

Agenda



Meeting of Licensing Committee

Date: Wednesday, 2 August 2023

Time: 14:00

Venue: Council Chamber, Clydebank Town Hall, 5 Hall Street, Clydebank, G81 2NR

Contact: Lynn Straker, Committee Officer
Email: lynn.straker@west-dunbarton.gov.uk

Dear Member,

Please attend a meeting of **Licensing Committee** as detailed above.

The business is shown on the attached agenda.

Yours faithfully

PETER HESSETT

Chief Executive

Distribution:

Councillor Ian Dickson
Councillor Jim McElhill
Councillor June McKay
Councillor John Millar
Councillor Lawrence O'Neill
Councillor Chris Pollock
Councillor Gurpreet Singh Johal
Councillor Hazel Sorrell

All other Councillors for information
Chief Officer – Regulatory and Regeneration

Date issued: 19 July 2023

LICENSING COMMITTEE
WEDNESDAY, 2 AUGUST 2023

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

Members are invited to declare if they have an interest in any of the undernoted items of business on this agenda and, if so, state the reasons for such declarations.

3 MINUTES OF PREVIOUS MEETING 5 - 10

Submit for approval, as a correct record, the minutes of meeting of the Licensing Committee held on 14 June 2023.

4 OPEN FORUM

The Committee is asked to note that no open forum questions have been submitted by members of the public.

5 REQUIREMENT FOR A CRIMINAL RECORD CHECK 11 - 13

Submit report by the Chief Officer – Regulatory and Regeneration to allow Members to consider whether to dispense with the requirement for a criminal record check from an applicant's country of origin.

**6 HEARING REGARDING POSSIBLE SUSPENSION OR 15 - 18
REVOCATION OF A LATE HOURS CATERING LICENCE -
CONTINUATION**

Submit report by the Chief Officer – Regulatory and Regeneration asking Members to consider a request from the Chief Constable of Police Scotland for the suspension of a Late Hours Catering Licence held by Mr. Shafiqullah Khalil for the premises, Aladdin Hot For You located at 6 High Street, Dumbarton, G82 1LL. Members also have the option to revoke the licence.

7/

7 REVIEW OF REQUIRMENT OF KNOWLEDGE TEST 19 - 22

Submit report by the Chief Officer – Regulatory and Regeneration to allow Members to consider whether to review the knowledge test requirement for applicants for a Taxi Driver and Private Hire Car Driver Licence.

8 EXCLUSION OF PRESS AND PUBLIC 23

The Committee is asked to consider passing the following resolution prior to consideration of the undernoted items of business:-

“That under Section 50A(4) of the Local Government (Scotland) Act, 1973 the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in Paragraph 14 of Part 1 of Schedule 7A of the Act.”

9 APPLICATION FOR GRANT OF A WINDOW CLEANER’S LICENCE 25 - 27

Submit report by the Chief Officer – Regulatory and Regeneration asking Members to consider an application for grant of a Window Cleaner’s Licence submitted by Mr. Ross McGowan, 9 Cherry Crescent, Clydebank, G81 3JA.

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in the Civic Space, 16 Church Street, Dumbarton on Wednesday, 14 June 2023 at 2.03 p.m.

Present: Councillors Ian Dickson, Gurpreet Singh Johal, James McElhill, June McKay, Lawrence O'Neill, Chris Pollock and Hazel Sorrell.

Attending: Michael McDougall, Section Head – Licensing; Bob Mackie, Senior Licensing Officer; Peter Clyde, Licensing Standards Officer and Lynn Straker, Committee Officer.

Also Attending: Sergeant David Holmes, Police Scotland; Mr Campbell, Solicitor and Representative for Licence Holder Mr Shafiqullah Khalil, Aladdins Hot4U; Mr Ian Thomson; Mr Gerard Farrell; Mr Ryan Martin and Mr Stuart Reid

Apologies: Apologies for absence were intimated on behalf of Councillor John Millar.

Councillor Lawrence O'Neill in 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 Meetings of the Licensing Committee held on 19 April 2023 and 4 May 2023 (Special) were submitted and approved as a correct record.

OPEN FORUM

The Committee noted that no open forum questions had been submitted by members of the public.

