

# Agenda



## Meeting of Licensing Committee

**Date:** Wednesday, 4 December 2019

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**Time:** 10:00

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**Venue:** Civic Space, Council Offices, 16 Church Street, Dumbarton G82 1QL

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**Contact:** Nuala Borthwick, Committee Officer  
Tel: 01389 737594 [nuala.borthwick@west-dunbarton.gov.uk](mailto:nuala.borthwick@west-dunbarton.gov.uk)

Dear Member

Please attend a meeting of the **Licensing Committee** as detailed above. The business is shown on the attached agenda.

Yours faithfully

**JOYCE WHITE**

Chief Executive

**Distribution:**

Councillor Jim Finn (Chair)  
Councillor Jim Brown  
Councillor Ian Dickson  
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: 21 November 2019

## **LICENSING COMMITTEE**

**WEDNESDAY, 4 DECEMBER 2019**

### **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 7 - 10**

Submit for approval as a correct record, Minutes of Meeting of the Licensing Committee held on 23 October 2019.

**4 OPEN FORUM**

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

**5 CONTINUED APPLICATION FOR RENEWAL OF TAXI/ PRIVATE HIRE CAR DRIVER'S LICENCE 11 - 13**

**Name and Address of Applicant**

**Date Applied**

John Bingham  
22B Waulkingmill Road  
Faifley  
Clydebank  
G81 5AH

8 August 2019

With reference to the Minutes of Meeting of the Licensing Committee held on 23 October 2019, submit report by the Strategic Lead – Regulatory concerning an Application for Renewal of a Taxi/Private Hire Car Driver's Licence for the above named person.

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

**15 - 22**

**(a) Name and Address of Applicant**

**Date Applied**

William East  
35 Glencairn Road  
Dumbarton  
G82 4DN

16 October 2019

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

**(b) Name and Address of Applicant**

**Date Applied**

Thomas Trainer  
10 Maryland Road  
Bellshill  
Dumbarton  
G82 3DH

21 October 2019

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

**(c) Name and Address of Applicant**

**Date Applied**

John Hepburn  
173 Pappert Estate  
Bonhill  
Alexandria  
G83 9LG

23 October 2019

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

**(d) Name and Address of Applicant**

**Date Applied**

John O'Donnell  
40 Breval Crescent  
Hardgate  
Clydebank  
G81 6LP

25 October 2019

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

**7 APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE 23 - 29**

- (a) **Name and Address of Applicant** **Date Applied**
- Neil Brown 15 October 2019  
57 Lansbury Street  
Alexandria  
G83 0SA
- Submit report by the Strategic Lead – Regulatory concerning an Application for Renewal of a Taxi/Private Hire Car Driver's Licence for the above named person.

- (b) **Name and Address of Applicant** **Date Applied**
- George Spence 17 October 2019  
3 Manse Court  
Haldane  
Balloch  
G83 8LT
- Submit report by the Strategic Lead – Regulatory concerning an Application for Renewal of a Taxi/Private Hire Car Driver's Licence for the above named person.

**8 CONTINUED HEARING REGARDING POSSIBLE SUSPENSION OR REVOCATION OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE 31 - 34**

With reference to the Minutes of Meeting of the Licensing Committee held on 4 September 2019, submit report 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.

**9 PROPOSED LICENSING SCHEME FOR BOAT HIRERS 35 – 41**

Submit report 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.

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**10 EXCLUSION OF PRESS AND PUBLIC****43**

The Committee is asked to pass the following resolution for the undernoted agenda item:-

“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.”

**11 APPLICATION FOR GRANT OF A PRIVATE HIRE CAR  
PARTNERSHIP LICENCE****45 - 47****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

18 October 2019

Submit report by the Strategic Lead – Regulatory concerning an Application for Renewal of a Taxi/Private Hire Car Partnership Licence for the above named people.

## **LICENSING COMMITTEE**

At a Meeting of the Licensing Committee held in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 23 October 2019 at 2.10 p.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 and Constable Alison Simpson, 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 MEETINGS**

The Minutes of Meeting of the Licensing Committee held on (a) 4 September 2019 (Ordinary meeting) and (b) 9 October 2019 (Special Meeting) were submitted and approved as correct records.

