

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in Committee Room 3, Garshake Road, Dumbarton on Wednesday, 11 October 2017 at 10.10 a.m.

Present: Councillors Jim Brown, Ian Dickson, John Mooney, Marie McNair; Lawrence O'Neill and Brian Walker.

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

Also Attending: Constable Alison Simpson, Police Scotland.

Apology: Apologies for absence were intimated on behalf of Councillors Jim Finn and Jonathan McColl.

APPOINTMENT OF CHAIR

In the absence of the Chair, Councillor Finn, and the Vice-Chair, Councillor McColl, it was unanimously agreed that Councillor Brown would chair the meeting. Accordingly, Councillor Brown assumed the Chair.

Councillor Jim Brown 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 MEETINGS

- (a) The Minutes of Special Meeting of the Licensing Committee held on 2 August 2017 were submitted and approved as a correct record.
- (b) The Minutes of Ordinary Meeting of the Licensing Committee held on 16 August 2017 were submitted and approved as a correct record subject to the inclusion of the undernoted wording in the Application for Renewal of a Taxi Driver's/Private Hire Car Driver's Licence:-

That the applicant was not a fit and proper person to be the holder of a Taxi Driver's/Private Hire Car Driver's Licence; and

- (c) The Minutes of Special Meeting of the Licensing Committee held on 30 August 2017 were submitted and approved as a correct record subject to the replacement of the word 'Board' with 'Committee' in the decision.

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

Name and Address of Applicant

Date Applied

Alan Ritchie
6 Empire Road
Rhu
Helensburgh
G84 8LT

10 July 2017

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:-

- (a) that a letter had been received from the Chief Superintendent of Police Scotland 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 Police Scotland had been invited to attend the meeting of the Committee in order that a hearing could take place;
- (c) that at the meeting of the Licensing Committee held on 16 August 2017, the applicant had intimated in advance of the meeting that he would be unable to attend. It was agreed that consideration of the application would be continued to the next meeting in order that the applicant be given a further opportunity to appear before the Committee;
- (d) that the applicant, Mr Alan Ritchie, and his solicitor, Mr Kenny Clark, Adairs Solicitors were in attendance; and
- (e) that Constable Alison Simpson was in attendance on behalf of Police Scotland.

The Committee then heard from Constable Simpson in relation to the letter from Police Scotland and in answer to Members' questions.

The Committee then heard from Mr Clark who was given an 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, Mr Clark was heard in answer to questions from Members.

DECIDED:-

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

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

Name and Address of Applicant

Date Applied

Colin Hilton
11 Spencer Street
Clydebank
G81 3AT

30 August 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 Police Scotland on 13 September 2017 submitting comments in relation to the application;
- (b) that copies of the letter from Police Scotland had been issued to Members in advance of the meeting;
- (c) that a separate letter had been received from Police Scotland 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; and
- (d) that the licence holder, Mr Colin Hilton, and a representative of Police Scotland, Constable Alison Simpson, were in attendance.

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 the Members of the Committee.

The Committee then heard from Constable Simpson in relation to both letters from Police Scotland and in answer to Members' questions.

Thereafter, the applicant 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 letters from Police Scotland. The applicant was also heard in answer to questions from Members.

DECIDED:-

After consideration, the Committee agreed that the application be refused on the grounds that the applicant was not a fit and proper person to be the holder of a Temporary Taxi Driver/Private Hire Car Driver's Licence.

APPLICATION FOR GRANT OF A PRINCIPAL STREET TRADER'S LICENCE

Name and Address of Applicant

Date Applied

Duncan Wrethman
5 Cordale Avenue
Renton
G82 4QF

14 July 2017

A report was submitted by the Strategic Lead – Regulatory concerning an application for Grant of a Principal Street Trader's Licence.

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

- (a) that Mr Wrethman was applying to operate a snack van on ground leased from West Dunbartonshire Council in an area off Levenside Road located within Vale of Leven Industrial Estate on Monday to Friday from 7 am to 3 pm and on Saturdays from 7 am to 1 pm;
- (b) that details of Mr Wrethman's application were advertised in the Dumbarton Reporter on 25 July 2017 requesting that any objections or representations required to be submitted no later than 22 August 2017;
- (c) that 6 letters of objection had been received plus an additional petition opposing the siting of the snack van within Vale of Leven Industrial Estate;
- (d) that officers had consulted Roads and Transportation Services and no objection had been received. They had however, advised that a Traffic Order was in place for Levenside Road, including the area adjacent to the location Mr Wrethman had leased from the Council, which will involve the road being marked with double yellow lines;
- (e) that Mr Stuart Gibson, Asset Co-ordinator, Asset Management Section was in attendance at the meeting to provide information in relation to the ground leased from West Dunbartonshire Council;
- (f) that no police objection or representation had been received in relation to the application;
- (g) that in view of the objections received, the applicant and each of the individuals who had submitted an objection to the application had been invited to attend the meeting; and

- (h) that Mr Wrethman was in attendance at the meeting.

ADJOURNMENT

The Committee agreed to adjourn at 10.54 a.m. for a short period to enable officers to contact Roads and Transportation Services to ascertain why a Traffic Regulation Order (TRO) was in place for Levenside Road which involved the road being marked with double yellow lines.

The Committee resumed at 11.09 a.m. with all Members listed in the sederunt present. The Section Head (Licensing) advised that the TRO had been necessary due to concerns of occupants and the Police regarding indiscriminate parking and to update other regulations in the area. Thereafter, he read out the West Dunbartonshire Council (Various Roads, Vale of Leven Industrial Estate area, Dumbarton) (Driving and Waiting Restrictions) Order 2017 Statement of Reasons advising it was to introduce one way, turning movement, waiting and loading restrictions on various roads in the Vale of Leven Industrial Estate and was considered necessary to avoid danger, facilitate passage of traffic and preserve or improve amenities of the area.

DECIDED:-

After consideration, the Committee agreed:-

- (1) to continue the application to a Special Meeting of the Licensing Committee being held on Wednesday, 1 November 2017 at 2.00 p.m. in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank;
- (2) that a Senior Officer from Roads and Transportation Services be invited to attend the meeting to answer any questions from Members; and
- (3) that all relevant officers and each of the individuals who had submitted an objection to the application would be invited to attend the Special Meeting.

SPECIFICATIONS FOR VEHICLES OPERATING AS TAXIS AND PRIVATE HIRE CARS

A report was submitted by the Strategic Lead – Regulatory seeking a review of the Vehicle Specification Guidance for Taxis and Private Hire Cars.

Having heard the Licensing Standards Officer in further explanation of the report and in answer to Members' questions, the Committee agreed:-

- (1) to remove the minimum engine size requirement for taxi and private hire cars; and
- (2) to convert imperial measurements into the nearest metric equivalent for other specifications.

The meeting closed at 11.18 a.m.