HEARING REGARDING POSSIBLE SUSPENSION OR REVOCATION OF A LATE HOURS CATERING LICENCE

A report was submitted by Mr Alan Douglas, Chief Officer – Regulatory and Regeneration asking Members to consider a request from the Chief Constable of Police Scotland for the suspension of a Late Hours Catering Licence held by Mr. Shafiqullah Khalil for the premises, Aladdin Hot For You located at 6 High Street, Dumbarton, G82 1LL. Members were advised they also had the option to revoke the Licence.

Having heard from Mr Michael McDougall, Section Head – Licensing, and in answer to Members' questions, the Committee then heard from Sergeant Holmes, Police Scotland who detailed the concerns regarding the Licence holder as detailed in the letter from the Chief Executive, Police Scotland.

Members then invited Mr Campbell, Solicitor and Representative for Licence holder Mr. Shafiqullah Khalil to explain the circumstances of the current concerns regarding Mr. Shafiqullah Khalil as holder of the Late Hours Catering Licence for Aladdins Hot 4U.

Mr Campbell asked Members to allow more time for the relevant evidence; documents and interviews with staff etc. to be collected together so it can be presented back to Members as evidence of the concerns not being founded.

After further discussion, and in answer to Members questions, Members agreed to a continuation of the hearing to the next meeting of the Licensing Committee on 2 August 2023.

DECIDED

Members agreed to a continuation of the hearing to the next meeting of the Licensing Committee on 2 August 2023.

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

A report was submitted by Mr Alan Douglas, Chief Officer – Regulatory and Regeneration asking Members to consider an application for renewal of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Ian Thomson, Flat 1/1, 711 Dumbarton Road, Clydebank, G81 4HP.

Having heard from Mr Michael McDougall, Section Head – Licensing and in answer to Members' questions, Members then heard from Sergeant Holmes, Police Scotland who explained the conviction as detailed in the letter from the Chief Inspector, Police Scotland.

Members then heard from Mr Ian Thomson who explained the circumstances of the conviction and why he felt he was still a fit and proper person to hold his Taxi Driver's Licence.

After further discussion and in answer to Members questions, Members agreed to renew Mr Thomson's Licence for 1 year on the understanding there are no further convictions or the Licence will be reviewed again.

DECIDED

Members agreed to renew Mr Thomson's Licence for 1 year on the understanding there are no further convictions or the Licence will be reviewed again.

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

A report was submitted by Alan Douglas, Chief Officer – Regulatory and Regeneration asking Members to consider an application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Gerard Farrell, Flat 1/2, 43 Broomknowes Road, Glasgow G21 4YP.

Having heard from Mr Michael McDougall, Section Head – Licensing and in answer to Members' questions, Members then heard from Sergeant Holmes, Police Scotland who explained the convictions as detailed in the letter from the Chief Inspector, Police Scotland.

Members then agreed to see a further letter from the Chief Inspector, Police Scotland, providing details of protected convictions held by Mr Gerard Farrell. The protected convictions detailed in the second letter were explained by Sergeant Holmes, Police Scotland.

Members then heard from Mr Gerard Farrell who explained the circumstances of each of the convictions and why he felt he was a fit and proper person to hold a Taxi Driver's Licence.

After further discussion and in answer to Members questions, Members agreed to renew Mr Farrell's Licence for 1 year on the understanding there are no further convictions or the Licence will be reviewed again.

DECIDED

Members agreed to grant Mr Farrell's Licence for 1 year on the understanding there are no further convictions or the Licence will be reviewed again.

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

A report was submitted by Alan Douglas, Chief Officer – Regulatory and Regeneration asking Members to consider an application for grant of a Taxi/Private

Hire Car Driver's Licence submitted by Mr. Ryan Martin, Flat G/2, 18 Alsatian Avenue, Drumry, Clydebank, G81 2NF.

Having heard from Mr Michael McDougall, Section Head – Licensing and in answer to Members' questions, Members then heard from Sergeant Holmes, Police Scotland who explained the convictions as detailed in the letter from the Chief Inspector, Police Scotland.

Members then agreed to see a further letter from the Chief Inspector, Police Scotland, providing details of protected convictions held by Mr Martin. The protected convictions detailed in the second letter were explained by Sergeant Holmes, Police Scotland.

Members then heard from Mr Martin who explained the circumstances of each of his convictions and why he felt he was a fit and proper person to hold a Taxi Driver's Licence.

After further discussion and in answer to Members questions, Members agreed to grant Mr Martin's Licence for 1 year on the understanding there are no further convictions or the Licence will be reviewed again.

