

Agenda



Meeting of Licensing Committee

Date: Wednesday, 16 August 2017

Time: 14:00

Venue: Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank

Contact: Nuala Borthwick, Committee Officer
Tel: 01389 737594 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 John Mooney
Councillor Lawrence O'Neill
Councillor Brian Walker

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: 3 August 2017

LICENSING COMMITTEE

WEDNESDAY, 16 AUGUST 2017

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 - 22

Submit for approval as a correct record the Minutes of Meeting of the Licensing Committee held on 14 June 2017.

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

(a) Name and Address of Applicant Date Applied 23 - 24

Kevin Maxwell
138 Lennox Drive
Faifley
Clydebank
G81 5DT

19 June 2017

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

(b) Name and Address of Applicant Date Applied 25 - 26

Alan Ritchie
6 Empire Road
Rhu
Helensburgh
G84 8LT

10 July 2017

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

5 APPLICATION FOR RENEWAL OF A TAXI DRIVER'S /PRIVATE HIRE CAR DRIVER'S LICENCE 27 – 28

Name and Address of Applicant Date Applied

Paul Monaghan
33 Alclutha Avenue
Dumbarton
G82 2NX

11 May 2017

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

6 APPLICATIONS FOR GRANT OF A TEMPORARY TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE

(a) Name and Address of Applicant Date Applied 29 - 30

Joseph Elvin
70 Carleith Avenue
Duntocher
Clydebank
G81 6JA

17 March 2017

Submit report 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.

(b) Name and Address of Applicant Date Applied 31 - 32

Darren Gallagher
10 Briar Drive
Parkhall
Clydebank
G81 3HX

19 April 2017

Submit report 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.

(c)/

- | | | | |
|-----|---|--|----------------|
| (c) | <u>Name and Address of Applicant</u>

George Spence
59 Main Street
Alexandria
G83 0PD | <u>Date Applied</u>

29 June 2017 | 33 - 34 |
|-----|---|--|----------------|
- Submit report 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.
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- 7 HEARING REGARDING POSSIBLE SUSPENSION OF TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE 35 - 37**
- With reference to Minutes of Meeting of Licensing Committee held on 14 June 2017, submit report by the Strategic Lead – Regulatory requesting consideration of the possible suspension of a Taxi Driver's/Private Hire Car Driver's Licence held by Mr Daniel Adams following a complaint which has been submitted by Police Scotland.
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- 8 HEARING REGARDING POSSIBLE SUSPENSION OF TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE 39 - 41**
- Submit report by the Strategic Lead – Regulatory requesting consideration of the possible suspension of a Taxi Driver's/Private Hire Car Driver's Licence held by Mr Stephen Ordish following a complaint which has been submitted by Police Scotland.
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- 9 CIVIC GOVERNMENT (SCOTLAND) ACT 1982 REVIEW OF TAXI FARES AND CHARGES CLYDEBANK TAXI LICENSING ZONE 43 - 54**
- Submit report by the Strategic Lead – Regulatory seeking consideration of a proposed review of fares and charges applicable to taxis operating within the Clydebank Taxi Licensing Zone.
-
- 10 CIVIC GOVERNMENT (SCOTLAND) ACT 1982 REVIEW OF TAXI FARES AND CHARGES DUMBARTON AND VALE OF LEVEN TAXI LICENSING ZONE 55 - 58**
- Submit report by the Strategic Lead – Regulatory seeking consideration of a proposed review of fares and charges applicable to taxis operating within the Dumbarton & Vale of Leven Taxi Licensing Zone.

11 AGE LIMIT OF VEHICLES OPERATING AS TAXIS AND 59 - 62
PRIVATE HIRE CARS

Submit report by the Strategic Lead – Regulatory seeking consideration of a submission received from the holder of a Private Hire Car Licence requesting an increase in the age limit of saloon vehicles operating as private hire cars from 10 years to 14 years and, if acceptable, to consider recommendations from officers for further changes to age limits on other types of vehicle.

12 MEDICAL EXEMPTION FOR A TAXI/PRIVATE HIRE 63 - 64
DRIVER UNDER THE PRIVATE HIRE CAR DRIVERS’
LICENCES (CARRYING OF GUIDE DOGS AND HEARING
DOGS) (SCOTLAND) REGULATIONS 2004 AS PART OF
THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982

Submit report by the Strategic Lead – Regulatory seeking consideration of a request from Ms Ann Kinnard to determine whether a medical exemption from the duty to carry an assistance dog is suitable.

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Wednesday, 14 June 2017 at 10.00 a.m.

Present: Councillors Jim Brown, Jim Finn, Jonathan McColl, John Mooney and Lawrence O'Neill.

Attending: Peter Hessett, Strategic Lead – Regulatory; Raymond Lynch, Section Head (Licensing); Robert Mackie, Senior Officer (Licensing Services); Lawrence Knighton, Licensing Standards Officer and Nuala Borthwick, Committee Officer.

Also Attending: Sergeant Angela Walker, Police Scotland.

Apologies: Apologies for absence were intimated on behalf of Councillors Ian Dickson, Marie McNair and Brian Walker.

Councillor Jim Finn in the Chair

MINUTE OF SILENCE

After hearing the Chair, Councillor Finn, the Committee stood and observed a one minute of silence as a mark of respect for the victims of the recent tragic events in London and Manchester.

VARIATION TO THE ORDER OF BUSINESS

Councillor Finn, Chair, welcomed everyone present to the meeting and thereafter it was agreed that the order of business be varied as hereinafter minuted.

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in any of the items of business on the agenda.

MANAGEMENT RULES FOR THE ADMINISTRATION OF SHOPPING CENTRES

A report was submitted by the Strategic Lead – Regulatory:-

- (a) advising of proposed amendments to Management Rules for Administration of Shopping Centres following a review which has recently been undertaken; and
- (b) seeking approval to advertise the Management Rules for the Administration of Shopping Centres, as required under Section 112 of the Civic Government (Scotland) Act 1982.

DECIDED:-

The Committee agreed:-

- (1) to approve the proposed amendments to the Management Rules for Administration of Shopping Centres and authorise Officers to advertise the Rules as required under Section 112 of the Civic Government (Scotland) Act 1982;
- (2) to note that if objections to the proposed Management Rules for Administration of Shopping Centres are received, a further report on the matter would require to be considered by the Committee; and
- (3) that should no objections be received in relation to the proposed amendments, authority would be delegated to the Strategic Lead - Regulatory to execute the Management Rules for Administration of Shopping Centres without the requirement for the Committee to consider a further report on the matter.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 PART V – PUBLIC PROCESSIONS – POLICE, PUBLIC ORDER AND CRIMINAL JUSTICE (SCOTLAND) ACT 2006 – NOTICE OF PROPOSAL TO HOLD A PUBLIC PROCESSION: DUMBARTON ORANGE & PURPLE DISTRICT NO. 27

A report was submitted by the Strategic Lead - Regulatory requesting consideration of whether to depart from the Code of Conduct, which prohibits the playing of music until 9.00 a.m., to allow the playing of music at 8.45 a.m. as requested by the Dumbarton Orange & Purple District No. 27 within their notice of proposal to hold a Public Procession submitted on 22 May 2017.

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

- (a) that Mr Iain Turner, District Manager, Dumbarton Orange & Purple District No. 27 was in attendance;
- (b) that similar applications had been brought before the Committee in previous years and Members had granted these without issue; and

- (c) that Police Scotland's only observation to the request to play music at 8.45 a.m. was that it fell outwith the Council's code of conduct.

DECIDED:-

After discussion and having heard Mr Turner in answer to a Member's question, the Committee agreed to approve the request from Dumbarton Orange & Purple District No. 27 to allow the accompanying band, The Pride of the Rock Flute Band, to play music at 8.45 a.m. as the Dumbarton Orange & Purple District No. 27 procession passes through Alexandria on the morning of Saturday, 1 July 2017.

