

# Agenda



## Meeting of Licensing Committee

**Date:** Wednesday, 9 September 2020

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**Time:** 10:00

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**Venue:** By Zoom Video Conference

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**Contact:** Nuala Borthwick, Committee Officer,  
nuala.borthwick@west-dunbarton.gov.uk

Dear Member

The Convener has directed that the powers contained in Section 18B of the Civic Government (Scotland) Act 1982 that the hearing cannot be held in person because of a reason relating to coronavirus will be used and so Members and parties to the proceedings will attend this meeting of the **Licensing Committee** remotely. The business is shown on the attached agenda.

Yours faithfully

**JOYCE WHITE**

Chief Executive

**Distribution:**

Councillor Jim Finn (Chair)  
Councillor Ian Dickson  
Councillor Caroline McAllister  
Councillor Jonathan McColl (Vice Chair)  
Councillor Marie McNair  
Councillor Lawrence O'Neill  
Councillor Brian Walker  
Vacancy

All other Councillors for information

Chief Executive  
Strategic Director – Regeneration, Environment and Growth  
Strategic Director – Transformation and Public Service Reform  
Chief Officer of Health & Social Care Partnership

Date issued: 27 August 2020

**LICENSING COMMITTEE**

**WEDNESDAY, 9 SEPTEMBER 2020**

**AGENDA**

**1 STATEMENT BY THE CHAIR – ZOOM VIDEO CONFERENCING**

**2 APOLOGIES**

**3 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.

**4 MINUTES OF PREVIOUS MEETING 5 - 10**

Submit for approval as a correct record, Minutes of Meeting of the Licensing Committee held on 19 August 2020.

**5 OPEN FORUM**

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

**6 EXCLUSION OF PRESS AND PUBLIC 11**

The Committee is asked to consider passing the following resolution prior to consideration of the undernoted item 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.”

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**7 APPLICATION FOR GRANT OF A TEMPORARY TAXI/  
PRIVATE HIRE CAR DRIVER'S LICENCE 13 - 14**

**Name and Address of Applicant**

**Date Applied**

Connor McAleaney  
14 McColl Avenue  
Tullichewan  
Alexandria  
G83 0HY

12 June 2020

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

**8 CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – REVIEW OF TAXI FARES AND CHARGES – DUMBARTON & VALE OF LEVEN TAXI LICENSING ZONE To follow**

Submit report by the Strategic Lead – Regulatory on the review of taxi fares and charges in the Dumbarton & Vale of Leven Taxi Licensing Zone.

## LICENSING COMMITTEE

At a Meeting of the Licensing Committee held by video conference on Wednesday, 19 August 2020 at 2.00 p.m.

**Present:** Councillors Ian Dickson, Jim Finn, Caroline McAllister, Jonathan McColl, Lawrence O'Neill and Brian Walker.

**Attending:** Raymond Lynch, Section Head (Licensing); Robert Mackie, Senior Officer (Licensing Services) and Nuala Borthwick, Committee Officer.

**Also Attending:** Sergeant Wendy Maginnis, Licensing Sergeant, Police Scotland.

**Apology:** An apology for absence was intimated by Councillor Marie McNair.

**Councillor Jim Finn in the Chair**

### CHAIR'S REMARKS

Councillor Finn, Chair, welcomed everyone to the meeting which was being held remotely, in terms of Section 18B of the Civic Government (Scotland) Act 1982.

Accordingly, the Chair advised that a process/procedure had been developed for the meeting (a copy of which had previously been circulated to Members). Thereafter, the Committee agreed to note the procedure in place for the conduct of the meeting and the meeting then continued by video conferencing.

### 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 10 June 2020 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.

## VARIATION IN THE ORDER OF BUSINESS

Having heard the Section Head (Licensing), it was noted that one of the applicants, Mr Brownlie was experiencing technical difficulties whilst accessing the meeting and therefore the business was varied as hereinafter minuted.

## EXCLUSION OF PRESS AND PUBLIC

Having heard the Section Head (Licensing) in relation to the undernoted item of business, 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

### Name and Address of Applicant

### Date Applied

Thomas Kearney  
30 Delhi Avenue  
Clydebank  
G81 4JS

27 January 2020

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

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

- (a) that a letter dated 24 February 2020 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 by Police Scotland 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 letters received from Police Scotland, the applicant and a representative of Police Scotland had been invited to attend the meeting in order that a hearing could take place; and
- (d) that both the applicant and Sergeant Wendy Maginnis, Police Scotland 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 provided to Members and taken into account.

The Committee then heard from Sergeant Maginnis in relation to both letters from Police Scotland.

Thereafter, Mr Kearney was given an opportunity to address the Committee in support of the application and in doing so referred to information in support of his application, a copy of which had been provided to Members for their information.

**DECIDED:-**

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

**EXCLUSION OF PRESS AND PUBLIC**

Having heard the Section Head (Licensing) in relation to the undernoted application, 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 TEMPORARY TAXI/  
PRIVATE HIRE CAR DRIVER'S LICENCE**

**Name and Address of Applicant**

**Date Applied**

Drew Stewart  
10 Cameron Drive  
Alexandria  
G83 0JT

17 July 2020

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

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

- (a) that a letter dated 5 August 2020 had been received from the Chief Constable of Police Scotland providing information in relation to the application and that copies of the letter had been circulated to Members in advance of the meeting;
- (b) that a report had been submitted by the Senior Officer (Licensing Services) dated 6 August 2020 in relation to the application and had been provided to Members in advance of the meeting; and
- (c) that in view of the submissions received from both the Police and the Senior Officer (Licensing Services), the applicant, a representative from Police Scotland, Sergeant Wendy Maginnis, and the Senior Officer (Licensing Services), were in attendance at the meeting in order that a hearing could take place.