DECIDED

Members agreed to grant Mr Martin's Licence for 1 year on the understanding there are no further convictions or the Licence will be reviewed again.

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

A report was submitted by Mr Alan Douglas, Chief Officer – Regulatory and Regeneration asking Members to consider an application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Stuart Reid, 18 Fraser Street, Cambuslang, Glasgow G72 7AR.

Having heard from Mr Michael McDougall, Section Head – Licensing and in answer to Members' questions, Members then heard from Sergeant Holmes, Police Scotland who explained the convictions as detailed in the letter from the Chief Inspector, Police Scotland.

Members then agreed to see a further letter from the Chief Inspector, Police Scotland, providing details of protected convictions held by Mr Reid. The protected convictions detailed in the second letter were explained by Sergeant Holmes, Police Scotland.

Members then heard from Mr Reid who explained the circumstances of each of his convictions and why he felt he was a fit and proper person to hold a Taxi Driver's Licence.

After further discussion and in answer to Members questions, Members agreed to grant Mr Reid's Licence for 1 year on the understanding there are no further convictions or the Licence will be reviewed again.

DECIDED

Members agreed to grant Mr Reid's Licence for 1 year on the understanding there are no further convictions or the Licence will be reviewed again.

EXCLUSION OF PRESS AND PUBLIC

The Committee agreed to approve the following Resolution:-

"That under Section 50A(4) of the Local Government (Scotland) Act, 1973 the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in Paragraph 14 of Part 1 of Schedule 7A of the Act."

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

A report was submitted by Mr Alan Douglas, Chief Officer – Regulatory and Regeneration asking Members to consider an application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Robert Young, 129 Melbourne Avenue, Clydebank G81 4QB.

Members heard from Mr Michael McDougall, Section Head – Licensing who noted this was the third continuation of this hearing and one of the charges against Mr Young was still sub-judice with a court date of August 2023. The Section Head – Licensing advised Members the hearing could no longer be continued to a future meeting of the Licensing Committee, and a decision must be made at the current Licensing Committee meeting on the grant of Mr Young's Licence.

Mr Young had been formally invited to attend the hearing but was not in attendance. After further discussion, and in answer to Members questions, Members agreed to revoke Mr Young's Licence on the basis they felt he was not a fit and proper person to hold a Licence in West Dunbartonshire.

DECIDED

Members agreed to revoke Mr Young's Licence on the basis that they felt he was not a fit and proper person to hold a Licence in West Dunbartonshire.

APPLICATION FOR GRANT OF A WINDOW CLEANER'S LICENCE

A report was submitted by Mr Alan Douglas, Chief Officer – Regulatory and Regeneration asking Members to consider an application for grant of a Window Cleaner's Licence submitted by Mr. Ross McGowan, 9 Cherry Crescent, Clydebank, G81 3JA.

Mr McGowan had been formally invited to attend the hearing but was not in attendance.

Having heard from Mr Michael McDougall, Section Head – Licensing and in answer to Members' questions, Members then heard from Sergeant Holmes, Police Scotland who explained the convictions as detailed in the first letter from the Chief Inspector, Police Scotland.

Members then agreed to see a further 2 letters from the Chief Inspector, Police Scotland, providing details of protected convictions held by Mr McGowan. The protected convictions detailed in the second letter were explained by Sergeant Holmes, Police Scotland.

After further discussion, and in answer to Members questions, Members agreed to continue the hearing to the next meeting of the Licensing Committee on 2 August 2023 to allow them to question the applicant Mr McGowan regarding his convictions to determine if he was a fit and proper person to hold a Licence in West Dunbartonshire.

DECIDED

Members agreed to continue the hearing to the next meeting of the Licensing Committee on 2 August 2023 to allow them to question the applicant regarding his convictions to determine if he was a fit and proper person to hold a Licence in West Dunbartonshire.

The meeting closed at 3.44 p.m.

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer – Regulatory & Regeneration

Licensing Committee – 2 August 2023

Subject: Requirement for a criminal record check

1 Purpose

- 1.1** Submit report by the Chief Officer - Regulatory and Regeneration allowing Members to consider whether to dispense with the requirement for a criminal record check from an applicant's country of origin.

2 Recommendations

- 2.1** It is recommended that Members note the terms of this report and determine whether to dispense with the requirement for a criminal record check from the applicant's country of origin owing to the particular personal circumstances of the applicant.