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

Name and Address of Applicant

Date Applied

Brian Stewart
Flat 4/12 Bonhill Road
Dumbarton
G82 2ER

16 March 2017

With reference to the Minutes of Meeting of the Licensing Committee held on 19 April 2017, 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 that the application had been withdrawn by the applicant.

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

(a) Name and Address of Applicant

Date Applied

Richard Kearney
14A Lussett View
Radnor Street
Clydebank
G81 3DA

27 March 2017

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 had been received from the Chief Superintendent of the Police authority 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 the Police authority 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 the Police authority, Sergeant Walker, were in attendance; and
- (d) that a separate letter had been received from the Police authority detailing the applicant's alternatives to prosecution that were considered "spent" in terms of the Rehabilitation of Offenders Act 1974 and that it was for the Committee to decide whether or not the letter detailing the spent alternatives to prosecution should be disclosed and taken into consideration.

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

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

The Committee then heard from Mr Kearney who was given an opportunity to address the Committee in support of the application and in connection with the circumstances relating to the matters detailed in the Police letters. Thereafter, Mr Kearney answered questions from Members.

DECIDED:-

That the application be refused on the grounds that the applicant was not a fit and proper person to be the holder of a Taxi/Private Hire Car Driver's Licence.

(b) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
Scott Brownlie Flat 2/2, 62 Glasgow Road Dumbarton G82 1HQ	10 April 2017

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 had been received from the Chief Superintendent of the Police authority 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 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 Walker, were in attendance.

The Committee heard from Sergeant Walker in relation to the letter of objection from the Police authority and in answer to Members' questions.

Mr Brownlie was then given the opportunity to address the Committee in support of the application and in connection with the circumstances relating to the matters detailed in the Police letters. Thereafter, Mr Brownlie answered questions from Members.

DECIDED:-

Following consideration of all matters before the Committee, it was agreed that the application be refused on the grounds that the applicant was not a fit and proper person to be the holder of a Taxi/Private Hire Car Driver's Licence.

(c) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
Graeme Ness 137 Cumbrae Crescent South Castlehill Dumbarton G82 5AW	2 May 2017

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 applicant, Mr Ness, it was noted that the applicant's solicitor was not in attendance at the meeting. It was agreed that the application would be considered later in the meeting to enable the applicant to contact his solicitor.

(d)/

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

George McLeod
17 Dumbuie Avenue
Dumbarton
G82 2JH

26 April 2017

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 had been received from the Chief Superintendent of the Police authority making a representation with respect to the application;
- (b) that in view of the representation which had been received from the Police authority, the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place; and
- (c) that copies of the letter from the Police authority containing the representation had been issued to members of the Committee in advance of the meeting.

It was noted that the applicant and a representative of the Police authority, Sergeant Walker, were in attendance.

The Committee then heard from Sergeant Walker in relation to the representation and in answer to Members' questions. Mr McLeod was then given the opportunity to address the Committee in support of his application and in connection with the matter detailed in the Police letter. Thereafter, Mr McLeod answered questions from Members.

DECIDED:-

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

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

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

William McLeod
2 Barwood Hill
Bellsmyre,
Dumbarton
G82 3DX

19 March 2017

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

Having heard the Section Head (Licensing), it was noted that the applicant had intimated in advance of the meeting that he would be unable to attend the meeting due to a pre-booked holiday and had requested that the application be continued to the next meeting of the Committee.

DECIDED:-

It was agreed that consideration of the application be continued to the next meeting of the Licensing Committee.

(b) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
Alan McDade Flat 2/1, 2 Trafalgar Street Clydebank G81 4EB	15 March 2017

A report was submitted by the Strategic Lead – Regulatory concerning an application for Renewal 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 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 Walker, were in attendance.

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

Mr McDade, having heard the Police letter of representation, was then given the opportunity to address the Committee in support of the application. Thereafter, Mr McDade answered questions from Members.

ADJOURNMENT

Having heard the Chair, Councillor Finn, the Committee agreed to adjourn for a short period of time to consider what was put to the Committee by both the applicant and Police Scotland.

The Committee resumed at 11.38 a.m. with all Members shown on the sederunt in attendance.

DECIDED:-

Following consideration of all matters before the Committee and having heard in summary from Mr McDade, it was agreed that the application be refused on the grounds that the applicant was not a fit and proper person to be the holder of a Taxi/Private Hire Car Driver's Licence.

(c)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Dean McPhee 17 Old Mill Walk Balloch Alexandria G83 8PT	13 April 2017

A report was submitted by the Strategic Lead – Regulatory concerning an application for Renewal 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 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 Walker, were in attendance.

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

(d)	Name and Address of Applicant	Date Applied
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David Mills
257 Pappert Estate
Bonhill, Alexandria
G83 9LQ

10 April 2017

A report was submitted by the Strategic Lead – Regulatory concerning an application for Renewal 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 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 Walker, were in attendance.

The Committee heard from Sergeant Walker in relation to the letter of representation from the Police authority and thereafter both Sergeant Walker and the Section Head (Licensing) were heard in answer to Members' questions relating to the convictions. Mr McPhee was 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.

(e)	Name and Address of Applicant	Date Applied
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Garry Cosgrove
c/o Flat 2/2, 17 Burns Street
Clydebank
G81 4BW

5 February 2017

A report was submitted by the Strategic Lead – Regulatory concerning an application for Renewal 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 had been received from the Chief Superintendent of the Police authority 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 the Police authority had been invited to attend the meeting of the Committee in order that a hearing could take place; and
- (c) that Mr Cosgrove had advised in advance of the Committee that he would be unable to attend for personal reasons;
- (d) that Mr Cosgrove had attended a meeting of the Licensing Committee on 22 June 2016, having been the subject of a suspension request submitted by Police Scotland where Members decided that Mr Cosgrove was no longer a fit and proper person to hold a Taxi Driver's Licence and suspended the licence for the unexpired portion of the licence that being till 8 January 2017;
- (e) that Mr Cosgrove submitted an appeal to the Sheriff Court and as the matter was continued at Court until after the expiry date of the licence, the appeal was subsequently dismissed; and
- (f) that, as the suspension imposed by the Licensing Committee was for the unexpired portion of the licence, Mr Cosgrove had his licence returned to him on the date that he submitted the application for renewal on 6 February 2017;

DECIDED

The Committee agreed that consideration of the application would be continued to a Special Meeting of the Licensing Committee if required in order that the outcome of the pending case against the applicant may be known and that the applicant be again invited to appear before the Committee.

(f)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Paul Monaghan 33 Alclutha Avenue Dumbarton G82 2NX	11 May 2017

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

Having heard the Section Head (Licensing), it was noted that the applicant was not in attendance at the meeting.

DECIDED:-

It was agreed that consideration of the application be continued to the next meeting.

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

(a)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Joseph Elvin 70 Carleith Avenue Duntocher Clydebank G81 6JA	17 March 2017

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 that the applicant was not in attendance at the meeting.

DECIDED:-

It was agreed that consideration of the application be continued to the next meeting.

(b)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Darren Gallacher 10 Briar Drive Parkhall Clydebank G81 3HX	19 April 2017

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 that the applicant was not in attendance at the meeting.

DECIDED:-

It was agreed that consideration of the application be continued to the next meeting.

(c) Name and Address of Applicant	Date Applied
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20 April 2017

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 had been received from the Chief Constable of the Police authority on 5 May 2017 submitting comments in relation to the application and for consideration by the Committee;
- (b) that copies of the letter from the Police authority dated 5 May 2017, had been issued to Members of the Committee in advance of the meeting; and
- (c) that the licence holder and a representative of the Police authority, Sergeant Walker, were in attendance.

The Committee then heard from Sergeant Walker in relation to the letter from the Police authority 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 letter. The licence holder was also heard in answer to Members' questions.