## **OPEN FORUM**

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

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

### **Name and Address of Applicant**

John Bingham  
22B Waulkingmill Road  
Faifley, Clydebank  
G81 5AH

### **Date Applied**

8 August 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 that the applicant was not in attendance at the meeting and had not advised in advance that he was unable to attend.

### **DECIDED:**

Following discussion, the Committee agreed that the application be continued to the next scheduled meeting of the Licensing Committee to be held on Wednesday, 4 December 2019, in order to provide the licence holder with a further opportunity to attend.

## **EXCLUSION OF PRESS AND PUBLIC**

The Committee agreed to pass the following resolution for 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."

## **HEARING REGARDING POSSIBLE SUSPENSION OR REVOCATION OF A TAXI PARTNERSHIP LICENCE**

With reference to the Minutes of Special Meeting of the Licensing Committee held on 9 October 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 Partnership Licence.

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



- (a) that a letter had been received from the Chief Constable of Police Scotland requesting the suspension of a Taxi Partnership Licence under Paragraph 11(1) of Schedule 1 to the Civic Government (Scotland) Act 1982 complaining that one of the licence holders, in his capacity as joint licence holder and day to day manager, was no longer a fit and proper person to hold a licence on the grounds that the carrying on of the activity to which the licence relates was likely to cause a serious threat to public safety;
- (b) that the letter from the Chief Constable also requested that the licensing authority order the immediate suspension of the Taxi Partnership Licence held by the licence holders in terms of 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 was likely to cause a serious threat to public order or public safety;
- (c) that having consulted both the Strategic Lead – Regulatory and the Depute Chair of the Licensing Committee it was decided that, having considered the submission from Police Scotland, that the circumstances did not merit an immediate suspension;
- (d) that the Taxi Partnership Licence held by the licence holders was due to expire on 20 June 2020; and
- (e) that at a Special Meeting of the Licensing Committee held on 9 October 2019, Members decided to continue the hearing until 23 October 2019 due to one of the licence holders being unable to attend for health reasons.
- (f) that in view of the request for suspension of the licence from Police Scotland, the licence holder and a representative of Police Scotland had been invited to attend the meeting in order that a hearing could take place;
- (g) that copies of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting; and
- (h) that the matters which the Committee were required to consider in relation to paragraph (g) above were as follows:-
  - (i) whether the alleged misconduct had been established;
  - (ii) if the Committee was satisfied that the alleged misconduct had been established, whether, having regard to the misconduct, the licence holders were no longer fit and proper persons to hold a Taxi Partnership Licence;
  - (iii) if the Committee was of the opinion that the licence holders were no longer fit and proper persons, the Committee must consider whether their licence should be suspended or revoked;

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- (iv) if the Committee was satisfied that the licence should be suspended, the Committee must give the licence holders an opportunity of being heard on the length of the suspension and the date from which the suspension should commence;
- (v) that the Committee must then consider what length of suspension would be appropriate and whether the circumstances of the case would justify immediate suspension; and
- (vi) if the Committee was satisfied that the circumstances of the case justified revocation, the Committee must consider whether this revocation should be immediate.

It was noted that the licence holders and representatives of Police Scotland, Sergeant Maginnis and Constable Simpson, were in attendance.

The Committee then heard from Constable Simpson in relation to the letter from Police Scotland and in answer to questions from Members. It was noted that the court case for the offence allegedly committed by one of the licence holders in relation to the request for suspension of the Taxi Partnership Licence had not yet been scheduled by the Procurator Fiscal's office and therefore remained sub-judice.

Thereafter, the licence holder was given an opportunity to address the Committee in relation to the suspension request and was heard in answer to questions from Members'.

#### **DECIDED:-**

After consideration, the Committee agreed:-

- (1) that the alleged misconduct had not been established at this time;
- (2) that the licence holders remained fit and proper persons to hold a Taxi Partnership Licence; and
- (3) that the Hearing be continued until the meeting of the Licensing Committee scheduled to be held on Wednesday, 5 February 2019 to allow the licence holders to instruct a legal representative and to enable Police Scotland to provide an update on the outcome of the pending court proceedings.

The meeting closed at 2.25 p.m.

