

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in the Council Chambers, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 8 August 2007 at 2.00 p.m.

Present: Provost Denis Agnew, Councillors Jim Brown, Jim Finn, Ronnie McColl, Willie McLaughlin.

Attending: Nigel Ettles, Principal Solicitor and Lorraine Beveridge, Administrative Assistant, Legal and Administrative Services.

Apologies: Apologies for absence were intimated on behalf of Councillors Patrick McGlinchey and Craig McLaughlin.

Councillor Jim Finn in the Chair

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Licensing Committee held on 6 June 2007 were submitted and approved as a correct record.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – REVIEW OF TAXI FARES AND CHARGES – CLYDEBANK TAXI LICENSING ZONE

With reference to the Minutes of the Meeting of the Committee held on 6 June 2007 (Page 63 refers), a further report by the Head of Legal and Administrative Services concerning the review of fares and charges applicable to taxis operating within the Clydebank Taxi Licensing zone was submitted.

Having heard the Principal Solicitor in further explanation and in answer to Members' questions, the Committee agreed:-

- (1) to accede to the request from the trade for consideration of the matter to be deferred, as referred to in paragraph 3.5 of the report; and
- (2) that consideration of the matter be continued to the meeting of the Committee to be held in October 2007.

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

(a)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	George McMartin 5 Overburn Crescent Dumbarton	15 June 2007

A report was submitted by the Head of Legal and Administrative 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 a letter had been received from the Chief Superintendent of the Police authority making a representation with respect to the application relating to the applicant's convictions, as referred to in the report;
- (b) that in view of the representation, the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place.

The Committee heard Chief Inspector Macrae in relation to the representation.

Thereafter the applicant was invited to come forward and he addressed the Committee in support of his application and explained the background to the offences in respect of which he had been convicted on 29 August 2006, as referred to in the report.

After consideration and having heard Mr McMartin in answer to Members' questions, the Committee agreed that the application be granted on the basis that Mr McMartin's conduct as a licence holder would be closely monitored by officers and that in the event of anything of an untoward nature occurring during the period on the licence, a report on the possible suspension of the licence would be submitted to the Committee.

(b)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Ian Murray 12/7 Craig Avenue Tullichewan Alexandria	15 May 2007

A report was submitted by the Head of Legal and Administrative 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 a letter had been received from the Chief Superintendent of the Police authority making a representation with respect to the application relating to the applicant's convictions, as referred to in the report; and
- (b) that in view of the representation, the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place.

The Committee heard Chief Inspector Macrae in relation to the representation.

Thereafter the applicant was invited to come forward and he addressed the Committee in support of his application and explained the background to the offences in respect of which he had been convicted, as referred to in the report.

After consideration and having heard Mr Murray in answer to Members' questions, the Committee agreed that the application be granted on the basis that Mr Murray's conduct as a licence holder would be closely monitored by officers over the next year and that in the event of anything of an untoward nature occurring, a report on the possible suspension of the licence would be submitted to the Committee.

APPLICATION FOR GRANT OF TEMPORARY STREET TRADER'S LICENCE

<u>Name and Address of Applicant</u>	<u>Date Applied</u>
Andrew McLeod 1736 Great Western Road Anniesland Glasgow	21 May 2007

A report was submitted by the Head of Legal and Administrative Services concerning an application for grant of a Temporary 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 Police authority making representation on behalf of the Chief Superintendent with respect to the application relating to the applicant's conviction, as referred to in the report;
- (b) that in view of the representation, the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place; and
- (c) that the applicant had advised that he would not be in attendance at this meeting.

The Committee heard Chief Inspector Macrae in relation to the representation.

The Committee agreed to consider the application in the absence of the applicant and after consideration and having heard the Principal Solicitor in answer to Members' questions, the Committee unanimously agreed that the application be refused on the grounds that the applicant was not a fit and proper person to hold the licence for which he had applied.