DECIDED:-

After consideration, the Committee agreed that the application be granted for a period of 6 weeks.

(d)	Name and Address of Applicant	Date Applied
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23 May 2017

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 had been received from the Chief Constable of the Police authority on 31 May 2017 submitting comments in relation to the application and for consideration by the Committee;
- (b) that copies of the letter from the Police authority dated 31 May 2017, had been issued to Members of the Committee in advance of the meeting; and
- (c) that the licence holder and a representative of the Police authority, Sergeant Walker, were in attendance.

The Committee then heard from Sergeant Walker in relation to the letter from the Police authority 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 letter. The licence holder was also heard in answer to Members' questions.

DECIDED:-

After consideration, the Committee agreed that the application be granted for a period of 6 weeks.

**HEARING REGARDING POSSIBLE SUSPENSION OF TAXI DRIVER'S/
PRIVATE HIRE CAR DRIVER'S LICENCE**

A report was submitted by the Strategic Lead – Regulatory requesting consideration of a request for suspension of a Taxi Driver's/Private Hire Car Driver's Licence held by Mr John Slevin.

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

- (a) that on 17 May 2017, a letter was received from the Chief Constable of Police Scotland requesting the suspension of the Taxi Driver's/Private Hire Car Driver's Licence held by Mr John Slevin under Paragraph 11(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 threat to public safety;
- (b) that a licensing authority must, before deciding to suspend a licence, give the holder of the licence and the Chief Constable an opportunity to be heard;

- (c) that in view of the request for suspension of the licence received from the Police, the licence holder and a representative from the Police authority had been invited to attend the meeting in order that a hearing may take place;
- (d) that copies of the letter from the Police authority had been issued to Members of the Committee in advance of the meeting; and
- (e) that the matters which the Committee was requested to consider 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, Mr Slevin was no longer a fit and proper person to hold a taxi driver's licence; and
 - (iii) if the Committee was of the opinion that Mr Slevin was no longer a fit and proper person, then the Committee must consider whether his licence should be suspended;
 - (iv) if the Committee was satisfied that the licence should be suspended, the Committee must give Mr Slevin the opportunity to be heard on the length of the suspension and the date from which the suspension should commence; and
 - (v) the Committee must then consider what length of suspension would be appropriate and whether the circumstances of the case would justify immediate suspension.

It was noted that the licence holder and representatives of the Police authority, Sergeant Walker and Mr Slevin, were in attendance.

The Committee then heard from Sergeant Walker who provided details of the offences committed by Mr Slevin and in relation to the request for suspension of the licence which had been submitted.

Thereafter the licence holder was invited to come forward. Mr Slevin was given the opportunity to address the Committee on the circumstances relating to the offences as detailed in the letter from the Police authority. Mr Slevin then answered questions from Members.

DECIDED:

- (1) that the alleged misconduct had been established; and
- (2) that the misconduct did not form grounds for suspending Mr Slevin's licence and that a warning letter be issued to Mr Slevin in relation to the request for suspension of the licence.

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

Name and Address of Applicant

Graeme Ness
137 Cumbrae Crescent South
Castlehill
Dumbarton
G82 5AW

Date Applied

2 May 2017

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 had been received from the Chief Superintendent of the Police authority making a representation with respect to the application;
- (b) that a letter had been received from Dr Carlin, Consultant Physician, Gartnavel Hospital providing a medical opinion that Mr Ness was physically fit to resume occupational driving;
- (c) that in view of the representation which had been received from the Police authority, the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place; and
- (d) that copies of the letter from the Police authority containing the representation and the letter from Dr Carlin, had been issued to members of the Committee in advance of the meeting.

It was noted that the applicant and his representative, Mr Thomson, Solicitor Advocate, McArthur Stanton Solicitors and a representative of the Police authority, Sergeant Walker, were in attendance.

The Committee then heard from Sergeant Walker in relation to the representation and in answer to Members' questions. Mr Thomson, on behalf of Mr Ness, was then given the opportunity to address the Committee in support of his application and in connection with the matter detailed in the Police letter. Thereafter, Mr Thomson and Mr Ness answered questions from Members.

DECIDED:-

After consideration, the Committee agreed that the application be granted and that Mr Ness' first application for renewal of the licence be referred to the Committee for consideration and determination.

EXCLUSION OF PRESS AND PUBLIC

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.”

HEARING REGARDING POSSIBLE SUSPENSION OF TAXI DRIVER’S/ PRIVATE HIRE CAR DRIVER’S LICENCE

A report was submitted by the Strategic Lead – Regulatory requesting consideration of the possible suspension of a Taxi Driver’s/Private Hire Car Driver’s Licence following a complaint which has been submitted by Police Scotland.

After discussion and having heard the Section Head (Licensing) in further explanation of the report and in answer to Members’ questions, the Committee agreed to continue consideration of the possible suspension under Paragraph 11 to the next meeting of the Licensing Committee given that matters were currently sub judice.

The meeting closed at 12.37 p.m.

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead – Regulatory
Licensing Committee – 16 August 2017

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. Kevin Maxwell, 138 Lennox Drive, Faifley, Clydebank G81 5DT.

2. Recommendations

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

3. Background

- 3.1** Mr. Maxwell submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 19 June 2017.
- 3.2** A letter was received from the Chief Constable of the Police authority on 10 July 2017 submitting a representation in relation to the application.

4. Main Issues

- 4.1** In view of the representation 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 16 August 2017.
- 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 12 July 2017

Person to Contact: Robert Mackie,
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robert.mackie@wdc.gcsx.gov.uk

Appendices: N/A.

Background Papers:

- 1.** Application for grant of Taxi/Private Hire Car Driver's Licence from Mr. Kevin Maxwell, 138 Lennox Drive, Faifley, Clydebank G81 5DT.
- 2.** Letter dated 10 July 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Maxwell dated 28 July 2017.
- 4.** Email to Chief Constable dated 28 July 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead – Regulatory
Licensing Committee – 16 August 2017

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. Alan Ritchie, 6 Empress Road, Rhu, Helensburgh, G84 8LT.

2. Recommendations

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

3. Background

- 3.1** Mr. Ritchie submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 10 July 2017.
- 3.2** A letter was received from the Chief Constable of the Police authority on 25 July submitting an objection in relation to the application.

4. Main Issues

- 4.1** In view of the objection 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 16 August 2017.
- 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 25 July 2017

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

Background Papers:

- 1.** Application for grant of Taxi/Private Hire Car Driver's Licence from Mr. Alan Ritchie, 6 Empress Road, Rhu, Helensburgh, G84 8LT.
- 2.** Letter dated 25 July 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Ritchie dated 28 July 2017.
- 4.** Email to Chief Constable dated 28 July 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead – Regulatory
Licensing Committee – 16 August 2017

Subject: Application for renewal of 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. Paul Monaghan, 33 Alclutha Avenue, Dumbarton, G82 2NX.

2. Recommendations

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

3. Background

- 3.1** Mr. Monaghan submitted an application for renewal of a Taxi/Private Hire Car Driver's Licence to the Council on 11 May 2017.
- 3.2** A letter was received from the Chief Constable of the Police authority on 31 May 2017 submitting a representation in relation to the application.
- 3.3** At the meeting on 14 June 2017, 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 16 August 2017.
- 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 30 June 2017

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Appendices: N/A.

Background Papers:

- 1.** Application for renewal of Taxi/Private Hire Car Driver's Licence from Mr. Paul Monaghan, 33 Alclutha Avenue, Dumbarton, G82 2NX.
- 2.** Letter dated 31 May 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Monaghan dated 28 July 2017.
- 4.** Email to Chief Constable dated 28 July 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead – Regulatory

Licensing Committee – 16 August 2017

Subject: Application for grant of 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. Joseph Elvin, 70 Carleith Avenue, Duntocher, Clydebank, G81 6JA.

