council

✉ Stirling Council
Licensing
Stirling Council
Old Viewforth
Stirling
FK8 2ET
💻 camerons@stirling.gov.uk

West Dunbartonshire Council

✉ West Dunbartonshire Council
Licensing Team
Council Offices
Garshake Road
Dumbarton
G82 3PU
💻 licensing@west-dunbarton.gov.uk

The three councils will work together to ensure that a summary of the responses is reported to the Licensing Committees who will make the final decisions about implementing a boat hire licensing scheme for Loch Lomond.

Notes

1. <http://www.lochlomond-trossachs.org/visiting/boat-registration/menu-id-707.html>
2. http://www.maib.gov.uk/publications/investigation_reports/2013/vixen.cfm
3. <http://www.legislation.gov.uk/ukpga/1982/45/section/38>
4. www.aina.org.uk/docs/SPBC.pdf
5. <https://www.gov.uk/government/publications/the-hire-boat-code>

Consultation on a proposal to licence boat hirers on Loch Lomond Response Form

Name	
Address	
Telephone number	
Email address	
In what capacity are you responding? <i>Please tick</i>	<input type="radio"/> Boat hire operator <input type="radio"/> Someone who uses boats <input type="radio"/> Other (please specify)
<i>Boat hire operators only:</i> From which council areas do you pick up passengers? <i>Please tick all that apply</i>	<input type="radio"/> Argyll & Bute Council <input type="radio"/> Stirling Council <input type="radio"/> West Dunbartonshire Council
Q1: Do you agree that a licensing scheme should be implemented in principle? Please explain your reasons.	
Q2: Are you satisfied that the two Codes listed in the consultation are the most appropriate standards to apply to boat hire operators?	
Q3: Are you satisfied that the proposed licence conditions strike the right balance between protecting the public and minimising burdens on operators?	
Q4: Are you satisfied that the processes that the three councils propose to implement will minimise the regulatory burdens on boat hire operators?	

Q5: Is there anything you wish to add?

Thank you for taking the time to respond to this consultation.

**CUSTOMER SERVICES – GOVERNANCE & LAW
CIVIC GOVERNMENT (SCOTLAND) ACT 1982
SCHEDULE OF CONDITIONS - BOAT HIRE**

PART 1**MANDATORY REQUIREMENTS IN TERMS OF SECTION 38**

1. The licence holder shall ensure that the maximum number of persons to be carried in the boat or vessel at any one time (including the person in charge of the boat or vessel or any other crew) must not exceed the number stated in the licence. This will be determined via the heel test as per annex 10 of the Inland Waters Small Passenger Boat Code.
2. The licence holder shall only use or permit to be used the vessel within the waters described in the licence.
3. The licence holder shall take out and maintain in force with a reputable company a policy of insurance with an indemnity limit of not less than £5,000,000 which insures such person, persons or class of persons as may be specified in the policy in respect of any liability which may be incurred by the licence holder in respect of the death of or bodily injury to any person caused by, or arising out of, the use of the vessel, such policy to be in force at all times before undertaking the activities to which this Licence relates. During the currency of the licence the holder shall, on expiry of the current policy, produce to the Licensing Authority the new policy, within 48 hours of the expiry of the previous certificate. It is the responsibility of the licence holder to ensure this document is passed to the Licensing Authority. Failure to comply may lead to the licence being suspended.
4. The licence holder shall, within 7 working days, notify the licensing authority of any change of circumstances i.e. change of personal address, no longer operating etc. If you are in doubt as to what constitutes a change of circumstances you should contact the office of the Head of Governance and Law for guidance.

PART II**LICENSING CONDITIONS APPLICABLE TO ALL VESSELS**

1. The licence holder shall ensure that the registered number allotted to the vessel by the Licensing Authority is clearly marked or painted on the outside of each bow of the vessel in a conspicuous position in plain figures of not less than 2 inches in height and of a corresponding breadth. (If vessel more than 2 tons, figures shall be not less than 3 inches in height and of a corresponding breadth).
2. The licence holder shall make sure that the names of the licence holder and the words "To carry persons including crew" (the number being the maximum number of persons the boat is licensed to carry) is marked or painted in a conspicuous position where it can be clearly seen by the passengers, in letters and figures of not less than one inch in height and of a corresponding breadth. A copy of the licence must be prominently displayed on the boat in such a position so that passengers may read it.
3. The licence holder shall ensure that all numbers or names required by the Licensing Authority are kept at all times distinctly legible and must not be in any manner or by any means altered, defaced, obliterated, covered or concealed.
4. The licence holder shall ensure that the hull, and any oars, spars, rigging, engines and mechanical equipment of the vessel be rendered at all times complete and in sound and seaworthy condition to the satisfaction of the Licensing Authority.

