

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in the Civic Space, Council Offices, 16 Church Street, Dumbarton on Wednesday, 4 December 2019 at 10.05 a.m.

Present: Councillors Jim Brown, Ian Dickson, Jonathan McColl, 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: Sergeant Wendy Maginnis, Police Scotland.

Apologies: Apologies for absence were intimated on behalf of Councillors Jim Finn and Marie McNair.

Councillor Jonathan McColl 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 MEETING

The Minutes of Meeting of the Licensing Committee held on 23 October 2019 was 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.

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

Name and Address of Applicant

Date Applied

John Bingham
22B Waulkingmill Road
Faifley
Clydebank
G81 5AH

8 August 2019

A report was submitted by the Strategic Lead – Regulatory concerning a continued Application for Renewal of a Taxi/Private Hire Car Driver's Licence for 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 on 28 August 2019 advising that the Chief Constable had a representation to make in relation to the application;
- (b) that in view of the representation, 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; and
- (c) that the applicant, Mr Bingham and a representative of Police Scotland, Sergeant Maginnis, were in attendance.

The Committee then heard from Sergeant Maginnis in relation to the letter of representation from Police Scotland.

DECIDED:-

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

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

(a) Name and Address of Applicant

Date Applied

William East
35 Glencairn Road
Dumbarton
G82 4DN

16 October 2019

A report was submitted by the Strategic Lead – Regulatory concerning an Application for Grant of a Taxi/Private Hire Car Driver's Licence for 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 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, the applicant and a representative of the Police authority had been invited to attend the meeting of the Committee in order that a hearing could take place; and
- (c) that the applicant and a representative of the Police authority, Sergeant Maginnis, were in attendance.

The Committee then heard from Sergeant Maginnis in relation to the letter of representation from the Police authority and in answer to Members' questions. Mr East was then given the opportunity to address the Committee in support of his application and was heard in answer to questions from Members.

DECIDED:-

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

Note:- Councillor O'Neill, having left the meeting during consideration of the above application, took no part in the discussion and decision in relation to the application.

(b)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Thomas Trainer 10 Maryland Road Bellshill Dumbarton G82 3DH	21 October 2019

A report was submitted by the Strategic Lead – Regulatory concerning an Application for Grant of a Taxi/Private Hire Car Driver's Licence for 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 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, the applicant and a representative of the Police authority had been invited to attend the meeting of the Committee in order that a hearing could take place; and
- (c) that the applicant and a representative of the Police authority, Sergeant Maginnis, were in attendance.

The Committee then heard from Sergeant Maginnis in relation to the letter of representation from Police Scotland and in answer to Members' questions.

Thereafter, Mr Trainer was given the opportunity to address the Committee in support of the application and was heard in answer to Members' questions.

DECIDED:-

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

(c)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	John Hepburn 173 Pappert Estate Bonhill Alexandria G83 9LG	23 October 2019

A report was submitted by the Strategic Lead – Regulatory concerning an Application for Grant of a Taxi/Private Hire Car Driver's Licence for the above named person.

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

- (a) that a letter dated 1 November 2019 had been received from the Chief Constable of Police Scotland submitting an objection in relation to the application and that copies of the letter had been circulated to Members in advance of the meeting;
- (b) that a separate letter had been submitted detailing the applicant's previous convictions which were considered "protected" in terms of the Rehabilitation of Offenders Act 1974;
- (c) that in view of the letter from Police Scotland, the applicant and a representative of the Police authority had been invited to attend the meeting of the Committee in order that a hearing could take place; and
- (d) that the applicant and a representative of the Police authority, Sergeant Maginnis, were in attendance.

Having heard the Section Head (Licensing) with regard to the age, degree of seriousness and relevance of the protected convictions, the Committee agreed that the letter from Police Scotland detailing the protected convictions should be circulated and be taken into account. Copies of the letter containing the protected convictions were accordingly circulated to Members of the Committee.

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

Thereafter, the licence holder 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 Police letters. The licence holder was also heard in answer to Members' questions.

DECIDED:-

Following discussion, it was agreed that the application be granted for a period of one year and that Mr Hepburn's first application for renewal of licence would be referred to the Committee for consideration and determination.