2. Recommendations

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

3. Background

- 3.1** Mr. Elvin submitted an application for grant of a temporary Taxi/Private Hire Car Driver's Licence to the Council on 17 March 2017.
- 3.2** A letter was received from the Chief Constable of the Police authority on 13 April 2017 submitting comments in relation to the application.
- 3.3** At the meeting on 14 June 2017, 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 16 August 2017.
- 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 30 June 2017

Person to Contact: Robert Mackie,
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Tel. No. (Direct line) 01389 738742.
robert.mackie@wdc.gcsx.gov.uk

Appendices: N/A.

Background Papers:

- 1.** Application for grant of temporary Taxi/Private Hire Car Driver's Licence from Mr. Joseph Elvin, 70 Carleith Avenue, Duntocher, Clydebank, G81 6JA.
- 2.** Letter dated 13 April 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Elvin dated 28 July 2017.
- 4.** Email to Chief Constable dated 28 July 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead – Regulatory

Licensing Committee – 16 August 2017

Subject: Application for grant of 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. Darren Gallacher, 10 Briar Drive, Parkhall, Clydebank, G81 3HX.

2. Recommendations

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

3. Background

- 3.1** Mr. Gallacher submitted an application for grant of a temporary Taxi/Private Hire Car Driver's Licence to the Council on 19 April 2017.
- 3.2** A letter was received from the Chief Constable of the Police authority on 5 May 2017 submitting comments in relation to the application.
- 3.3** At the meeting on 14 June 2017, 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 16 August 2017.
- 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 30 June 2017

Person to Contact: Robert Mackie,
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robert.mackie@wdc.gcsx.gov.uk

Appendices: N/A.

Background Papers:

- 1.** Application for grant of temporary Taxi/Private Hire Car Driver's Licence from Mr. Darren Gallacher, 10 Briar Drive, Parkhall, Clydebank, G81 3HX.
- 2.** Letter dated 5 May 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Gallacher dated 28 July 2017.
- 4.** Email to Chief Constable dated 28 July 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead – Regulatory

Licensing Committee – 16 August 2017

Subject: Application for grant of 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. George Spence, 59 Main Street, Alexandria, G83 0PD.

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 grant of a temporary Taxi/Private Hire Car Driver's Licence to the Council on 29 June 2017.
- 3.2** A letter was received from the Chief Constable of the Police authority on 25 July 2017 submitting comments 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 16 August 2017.
- 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 25 July 2017

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robert.mackie@wdc.gcsx.gov.uk

Appendices: N/A.

Background Papers:

- 1.** Application for grant of temporary Taxi/Private Hire Car Driver's Licence from Mr. George Spence, 59 Main Street, Alexandria, G83 0PD.
- 2.** Letter dated 25 July 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Spence dated 28 July 2017.
- 4.** Email to Chief Constable dated 28 July 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL
Report by the Strategic Lead - Regulatory
Licensing Committee – 16 August 2017

Subject: Hearing regarding possible suspension of a Taxi Driver's/Private Hire Car Driver's Licence

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. Daniel Adams, 23 Woodlands Court, Alexandria, G83 0SN.

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.

3. Background

- 3.1** On 28 April 2017, a letter was received from the Chief Constable of Police Scotland requesting the suspension of the Taxi Driver's/Private Hire Car Driver's Licence held by Mr. Daniel Adams under Paragraph 11(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 threat to public safety.

- 3.2** The expiry date of Mr. Adams' current Taxi Driver's/Private Hire Car Driver's Licence is 31 January 2018.

- 3.3** At the meeting on 14 June 2017, the Committee agreed to continue consideration of the possible suspension under Paragraph 11 to the next meeting of the Licensing Committee given that matters were currently sub judice.

4. Main Issues

- 4.1** In his letter the Chief Constable 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.
- 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 of a licence, the

suspension generally does not take effect until the expiry of the time within which the holder of the licence may appeal against the suspension (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.

- 4.4** A licensing authority must, before deciding to suspend 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 16 August 2017 in order that a hearing may take place with regard to the possible suspension of the licence.
- 4.6** In considering whether to suspend 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. Adams 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. Adams is no longer a fit and proper person, the Committee must consider whether his licence should be suspended.
 - (d) If the Committee is satisfied that the licence should be suspended, the Committee must give Mr. Adams 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.

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 13 July 2017

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Appendices: N/A.

Background Papers:

1. Letter dated 28 April 2017 from the Chief Constable, Police Scotland.
2. Letter to Mr. Adams dated 28 July 2017.
3. Email to the Chief Constable, Police Scotland dated 28 July 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL
Report by the Strategic Lead - Regulatory
Licensing Committee – 16 August 2017

Subject: Hearing regarding possible suspension of a Taxi Driver's/Private Hire Car Driver's Licence

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. Steven Ordish, 152 Montrose Street, Drumry, Clydebank G81 2PE.

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.

3. Background

- 3.1** On 7 July 2017, a letter was received from the Chief Constable of Police Scotland requesting the suspension of the Taxi Driver's/Private Hire Car Driver's Licence held by Mr. Steven Ordish under Paragraph 11(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 threat to public safety.
- 3.2** The expiry date of Mr. Ordish's current Taxi Driver's/Private Hire Car Driver's Licence is 27 October 2017.

4. Main Issues

- 4.1** In his letter the Chief Constable 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.
- 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 of a licence, the suspension generally does not take effect until the expiry of the time within which the holder of the licence may appeal against the suspension (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.

- 4.4** A licensing authority must, before deciding to suspend 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 16 August 2017 in order that a hearing may take place with regard to the possible suspension of the licence.
- 4.6** In considering whether to suspend 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. Ordish 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. Ordish is no longer a fit and proper person, the Committee must consider whether his licence should be suspended.
 - (d) If the Committee is satisfied that the licence should be suspended, the Committee must give Mr. Ordish 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.

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 12/7/2017

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Appendices: N/A.

Background Papers:

1. Letter dated 7 July 2017 from the Chief Constable, Police Scotland.
2. Letter to Mr. Ordish dated 28 July 2017.
3. Email to the Chief Constable, Police Scotland dated 28 July 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead - Regulatory

Licensing Committee – 16 August 2017

**Subject: Civic Government (Scotland) Act 1982
Review of Taxi Fares and Charges
Clydebank Taxi Licensing Zone**

1. Purpose

- 1.1** To report to the Committee on a proposed review of fares and charges applicable to taxis operating within the Clydebank Taxi Licensing Zone.

2. Recommendations

- 2.1** It is recommended that the representation submitted by Mr. MacLeod be considered along with the scales for taxi fares and related charges proposed by Members at the Licensing Committee on 19 April 2017.
- 2.2** It is further recommended that the Committee fixes scales for taxi fares and related charges and authorises officers to conclude the review by notifying each operator of the new scales and of their right to appeal to the Traffic Commissioner and, if there is no appeal against the scales by a taxi operator, by giving public notice that the new scales are to come in to effect.

3. Background

- 3.1** In terms of the Civic Government (Scotland) Act, 1982 licensing authorities must fix scales for taxi fares and related charges within 18 months from the date on which the scales came into effect.
- 3.2** The fares and charges which are applicable to taxis operating within the Clydebank Taxi Licensing Zone have been in effect since 1 February 2016 and these are detailed in Appendix 1.
- 3.3** At the meeting of the Licensing Committee on 19 April 2017, Members were presented with the results of a questionnaire, the format of which had been agreed in consultation with; Allan MacLeod and John McCormick representing the Clydebank Public Hire Association (CPHA); David Radcliffe and Martyn Hambley representing the Clydebank Taxis Operators Liaison Group (CTOLG); John Sheppard and Gordon McKinlay representing Phoenix Taxis; and multiple plate holders Martin Aird, John Gallacher, Kevin Reynolds and Paul Ashton.
- 3.4** Members are reminded of the questions and subsequent responses to each question contained within the questionnaire which were as follows:-

Q1. Fares by Distance/Waiting Time

A proposal was submitted by the CPHA to amend the Fares by Distance for the initial flag fall on all Tariffs from '*a distance not exceeding 5/11ths OF A MILE or for waiting time not exceeding 3 minutes 45 seconds (or a combination of both)*' to '*a distance not exceeding 5/11ths OF A MILE or for waiting time not exceeding 5 minutes (or a combination of both)*'. The current waiting time of £12.00 per hour on all tariffs would also increase to £15.00 per hour on Tariff 1, £20.00 per hour on Tariff 2 and £24.00 per hour on Tariff 3.