**WEST DUNBARTONSHIRE COUNCIL**

**Report by Strategic Lead – Regulatory**

**Licensing Committee – 4 December 2019**

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

**1. Purpose**

- 1.1** To consider an application for renewal of a Taxi/Private Hire Car Driver's Licence submitted by Mr. John Bingham, 22B Waulkingmill Road, Faifley, Clydebank G81 5AH.

**2. Recommendations**

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

**3. Background**

- 3.1** Mr. Bingham submitted an application for renewal of a Taxi/Private Hire Car Driver's Licence to the Council on 8 August 2019.
- 3.2** A letter was received from the Chief Constable of the Police authority on 28 August 2019 submitting a representation in relation to the application.
- 3.3** Mr. Bingham's current Taxi Driver's/Private Hire Car Driver's Licence expired on 11 August 2019 however as the application for renewal was submitted prior to the expiry date, the licence remains valid until the application has been determined.
- 3.4** At the meeting of the Licensing Committee held on 23 October 2019, it was noted that the applicant was not present. 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 4 December 2019.
- 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 7 November 2019

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**Person to Contact:** Robert Mackie,  
Senior Officer (Licensing Services),  
Licensing Team,  
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[robert.mackie@west-dunbarton.gov.uk](mailto:robert.mackie@west-dunbarton.gov.uk)

**Appendices:** N/A.

### **Background Papers:**

- 1.** Application for renewal of a Taxi/Private Hire Car Driver's Licence from Mr. John Bingham, 22B Waulkingmill Road, Faifley, Clydebank G81 5AH.
- 2.** Letter dated 28 August 2019 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton G82 3PT.

3. Letter to Mr. Bingham dated 8 November 2019.

**Wards Affected:** N/A.



**WEST DUNBARTONSHIRE COUNCIL**  
**Report by Strategic Lead – Regulatory**  
**Licensing Committee – 4 December 2019**

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

**1. Purpose**

- 1.1** To consider an application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. William East, 35 Glencairn Road, Dumbarton G82 4DN.

**2. Recommendations**

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

**3. Background**

- 3.1** Mr. East submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 16 October 2019.
- 3.2** A letter was received from the Chief Constable of the Police authority on 25 October 2019 submitting a representation 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 4 December 2019.
- 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 28 October 2019

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**Person to Contact:** Robert Mackie,  
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**Appendices:** N/A.

**Background Papers:**

- 1.** Application for grant of a temporary Taxi/Private Hire Car Driver's Licence from Mr. William East, 35 Glencairn Road, Dumbarton G82 4DN.
- 2.** Letter dated 25 October 2019 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton G82 3PT.
- 3.** Letter to Mr. East dated 8 November 2019.

**Wards Affected:** N/A



**WEST DUNBARTONSHIRE COUNCIL**

**Report by Strategic Lead – Regulatory**

**Licensing Committee – 4 December 2019**

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

**1. Purpose**

- 1.1** To consider an application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Thomas Trainer, 10 Maryland Road, Bellsmyre, Dumbarton G82 3DH.

**2. Recommendations**

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

**3. Background**

- 3.1** Mr. Trainer submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 21 October 2019.
- 3.2** A letter was received from the Chief Constable of the Police authority on 31 October 2019 submitting a representation 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 4 December 2019.
- 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 7 November 2019

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**Person to Contact:** Robert Mackie,  
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**Appendices:** N/A.

### **Background Papers:**

- 1.** Application for grant of a Taxi/Private Hire Car Driver's Licence from Mr. Thomas Trainer, 10 Maryland Road, Bellsmyre, Dumbarton G82 3DH.
- 2.** Letter dated 31 October 2019 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton G82 3PT.
- 3.** Letter to Mr. Trainer dated 8 November 2019.

**Wards Affected:** N/A

**WEST DUNBARTONSHIRE COUNCIL**

**Report by Strategic Lead – Regulatory**

**Licensing Committee – 4 December 2019**

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

**1. Purpose**

- 1.1** To consider an application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. John Hepburn, 173 Pappert Estate, Bonhill, Alexandria G83 9LG.