(d)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	John O'Donnell 40 Breval Crescent Hardgate Clydebank G81 6LP	25 October 2019

A report was submitted by the Strategic Lead – Regulatory concerning an Application for Grant of a Taxi/Private Hire Car Driver's Licence for 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 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, the applicant and a representative of the Police authority had been invited to attend the meeting of the Committee in order that a hearing could take place; and
- (c) that the applicant and a representative of the Police authority, Sergeant Maginnis, were in attendance.

The Committee then heard from Sergeant Maginnis in relation to the letter of representation from the Police authority and in answer to Members' questions.

DECIDED:-

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

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

(a)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Neil Brown 57 Lansbury Street Alexandria G83 0SA	15 October 2019

A report was submitted by the Strategic Lead – Regulatory concerning an Application for Renewal of a Taxi/Private Hire Car Driver's Licence for 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 a representation to make in relation to the application;
- (b) that in view of the representation, 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; and
- (c) that the applicant and a representative of Police Scotland, Sergeant Maginnis, were in attendance.

The Committee then heard from Sergeant Maginnis in relation to the letter of representation from Police Scotland. Thereafter the licence holder was given the opportunity to address the Committee in support of the application and in answer to questions from Members.

DECIDED:-

After consideration and having heard from the Section Head (Licensing), the Committee agreed that the application be granted.

(b)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	George Spence 3 Manse Court Haldane Balloch G83 8LT	17 October 2019

A report was submitted by the Strategic Lead – Regulatory concerning an Application for Renewal of a Taxi/Private Hire Car Driver's Licence for the above named person.

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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 the applicant and a representative of Police Scotland, Sergeant Maginnis, were in attendance; and
- (d) that a separate letter had been received from Police Scotland detailing additional and relevant information in relation to Mr Spence and that it was for the Committee to decide whether or not the additional letter should be disclosed and be taken into consideration.

Having heard the Section Head (Licensing) with regard to the relevance of the additional letter, the Committee agreed that the letter from Police Scotland should be circulated and be taken into account.

Copies of the additional letter were accordingly circulated to Members of the Committee.

The Committee then heard from Sergeant Maginnis in relation to both letters from the Police authority and in answer to Members' questions.

The Committee then heard from Mr Spence who addressed the Committee in support of his application and in connection with the circumstances relating to the matters detailed in the Police letters. A copy of a reference from Mr John Berry, Managing Director of TOA Taxis in support of Mr Spence was provided to Members of the Committee. Thereafter, Mr Spence answered questions from Members'.

ADJOURNMENT

Having heard the Chair, Councillor McColl, the Committee agreed to adjourn for a short period. The meeting reconvened at 11.55 a.m. with all Members listed in the sederunt present.

DECIDED:-

After consideration, the Committee agreed that the application be refused on the grounds that the applicant was no longer a fit and proper person to be the holder of a Taxi/Private Hire Car Driver's Licence.

CONTINUED HEARING REGARDING POSSIBLE SUSPENSION OR REVOCATION OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE

With reference to the Minutes of Meeting of the Licensing Committee held on 4 September 2019, a report was submitted by the Strategic Lead – Regulatory concerning a request from the Chief Constable of Police Scotland for the suspension of a Taxi/Private Hire Car Driver's Licence.

It was noted that Mr Spence had left the meeting and officers were unable to locate him.

Following discussion, the Committee agreed to continue consideration of the Suspension hearing until the end of the meeting to enable officers to locate Mr Spence prior to resuming consideration of the Hearing.

PROPOSED LICENSING SCHEME FOR BOAT HIRERS

A report was submitted by the Strategic Lead – Regulatory providing an update on the proposed licensing scheme for Boat Hirers, reporting on the consultation process and seeking agreement to adopt the resolution to license boat hirers.

DECIDED:-

Having heard the Section Head (Licensing) in further explanation of the report and in answer to Members' questions, the Committee agreed:-

- (1) to adopt the resolution to license boat hirers and the proposed conditions contained at appendix 1 of the report;
- (2) to delegate authority to officers to determine a revised fee for West Dunbartonshire Council for licences for boat hirers; and
- (3) to thank officers for their work to date on the proposed licensing scheme for boat hirers.