Response

Agree 9

Disagree 35

Q2. CHRISTMAS AND NEW YEAR TARIFF

The current fare chart allows:-

Tariff 2 from 6.00pm to Midnight on 24 December and 31 December
Tariff 3 from Midnight on 24 December to Midnight on 26 December and
Midnight on 31 December to Midnight on 2 January.

Option 1

A proposal was submitted by the CPHA to amend the hours on which Tariff 2 and Tariff 3 are applicable to:-

Tariff 2 from 6.00am – 6.00 pm on both 24 December and 31 December
Tariff 3 from 6.00 pm on 24 December to 6.00am on 26 December and 6.00pm on 31 December to 6.00am on 2 January

Retention of '*Between 10.00 pm and 6.00 am a 50p extra charge applies*'.

Option 2

A proposal was submitted by the CTOLG to amend the hours on which Tariff 2 and Tariff 3 are applicable to:-

Tariff 2 from 6.00pm to 10.00pm on both 24 December and 31 December
Tariff 3 from 10.00pm on 24 December until Midnight on 26 December and 10.00pm on 31 December to Midnight on 2 January.

The proposal also requests that the initial flag fall on Tariff 3 be increased from £4.00 to £4.50 while removing the wording '*Between 10.00 pm and 6.00 am a 50p extra charge applies*'.

Option 3

Retain the current fare chart timings for Tariff 2 and Tariff 3

Response

Option 1 – 7

Option 2 – 14

Option 3 – 23

Q3. CHARGES WHEN CARRYING 5 OR MORE PASSENGERS

A proposal was submitted by the CPHA to remove the reference on the tariff card which states '*An additional charge of 10p shall be payable for each passenger beyond two*'. This is in conjunction with allowing operators, when operating on Tariff 1, to move to Tariff 2 when 5 or more passengers are carried and similarly when operating on Tariff 2, to move to Tariff 3 when 5 or more passengers are carried. No additional charge would apply on Tariff 3 where 5 or more passengers are being carried.

Response

Agree 13

Disagree 31

Q4. HIRES TERMINATING OUT WITH THE WEST DUNBARTONSHIRE LICENSED AREA

The fare chart currently allows agreement of a rate at the time of hire for hires terminating out with West Dunbartonshire.

A proposal was submitted by the CPHA to allow a taxi driver to agree a rate at the time of hire where a hire terminates out with the Clydebank zone of West Dunbartonshire. This in effect would allow driver's to agree a rate at the time of hire for hires terminating in the Dumbarton and Vale of Leven zone of West Dunbartonshire as well as all other areas.

Response

Agree 14

Disagree 30

Q5. SOILING FEE / EXTRA CHARGES

It was unanimously agreed by both the CPHA and the CTOLG that the Soiling Fee be stipulated on the tariff card as a maximum of £50 rather than the current

wording which states 'A fee is chargeable'.

Response

Agree 38

Disagree 6

Q6. EXTRA CHARGES

A proposal was submitted by the CPHA in reference to the charge of £2.50 being payable for a taxi called by telephone and not used be extended to include bookings via App. The charge of £2.50 would only apply where the booking has not been cancelled before arrival.

Response

Agree 24

Disagree 20

- 3.4** At a meeting of the Licensing Committee held on 19 April 2017 Members considered the results of the questionnaire circulated among the 96 different Clydebank taxi operators. They then heard from Mr. Allan MacLeod, Clydebank Public Hire Association and Mr John Gallacher, multiple taxi plate holder in response to the questionnaire following which Members agreed to amend the existing scales for taxi fares and related charges as follows:-

Extra Charges to include bookings made by App with a stipulation that the charge of £2.50 would only apply where any booking has not been cancelled before arrival.

A maximum fee of £50 be stipulated as the charge for a Soiling Fee.

4. Main Issues

- 4.1** In terms of the relevant legislation, before fixing any scales or carrying out any review, in addition to consulting with persons or organisations appearing to be representative of operators of taxis within the area, the Licensing Authority is required:
- (a) to publish the proposed scales in a newspaper circulating in the area setting out the proposed scales, explaining the effect of the proposed scales and proposing a date on which the proposed scales are to come into effect;
 - (b) to invite representations from any persons with respect to the proposals within a period of one month from the date of publication of the notice; and

- (c) to consider any such representations which have been duly lodged before a decision is taken on the matter.

- 4.2** Notice of the proposed scales appeared in the Clydebank Post on 17 May 2017 inviting representations from any persons with respect to the proposals to be received by 18 June 2017.
- 4.3** One representation was submitted that being an email which was received on 16 June 2017 from taxi operator Mr Allan MacLeod making a representation in relation to the proposals. Mr. MacLeod's representation is included at Appendix 2.
- 4.4** The representation submitted by Mr. MacLeod suggests that the review did not comply with the Civic Government (Scotland) Act 1982 and made reference to circular no. 25/1986 issued at the time as guidance to local authorities by the Scottish Office on the subject of Licensing and Regulation of Taxi and Private Hire Cars.
- 4.5** In his submission, Mr MacLeod makes 2 points. The first point suggests that the questionnaire circulated among the 96 separate taxi operators was invalid as the questionnaire was not circulated amongst taxi drivers. Mr MacLeod refers to Paragraph 2.20 of the circular which comes under the heading Taxi and Private Hire Licences which states:-

'operate' is referred to as 'making available for use as (a taxi)' an action carried out by a Taxi driver who rents or sub rents a Taxi to ply for hire. Unlike an employed taxi driver who does so under instruction.'

Paragraph 2.20, which deals solely with Taxi and Private Hire Licences and not Taxi Drivers or Private Hire Drivers Licences states:-

'Section 10 deals with operator's licences for taxis and private hire cars. It requires a licence for the operation of a vehicle as a taxi or private hire car, such a licence to be called a "taxi licence" or "private hire car licence" respectively. "Operation" is not directly defined, but having regard to later provisions is taken to mean "to make available for use as". "Taxi" and "hire car" are defined in section 23.'

The circular makes a distinction between a Taxi Operator, that being the person who makes the vehicle available for use in their capacity as a holder of a Taxi Licence, and the act of operating the vehicle which is carried out by a Taxi Driver.

- 4.6** Mr. MacLeod also refers to Paragraph 2.49 of the circular stating:-

".. 'operate' includes plying for hire" an action which only a Licensed Taxi Driver can undertake."

Paragraph 2.49 deals with Offences and states:-

‘Subsection 21(1)(a) deals with taxis and makes it an offence for any person to operate or permit the operation of a taxi in an area where taxi licensing is in force if neither the vehicle nor the driver is licensed accordingly. "Operate" is not defined as it is intended to cover the whole range of operations of a taxi - which of course go wider than those of a private hire car. That is, it covers plying for hire - picking up passengers without prior booking in a public place - as well as picking up passengers by prior arrangement. It should be noted that section 21(1) also covers the permitting of the offences. If therefore an operator of a taxi or private hire car business orders or permits a driver to ply for hire or pick up passengers in an area for which neither the vehicle nor the driver is appropriately licensed, then the operator as well as the driver is committing an offence.’

In this particular subsection of the circular a distinction is drawn between there being an offence to ‘operate’ or ‘permit the operation’ of a taxi. A taxi driver operates a taxi while a taxi licence holder permits the operation of the taxi.

