

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in the Council Chamber, Municipal Buildings, Station Road, Dumbarton, on Tuesday, 7 September 2010 at 12.00 noon.

Present: Councillors Jim Brown, Jim Finn, Douglas McAlister, Jonathan McColl and Willie McLaughlin.

Attending: Nigel Ettles, Principal Solicitor; Tony Cairns, Team Leader, Trading Standards; Raymond Walsh, Engineer (Traffic), Housing, Environment and Economic Development; Robert Mackie, Senior Licensing Officer; and George Hawthorn, Senior Administrative Officer, Legal, Administrative and Regulatory Services.

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

Councillor Jim Finn in the Chair

DECLARATIONS OF INTEREST

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

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Licensing Committee held on 1 June 2010 were submitted and approved as a correct record

TYPES OF VEHICLE OPERATING AS TAXIS WITHIN THE CLYDEBANK ZONE

With reference to the Minutes of the Meeting of the Licensing Committee held on 1 June 2010 (Page 2930 refers), a report was submitted by the Head of Legal, Administrative and Regulatory Services advising of a representation submitted by a Clydebank taxi operator, Mr. Andrew Barclay, asking the Committee to consider allowing taxis operating within the Clydebank zone of West Dunbartonshire to be extended to allow saloon cars.

After hearing the Principal Solicitor, it was noted that Mr. Barclay and a representative from the Clydebank Taxi Trade Association had been invited to attend the meeting.

Mr Barclay was heard in support of the proposal and Mr Gilmartin, Clydebank Taxi Trade Association was heard in opposition to the proposal.

After hearing Sergeant George Stewart, Strathclyde Police, in answer to a Member's question, the Committee agreed that no further action be taken in respect of this matter.

WHEELCHAIR ACCESSIBLE TAXIS – DUMBARTON AND VALE OF LEVEN TAXI LICENSING ZONE

With reference to the Minutes of the Meeting of the Licensing Committee held on 2 February 2010 (Pages 2585/2586 refers) a report was submitted by the Head of Legal, Administrative and Regulatory Services providing an update on the number of wheelchair accessible taxis in the Dumbarton and Vale of Leven Taxi Licensing Zone.

After hearing the Principal Solicitor in further explanation of the report and the Senior Licensing Officer in answer to a Member's question, the Committee agreed to note the contents of the report.

MANAGEMENT RULES FOR ADMINISTRATION OF SHOPPING CENTRES

<u>Name and Address of Applicant</u>	<u>Date Applied</u>
Mr. James McDill 11 Penan Place Knightswood Glasgow G14 0EA	19 April 2010

A report was submitted by the Head of Legal, Administrative and Regulatory Services concerning an application for permission to carry out the activity of busking within Clydebank Shopping Centre in terms of the Council's Management Rules for the Administration of Shopping Centres.

After hearing the Principal Solicitor, it was noted:-

- (a) that Mr. McDill had previously been granted permission for a 6 month period to busk within the Clyde Shopping Centre from 3 July 2009 until 2 January 2010;
- (b) that a letter had been received from the Chief Superintendent of the Police authority on 7 May 2010 advising that the Chief Constable had a representation to make in relation to the application;

- (c) that, at the meeting on 1 June 2010, it had been noted that the applicant was not present and it had been agreed that consideration of the application be continued to the next meeting in order that the applicant may be given a further opportunity to appear before the Committee; and
- (d) that copies of the letter from the Police authority referred to at (b) above had been circulated to Members of the Committee in advance of the meeting.

It was noted that the applicant was not in attendance.

After hearing Councillor J. McColl, the Committee agreed to refuse the application on the basis that Mr McDill was not a fit and proper person to carry out the activity.

PROPOSED RELOCATION OF TAXI STANCE

A report was submitted by the Head of Legal, Administrative and Regulatory Services concerning a proposal to relocate the taxi stance and feeder rank which is currently situated in Alexander Street, Clydebank to a new location of Chalmers Street and Kilbowie Road.

After hearing the Principal Solicitor in further explanation of the report, it was noted that the Committee would not be asked to make a decision on the proposed taxi stance at this meeting but was asked to authorise officers to proceed with a consultation on the proposal, the outcome of which would be reported back to the Committee for determination.