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

Thereafter, Mr Mackie, Senior Officer (Licensing Services) was heard in relation to his report submitted to the Committee. Mr Mackie then answered questions from Members and the applicant in relation to information provided in the report.

Mr Stewart was then given the opportunity to address the Committee in support of his application and thereafter he and the Senior Officer (Licensing Services) were heard in answer to questions from Members.

Following discussion and having heard from the Section Head (Licensing), the Committee agreed that the application be granted for a period of 6 weeks.

**DECIDED:-**

The Committee agreed that the application be granted for a period of 6 weeks.

**ADJOURNMENT**

Having heard the Chair, Councillor Finn, the Committee agreed to adjourn for a short period. Thereafter, the meeting reconvened at 3.00 p.m. with all Members in attendance.

**EXCLUSION OF PRESS AND PUBLIC**

Having heard the Section Head (Licensing) in relation to the undernoted application, 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.”



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

**Name and Address of Applicant**

**Date Applied**

Scott Brownlie  
12 Oxhill Place  
Dumbarton  
G82 4QU

4 December 2019

With reference to the Minutes of Meeting of the Licensing Committee held on 5 February 2020, a report was submitted by the Strategic Lead – Regulatory concerning an Application for Grant of a Taxi/Private Hire Car Driver's Licence by the above named person.

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

- (a) that a letter dated 30 December 2019 had been received from the Chief Constable of the Police authority submitting an objection in relation to the application;
- (b) that a separate letter from the Chief Constable dated 30 December 2019 had been submitted by Police Scotland 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 letters received from Police Scotland, the applicant and a representative of Police Scotland had been invited to attend the meeting in order that a Hearing could take place;
- (d) that the applicant was in attendance at the meeting and that Sergeant Wendy Maginnis was in attendance on behalf of Police Scotland; and
- (e) that letters from the applicant's Solicitor, Mr J Scott Adair, dated 30 January 2020 and 10 August 2020, both of which related to the application had been received and the Committee would require to consider the terms of these as Mr Brownlie was unrepresented at the hearing the said Solicitor having previously intimated to the Committee that he could not attend today's hearing, but that Mr Brownlie would attend personally.

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 provided to Members and taken into account.

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

Thereafter, the letters from Mr Brownlie's solicitor were considered by the Committee and the contents of the letters were provided and taken into account.

The Committee then heard from Mr Brownlie (who was content to represent himself and have the letters from his Solicitor submitted to the Committee) in support of his application and in answer to questions from Members.

### **ADJOURNMENT**

Having heard the Chair, Councillor Finn, the Committee agreed to adjourn for a short period. Thereafter, the meeting reconvened at 3.34 p.m. with all members in attendance.

After discussion, the Committee agreed that Mr Brownlie was not a fit and proper person to be the holder of a taxi licence

### **ADJOURNMENT**

Having heard the Section Head (Licensing), the Committee agreed to adjourn for a short period to re-admit the applicant to the meeting following a loss in telephone connection. Thereafter, the applicant re-joined and the meeting reconvened and the discussion and decision was repeated with all members and the applicant in attendance.

### **DECIDED:-**

The Committee agreed that the application be refused on the grounds that Mr Brownlie was not a fit and proper person to be the holder of a Taxi/Private Hire Car Driver's Licence licence.

The meeting closed at 3:46 p.m.



## **EXCLUSION OF PRESS AND PUBLIC**

The Committee is asked to consider passing the following resolution prior to consideration of the following item of business on the agenda:-

“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.”

Members are reminded that this document must be disposed of properly using a cross shredder or by returning the complete document to Members' Secretaries.



**WEST DUNBARTONSHIRE COUNCIL**  
**Report by Strategic Lead – Regulatory**  
**Licensing Committee – 9 September 2020**

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**Subject: Application for grant of a temporary Taxi/Private Hire Car Driver's Licence**

**1. Purpose**

- 1.1 To consider an application for grant of a temporary Taxi/Private Hire Car Driver's Licence submitted by Mr. Connor McAleaney, 14 McColl Avenue, Tullichewan, Alexandria G83 0HY.

**2. Recommendations**

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

**3. Background**

- 3.1 Mr. McAleaney submitted an application for grant of a temporary Taxi/Private Hire Car Driver's Licence to the Council on 12 June 2020.
- 3.2 A letter was received from the Chief Constable of the Police authority on 10 July 2020 in relation to the application.

**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 9 September 2020.
- 4.2 The terms of the letter from the Police will be made known to the Committee at the meeting as appropriate.

**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 protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 21 August 2020

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

Tel. No. (Direct line) 01389 738742.  
[robert.mackie@west-dunbarton.gov.uk](mailto:robert.mackie@west-dunbarton.gov.uk)

**Appendices:** N/A.

### **Background Papers:**

- 1.** Application for grant of a temporary Taxi/Private Hire Car Driver's Licence from Mr. Connor McAleaney, 14 McColl Avenue, Tullichewan, Alexandria G83 0HY.
- 2.** Letter dated 10 July 2020 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton G82 3PT.
- 3.** Letter to Mr. McAleaney dated 25 August 2020.

**Wards Affected:** N/A