

Agenda

Meeting of Licensing Committee

Date: Wednesday, 8 June 2022

Time: 14:00

Format: Hybrid Meeting

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

Dear Member

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

The Convener has directed that the powers contained in Section 43 of the Local Government in Scotland Act 2003 will be used and Members will have the option to attend the meeting remotely or in person at the Civic Space, Council Offices, 16 Church Street, Dumbarton.

The business is shown on the attached agenda.

Yours faithfully

JOYCE WHITE

Chief Executive

Distribution:

Councillor Lawrence O'Neill
Councillor Gurpreet Johal
Councillor John Millar
Councillor June McKay
Councillor Hazel Sorrell
Councillor Ian Dickson
Councillor Diane Docherty
Councillor Chris Pollock

All other Councillors for information.
Chief Officer – Regulatory and Regeneration

Date issued: 25 May 2022

LICENSING COMMITTEE

WEDNESDAY, 8 JUNE 2022

AGENDA

1 STATEMENT BY THE CHAIR

2 APOLOGIES

3 DECLARATIONS OF INTEREST

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

4 RECORDING OF VOTES

The Committee is asked to agree that all votes taken during the meeting will be done by roll call vote to ensure an accurate record.

5 MINUTES OF PREVIOUS MEETING 7 - 11

Submit for approval, as a correct record, the Minutes of Meeting of the Licensing Committee held on 27 April 2022.

6 OPEN FORUM

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

**7 CIVIC GOVERNMENT (SCOTLAND) ACT 1982 PART V 13 - 16
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**

Submit report by the Chief Officer – Regulatory and Regeneration requesting that the Committee consider 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 8.15 a.m. as requested by the Dumbarton Orange & Purple District No. 27.

8 CONTINUED APPLICATION FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE 17 - 19

Name and Address of Applicant

Date Applied

Mark Winters
8 Brisbane Street, Clydebank G81 4LP

24 February 2022

Submit report by the Chief Officer – Regulatory and Regeneration concerning an Application for Renewal of a Taxi/Private Hire Car Driver's Licence for the above named person which has been continued since the 27 April 2022 Licensing Committee meeting.

9 GRANT OF TAXI / PRIVATE HIRE CAR DRIVER'S LICENCE 21 - 23

Name and Address of Application

Date Applied

Stephen Eaton
18 Smollett Street, Alexandria G83 0DS

16 March 2022

Submit report by the Chief Officer – Regulatory and Regeneration concerning Grant of a Taxi/Private Hire Car Driver's Licence for the above named person.

10 EXCLUSION OF PRESS AND PUBLIC 25 - 26

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

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

27 - 30

Date Applied

10 Gavins Road, Hardgate, Clydebank G81 6AA

13 May 2022

Submit report by the Chief Officer – Regulatory and Regeneration concerning a letter received from Chief Constable, Police Scotland proposing a Suspension or Revocation of a Taxi/Private Hire Car Driver's Licence for the above named person.

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held by video conference on Wednesday, 27 April 2022 at 10.00 a.m.

Present: Councillors Karen Conaghan, Ian Dickson, Jim Finn, Jonathan McColl, Lawrence O'Neill and Brian Walker.

Attending: Nigel Ettles, Section Head – Litigation; Robert Mackie, Senior Officer (Licensing Services); and Lynn Straker, Committee Officer.

Also Attending: Sergeant David Holmes, Police Scotland; Eugene Boyle, Solicitor and Representative for Mr Mark Winters; Mr Mark Winters; Mr Daniel Hegarty; Mr Anthony Black; Mr Christopher McKinley; Mr Stephen Charnley and Mr Kenny McSheaffrey.

Councillor Jim Finn in the Chair

STATEMENT BY CHAIR

Councillor Finn, Chair, welcomed all those present to the meeting which was being held virtually. He noted the meeting would be recorded and streamed live but would not be available for future playback.

DECLARATIONS OF INTEREST

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

RECORDING OF VOTES

The Committee agreed that all votes taken during the meeting would be done by Roll Call vote to ensure an accurate record.

MINUTES OF PREVIOUS MEETINGS

The Minutes of Meeting of the Licensing Committee held on 2 February 2022 (ordinary), 16 March 2022 (special) and 30 March 2022 (special) were submitted and approved as correct records.

OPEN FORUM

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

TAXI FARE REVIEW – CLYDEBANK ZONE

A report was submitted by the Chief Officer – Regulatory and Regeneration providing an update on the review of fares and charges applicable to taxis operating within the Clydebank Taxi Licensing Zone.

DECIDED:-

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

- (1) that the current level of fares and charges applicable to the Clydebank Taxi Licensing Zone be amended as follows:-

increase the flagfall on all tariffs by 30p;
increase the running mile by 10p on all tariffs;
alter the wording under Tariff 3 to read:-
(between 9.00pm and 6.00am a 50p extra charge applies)
increase maximum soiling fee from £60 to £100;
- (2) that officers arrange for the advertisement of the fares and charges agreed by the Committee; and
- (3) that authority be delegated to the Chief Officer – Regulatory and Regeneration, 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 provided no objections or representations are received in relation to the proposal.