After hearing Councillor J. McColl in further explanation of the decision of the Planning Committee on 3 August 2010 (Pages 2988 - 2989 refer) and Mr Walsh, Engineer (Traffic) in answer to a Member's question, the Committee agreed:-

- (1) that officers be authorised to consult the taxi trade regarding the proposed appointment and revocation of the taxi stances;
- (2) that officers be authorised to make the necessary arrangements to give notice of the proposed appointment and revocation of the taxi stances to the Chief Constable and public notice of the proposals;
- (3) to note that if representations or objections to the proposals were received, the representations or objections would require to be considered by the Committee; and
- (4) that, if possible, the public notice referred to at (2) above should contain a map which illustrates the location of the proposed taxi stance.

APPLICATION FOR GRANT OF EMPLOYEE'S STREET TRADER'S LICENCE

<u>Name and Address of Applicant</u>	<u>Date Applied</u>
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Robert Docherty 1D Crescent Court Dalmuir Clydebank G81 4AG	12 March 2010
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A report was submitted by the Head of Legal, Administrative and Regulatory Services concerning an application for grant of an Employee's Street Trader's Licence by the above named person.

After hearing the Principal Solicitor, it was noted:-

- (a) that a letter had been received from the Chief Superintendent of the Police authority on 2 April 2010 advising that the Chief Constable had a representation to make in relation to the application;
- (b) that Mr. Docherty held a temporary Employee Street Trader's Licence which was granted for a period of 6 weeks by Members of the Licensing Committee on 2 February 2010;
- (c) that, on 2 February 2010 the Committee had agreed that, should the applicant apply for a full licence, the application for grant would be referred to the Committee for consideration and the applicant would be invited to attend;
- (d) that, at the meeting on 1 June 2010, it had been noted that the applicant was not present and therefore it had been agreed that consideration of the application be continued to the next meeting in order that the applicant may be given a further opportunity to appear before the Committee; and
- (e) that copies of the letter from the Police authority referred to at (a) above had been circulated to Members of the Committee in advance of the meeting.

It was noted that the applicant and the representative from the Police authority, Sergeant George Stewart, were in attendance.

The Committee heard Sergeant Stewart in relation to the representation which had been submitted. The applicant was then given the opportunity to address the Committee in support of his application. Thereafter the applicant answered questions from Members, providing information on the circumstances relating to the matters detailed in the letter from the Police.

After hearing the Principal Solicitor in answer to a Member's question, the Committee agreed to grant the application for a period of six months and that the first application for renewal of the licence be referred to the Committee for consideration and the applicant invited to appear before the Committee in this connection.

APPLICATION FOR GRANT OF SECOND HAND CAR DEALER'S LICENCE**Name and Address of Applicant****Date Applied**

Lomond Car Centre Limited
48 Stirling Road
Dumbarton

8 June 2010

A report was submitted by the Head of Legal, Administrative and Regulatory Services concerning an application for grant of a Second Hand Car Dealer's Licence by the above named company.

After hearing the Principal Solicitor, it was noted:-

- (a) that there was no Police objection or representation with respect to the application from Lomond Car Centre Ltd;
- (b) that an email from the Trading Standards Section had been received on 5 July 2010 in relation to the activities of the applicant during the course of its business as a Second Hand Car Dealer. In terms of the relevant legislation, a representation with respect to an application should be submitted within 21 days of receipt of the application. As the application from Lomond Car Centre Ltd., had been received on 8 June, any representation should have been submitted by 29 June 2010. There was, however, provision in the legislation for the Licensing Authority to entertain a late representation which has been received before a final decision has been made on an application if the Licensing Authority was satisfied that there was sufficient reason why the representation had not been made in the time required;
- (c) that, in view of the representation which had been received from the Trading Standards Section, the applicant and a representative of the Trading Standards Section had been invited to attend this meeting of the Committee;
- (d) that it would be a matter for the Committee to decide initially whether the late representations from the Trading Standards Section should be entertained; and
- (e) that the submission from the Trading Standards Section would be made known to the Committee as appropriate.

It was noted that Mr. John Gilmour, Solicitor, on behalf of the applicant and Mr Cairns, Team Leader, Trading Standards, were in attendance.