3 Background

- 3.1** The Council regulates the licensing of Taxi and Private Hire Cars and Taxi and Private Hire Cars in terms of sections 10 and 13 of the Civic Government (Scotland) Act 1982 ("the Act").
- 3.2** When determining applications the Council is required to make sure that a licence is not granted to a person who is not a "fit and proper" person so to give members of the public confidence that only suitable applicants are granted licences.
- 3.3** The Council consult with Police Scotland when processing an application for a Taxi and Private Hire Car Drivers Licence. Police Scotland will have regard to an applicant's criminal history when determining whether to make a representation or objection to an application. Police Scotland have no access to criminal records outwith the UK.
- 3.4** Having regard to the fact that Police Scotland are unable to comment on an applicants' criminal history outwith the UK, it is the Council's policy that:-

"any applicant who was born outside the UK or has been resident outside the UK for 6 months or more must produce documentation in relation to criminal record checks when submitting the application form."

- 3.5 This policy makes sure that all applicants, irrespective of their country of origin, are subject to a similar level of scrutiny in regards to their criminal history.

4 Main Issues

- 4.1 Mr Aimé-Thierry Filius Mugirente was born outwith the United Kingdom, however, he now resides here. Mr Filius has submitted an application for a Taxi and Private Hire Car Driver Licence.

- 4.2 This application cannot be processed as Mr Mugirente has not complied with the Council's policy as narrated at paragraph 3.4 of this Report as he has not provided a criminal record check from his country of origin. Mr Mugirente advises that he is unable to do so.

- 4.3 The Committee will need to consider whether to dispense with the forementioned policy so to allow Mr Mugirente's application to be considered.

- 4.4 If the Committee determine to grant a dispensation to the foregoing policy in these particular circumstances, then Mr Mugirente's application will be subject to the statutory application process.

5 Options Appraisal

- 5.1 No Options Appraisal is necessary for this report.

6 People Implications

- 6.1 There are personnel issues at this stage.

7 Financial and Procurement implications

- 7.1 There are no financial or procurement implications at this stage.

8 Equalities Impact Assessment (EIA)

- 8.1 No EIA is required.

9 Consultation

- 9.1 No consultation is required.

10 Strategic Assessment

- 10.1 Licensing plays a key role to make sure our communities are resilient and thriving.

Alan Douglas
Chief Officer – Regulatory and Regeneration
17 July 2023

Person to contact: Michael McDougall
Section Head – Licensing
Michael.mcdougall@west-dunbarton.gov.uk

Appendices: None

Background Papers:

1. Application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr Aimé Thierry Filius Mugirente, Flat 5, 30 Crown Avenue, Clydebank G81 3BW.
2. Letter to Mr. Mugirente dated 18 July 2023.

Wards affected: All

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer – Regulatory and Regeneration

Licensing Committee – 2 August 2023

Subject: Hearing regarding possible suspension or revocation of a Late Hours Catering Licence

1. Purpose

- 1.1** To consider a request from the Chief Constable of Police Scotland for the suspension of a Late Hours Catering Licence held by Mr. Shafiqullah Khalil for the premises, Aladdin Hot For You located at 6 High Street, Dumbarton G82 1LL. Members also have the option to revoke the licence.

2. Recommendations

- 2.1** The Committee are asked to consider the terms of this report, the terms of the letter from the Chief Constable and any evidence presented at the hearing and thereafter determine whether the licence should be suspended and, if so, the duration of the suspension and date of commencement thereof or alternatively revoke the licence.

3. Background

- 3.1** On 17 May 2023, a letter was received from the Chief Constable of Police Scotland requesting the immediate suspension of the Late Hours Catering Licence held by Mr. Khalil under Paragraph 12(1) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the grounds that the carrying on of the activity to which the licence relates is likely to cause a serious threat to public safety.
- 3.2** Having consulted with the Chief Officer, Regulatory and Regeneration, it was decided that the Late Hours Catering Licence held by Mr. Khalil did not merit an immediate suspension under Paragraph 12 of Schedule 1 to the Act.
- 3.3** Mr. Khalil previously held a Late Hours Catering Licence for the premises having been granted the licence at Committee on 20 February 2019. The licence expired on 19 February 2022 and no renewal application was submitted at that time.
- 3.4** Mr. Khalil's current Late Hours Catering Licence has an expiry date of 23 June 2025 having had the licence granted on 24 June 2022 The operating hours of the Late Hours Catering Licence are:-

Monday	11.00 pm to 1 am
Tuesday	11.00 pm to 1 am

Wednesday	11.00 pm to 1 am
Thursday	11.00 pm to 2 am
Friday	11.00 pm to 4.30 am
Saturday	11.00 pm to 4.30 am
Sunday	11.00 pm to 2 am

- 3.5** At the Meeting of the Licensing Committee held on 14 June 2023, having heard from the legal representative of the licence holder, Members decided to continue consideration of the matter to the next Meeting of the Licensing Committee due to be held on 2 August 2023.