- 4.7** A benchmarking exercise was also carried out to ascertain how other authorities carry out taxi fare reviews in terms of consultation. Argyll & Bute, Glasgow, Falkirk, East Ayrshire, East Lothian, Scottish Borders, South Lanarkshire, Renfrewshire, Perth and Kinross, East Ayrshire and Fife all responded stating that their consultations only involve taxi operators and not taxi drivers. No responses were received from any local authority indicating that consultation on taxi fare reviews included taxi drivers.
- 4.8** Furthermore, having contacted the Scottish Government on this matter, they supplied a copy of a Taxi Fares Scales Appeal involving Highland Council dating from earlier this year. The appeal was submitted to the Traffic Commissioner bearing 26 names comprising of 21 taxi operators and 5 taxi drivers from Highland Council. The Traffic Commissioner in their consideration of the appeal, and having sought confirmation from the local authority on the licensing status of each signatory, decided that only the 21 taxi operators were entitled to make an appeal and not the 5 taxi drivers therefore reinforcing the point that taxi driver’s views, when considering taxi fare reviews, should not be sought.
- 4.9** It is Officers opinion that the first point in Mr McLeod’s representation should be dismissed as it is not competent.
- 4.10** The second issue raised by Mr. MacLeod in his representation suggests that the decision of the Licensing Committee was based on the results of the questionnaire and that this is contrary to the guidance set out in circular no. 25/1986.
- 4.11** Scottish Office Circular 25/1986 which deals with the Licensing of Taxis and Private Hire Cars under the Section headed ‘Taxi Fares’ states at 2.37:-

'The Secretary of State expects that in fixing fares authorities will want to pay primary regard to the costs incurred by the trade, having regard to the capital costs. (including interest payments) of the vehicles, the costs of maintaining and replacing them to the standards required by the licensing authority, the costs of employing drivers, and the prevailing levels of wages and costs in related road transport industries. In the Secretary of State's view the public interest is better served by ensuring the maintenance of an adequate taxi service by giving the trade a fair return than by depressing fares for social reasons, however understandable. If fares are fixed at a level higher than the market can stand, the trade is free to reduce them.'

- 4.12** By consulting with all taxi operators, an opportunity was presented to them to increase the fares however the consensus of opinion was to maintain the fares at the current level. The trade therefore, it has to be assumed, are of a view that they are currently receiving a fair return otherwise they would have elected the options for an increase in the fares via the questionnaire.
- 4.13** The questionnaire which was issued to taxi operators comprised of 6 separate proposals all pertaining to prospective changes to the existing fare chart. Questions 1, 2 & 3 within the questionnaire were proposed by Mr. MacLeod in his capacity as Acting Secretary of the CPHA and each proposal suggested an increase to the existing fare chart in terms of 'Fares by Distance/Waiting Time', 'Christmas and New Year Tariff' and 'Charges for Carrying 5 or more Passengers'. Each of these proposals were rejected by a majority of the respondents to the questionnaire. These proposals if accepted would have addressed the second point raised in Mr MacLeod's individual representation in relation to increasing the cost of taxi fares and assuming thereafter that this would increase the earnings of the taxi trade.
- 4.14** Mr. MacLeod also makes reference in his representation to a standing charge which has remained unaltered for many years, presumably referring to waiting time. He suggests in his representation that this equates to an hourly rate of £4.50 per hour and suggests that this is below the living wage. No calculations were produced to evidence this hourly rate within the representation.
- 4.15** Taxi Operators and Taxi Drivers are self-employed and, as stated on the www.gov.uk website, are not entitled to the minimum wage or the living wage.
- 4.16** Waiting time when applied to a fare is calculated as part of a fare and not charged in isolation. An increase to waiting time had been put forward by Mr. MacLeod within the questionnaire however this proposal was rejected by a majority 35 to 9 of the respondents.
- 4.17** One of the primary reasons for consulting with representatives of the trade in January 2017, and gaining collective agreement on the format of the questionnaire, was to ensure that all potential alterations to the existing fare chart could be included with an understanding that the majority view would be accepted. Mr MacLeod's representation therefore should only be considered in

his capacity as an individual operator and not in his capacity of Acting Secretary of the CPHA.

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 An advert was placed in the 17 May 2017 edition of the Clydebank Post inviting representations from any persons with respect to the proposals.

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 26 July 2017

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

Appendices: 1. Current Fare Chart for Clydebank Taxi Licensing Zone.
2. Representation from taxi operator Mr. Allan MacLeod.

Background Papers:

1. Scottish Office Circular 25/1986.
2. Taxi Fare Scales Appeal – Highland Council.
3. Letter to Mr. A. MacLeod dated 28 July 2017.
4. Email to previous consulted trade representatives dated 28 July 2017.

WEST DUNBARTONSHIRE COUNCIL**Civic Government (Scotland) Act 1982****Fare Chart (Effective from 1 February 2016)****CLYDEBANK ZONE****Fares by Distance****Tariff One**

6.00 a.m. to 10.00 p.m. daily

For a distance not exceeding 5/11ths OF A MILE
 or for waiting time not exceeding 3 minutes 45
 seconds (or a combination of both).....£2.50
 For each additional 1/17th OF A MILE.....£0.10

Tariff Two

10.00 p.m. to 6.00 a.m. daily

6.00 p.m. to 12 midnight on

Christmas Eve and 31st December

For a distance not exceeding
 5/11ths OF A MILE.....£3.00
 For each additional 1/18th OF A MILE.....£0.10

Tariff Three

Midnight on 24th December to

Midnight on 26th December and

Midnight on 31st December to

Midnight on 2nd January

For a distance not exceeding
 5/11ths OF A MILE.....£4.00
 For each additional 1/20th OF A MILE.....£0.10

Between 10.00 p.m. and 6.00 a.m. a 50p extra charge applies

Any hire terminating outwith the West Dunbartonshire area will be at a rate to be agreed at the time of hire.

Fares for Waiting

The driver is, in addition to the above, entitled to charge for waiting whether in one stoppage or in several stoppages as follows:

For each period of THIRTY SECONDS or part thereof.....£0.10

Extra Charges

A charge of £2.50 shall be payable for a taxi called by telephone and not used.

An additional charge of 10p shall be payable for each passenger beyond two.

Soiling Fee

A fee is chargeable for any soiling which necessitates a taxi being removed from service for cleaning. Soiling in this context includes any soiling by means of food, drink, vomit, urine or excrement.

From: [Licensing](#)
To: [Robert MacKie](#); [Lawrence Knighton](#); [Peter Clyde](#)
Subject: FW: FAO Mr Peter Hessel. Strategic Lead Regulatory.
Date: 19 June 2017 09:00:26

From: CPHA [mailto:cpa2010@gmail.com]
Sent: 16 June 2017 16:57
To: Licensing
Subject: FAO Mr Peter Hessel. Strategic Lead Regulatory.
 Dear Sir,

I refer to the Authority's proposals following the review of Taxi fares for the Clydebanks zone.

I request that the Authority give further consideration to the proposals as the review did not comply with the Civic Govt (Scotland) Act 1986 as guided by the Secretary of State in the SDD circular 25/1986 which Secy of State.

1. During the review the Snr Licensing officer presented a survey as being the views of all operators of Taxis but had only presented his survey to approx 90 Taxi Licence holders and omitted holders of Taxi driver Licences whom make up the bulk of the trade. The Snr Licensing Officer is of the view that Taxi drivers are not operators of Taxis. In support of this view he informed Councillors of advice provided to him by Keith Hunter. HEO Office of the Traffic Commissioner for Scotland that Taxi drivers are not 'Operators' of Taxis.

However When challenged to provide evidence to support that view Mr Hunter confirmed that it was not the role of Traffic Commissioner Office to provide such advice. Copy of email below.