The Committee heard from Mr. Cairns who explained why the Trading Standards representation had been submitted outwith the statutory period. Mr Gilmour stated that he had no objection to the late representation being taken into consideration.

The Committee agreed that there was sufficient reason for the Trading Standards representation for being made in the required time and agreed that the representation would be taken into consideration. Copies of the e-mail from Trading Standards were accordingly circulated to Members of the Committee.

The Committee heard Mr. Cairns in relation to the representation which had been submitted and in answer to Members' questions. Mr Gilmour, on behalf of the applicant, was then given the opportunity to address the Committee in support of the application and was heard in answer to Members' questions.

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

APPLICATION FOR RENEWAL OF SECOND HAND CAR DEALER'S LICENCE

<u>Name and Address of Applicant</u>	<u>Date Applied</u>
Lomond Auto Centre Limited 71 North Street Alexandria	16 July 2010

A report was submitted by the Head of Legal, Administrative and Regulatory Services concerning an application for renewal of a Second Hand Car Dealer's Licence by the above named company.

After hearing the Principal Solicitor, it was noted:-

- (a) that an e-mail dated 5 August 2010 had been received from the Trading Standards section in relation to the activities of the applicant during the course of its business as a Second Hand Car Dealer;
- (b) that confirmation had been received from the Police authority that there was no Police objection or representation with respect to the application from Lomond Auto Centre Limited;
- (c) that, in view of the representation which had been received from Trading Standards, the applicant and a representative of the Trading Standards Section had been invited to attend this meeting of the Committee; and
- (d) that the submission from the Trading Standards Section had been circulated to the Members of the Committee in advance of the meeting.

It was noted that Mr. John Gilmour, Solicitor, on behalf of the applicant and Mr Cairns, Team Leader, Trading Standards, were in attendance.

The Committee heard Mr Cairns in relation to the representation which had been submitted. Mr Gilmour, on behalf of the applicant, was then given the opportunity to address the Committee in support of the application and was heard in answer to Members' questions.

After consideration, the Committee agreed:-

- (1) that the application be granted for a period of three years; and
- (2) that in the event that Trading Standards Officers, following further inspections of the applicant's premises, discover that the new company policies put in place to address the issues raised were not being adhered to by the applicant then a further report would be submitted to the Committee, if deemed appropriate by officers.

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

<u>Name and Address of Applicant</u>	<u>Date Applied</u>
Derek Fraser Flat 3 21 Ashtree Court Old Kilpatrick	16 June 2010

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

After hearing the Principal Solicitor, it was noted:-

- (a) that a letter (sent via facsimile) had been received from the Chief Superintendent of the Police authority on 6 July 2010 advising that the Chief Constable had a representation to make in relation to the application;
- (b) that in view of the representation which has been received from the Police, the applicant and a representative of the Police authority have been invited to attend this meeting of the Committee; and
- (c) that a copy of the letter (facsimile) from the Police had been circulated to members in advance of the meeting.

It was noted that the applicant and the representative from the Police authority, Sergeant George Stewart, were in attendance.

The Committee heard Sergeant Stewart in relation to the representation which had been submitted. The applicant was then given the opportunity to address the Committee in support of his application. Thereafter the applicant answered questions from Members.

The Committee agreed to grant the temporary application for a period of 6 weeks.

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

(a)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Tanju Kirilmaz 17 Rathlin Terrace Castlehill Dumbarton	27 May 2010

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

After hearing the Principal Solicitor, it was noted:-

- (a) that when Mr. Kirilmaz applied for renewal of his licence last year, a representation had been made by the Chief Superintendent of the Police authority in relation to the application. After a hearing at the meeting of the Committee on 4 August 2009, it had been agreed that the application be renewed and that the applicant's next application for renewal of the licence be referred to the Committee for consideration and the applicant be invited to appear before the Committee in this connection;
- (b) that, in accordance with the decision of the Committee, the applicant had been invited to attend this meeting of the Committee;
- (c) that confirmation had been received from the Police authority that there was no Police objection or representation with respect to Mr. Kirilmaz's application for renewal of his licence; and
- (d) that Mr Kirilmaz had confirmed in writing that he was unable to attend this meeting.

The Committee agreed that the application be granted.