4. Main Issues

- 4.1** In his letter the Chief Constable also requested a suspension of the licence under Paragraph 11 of Schedule 1 to the 1982 Act. A licensing authority may, in these circumstances, order the suspension or revocation of a licence under Paragraph 11 if, in its opinion:-

- (a) the holder of the licence is not, or is no longer, a fit and proper person to hold the licence and/or;
- (b) the activity to which the licence relates is being managed by or carried on for the benefit of a person, other than the licence holder, who would have been refused the grant or renewal of the licence under paragraph 5(3) and/or;
- (c) the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety and/or;
- (d) a condition of the licence has been contravened

- 4.2** The period of suspension of a licence is the unexpired portion of the duration of the licence, or such shorter period as the licensing authority may fix.

- 4.3** Where a licensing authority decides to order the suspension or revocation of a licence, the suspension or revocation generally does not take effect until the expiry of the time within which the holder of the licence may appeal against the suspension or revocation (28 days from the date of the decision to suspend) or, if an appeal has been lodged, until the appeal has been abandoned or determined in favour of the suspension or revocation. However, if the licensing authority determines that the circumstances of the case justify immediate suspension or revocation, it may order that the licence be suspended or revoked immediately.

- 4.4** A licensing authority must, before deciding to suspend or revoke a licence under Paragraph 11, give the holder of the licence and the Chief Constable an opportunity of being heard.

- 4.5** The licence holder and a representative of the Chief Constable have been invited to the meeting of the Committee on 2 August 2023 in order that a hearing may take place with regard to the possible suspension or revocation of the licence.
- 4.6** In considering whether to suspend or revoke a licence the licensing authority may have regard to any misconduct on the part of the licence holder which in the opinion of the authority has a bearing on his fitness to hold a licence.
- 4.7** The matters which the Committee will require to consider in relation to paragraph 4.1 above are as follows:-
- (a) Whether the alleged misconduct has been established.
 - (b) If the Committee is satisfied that the alleged misconduct has been established, whether, having regard to the misconduct on the part of the licence holder, this has a bearing on Mr Khalil's fitness to hold a licence.
 - (c) If the Committee is of the opinion that Mr. Khalil is no longer a fit and proper person, or the activity to which the licence relates is being managed by or carried on for the benefit of a person, other than the licence holder, who would have been refused the grant or renewal of the licence under paragraph 5(3), or that the carrying on of the activity has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety, the Committee must consider whether his licence should be suspended or revoked.
 - (d) If the Committee is of the opinion that a condition of the licence has been contravened then it may order the suspension or revocation of the licence.
 - (e) If the Committee is satisfied that the licence should be suspended, the Committee must give Mr. Khalil an opportunity of being heard on the length of the suspension and the date from which the suspension should commence.
 - (f) The Committee must then consider what length of suspension is appropriate and whether the circumstances of the case justify immediate suspension.
 - (g) If the Committee is satisfied that circumstances of the case justify revocation, the Committee must consider whether the circumstances of the case justify immediate suspension of the licence as well as revocation.

5. People Implications

- 5.1** There are no personnel issues.

6. Financial Implications

- 6.1** There are no financial implications

7. Risk Analysis

- 7.1** There is no increased risk to the Council associated with the contents of this report.

8. Equalities Impact Assessment (EIA)

- 8.1** No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

- 9.1** No consultation was required in relation to this request for suspension from Police Scotland.

10. Strategic Assessment

- 10.1** In terms of the Council's Strategic Priorities, the purpose of licensing is to ensure our Communities are Resilient and Thriving.

Chief Officer – Regulatory and Regeneration

Date 11 July 2023

Person to Contact: Robert Mackie,
Senior Officer (Licensing Services)
Licensing Team
Municipal Buildings
Dumbarton
G82 1NR.

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Appendices: N/A.