EXCLUSION OF PRESS AND PUBLIC

Having heard the Chair, Councillor McColl, the Committee passed 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 PRIVATE HIRE CAR PARTNERSHIP LICENCE

Names and Addresses of Applicants

Date Applied

John & Jennifer Lynch 13 McKinlay Avenue Balloch G83 8HH	Lesley Coyle 390 Pappert Estate Bonhill, Alexandria G83 9LL
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18 October 2019

A report was submitted by the Strategic Lead – Regulatory concerning an Application for Grant of a Private Hire Car Partnership Licence for the above named persons.

Having heard the Section Head (Licensing) in further explanation of the report and in answer to Members questions, it was noted:-

- (a) that a letter had been received from the Chief Superintendent of Police Scotland advising that the Chief Constable had a representation to make in relation to the application;
- (b) that in view of the representation, 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; and
- (c) that both the applicant and a representative of Police Scotland, Sergeant Maginnis, were in attendance.

The Committee then heard from Sergeant Maginnis in relation to the letter of representation from Police Scotland and in update of matters from the Procurator Fiscal's office.

The Committee also heard from Mr Lynch who provided information in support of his application including a letter from his solicitor and a letter from the Procurator Fiscal's Office providing an update on matters detailed in the letter from Police Scotland. Thereafter Mr Lynch answered questions from Members.

DECIDED:-

Following discussion and having heard the Senior Officer (Licensing Services) in answer to Members' questions, it was agreed that the application be granted.

CONTINUED HEARING REGARDING POSSIBLE SUSPENSION OR REVOCATION OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE

With reference to the Minutes of Meeting of the Licensing Committee held on 4 September 2019, a report was submitted by the Strategic Lead – Regulatory concerning a request from the Chief Constable of Police Scotland for the suspension of a Taxi/Private Hire Car Driver's Licence.

It was noted that Mr Spence was not in attendance at this point in the proceedings.

DECIDED:-

Having heard the Section Head (Licensing) and the Senior Officer (Licensing Services) in further explanation of the report and in answer to Members' questions, the Committee agreed to adjourn the meeting and resume consideration of the matter to **Monday, 16 December 2019 at 11.00 a.m. in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank** and that Mr Spence be invited to attend on that date.

The meeting was adjourned at 12 noon.

LICENSING COMMITTEE

At the Reconvened Meeting of the Licensing Committee held in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank on Monday, 16 December 2019 at 11.03 a.m.

Present: Councillors Jim Brown, Ian Dickson, Jonathan McColl and Brian Walker.

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

Also Attending: Sergeant Wendy Maginnis, Police Scotland.

Apologies: Apologies for absence were intimated on behalf of Councillors Jim Finn and Lawrence O'Neill.

Councillor Jonathan McColl in the Chair

CONTINUED HEARING REGARDING POSSIBLE SUSPENSION OR REVOCATION OF A TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE

With reference to the Minutes of Meeting of the Licensing Committee held on 4 September 2019, a report was submitted by the Strategic Lead – Regulatory concerning a request from the Chief Constable of Police Scotland for the suspension of a Taxi Driver's/Private Hire Car Driver's Licence.

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

- (a) that the licence holder and a representative of the Police authority had been invited to attend the reconvened meeting of the Committee in order that a hearing could take place;
- (b) that a representative of the Police authority, Sergeant Maginnis, was in attendance;
- (c) that an email had been received from the licence holder providing a written representation and advising that he would not be able to attend the reconvened meeting of the Committee. Copies of this email were accordingly circulated to Members of the Committee;

- (d) that the licence holder was not in attendance at the meeting; and
- (e) that in the circumstances, the options available to the Committee were (i) to continue the Hearing to the next meeting of the Committee to give the licence holder a further opportunity to attend, or (ii) to consider the revocation of the licence in the absence of the licence holder.

DECIDED:-

After consideration, the Committee agreed to revoke Mr Spence's licence on the grounds that the licence holder was no longer a fit and proper person to be the holder of a Taxi Driver's/Private Hire Car Driver's Licence.

The meeting closed at 11.05 a.m.