(b)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Donald Muir 337 Braehead Bonhill Alexandria	4 June 2010

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

After hearing the Principal Solicitor, it was noted:-

- (a) that when Mr. Muir applied for renewal of his licence last year, a representation had been made by the Chief Superintendent of the Police authority in relation to the application. After a hearing at the meeting of the Committee on 4 August 2009, it had been agreed that the application be renewed and that the applicant's next application for renewal of the licence be referred to the Committee for consideration and the applicant be invited to appear before the Committee in this connection;
- (b) that, in accordance with the decision of the Committee, the applicant had been invited to attend this meeting of the Committee; and
- (c) that confirmation had been received from the Police authority that there was no Police objection or representation with respect to Mr. Muir's application for renewal of his licence.

It was noted that the applicant was not in attendance.

The Committee agreed that the application be granted.

APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE

(a) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
Andrew Paterson 1 Lennox Drive Faifley Clydebank	6 July 2010

A report was submitted by the Head of Legal, Administrative and Regulatory Services concerning an application for grant of a Taxi Driver's Licence by the above named person.

After hearing the Principal Solicitor, it was noted:-

- (a) that Mr. Paterson currently holds a temporary Taxi Driver's Licence which was granted for a period of 6 weeks by Members of the Licensing Committee on 1 June 2010;
- (b) that on 1 June 2010 the Committee agreed that, should the applicant apply for a full licence, the application for grant would be referred to the Committee for consideration and the applicant would be invited to attend;
- (c) that, in accordance with the decision of the Committee, the applicant had been invited to attend this meeting of the Committee;
- (d) that confirmation had been received from the Police authority that there was no Police objection or representation with respect to Mr. Paterson's application for grant of his licence.

The Committee agreed that the application be granted.

(b)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Kenneth Reid 170 Nobleston Bonhill Alexandria	13 May 2010

A report was submitted by the Head of Legal, Administrative and Regulatory Services concerning an application for grant of a Taxi Driver's Licence by the above named person.

After hearing the Principal Solicitor, it was noted:-

- (a) that Mr. Reid held a temporary Taxi Driver's Licence which was granted for a period of 6 weeks by Members of the Licensing Committee on 6 April 2010;
- (b) that on 6 April 2010 the Committee had agreed that, should the applicant apply for a full licence, the application for grant would be referred to the Committee for consideration and the applicant would be invited to attend;
- (c) that, in accordance with the decision of the Committee, the applicant had been invited to attend this meeting of the Committee; and
- (d) that confirmation had been received from the Police authority that there was no Police objection or representation with respect to Mr. Reid's application for grant of his licence.

The Committee agreed that the application be granted.

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

<u>Name and Address of Applicant</u>	<u>Date Applied</u>
Scott Walker 60E Whiteford Avenue Bellsmyre Dumbarton	7 July 2010

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

After hearing the Principal Solicitor, it was noted:-

- (a) that a letter had been received from the Chief Superintendent of the Police authority on 22 July 2010 advising that the Chief Constable had a representation to make in relation to the application;
- (b) that in view of the representation which has been received from the Police, the applicant and a representative of the Police authority had been invited to attend this meeting of the Committee; and
- (c) that a copy of the letter from the Police had been circulated to all Members of the Committee in advance of the meeting.

It was noted that the applicant and his representative, Claire Cochrane, Solicitor, and the representative from the Police authority, Sergeant George Stewart, were in attendance.

The Committee heard Sergeant Stewart in relation to the representation which had been submitted. The applicant's representative was then given the opportunity to address the Committee in support of the application and address the issues raised by the Police.

Thereafter, the Committee agreed that the application be granted.

APPLICATIONS FOR GRANT OF A STREET TRADER'S PRINCIPAL LICENCE

(a)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Archibald Richmond Solway Bank Stirling Road Dumbarton	16 June 2010

A report was submitted by the Head of Legal, Administrative and Regulatory Services concerning an application for grant of a Street Trader's Principal Licence by the above named person.

After hearing the Principal Solicitor, it was noted:-

- (a) that a letter dated 29 June 2010 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 which had been received from the Police, the applicant and a representative of the Police authority had been invited to attend this meeting of the Committee; and
- (c) that copies of the letter from the Police had been circulated to all Members of the Committee in advance of the meeting.

It was noted that the applicant and the representative from the Police authority, Sergeant George Stewart, were in attendance.