Background Papers:

- 1.** Letter dated 17 May 2023 from the Chief Constable, Police Scotland.
- 2.** Letter to Mr. Khalil dated 4 July 2023.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL**Report by Chief Officer – Regulatory & Regeneration****Licensing Committee – 2 August 2023**

Subject: Review of requirement for knowledge test

1 Purpose

- 1.1** Submit report by the Chief Officer - Regulatory and Regeneration allowing Members to consider whether to review the knowledge test requirement for applicants for a Taxi Driver and Private Hire Car Driver Licence.

2 Recommendations

- 2.1** It is recommended that Members:-

(a) note the terms of this report; and

(b) instruct the Council's Licensing Section to carry out a review, by way of a public consultation, of the requirement for a knowledge test for Taxi and Private Hire Car Driver licence applicants.

3 Background

- 3.1** The Council regulates the licensing of Taxi and Private Hire Cars under the Civic Government (Scotland) Act 1982 ("the Act"). In particular, section 13(5) of the Act provides that a licensing authority may require an applicant for a Taxi or Private Hire Car Driver's Licence to take a test of his or her knowledge of the area to which the licence is to relate, of the roads in that area and such other matters relating to the operating of a taxi or private hire car as the authority considers describable. Where a licensing authority is not satisfied that the applicant has adequate knowledge it may refuse the licence.
- 3.2** The ability to require this type of test in terms of applicants for a Taxi Driver Licence has been in place since the Act was commenced. The ability to require this type of test in terms of applicants for a Private Hire Car Licence was introduced by the Air Weapons and Licensing (Scotland) Act 2015 amending the Act as of 1 November 2016.
- 3.3** In West Dunbartonshire it is historic practice to issue a joint Taxi and Private Hire Car Driver Licence. This Licence allows holders to drive either a Taxi or a Private Hire Car. Therefore, all applicants who wish to apply for this Licence are required to sit and pass a knowledge test prior to applying.

3.4 Members will be aware that the West Dunbartonshire Council area consists of two zones for the purposes of taxi licensing: (1) Clydebank; and (2) Dumbarton and Vale of Leven. Applicants for a Taxi and Private Hire Car Licence must apply for one of these two zones. Applicants will sit the knowledge test for that area with questions relating to that zone.

3.5 The knowledge test comprises of five parts with the candidate being tested on: (1) the location of public buildings and local landmarks; (2) where particular streets are found; (3) the shortest practicable route to take between specified places; (4) their knowledge and understanding of the highway code; and (5) other questions relating to the operation of a Taxi or Private Hire Car. Candidates are required to answer at least 75% of the questions to pass.

4 Main issues

4.1 The Licensing Section has received submissions from the taxi and private hire car trade requesting that the Licensing Authority consider removing the requirement for applicants to sit and pass the knowledge test. The taxi trade suggest that the knowledge test is no longer relevant given the widespread availability and use of sat nav devices and mobile phones with sat nav like apps. This means that drivers do not need to have a strong grasp of the local topography and instead can rely on electronic devices for navigating the area. The taxi trade has advised the Licensing Section that there is an ongoing shortage of drivers and suggests that the requirement to sit and pass the knowledge puts off potential applicants for Licences. Accordingly, dispensing with the requirement for the knowledge test, will in the trade's opinion, encourage applications for Taxi and Private Hire Car Driver Licences.

4.2 The Taxi and Private Hire Car Licensing - Best Practice for Licensing Authorities and Taxi and Private Hire Car Operators (3rd Edition) is neutral on the matter of knowledge tests narrating:-

"8.37 Taxi and private hire car drivers should have a good working knowledge of the area for which they are licensed. Many licensing authorities require prospective taxi and private hire car drivers to pass a test of local topographical knowledge as a condition of first grant of a licence.

8.38 If a licensing authority does require prospective taxi and private hire car drivers to take such a test, the stringency of the test should reflect the complexity or otherwise of the local geography, on the principle of ensuring that barriers to entry are not unnecessarily high."

4.3 Members may wish to note that the requirement for applicants to successfully pass the knowledge test was waived during the Covid-19 pandemic. To date the Licensing Section has received no complaints in

relation to drivers not conveying hires to their destination in a suitable manner.

- 4.4** The knowledge test is an optional requirement of the Act and the Licensing Authority can dispense with this requirement. It is suggested that the Licensing Committee instruct the Section Head of Licensing to consult on the possibility of dispensing with the requirement for applicants for a Taxi and Private Hire Car Driver Licence to sit and pass the knowledge test. The consultation results will be analysed by officers prior to being considered by the Licensing Committee before considering next steps.