**2. Recommendations**

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

**3. Background**

- 3.1** Mr. Hepburn submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 23 October 2019.
- 3.2** A letter was received from the Chief Constable of the Police authority on 1 November 2019 submitting an objection in relation to the application.
- 3.3** A further letter received from the Chief Constable of the Police authority on 1 November details protected convictions in terms of the Rehabilitation of Offenders Act 1974.

**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 4 December 2019.
- 4.2** The terms of the letters 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 7 November 2019

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**Person to Contact:** Robert Mackie,  
Senior Officer (Licensing Services),  
Licensing Team,  
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**Appendices:** N/A.

**Background Papers:**

- 1.** Application for grant of a Taxi/Private Hire Car Driver's Licence from Mr. John Hepburn, 173 Pappert Estate, Bonhill, Alexandria G83 9LG.
- 2.** Letters dated 1 November 2019 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton G82 3PT.
- 3.** Letter to Mr. Hepburn dated 8 November 2019.

**Wards Affected:** N/A

**WEST DUNBARTONSHIRE COUNCIL**

**Report by Strategic Lead – Regulatory**

**Licensing Committee – 4 December 2019**

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

**1. Purpose**

- 1.1** To consider an application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. John O'Donnell, 40 Breval Crescent, Hardgate, Clydebank G81 6LP.

**2. Recommendations**

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

**3. Background**

- 3.1** Mr. O'Donnell submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 25 October 2019.
- 3.2** A letter was received from the Chief Constable of the Police authority on 14 November 2019 submitting a representation 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 4 December 2019.
- 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 14 November 2019

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**Person to Contact:** Robert Mackie,  
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**Appendices:** N/A.

### **Background Papers:**

1. Application for grant of a Taxi/Private Hire Car Driver's Licence from Mr. John O'Donnell, 40 Breval Crescent, Hardgate, Clydebank G81 6LP.
2. Letter dated 14 November 2019 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton G82 3PT.
3. Letter to Mr. O'Donnell dated 15 November 2019.

**Wards Affected:** N/A

**WEST DUNBARTONSHIRE COUNCIL**

**Report by Strategic Lead – Regulatory**

**Licensing Committee – 4 December 2019**

---

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

**1. Purpose**

- 1.1** To consider an application for renewal of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Neil Brown, 57 Lansbury Street, Alexandria G83 0SA.

**2. Recommendations**

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

**3. Background**

- 3.1** Mr. Brown submitted an application for renewal of a Taxi/Private Hire Car Driver's Licence to the Council on 15 October 2019.
- 3.2** A letter was received from the Chief Constable of the Police authority on 17 October 2019 submitting a representation in relation to the application.
- 3.3** At a meeting of the Licensing Committee held on 6 December 2017, Mr. Brown attended the Licensing Committee having been subject to a representation from Police Scotland. The nature of the representation submitted at that time was similar to that submitted by the Police in relation to the current application for renewal. A copy of the Police representation submitted on 17 October 2017 is included within the background papers.
- 3.4** Having heard from both Police Scotland and Mr. Brown, Members decided to renew 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 4 December 2019.
- 4.2** The terms of the letters 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 29 October 2019

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**Person to Contact:** Robert Mackie,  
Senior Officer (Licensing Services),  
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**Appendices:** N/A.

### **Background Papers:**

- 1.** Application for renewal of a Taxi/Private Hire Car Driver's Licence from Mr. Neil Brown, 57 Lansbury Street, Alexandria G83 0SA.
- 2.** Letter dated 17 October 2019 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton G82 3PT.



3. Letter dated 17 October 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton G82 3PT.
4. Letter to Mr. Brown dated 8 November 2019.

**Wards Affected:** N/A



**WEST DUNBARTONSHIRE COUNCIL****Report by Strategic Lead – Regulatory****Licensing Committee – 4 December 2019**

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

**1. Purpose**

- 1.1** To consider an application for renewal of a Taxi/Private Hire Car Driver's Licence submitted by Mr. George Spence, 3 Manse Court, Haldane, Balloch G83 8LT.