The Principal Solicitor read out a letter which Mr Richmond had received from the Procurator Fiscal in connection with the Police authority representation.

The Committee heard Sergeant Stewart in relation to the representation which had been submitted. The applicant was then given the opportunity to address the Committee in support of the application and address the issues raised by the Police.

Thereafter, the Committee agreed that the application be granted.

(b) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
John Brennan 278 Braehead Alexandria	14 May 2010

A report was submitted by the Head of Legal, Administrative and Regulatory Services concerning an application for grant of a Street Trader's Principal Licence by the above named person.

After hearing the Principal Solicitor, it was noted:-

- (a) that a letter dated 4 June 2010 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, the applicant and a representative of the Police authority had been invited to attend this meeting of the Committee; and
- (c) that copies of the letter from the Police had been circulated to all Members of the Committee in advance of the meeting.

It was noted that the applicant was not in attendance.

The Committee agreed that consideration of the application be continued to the next meeting in order that the applicant may be given a further opportunity to appear before the Committee.

APPLICATIONS FOR RENEWAL OF LATE HOURS CATERING LICENCE

(a) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
Leven Vale Restaurants McDonald's Restaurant 27 Glasgow Road St. James Retail Park Dumbarton	18 May 2010

A report was submitted by the Head of Legal, Administrative and Regulatory Services concerning an application for renewal of a Late Hours Catering Licence by the above named company.

After hearing the Principal Solicitor, it was noted:-

- (a) that Leven Vale Restaurant's current licence allowed it to operate the 'Drive-Thru' between the hours of 11.00 p.m. and 5.00 a.m. on Fridays and Saturdays;
- (b) that Leven Vale Restaurant's had applied to extend the 'Drive-Thru' facility to be open 7 days per week between the hours of 11.00 p.m. and 5.00 a.m.;
- (c) that Leven Vale Restaurant's application for the renewal of a Late Hours Catering Licence had been received from Strathclyde Police stamped 'no police objections' on 27 May 2010;
- (d) that, in recent years, applications for late hours catering licences had been granted by the Committee subject to the operating hours being restricted to co-relate to the closing hours of the nearest licensed premises, i.e. the late hours catering premises being allowed to operate until 30 minutes after the closing time of the nearest public house or nightclub; and
- (e) that the nearest licensed premises in relation to Leven Vale Restaurant was The Stag's Head which is licensed from Monday to Thursday until 12 midnight, Friday and Saturday until 1.00 a.m. and on Sunday until 12 midnight.

It was noted that Mr. Steve Tomlin was in attendance on behalf of the applicant.

Mr Tomlin was given the opportunity to speak in support of the application and was then heard in response to a Member's question.

The Committee agreed that the application be granted.

(b) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
McDonald's Restaurants Ltd. Old Luss Road Balloch	19 April 2010

A report was submitted by the Head of Legal, Administrative and Regulatory Services concerning an application for renewal of a Late Hours Catering Licence by the above named company.

After hearing the Principal Solicitor, it was noted:-

- (a) that McDonald's Restaurants Ltd's current licence allowed the company to operate the 'Drive-Thru' between the hours of 11.00 p.m. and 1.00 a.m. 7 days per week;
- (b) that McDonald's Restaurants Ltd had applied to extend their 'Drive-Thru' facility to be open 7 days per week between the hours of 11.00 p.m. and 5.00 a.m.;
- (c) that McDonald's Restaurants Ltd's application for the renewal of a Late Hours Catering Licence had been received from Strathclyde Police stamped 'no police objections' on 12 May 2010;
- (d) that, in recent years, applications for late hours catering licences had been granted by the Committee subject to the operating hours being restricted to co-relate to the closing hours of the nearest licensed premises, i.e. the late hours catering premises being allowed to operate until 30 minutes after the closing time of the nearest public house or nightclub; and
- (e) that, the nearest licensed premises in relation to McDonald's Restaurants Ltd is the Lomond Park Hotel complex which included the Back Room nightclub. The Back Room was licensed from Monday to Wednesday until 1.00 a.m. and on Thursday to Sunday until 3.00 a.m.

It was noted that Mr. Steve Tomlin was in attendance on behalf of the applicant.

The Committee agreed that the application be granted.

The meeting closed at 1.40 p.m.