5 Options Appraisal

- 5.1** No options appraisal was required for this report.

6 People Implications

- 6.1** There are no personnel issues at this stage.

7 Financial and Procurement implications

- 7.1** There are no financial or procurement implications at this stage.

8 Equalities Impact Assessment (EIA)

- 8.1** If the Licensing Committee instructs a review of the knowledge test requirement then a public consultation should be carried out to identify the impact on protected groups.

9 Consultation

- 9.1** The proposal to dispense with the requirement for a knowledge test will be subject of a public consultation. The outcome of this consultation will be reported by the Licensing Committee so to inform the Committee's decision.

10 Strategic Assessment

- 10.1** Licensing plays a key role to make sure our communities are resilient and thriving.

Alan Douglas
Chief Officer – Regulatory and Regeneration
6 July 2023

Person to contact: Michael McDougall
Section Head – Licensing

michael.mcdougall@west-dunbarton.gov.uk

Appendices: None

Background papers: None

Wards affected: All



NOT FOR PUBLICATION

**by virtue of Paragraph 14 of Part 1 of Schedule 7A of
the Local Government (Scotland) Act, 1973**

**ANY ACTION TAKEN OR TO BE TAKEN IN
CONNECTION WITH THE PREVENTION,
INVESTIGATION OR PROSECUTION OF CRIME**

**PLEASE NOTE THAT CONFIDENTIAL INFORMATION
AND PAGES HAVE BEEN REMOVED**

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer – Regulatory & Regeneration

Licensing Committee – 2 August 2023

Subject: Application for grant of a Window Cleaner's Licence

1. Purpose

- 1.1** To consider an application for grant of a Window Cleaner's Licence submitted by Mr. Ross McGowan, 9 Cherry Crescent, Clydebank G81 3JA.

2. Recommendations

- 2.1** It is recommended that the application be considered and determined by the Committee.

3. Background

- 3.1** Mr. McGowan submitted an application for grant of a Window Cleaner's Licence to the Council on 1 February 2023.
- 3.2** Letters were received from the Chief Constable of the Police authority on 16 February 2023, the first of which submitted an objection in connection with the application. The second letter details a number of alternatives to prosecution which are considered spent under the Rehabilitation of Offenders Act 1974 as additional information in connection with the objection.
- 3.3** Further letters were received from the Chief Constable of the Police authority on 30 March 2023 which provides additional information in connection with the objection to the application.
- 3.4** At the meeting on 14 June 2023, it was noted that the applicant failed to attend. It was 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.
- 4. Main Issues**
- 4.1** In view of the submission received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 2 August 2023.
- 4.2** It will be a matter for the Committee to decide whether the applicant's spent alternatives to prosecution should be disclosed and taken into consideration. It should be noted that spent

alternatives to prosecution cannot be considered unless there is no other way of doing justice.

4.3 In relation to the letters received from the Chief Constable of the Police authority on 30 March 2023, in terms of the relevant legislation, an objection with respect to an application should be submitted within 28 days of receipt of the application. As Mr. McGowan's application was received on 1 February 2023, any objection should have been submitted by 1 March 2023. There is, however, provision in the legislation for the Licensing Authority to entertain a late objection which has been received before a final decision has been made if the Licensing Authority is satisfied that there is sufficient reason why the objection had not been submitted in the time required.

4.4 At the hearing on 14 June 2023 Members determined to admit the correspondence in relation to late information and alternatives to prosecutions and noted its terms.

5. People Implications

5.1 There are no personnel issues.

6. Financial Implications

6.1 There are no financial implications

7. Risk Analysis

7.1 There is no increased risk to the Council associated with the contents of this report.

8. Equalities Impact Assessment (EIA)

8.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

9.1 Police Scotland were consulted in relation to the application.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to ensure our Communities are Resilient and Thriving.

Chief Officer – Regulatory & Regeneration

Date 11 July 2023

Person to Contact: Robert Mackie,
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G82 1NR.

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Appendices: N/A.

**Background
Papers:**

1. Application for grant of a Window Cleaner's Licence submitted by Mr. Ross McGowan, 9 Cherry Crescent, Clydebank G81 3JA.
2. Letters dated 16 March 2023 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letters dated 30 March 2023 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letter to Mr. McGowan dated 14 July 2023.

Wards Affected: N/A.