On 28 Apr 2017, at 09:01, Hunter, Keith <Keith.Hunter1@OTC.GOV.UK> wrote:

Good morning Mr Macleod

I am writing to advise you that the Traffic Commissioner has seen your e mail. It is not the Traffic Commissioner's role to give legal advice on taxi related matters. Her role and the role of this Office is to adjudicate on actual taxi fare scales appeals. Thus we are unable to assist you with your queries.

Regards

Keith Hunter

HEO

Office of the Traffic Commissioner for Scotland.

Further the evidence that proof that Taxi drivers are intended to be considered as 'operators' of taxis is provided in the above mentioned Secretary of State guidance.

At 2.20 'operate' is referred to as 'making available for use as (a taxi)' an action carried out by a Taxi driver who rents or sub rents a Taxi to ply for hire. Unlike an employed taxi driver who does so under instruction.

And at

2.49 "'operate' includes plying for hire" an action which only a Licensed Taxi Driver can undertake.

It is beyond any reasonable sense that a fare review should exclude the views of Taxi driver for whom earnings are a direct dependent on the fare chart whilst including others who derive income solely from rental.

2. In deciding the Authority proposals the Licencing chair stated that proposals were decided entirely on the views expressed in the survey. This is also contrary to the Secretary of States guidelines which state in "2.37 The Secretary of State: expects that in fixing fares authorities will want to pay regard to the costs incurred ,by the trade, having regard' to the' capital costs. (including interest payments) of the vehicles the costs of maintaining and replacing them to the standards required by the licensing authority, the costs of employing drivers, and the prevailing levels of wages and costs in related road transport industries. **In the Secretary of State's view the public interest is better served by ensuring the maintenance of an adequate taxi service by giving the trade a fair return than by 'depressing fares for social reasons, however understandable.'**"

The Authority should not be setting fares on the basis of quantity of operators who will provide services cheapest.

For example there are standing charges unaltered for many years that leave Clydebank taxi drivers earning less than £4.50 per hour , more than 40% below the living wage.

Yours sincerely,
Allan MacLeod

WEST DUNBARTONSHIRE COUNCIL
Report by the Strategic Lead - Regulatory
Licensing Committee – 16 August 2017

Subject: Civic Government (Scotland) Act 1982
Review of Taxi Fares and Charges
Dumbarton & Vale of Leven Taxi Licensing Zone

1. Purpose

- 1.1** To report to the Committee on a proposed review of fares and charges applicable to taxis operating within the Dumbarton & Vale of Leven Taxi Licensing Zone.

2. Recommendations

- 2.1** It is recommended:-

- (a) that officers be authorised to arrange for the advertisement of the proposed fares and charges;
- (b) that it be noted that if representations or objections to the proposal are received, a further report on the matter would require to be considered by the Committee; and
- (c) that should no objections or representations be received in relation to the proposal, authority be delegated to the Strategic Lead - Regulatory, in consultation with the Chair of the Licensing Committee, to conclude the review without the requirement for the Committee to consider a further report on the matter.

3. Background

- 3.1** In terms of the Civic Government (Scotland) Act, 1982 licensing authorities must fix scales for taxi fares and related charges within 18 months from the date on which the scales came into effect.
- 3.2** The fares and charges which are applicable to taxis operating within the Dumbarton & Vale of Leven Taxi Licensing Zone have been in effect since 10 August 2016 as detailed in Appendix 1.

4. Main Issues

- 4.1** A letter was sent to Mr. D. Thomson, West Dunbartonshire Area Taxi Trade Association, on 2 June 2017 concerning the requirement to review scales and

requesting the views of the association on a review.

4.2 An email was received on 17 July 2017 from a representative of the West Dunbartonshire Area Taxi Trade Association stating that they did not wish an increase to the taxi fares but did wish to incorporate within Extra Charges, the fee payable, currently set at £2.00 for hires dropping off at Glasgow Airport, in order that the cost be met by the passenger.

4.3 In terms of the relevant legislation, before fixing any scales or carrying out any review, in addition to consulting with persons or organisations appearing to be representative of operators of taxis within the area, the Licensing Authority is required:

- (a) to publish the proposed scales in a newspaper circulating in the area setting out the proposed scales, explaining the effect of the proposed scales and proposing a date on which the proposed scales are to come into effect;
- (b) to invite representations from any persons with respect to the proposals within a period of one month from the date of publication of the notice; and
- (c) To consider any such representations which have been duly lodged before a decision is taken on the matter.

4.4 It should be noted that if representations or objections to the proposals are received, a further report on the matter would require to be considered by the Committee. In addition, there is provision within the legislation for taxi operators within the area to appeal to the Traffic Commissioner against any decision of the licensing authority on the review of scales.

4.5 Should no objections or representations be received in relation to the proposals, in order to expedite matters it is suggested that authority be delegated to the Strategic Lead - Regulatory, in consultation with the Chair of the Licensing Committee, to conclude the review without the requirement for the Committee to consider a further report on the matter.

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** West Dunbartonshire Taxi Trade Association was consulted in relation to the Dumbarton & Vale of Leven fare review.

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 17 July 2017

Person to Contact: Robert Mackie,
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robert.mackie@west-dunbarton.gov.uk

Appendices: 1. Current Fare Chart for Dumbarton & Vale of Leven Taxi Licensing Zone.

Background Papers:

- 1.** Letter to Mr. D. Thomson dated 2 June 2017.
- 2.** Email from Mr. J Watters dated 17 July 2017.
- 3.** Letter to Mr. D. Thomson dated 28 July 2017.

WEST DUNBARTONSHIRE COUNCIL

Civic Government (Scotland) Act 1982

Fare Chart (Effective from 10 August 2016)

DUMBARTON AND VALE OF LEVEN ZONE

Tariff One	For a distance not exceeding	
6.00am to 9.00pm Monday to Sunday	½ OF A MILE.....	£2.50
	For each additional 1/19th mile.....	£0.10
Tariff Two	For a distance not exceeding	
9.00pm to 6.00am Monday to Sunday	½ OF A MILE.....	£3.00
	For each additional 1/21st mile.....	£0.10
Tariff Three	For a distance not exceeding	
6.00pm on 24th December to	½ OF A MILE.....	£4.10
6.00am on 27th December and	For each additional 1/25th mile.....	£0.10
6.00pm on 31st December to		
6.00am on 3rd January		
Tariff Four	For a distance not exceeding	
6.00am to 9.00pm Monday to Sunday	½ OF A MILE.....	£3.10
(Only applicable when five or more	For each additional 1/23rd mile.....	£0.10
passengers are being carried)		
Tariff Five	For a distance not exceeding	
9.00pm to 6.00am Monday to Sunday	½ OF A MILE.....	£3.60
(Only applicable when five or more	For each additional 1/25th mile.....	£0.10
passengers are being carried)		
Tariff Six	For a distance not exceeding	
Christmas and New Year hours	½ OF A MILE.....	£5.40
as per Tariff Three	For each additional 1/31st mile.....	£0.10
(Only applicable when five or more		
passengers are being carried)		

Any hire terminating outwith the West Dunbartonshire area will be at a rate to be agreed at the time of hire.

Fares for Waiting

The Driver is, in addition to the above, entitled to charge for waiting whether in one stoppage or in several stoppages as follows:

For each period of TWENTY SECONDS or part thereof£0.10 (All Tariffs)

Soiling Fee

A fee of £50 is chargeable for any soiling which necessitates a taxi being removed from service for cleaning. Soiling in this context includes any soiling by means of food, drink, vomit, urine or excrement.

WEST DUNBARTONSHIRE COUNCIL
Report by the Strategic Lead - Regulatory
Licensing Committee – 16 August 2017

Subject: Age Limit of Vehicles Operating as Taxis and Private Hire Cars

1. Purpose

- 1.1** To report to the Committee on a submission received from the holder of a Private Hire Car Licence requesting an increase in the age limit of saloon vehicles operating as private hire cars from 10 years to 14 years and, if acceptable, to consider recommendations from officers for further changes to age limits on other types of vehicle.