**2. Recommendations**

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

**3. Background**

- 3.1** Mr. Spence submitted an application for renewal of a Taxi/Private Hire Car Driver's Licence to the Council on 17 October 2019.
- 3.2** A letter was received from the Chief Constable of the Police authority on 14 November 2019 submitting an objection in relation to the application.
- 3.3** Mr. Spence's is also subject to a separate report before the Committee to determine the possible suspension or revocation of his Taxi/Private Hire Car Driver's Licence which was continued from 5 September 2019.
- 3.4** The Taxi/Private Hire Car Driver's Licence currently held by Mr. Spence expired on 24 October 2019 however as an application for the renewal of the licence was submitted on 17 October 2019, Mr. Spence is permitted to continue to operate until the matters before the Committee are determined.

**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 4 December 2019.
- 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 14 November 2019

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**Person to Contact:** Robert Mackie,  
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**Appendices:** N/A.

### **Background Papers:**

- 1.** Application for renewal of a Taxi/Private Hire Car Driver's Licence from Mr. George Spence, 3 Manse Court, Haldane, Balloch G83 8LT.
- 2.** Letter dated 14 November 2019 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton G82 3PT.

3. Letter to Mr. Spence dated 15 November 2019.

**Wards Affected:** N/A



**WEST DUNBARTONSHIRE COUNCIL**  
**Report by the Strategic Lead - Regulatory**  
**Licensing Committee – 4 December 2019**

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**Subject:      Hearing regarding possible suspension or revocation of a Taxi Driver's/Private Hire Car Driver's Licence (continued)**

**1.      Purpose**

- 1.1**      To consider a request from the Chief Constable of Police Scotland for the suspension of a Taxi Driver's/Private Hire Car Driver's Licence held by Mr. George Spence, 3 Manse Court, Haldane, Balloch G83 8LT. 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 5 August 2019, a letter was received from the Chief Constable of Police Scotland requesting the immediate suspension of the Taxi Driver's/Private Hire Car Driver's Licence held by Mr. George Spence 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 order or public safety.
- 3.2**      Having consulted with the Strategic Lead – Regulatory and the Depute Chair of the Licensing Committee it was decided that an immediate suspension was not merited in the circumstances.
- 3.3**      At a meeting of the Licensing Committee held on 4 September 2019 to determine the possible suspension or revocation of Mr. Spence's Taxi Driver's/Private Hire Driver's Licence, Members agreed that the suspension hearing be continued to a future Licensing Committee in order to find out the outcome of pending proceedings against the applicant.
- 3.4**      The Taxi/Private Hire Car Driver's licence currently held by Mr. Spence expired on 24 October 2019 however an application for the renewal of the licence was submitted on 17 October 2019 and is subject to a separate report before the Committee.

**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 order the suspension of a licence under Paragraph 11 if, in its opinion, the holder of the licence is not, or is no longer, a fit and proper person to hold the licence or 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.
- 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 Police authority have been invited to attend the meeting of the Committee on 4 December 2019 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, Mr. Spence is no longer a fit and proper person to hold a taxi driver's licence.
  - (c) If the Committee is of the opinion that Mr. Spence is no longer a fit and proper person, or 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, the Committee must consider whether his licence should be suspended or revoked.



(d) If the Committee is satisfied that the licence should be suspended, the Committee must give Mr. Spence an opportunity of being heard on the length of the suspension and the date from which the suspension should commence.

(e) The Committee must then consider what length of suspension is appropriate and whether the circumstances of the case justify immediate suspension.

(f) If the Committee is satisfied that circumstances of the case justify revocation, the Committee must consider whether this revocation should be immediate.

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

Strategic Lead - Regulatory

Date 14/11/2019

**Person to Contact:** Robert Mackie,  
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**Appendices:** N/A.

**Background Papers:**

1. Letter dated 5 August 2019 from the Chief Constable, Police Scotland.
2. Letter to Mr. Spence dated 16 August 2019.
3. Letter dated 14 November 2019 from the Chief Constable, Police Scotland.
4. Letter to Mr. Spence dated 15 November 2019.

**Wards Affected:** N/A.

## WEST DUNBARTONSHIRE COUNCIL

### Report by Strategic Lead – Regulatory

**Licensing Committee – 4 December 2019**

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**Subject: Proposed Licensing Scheme for Boat Hirers**

#### **1. Purpose**

- 1.1** To update the Committee on the proposed licensing scheme for Boat Hirers, report on the consultation process and seek the Committee's agreement to adopt the resolution to licence boat hirers.