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

(a) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
Richard Welsh 24 Wood Quadrant Whitecrook Clydebank	21 May 2007

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.

Having heard the Principal Solicitor it was noted:-

- (a) that this application was connected with the previous application for a grant of a Temporary Street Trader's Licence by Mr Andrew McLeod;
- (b) that Mr Welsh had indicated in his application that he had no convictions;
- (c) that the applicant had been warned by the Police authority for failing to properly declare the Procurator Fiscal Fixed Penalty fines recorded against him; and
- (d) that in view of the information from the Police, the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place.

The Committee heard Chief Inspector Macrae in relation to the position of the Police and noted that the Police had not made an objection or a representation in relation to the application.

It was noted that the applicant was not present.

The Committee agreed to consider the application in the absence of the applicant and after consideration unanimously agreed that the application be refused on the grounds that the applicant was not a fit and proper person to hold the licence for which he had applied.

(b) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
Dean Anderson 78 North Elgin Street Whitecrook Clydebank	21 May 2007

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.

After hearing the Principal Solicitor it was noted:-

- (a) that this application was connected with the previous application for a grant of a Temporary Street Trader's Licence by Mr Andrew McLeod;
- (b) that Mr Anderson had indicated in his application that he had no convictions;
- (c) that a letter had been received from the Chief Superintendent of the Police Authority advising that he had a representation to make in relation the application and indicating that Mr Anderson had cases pending against him as referred to in the report; and
- (d) that in view of the information from the Police, the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place.

The Committee heard Chief Inspector Macrae in relation to the representation and noted the outcomes of the cases that had been pending.

It was noted that the applicant was not present.

The Committee agreed to consider the application in the absence of the applicant and after consideration unanimously agreed that the application be refused on the grounds that the applicant was not a fit and proper person to hold the licence for which he had applied.

APPLICATION FOR GRANT OF LATE HOURS CATERING LICENCE

<u>Name and Address of Applicant</u>	<u>Date Applied</u>
Waheed Totakhyl 116, 10 Kingsway Court Glasgow	25 June 2007

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

After hearing the Principal Solicitor it was noted:-

- (a) that the applicant, Mr Totakhyl, was seeking a licence to allow him to provide hot and cold ethnic foods from 11.00 p.m. to 12.30 a.m. (Sunday to Wednesday) and from 11.00 p.m. to 4.00 a.m. (Thursday to Saturday);
- (b) 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 on the grounds that the applicant was not a fit and proper person to be the holder of a licence by virtue of a case currently pending against him;
- (c) that on 29 August 2006 the applicant had been charged with Abduction and as the matter was currently sub-judice no further details could be provided at this time;
- (d) that the applicant had been advised to contact the Afghanistan Embassy in order to obtain details of any convictions that may be recorded against him outwith the United Kingdom; and
- (e) that in view of the objection from the Police, the applicant and a representative of the Police authority had been invited to attend the meeting of the Committee in order that a hearing may take place.

The Committee heard Chief Inspector Macrae in relation to the representation and noted:-

- (1) that there had been an intermediate trial diet on 23 July 2007;
- (2) that in relation to the charge of Abduction a pleading diet had been set for 1 October 2007 with a trial being set for 15 October 2007; and
- (3) that the Scottish Executive was in the process of issuing guidelines in relation to foreign nationals obtaining information on previous convictions that may be recorded against them outwith the United Kingdom.

After consideration and having heard the Principal Solicitor in answer to Members' questions, the Committee agreed that the application be continued until the December meeting of the Committee, by which time the outcome of the applicant's trial might be known.

The Committee also agreed that Mr Totakhyl be advised to take into consideration the guidelines issued by the Scottish Executive in relation to obtaining details of convictions outwith the United Kingdom and to contact the Afghanistan Embassy, in order to obtain details of any conviction that may be recorded against him outwith the United Kingdom.

The meeting closed at 2.35 p.m.