2. Recommendations

- 2.1** It is recommended that consideration be given to the request to increase the age limit of saloon vehicles from 10 years to 14 years and that both private hire cars and taxis operating in both the Clydebank zone and the Dumbarton and Vale of Leven zone be included in any decision.

It is also recommended that further changes to the vehicle age policy be applied as follows;

a) Saloon cars/Multi-Purpose Vehicles (MPVs) can operate until 14 years old. They must be licensed prior to being 8 years old.

b) Adapted Wheelchair Accessible Vehicles (WAVs) can operate until 14 years old with no restriction on age at first use.

c) Purpose built WAVs can operate indefinitely with no restriction on age at first use.

3. Background

- 3.1** At a meeting of the Licensing Committee held on 3 May 2011, Members agreed to increase the age limit of saloon vehicles operating as both taxis and private hire cars from 8 years to 10 years.
- 3.2** A letter has been received requesting the age limit applicable to saloon vehicles be increased to 14 years. The letter makes reference to the decision taken by the Licensing Committee on 2 February 2010 where the age limit applicable to vehicles adapted for use by wheelchairs was increased from 10 years to 14 years. The reason given in equating the two is the identical cost of the licence fee for both taxi and private hire car licences.
- 3.3** The request to increase the age limit of saloon vehicles was accompanied by a

list of 7 further signatures supporting the request from operators of Private Hire Car Licences from the Clydebank zone. One of the operators currently holds 30 Private Hire Car Licences. However 3 other individuals who had signed in support of the request were from individuals who hold only a Taxi/Private Hire Car Driver's licence and therefore should be discounted.

- 3.4** The Scottish Government document 'Taxi and Private Hire Car Licensing: Best Practice Guidance for Licensing Authorities' published in April 2012 states that

'The setting of an age limit beyond which a local authority will not license vehicles is somewhat arbitrary and disproportionate particularly as it is perfectly possible for a well-maintained older vehicle to be in good condition. A greater frequency of inspection may, however, be appropriate for older vehicles.'

- 3.5** Enquiries were made with other local authorities as to the age limit imposed on saloon vehicles. The result of this benchmarking exercise revealed that Argyll & Bute, Inverclyde, East Dunbartonshire, Stirling, Falkirk, North Ayrshire and Clackmannanshire all have no upper age limit on saloon vehicles. East Lothian, Scottish Borders and East Renfrewshire have age limits of 12, 11 and 10 respectively. Fife, Renfrewshire and East Ayrshire apply an age limit of 8 years and Glasgow stipulates 7 years.

4. Main Issues

- 4.1** Saloon vehicles are operated by both private hire car operators throughout West Dunbartonshire and by the majority of taxi licence holders in the Dumbarton and Vale of Leven zone. Any increase to the age limit of saloon vehicles for private hire car licence holders would also need to apply to the holders of a taxi licence using a saloon vehicle.
- 4.2** The current policy of West Dunbartonshire Council allows saloon vehicles to operate until they reach 8 years of age with the condition that, when a replacement vehicle is being proposed for use or in the circumstance where a new licence is granted, vehicles must be less than 8 years old when presented for testing in the first instance.
- 4.3** West Dunbartonshire Council also requires vehicles over 8 years old to be tested at least every 6 months. If a vehicle of this age fails a vehicle examination on what is considered as a major failure item, the frequency of inspection increases to 4 monthly intervals. The Council's vehicle testers did express some concern that as they are not permitted to remove the under-trays found on most saloon cars it is not possible to inspect the condition of brake pipes and this is therefore an increasing risk with age.
- 4.4** The impact of increasing the age limit for any vehicles could potentially lower the overall standard of the taxi fleet in the Dumbarton and Vale of Leven zone and the saloon private hire car fleet throughout West Dunbartonshire, however this is countered by a rigorous testing regime. Equally, to prevent any negative impact on WAV retention in the Dumbarton and Vale of Leven zone, Officers

recommend the following amendments:-

Current position

- **Saloon cars/MPVs** can operate until 10 years old. They must be licensed prior to being 8 years old.
- **Adapted WAVs** can operate until 14 years old. They must be licensed prior to being 8 years old.
- **Purpose Built WAVs** can operate indefinitely. They must be less than 8 years old unless documentary evidence is provided to show it has been licensed in any other local authority within the UK in the last 12 months.

Proposed position

- **Saloon cars/MPVs** can operate until 14 years old. They must be licensed prior to being 8 years old.
- **Adapted WAVs** can operate until 14 years old with no restriction on age at first use.
- **Purpose Built WAVs** can operate indefinitely with no restriction on age at first use.

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 Having carried out an EIA screening test there will be no negative equalities impact on taxi or private hire car operators or passengers.

9. Consultation

- 9.1 West Dunbartonshire Taxi Forum and the staff at the Council's MOT garage were informally consulted on 25 October 2016 in relation to the proposed increase to the age limit of saloon vehicles and were largely agreeable.

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 25 July 2017

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Licensing Officer,
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Garshake Road,
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G82 3PU.

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lawrence.knighton@west-dunbarton.gov.uk

Appendices: None

Background Papers:

1. Letter from Private Hire Car Licence holder dated 12 October 2016.
2. Letters to Private Hire Car Licence holder dated 18 November 2016 and 28 July 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead - Regulatory

Licensing Committee: 16 August 2017

Subject: To consider a medical exemption for a taxi/private hire driver under The Private Hire Car Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2004 as part of the Civic Government (Scotland) Act 1982

1. Purpose

- 1.1 This report requests that the Licensing Committee considers a request from Ann Kinnard (Taxi/Private Hire Car Driver's Licence No 792) to determine whether a medical exemption from the duty to carry an assistance dog is suitable.

2. Recommendations

- 2.1 The Licensing Committee is recommended to grant the exemption should it be satisfied with the unique circumstances of this request.

3. Background

- 3.1 Section 5 of The Private Hire Car Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2004 of The Civic Government (Scotland) Act 1982 allows issue of an exemption notice from carrying assistance dogs, on medical grounds.
- 3.2 The circumstances of this request do not relate directly to the driver, but to an immediate family member who suffers from a medical condition (as per medical letter in the background papers) which is exacerbated by the presence of dogs.
- 3.3 The applicant has explained that she uses her personal vehicle as a private hire car. When she has carried dogs this has had a medical impact on a close family member when the vehicle is being used for her own use, despite any preventative measures taken.

4. Main Issues

- 4.1 The applicant wishes the exemption to relate solely to her use of her personal private hire vehicle and not any other vehicle she would drive as a licensed taxi/private hire driver.
- 4.2 Enquiries with Guide Dogs Scotland confirm that this scenario has not previously presented itself to the best of their knowledge.

5. People Implications

5.1 There are no Personnel issues associated with this report.

6. Financial Implications

6.1 There are no financial implications associated with this report.

7. Risk Analysis

7.1 No risks have been identified.

8. Equalities Impact Assessment (EIA)

8.1 There are no perceived equalities issues relating to this report. In order to arrive at this determination an equalities impact assessment screening exercise was carried out.

9. Consultation

9.1 Consultation was carried out with Guide Dogs Scotland.

10. Strategic Assessment

10.1 Licensing assists in improving the well-being of communities and protecting the welfare of vulnerable people.

Peter Hessett
Strategic Lead - Regulatory
Date: 25 July 2017

Person to Contact: Lawrence Knighton, Licensing Standards Officer, Council Offices, Garshake, Dumbarton G82 3PU.
Lawrence.Knighton@wdc.gcsx.gov.uk
tel: 0141 9517986

Appendices: None

Background Papers: Medical letter dated 28 June 2016

Wards Affected: All.