#### **2. Recommendations**

- 2.1** It is recommended that the Committee:-

- (i) adopt the resolution to licence Boat Hirers and the proposed conditions at appendix 1; and
- (ii) delegate authority to officers to determine a revised fee for West Dunbartonshire Council for licences for boat hirers.

#### **3. Background**

- 3.1** The Committee previously granted authority to officers to advertise the proposed resolution for a licensing scheme for Boat Hirers. This was following a Marine Accident Investigation Board ("MAIB") report into a small passenger ferry that sank within Loch Lomond's waters. The MAIB found that there was no effective regulatory oversight of small passenger vehicles within Loch Lomond.
- 3.2** No responses were received to the consultation that was publically advertised from 1 October to 30 October 2019 in the Dumbarton Reporter. The consultation was also advertised online on the Council's website. There was previously a public consultation in 2016 where several responses were received. However, following the responses received further discussions with neighbouring authorities were required. Parties that previously responded to the original consultation were also written to, updating them of the proposals to re-advertise the proposed boat hirers scheme and conditions. Notwithstanding that there were no responses to this consultation; a number of issues were raised in the consultation responses at that time that Officers have considered.

#### **4. Main Issues**

- 4.1** The main concerns/areas from the initial consultation responses are as summarised below:-

## **4.2 Need for Multiple Licences**

- 4.2.1** As outlined in the previous reports to this Committee, Stirling and West Dunbartonshire Councils propose to delegate power to each other to grant boat hirer licences in their parts of Loch Lomond. Argyll and Bute Council have previously said that any boat hirer operator, who picks up passengers from within Argyll & Bute Council's area will still require a licence from them. This caused concern with operators who believe that one licence would help minimise the burden on operators rather than one licence for West Dunbartonshire or Stirling Council, and a separate licence from Argyll and Bute Council. However it is the current position that in principle, discussions are ongoing to now allow a delegation between all the authorities. This hasn't been formally agreed at the time of writing. If agreed, this would mean only one licence is required to operate throughout the waters of Loch Lomond regardless of which Local Authority area passengers were picked up.

## **4.3 Fees**

- 4.3.1** There was a concern amongst operators that if the fee level and the cost of complying with proposed licensing conditions is too high, it may not be economically viable to run such boats commercially. The current fee for a Boat Hirers licence is set at £1,423 for a three year period. The fee for this category of licence was agreed by the Licensing Committee following an assessment of the cost of providing such a licence, thereafter subject to annual inflationary increases. Stirling Council have previously stated that they would be willing to adopt the same fee as West Dunbartonshire Council. Argyll and Bute currently charge £251 for a one year licence that further reduces in cost on an annual basis.

### Comments

The Committee will be aware that a civic licensing fee review is underway, and the current fee for boat hirers will be considered by officers and fully reported on. In addition, if the delegation between all authorities is agreed then officers will consider the level of fee that would be proposed to be charged by all authorities. This would ensure consistency between the three authorities regardless of the place of application. There is likely to be a reduction in the West Dunbartonshire Council fee.

## **5. People Implications**

- 5.1** There are no personnel issues.

## **6. Financial and Procurement Implications**

- 6.1** The current fee for a Boat Hirers licence is set at £1,423. The fee for this category of licence was agreed by the Licensing Committee following an assessment of the cost of providing such a licence, thereafter subject to

annual inflationary increases. There is likely to be a reduction in the West Dunbartonshire Council fee.

## **7. Risk Analysis**

- 7.1 There would be a reputational risk for the Council if it fails to use powers to regulate activities that could cause harm to citizens or businesses.

## **8. Equalities Impact Assessment (EIA)**

- 8.1 An equalities impact assessment identified that a licensing scheme would take account of the need to ensure the safety of people with disabilities or age related infirmities. These issues should be considered by the operator of such a licence rather than particular conditions being incorporated within conditions at this stage.

## **9. Consultation**

- 9.1 The proposed resolution for a licensing scheme for boat hirers was publically advertised in a local newspaper and also online.