5. The licence holder shall at all times to the satisfaction of the Licensing Authority keep the slipway, jetties, piers and other landing places at his boat station, so far as under his control, in good and sufficient order and repair for the safe embarking and disembarking of passengers.
6. The licence holder shall ensure that the vessel carries a sufficient number of Thermal Protective Aids which will be readily available to be worn by all persons on board including the person in charge and any other crew. The licence holder shall ensure that the vessel carries two spare lifejackets in addition to one for each passenger and crew member and that the lifejackets shall comply with the approved standard currently in force.
7. The licence holder shall, to the best of his ability, ensure that the person in charge of the vessel must at all times comply with any weather warning or other instructions issued to him by either HM Coastguard or the Harbourmaster / competent authority responsible for the areas in which the vessel operates.
8. The licence holder shall not let any vessel to any person whom the licence holder considers is not fit to handle the vessel properly and would thereby be a danger to themselves or others.
9. The licence holder shall be required to ensure their vessel is surveyed annually. On the year of renewal, the survey should be carried out by an authorised person being one appointed by a Maritime and Coastguard Agency recognised certifying authority. Surveys in the second year of the licence may be carried out by the owner or managing agent and duly recorded.
10. Notwithstanding the other conditions contained in this document, the Licence holder must ensure that all Boats and equipment covered by this licence are constructed, maintained and operated so as to comply with all relevant legislation, Manufacturers Recommendations, and all relevant Codes of Practice including but not limited to:
 - For boat hirers who carry for reward 12 or fewer passengers, the Inland Waters Small Passenger Boat Code (known as the 'Inland Waters Code'), published jointly by the Association of Inland Navigation Authorities and the Maritime & Coastguard Agency in 2007, and any subsequent amendment of that code.
 - For boat hirers who let powered boats for hire, the Code for the Design, Construction and Operation of Hire Boats, Part 1: Power Driven Boats, published by British Marine Federation, Association of Inland Navigation Authorities, and Maritime and Coastguard Agency in 2009, and any subsequent amendment of that code.

PART III SUPPLEMENTARY LICENSING CONDITIONS FOR NON-MECHANICALLY PROPELLED VESSELS

1. The licence holder shall ensure that each rowing board or dinghy shall at all times be kept supplied and equipped with suitable and sufficient oars, rowlocks or rowing pins and a bailing dish.
2. The licence holder shall ensure that each sailing boat shall at all times be kept supplied and equipped with all suitable and sufficient sails, spars, rudder, tackle, fittings and appliances as well as with serviceable lifebuoys and a bailing dish.
3. The licence holder shall ensure that each sailing boat or canoe carries suitable and sufficient paddles.
4. The licence holder shall ensure that any non swimmers on a vessel wear life jackets at all times.

PART IV

SUPPLEMENTARY LICENSING CONDITIONS FOR MECHANICALLY PROPELLED VESSELS

1. The licence holder shall ensure that each vessel at all times when plying for hire be in the charge of an experienced helmsman / skipper who holds a current licence or certificate issued by the Department for Transport and has a thorough knowledge of the weather and tidal conditions of the area in which the vessel is licensed to operate.
2. The licence holder shall make sure that each vessel carries two 30 inch diameter DFT approved lifebuoys, both of which shall have a smoke/light signal, One fitted with 18m buoyant line attached and shall be kept within easy reach of the helmsman.
3. The licence holder shall ensure that each vessel carries distress flares comprising at least 4 x 2 star parachute signals, 4 red hand flares and 2 orange smoke signals.
4. The vessel must also have either two SOLAS No. 2 packs or one SOLAS No. 1 pack on board at all times.
5. The licence holder must ensure that each vessel has fitted to it a VHF radio transceiver capable of receiving weather forecasts, in the charge of a person who has a Radio Operators Certificate.
6. The licence holder must ensure that each vessel carries an anchor and chain and such rope or cable attached to the chain as can also be used for towing purposes.
7. Any vessel carrying passengers shall carry DFT approved life-rafts with a SOLAS B pack capable of providing seating for the passengers and crew on the vessel or if it is an ORC standard liferaft it shall be fitted with a grab bag containing the following:-
 - (a) Second Sea anchor and line
 - (b) First Aid Kit
 - (c) One daylight signaling mirror
 - (d) One signaling whistle
 - (e) One solar reflector
 - (f) Two red pocket parachute flares
 - (g) Three red hand flares
 - (h) One buoyant smoke signal
 - (i) One thermal protective aid for each person on board
 - (j) One copy of SOLAS No.2

PART V

ADDITIONAL REQUIREMENTS FOR VESSELS WITH ENGINES

1. The licence holder shall ensure that the engine, any auxiliary engines, steering gear and any other mechanical equipment be maintained at all times in efficient working order and in a sound and seaworthy condition.
2. The licence holder shall ensure that the vessel carries a tool kit with sufficient tools to carry out emergency repairs to the engine.
3. The licence holder shall ensure that each vessel carries 2 DFT approved portable fire extinguishers, six litre foam (rating 13A 113B) or equivalent dry powder .
4. The licence holder shall ensure that each vessel has provision for, and carries an appropriate reserve of fuel for its engines (eg petrol or diesel) to be available for use in an emergency. (A maximum of 5 litre of petrol may be carried in a portable BS / EN approved container

Appendix 3

Council areas for some main piers and jetties on Loch Lomond

Argyll & Bute Council

- Duck Bay Marina
- Burnfoot Jetty, Arden
- Luss
- Tarbet
- Ardlui
- Inchtavannach
- Inchconnachan
- Inchmoan

Stirling Council

- Balmaha
- Milarrochy Bay
- Rowardennan
- Inversnaid
- Ardleish (for ferry to Ardlui)
- Inchcailloch
- Inchfad
- Inchcruin

West Dunbartonshire Council

- Cameron House Hotel
- Balloch
- Loch Lomond Shores
- Ross Priory
- Inchmurrin



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 THAT CONFIDENTIAL PAGES HAVE BEEN REMOVED