

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in the Council Chambers, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 1 November 2006 at 11.10a.m.

Present: Councillors Denis Agnew, Dennis Brogan, Douglas McAllister, Linda McColl, Duncan McDonald and Connie O'Sullivan.

Attending: Nigel Ettles, Principal Solicitor and David Rooney, Senior Administrative Officer.

Apology: An apology for absence was intimated on behalf of Provost Alistair Macdonald.

Councillor McAllister in the Chair

MINUTES OF PREVIOUS MEETING

10486 The Minutes of Meeting of the Licensing Committee held on 6 September 2006 were submitted and approved as a correct record.

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

Name and Address of Applicant

Date Applied

Henry West
49 Murroch Crescent
Bonhill
Alexandria

7 September 2006

10487 A report was submitted by the Head of Legal and Administrative Services concerning an application for grant of a Taxi/Private Hire Car Driver's Licence by the above named person.

10488 Having heard the Principal Solicitor it was noted:-

- (a) that a letter had been received from the Chief Superintendent of the Police authority intimating an objection in relation to the application on behalf of the Chief Constable; and

- (b) that in view of the above the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place.

- 10489 It was noted that Superintendent McFarlane and Sergeant Jamieson were in attendance and the Committee heard Superintendent McFarlane in relation to the objection.
- 10490 Thereafter the applicant was invited to come forward and he addressed the Committee in support of his application. After answering questions from Members the applicant returned to the public gallery.
- 10491 After consideration the Committee agreed that the application be refused on the grounds that the applicant was not a fit and proper person to hold a Taxi/Private Hire Car Driver's Licence having regard to the convictions recorded against him.

APPLICATION FOR GRANT OF TEMPORARY STREET TRADER'S LICENCE (EMPLOYEE)

<u>Name and Address of Applicant</u>	<u>Date Applied</u>
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Hugh Beattie 33 Andrew Drive Whitecrook Clydebank	3 August 2006
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- 10492 A report was submitted by the Head of Legal and Administrative Services concerning an application for grant of a Temporary Street Trader's Licence (Employee) by the above named person.

- 10493 The Principal Solicitor advised:-

- (a) that a letter had been received from the Chief Superintendent of the Police authority making a representation in relation to the application on behalf of the Chief Constable and the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place;
- (b) that the letter from the Police making the representation had been received late; that the Committee had discretion to consider the late representation if there was sufficient reason why the letter had been submitted late; and that it would be a matter for the Committee to decide whether to entertain the representation after hearing from the representative of the Police with respect to this issue;
- (c) that in his application form the applicant had failed to disclose that he had three convictions, one of which was spent in terms of the Rehabilitation of Offenders Act 1974; and

- (d) that it would also be a matter for the Committee to decide whether the applicant's spent conviction should be disclosed and taken into consideration and that the spent conviction should not be disclosed unless there was no other way of doing justice.

- 10494 After hearing Superintendent McFarlane, who explained why the representation had been submitted outwith the statutory period, the Committee was satisfied that there was sufficient reason for the lateness of the representation and agreed that the representation would be taken into consideration.
- 10495 The Committee then heard the Principal Solicitor with respect to the applicant's spent conviction. It was noted that the applicant had been convicted of two offences on the same date about 10 years ago; in the opinion of the Principal Solicitor, both offences were relevant to the type of licence applied for, neither offence could be considered to be trivial and one was more serious than the other. Following deliberation, the Committee agreed that details of the applicant's spent convictions should be disclosed. Accordingly, details of the convictions were circulated to the Members of the Committee.
- 10496 The Committee then heard Superintendent McFarlane in relation to the representation. It was noted that whilst the applicant had been charged in connection with his failure to disclose his convictions in his application form and a police report had been submitted to the Procurator Fiscal, the matter had been dealt with by way of a non-court disposal.
- 10497 Thereafter the applicant was invited to come forward. After addressing the Committee in support of his application, the applicant returned to the public gallery.
- 10498 Following consideration it was agreed that the application be granted. It was also agreed that should an application for a full Street Trader's Licence (Employee) be submitted by Mr. Beattie, it would be referred to the Committee for determination.

The meeting closed at 11.33 a.m.