## **10. Strategic Assessment**

A licensing scheme will improve the wellbeing of communities and protect the welfare of vulnerable people.

Peter Hissett  
Strategic Lead – Regulatory

Date: 18 November 2019

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**Appendix:** Proposed licensing scheme conditions for boat hirers.

**Background Papers:** Report on the investigation of the foundering of the small passenger ferry Vixen in Ardlui Marina, Loch Lomond Marine Accident Investigation Branch, June 2013.

Reports to the Licensing Committee - 28 August 2013, 20 April 2016, 19 April 2017 and 4 September 2019.

**Wards Affected:** All

**CUSTOMER SERVICES – GOVERNANCE & LAW  
CIVIC GOVERNMENT (SCOTLAND) ACT 1982  
SCHEDULE OF CONDITIONS - BOAT HIRE**

**PART 1**

**MANDATORY REQUIREMENTS IN TERMS OF SECTION 38**

1. The licence holder shall ensure that the maximum number of persons to be carried in the boat or vessel at any one time (including the person in charge of the boat or vessel or any other crew) must not exceed the number stated in the licence. This will be determined via the heel test as per annex 10 of the Inland Waters Small Passenger Boat Code.
2. The licence holder shall only use or permit to be used the vessel within the waters described in the licence.
3. The licence holder shall take out and maintain in force with a reputable company a policy of insurance with an indemnity limit of not less than £5,000,000 which insures such person, persons or class of persons as may be specified in the policy in respect of any liability which may be incurred by the licence holder in respect of the death of or bodily injury to any person caused by, or arising out of, the use of the vessel, such policy to be in force at all times before undertaking the activities to which this Licence relates. During the currency of the licence the holder shall, on expiry of the current policy, produce to the Licensing Authority the new policy, within 48 hours of the expiry of the previous certificate. It is the responsibility of the licence holder to ensure this document is passed to the Licensing Authority. Failure to comply may lead to the licence being suspended.
4. The licence holder shall, within 7 working days, notify the licensing authority of any change of circumstances i.e. change of personal address, no longer operating etc. If you are in doubt as to what constitutes a change of circumstances you should contact the office of the Head of Governance and Law for guidance.

**PART II**

**LICENSING CONDITIONS APPLICABLE TO ALL VESSELS**

1. The licence holder shall ensure that the registered number allotted to the vessel by the Licensing Authority is clearly marked or painted on the outside of each bow of the vessel in a conspicuous position in plain figures of not less than 2 inches in height and of a corresponding breadth. (If vessel more than 2 tons, figures shall be not less than 3 inches in height and of a corresponding breadth).
2. The licence holder shall make sure that the names of the licence holder and the words "To carry ..... persons including crew" (the number being the maximum number of persons the boat is licensed to carry) is marked or painted in a conspicuous position where it can be clearly seen by the passengers, in letters and figures of not less than one inch in height and of a corresponding breadth. A copy of the licence must be prominently displayed on the boat in such a position so that passengers may read it.
3. The licence holder shall ensure that all numbers or names required by the Licensing Authority are kept at all times distinctly legible and must not be in any manner or by any means altered, defaced, obliterated, covered or concealed.
4. The licence holder shall ensure that the hull, and any oars, spars, rigging, engines and mechanical equipment of the vessel be rendered at all times complete and in sound and seaworthy condition to the satisfaction of the Licensing Authority.
5. The licence holder shall at all times to the satisfaction of the Licensing Authority keep the slipway, jetties, piers and other landing places at his boat station, so far as under his control, in good and sufficient order and repair for the safe embarking and disembarking of

passengers.

