

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 7 December 2016 at 10.05 a.m.

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

Attending: Raymond Lynch, Section Head (Licensing); Robert Mackie, Senior Officer (Licensing Services); Martin Keeley, Service Co-ordinator (Regulatory); Lawrence Knighton, Licensing Standards Officer and Nuala Borthwick, Committee Officer.

Apologies: Apologies for absence were intimated on behalf of Provost Douglas McAllister and Councillor Tommy Rainey.

Councillor Lawrence O'Neill in the Chair

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 19 October 2016 were submitted and approved as a correct record.

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

<u>Name and Address of Applicant</u>	<u>Date Applied</u>
Andrew Park 5 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 applicant had intimated in advance of the meeting that he would be unable to attend the meeting due to a hospital appointment.

DECIDED:-

It was agreed that consideration of the application be continued to the next meeting of the Licensing Committee to be held on 15 February 2017.

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

Name and Address of Applicant

Date Applied

John Slevin
3 Allan Crescent
Alexandria
G83 0BJ

21 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 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 his representative, Mr Cobb, Solicitor, PRG Partnership Solicitors and a representative of the Police authority, Sergeant Walker, were in attendance; and
- (d) that a separate letter had been received from the Police authority detailing the applicant's alternatives to prosecution that were considered "spent" in terms of the Rehabilitation of Offenders Act 1974 and that it was for the Committee to decide whether or not the letter detailing the spent alternatives to prosecution should be disclosed and taken into consideration.

Having heard the Section Head (Licensing) with regard to the age, degree of seriousness and relevance of the spent alternatives to prosecution, the Committee agreed that the letter from the Police authority detailing the spent alternatives to prosecution should be circulated and taken into account. Copies of the letter containing the spent alternatives to prosecution were accordingly circulated to Members of the Committee.

The Committee then heard from Sergeant Walker in relation to both letters from the Police authority and in answer to Members' questions.

The Committee also heard from the applicant's legal representative, Mr Cobb. Both Mr Cobb and Mr Slevin were then given the opportunity to address the Committee in support of the application and in connection with the circumstances relating to the matters detailed in the Police letters. Thereafter, both Mr Cobb and Mr Slevin answered questions from Members. It was noted that Mr Slevin's pending case was sub-judice.

DECIDED:-

After consideration, the Committee 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.

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>
Graham Bell 8 Stuckleckie Road Helensburgh G84 7NL	17 October 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 a representative of the Police authority, Sergeant Walker, were in attendance; and
- (c) that copies of the letter from the Police authority dated 15 November 2016, providing information in relation to the application, had been issued to Members of the Committee in advance of the meeting.

The Committee 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 a Member's question.

Thereafter, Mr Bell was given the opportunity to address the Committee in support of the application.

DECIDED:-

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

<u>(b) Name and Address of Applicant</u>	<u>Date Applied</u>
Mark Harvey 19 Alsation Avenue Drumry Clydebank G81 2NF	21 October 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 copies of the letter from the Police authority dated 15 November 2016, providing information in relation to the application, had been issued to Members of the Committee in advance of the meeting;
- (c) that the applicant and a representative of the Police authority, Sergeant Walker, were in attendance; and
- (d) that a separate letter had been received from the Police authority detailing the applicant's alternatives to prosecution that were considered "spent" in terms of the Rehabilitation of Offenders Act 1974 and that it was for the Committee to decide whether or not the letter detailing the spent alternatives to prosecution should be disclosed and taken into consideration.

Having heard the Section Head (Licensing) with regard to the age, degree of seriousness and relevance of the spent alternatives to prosecution, the Committee agreed that the letter from the Police authority detailing the spent alternatives to prosecution should be circulated and taken into account.

Copies of the letter containing the spent alternatives to prosecution were accordingly circulated to Members of the Committee.

The Committee then heard from Sergeant Walker in relation to both letters from the Police authority and in answer to Members' questions.

Mr Harvey was then given the opportunity to address the Committee in support of the application and in connection with the circumstances relating to the matters detailed in the Police letters, and to be heard in answer to questions from Members.

DECIDED:

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

APPLICATION FOR RENEWAL OF A WINDOW CLEANER'S LICENCE

Name and Address of Applicant

Date Applied

Kevin Hannan
34/6 Valeview Terrace
Dumbarton
G82 3BN

6 October 2016

A report was submitted by the Strategic Lead – Regulatory concerning an application for Renewal of a Window Cleaner'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 which had been received from the Police authority, the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place;
- (c) that the applicant and a representative of the Police authority, Sergeant Walker, were in attendance; and
- (d) that copies of the letter from the Police authority dated 19 October 2016, containing the objection, had been issued to Members of the Committee in advance of the meeting.

The Committee heard Sergeant Walker in relation to the objection and in answer to Members' questions.

Mr Hannan was then given the opportunity of addressing the Committee in support of his application and in connection with the matters detailed in the Police letter, and to be heard in answer to Members' questions.

DECIDED:-

After consideration, the Committee agreed that the application be refused on the grounds that the applicant was no longer a fit and proper person to hold a licence.

INTRODUCTION OF LICENSING CONDITIONS FOR HOME BOARDING AND COMMERCIAL DAY BOARDING OF DOGS UNDER THE ANIMAL BOARDING ESTABLISHMENTS ACT 1963

A report was submitted 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.

The Committee then heard from the Section Head (Licensing) and the Service Co-ordinator (Regulatory) in further explanation of the report and in answer to Members' questions.

Thereafter, having heard the Chair, Councillor O'Neill, it was agreed that consultees who were present and likely to be affected by the introduction of the licensing conditions, would have the opportunity to address the Committee in response to the proposed licensing conditions for Home Boarding of Dogs and Commercial Boarding of Dogs.

Thereafter, the Committee heard from those consultees present at the meeting who provided information in relation to the proposed responses.

After discussion, the Committee agreed:-

- (1) to continue the matter to the meeting of the Licensing Committee scheduled to be held on Wednesday, 19 April 2017;
- (2) that a full public consultation would be commenced at the start of January 2017 for a period of 6 weeks to enable all consultees to submit comprehensive responses to the consultation; and
- (3) that the public consultation would be publicised in the local media and via the Council's social media after the new year period.

ADJOURNMENT

Having heard the Chair, Councillor O'Neill, the Committee agreed to adjourn for a short period of time.

The Committee resumed at 12.05 p.m. with all Members shown on the sederunt in attendance.

UPDATE ON INDEPENDENT REPORT ON MARCHES, PARADES AND STATIC DEMONSTRATIONS IN SCOTLAND

A report was submitted by the Strategic Lead – Regulatory providing information on the content of a report written by Dr Michael Rosie who was invited by the Scottish Government to revisit the report carried out by Sir John Orr in 2005 titled 'Review of Marches and Parades in Scotland'.

After discussion and having heard the Section Head (Licensing) in further explanation of the report and in answer to Members' questions, the Committee agreed:-

- (1) to approve the amendments to Conditions 15 and 24 of the Council's Code of Conduct – Public Processions, as detailed at paragraphs 4.3 and 4.4 of the report; and
- (2) to otherwise note the contents of the report.

The meeting closed at 12.26 p.m.