6. The licence holder shall ensure that the vessel carries a sufficient number of Thermal Protective Aids which will be readily available to be worn by all persons on board including the person in charge and any other crew. The licence holder shall ensure that there are lifejackets for each passenger and crew member and that the lifejackets shall comply with the approved standard currently in force.
7. The licence holder shall, to the best of his ability, ensure that the person in charge of the vessel must at all times comply with any weather warning or other instructions issued to him by either HM Coastguard or the Harbourmaster / competent authority responsible for the areas in which the vessel operates.
8. The licence holder shall not let any vessel to any person whom the licence holder considers is not fit to handle the vessel properly and would thereby be a danger to themselves or others.
9. The licence holder shall be required to ensure their vessel is surveyed annually. On the year of renewal, the survey should be carried out by an authorised person being one appointed by a Maritime and Coastguard Agency recognised certifying authority. Surveys in the second year of the licence may be carried out by the owner or managing agent and duly recorded.
10. Notwithstanding the other conditions contained in this document, the Licence holder must ensure that all Boats and equipment covered by this licence are constructed, maintained and operated so as to comply with all relevant legislation, Manufacturers Recommendations, and all relevant Codes of Practice including but not limited to:
  - For boat hirers who carry for reward 12 or fewer passengers, the Inland Waters Small Passenger Boat Code (known as the 'Inland Waters Code'), published jointly by the Association of Inland Navigation Authorities and the Maritime & Coastguard Agency in 2007, and any subsequent amendment of that code.
  - For boat hirers who let powered boats for hire, the Code for the Design, Construction and Operation of Hire Boats, Part 1: Power Driven Boats, published by British Marine Federation, Association of Inland Navigation Authorities, and Maritime and Coastguard Agency in 2009, and any subsequent amendment of that code.

### **PART III SUPPLEMENTARY LICENSING CONDITIONS FOR NON-MECHANICALLY PROPELLED VESSELS**

1. The licence holder shall ensure that each rowing board or dinghy shall at all times be kept supplied and equipped with suitable and sufficient oars, rowlocks or rowing pins and a bailing dish.
2. The licence holder shall ensure that each sailing boat shall at all times be kept supplied and equipped with all suitable and sufficient sails, spars, rudder, tackle, fittings and appliances as well as with serviceable lifebuoys and a bailing dish.
3. The licence holder shall ensure that each sailing boat or canoe carries suitable and sufficient paddles.
4. The licence holder shall ensure that any non swimmers on a vessel wear life jackets at all times.

### **PART IV SUPPLEMENTARY LICENSING CONDITIONS FOR MECHANICALLY PROPELLED VESSELS**

1. The licence holder shall ensure that each vessel at all times when plying for hire be in the charge of an experienced helmsman / skipper who holds a current licence or certificate issued by the Department for Transport and has a thorough knowledge of the weather and



tidal conditions of the area in which the vessel is licensed to operate.

2. The licence holder shall make sure that each vessel carries two 30 inch diameter DFT approved lifebuoys, both of which shall have a smoke/light signal, One fitted with 18m buoyant line attached and shall be kept within easy reach of the helmsman.
3. The licence holder shall ensure that each vessel carries distress flares comprising at least 4 x 2 star parachute signals, 4 red hand flares and 2 orange smoke signals.
4. The vessel must also have either two SOLAS No. 2 packs or one SOLAS No. 1 pack on board at all times.
5. The licence holder must ensure that each vessel has fitted to it a VHF radio transceiver capable of receiving weather forecasts, in the charge of a person who has a Radio Operators Certificate.
6. The licence holder must ensure that each vessel carries an anchor and chain and such rope or cable attached to the chain as can also be used for towing purposes.
7. Any vessel carrying passengers shall carry DFT approved life-rafts with a SOLAS B pack capable of providing seating for the passengers and crew on the vessel or if it is an ISO 9650 standard liferaft (effective 23<sup>rd</sup> October 2019) complying with the conditions of same.

## **PART V**

### **ADDITIONAL REQUIREMENTS FOR VESSELS WITH ENGINES**

1. The licence holder shall ensure that the engine, any auxiliary engines, steering gear and any other mechanical equipment be maintained at all times in efficient working order and in a sound and seaworthy condition.
2. The licence holder shall ensure that the vessel carries a tool kit with sufficient tools to carry out emergency repairs to the engine.
3. The licence holder shall ensure that each vessel carries 2 DFT approved portable fire extinguishers, six litre foam ( rating 13A 113B ) or equivalent dry powder .
4. The licence holder shall ensure that each vessel has provision for, and carries an appropriate reserve of fuel for its engines (eg petrol or diesel) to be available for use in an emergency. ( A maximum of 5 litre of petrol may be carried in a portable BS / EN approved container





## **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**