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

Name and Address of Applicant

Date Applied

Christopher McKinley
2 Keil Crescent
Dumbarton
G82 4DX

8 February 2022

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

Having heard from Sergeant David Holmes, Police Scotland, detailing the comment from the Divisional Commander and in answer to Members' questions, the Committee then heard from Mr McKinley in support of his application.

After consideration, Councillor Finn, seconded by Councillor O'Neill, moved:-

That the Committee agrees to grant the licence on a temporary basis for 6 weeks.

As an amendment, Councillor McColl, seconded by Councillor Dickson, moved:-

That the Committee agrees to refuse the licence and give further consideration to any future application.

On a roll call vote being taken, 3 Members voted for the amendment, namely Councillors Dickson, McColl and Walker, and 3 for the motion, namely Councillors Conaghan, Finn and O'Neill.

There being an equality of votes, Councillor Finn used his casting vote in favour of the motion which was accordingly declared carried.

DECIDED:-

The Committee agreed that the application be granted on a temporary basis for 6 weeks. The Committee also noted that Mr McKinley would require a report to be presented from his Community Service should he then apply for his Full Taxi / Private Hire Driver's Licence in the future.

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

Name and Address of Applicant

Mr Mark Winters
8 Brisbane Street
Clydebank
G81 4LP

Date Applied

24 February 2022

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

Having heard from Sergeant David Holmes, Police Scotland detailing the objection from Divisional Commander and in answer to Members questions, the Committee then heard from Eugene Boyle, Solicitor and representative for Mr Winters in support of the application.

DECIDED:-

After consideration, the Committee agreed to continue this application until the next meeting of the Licensing Committee on 8 June 2022. It was noted that the Licence would continue until the application for renewal was determined.

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

Name and Address of Applicant

Date Applied

Mr Anthony Black
5C Back Street
Renton
Dumbarton
G82 4NG

27 January 2022

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

Having heard from Sergeant David Holmes, Police Scotland detailing the representation from Divisional Commander and in answer to Members questions, the Committee then heard from Mr Black in support of his application.

DECIDED:-

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

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

Name and Address of Applicant

Date Applied

Mr Daniel Hegarty
10A Sutherland Drive
Dumbarton
G82 3NT

9 March 2022

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

Having been given brief details of Mr Hegarty's protected convictions by the Section Head – Litigation, the Committee agreed to consider those convictions when determining the application.

Having heard from Sergeant David Holmes, Police Scotland detailing the objection from Divisional Commander and in answer to Members questions, the Committee then heard from Mr Hegarty in support of his application.

DECIDED:-

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

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

Name and Address of Applicant

Date Applied

Mr Stephen Charnley
14 Clarence Crescent
Clydebank
G81 2DP

11 February 2022

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

Having noted written correspondence with the applicant's doctor and heard from Mr Charnley in support of his application, the Committee agreed that the application be granted.

DECIDED:-

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

The meeting closed at 11.07 a.m.

WEST DUNBARTONSHIRE COUNCIL**Report by the Chief Officer Regulatory and Regeneration****Licensing Committee – 8 June 2022**

**Subject: 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**

1. Purpose

- 1.1** The purpose of this report is to assist the Committee in considering whether to depart from the code of conduct which prohibits the playing of music before 9.00 am, to allow the playing of music at 8.30 am as requested by the Dumbarton Orange & Purple District No. 27 within their notification.

2. Recommendations

- 2.1** It is recommended that Members consider the request from Mr. Simon Wade to allow the accompanying band, The Pride of the Rock Flute Band, to play music at 8.30 am as the Dumbarton Orange & Purple District No. 27 procession passes through Alexandria on the morning of Saturday 2 July 2022.

3. Background

- 3.1** The notice of proposal to hold a public procession and risk assessment was submitted by Mr. Simon Wade on behalf of the Dumbarton Orange & Purple District No. 27 on 13 April 2022. The reason for the procession, stated on the notice of proposal, is for the Annual Boyne Celebration. The notice of proposal was subsequently advertised on the Council's website on 13 April 2022.
- 3.2** A similar application was brought before the Licensing Committee in 2018 where Members decided to grant the request from Dumbarton Orange & Purple District No. 27 to allow the playing of music from 8.30 am.
- 3.3** A precursory meeting was held on 12 May 2022 with the organiser and Police Scotland. Discussions involved the request to deviate from the Council's code of conduct were raised and the requirement for no play zones at certain points of the routes.

4. Main Issues

- 4.1** The Council's code of conduct states:-

'Unless specifically stipulated in the notification, no band shall play or music shall be played before 9.00 am and after 9.00 pm.'

4.2 The purpose of the restriction on times when music should not be played is to minimise disruption to local communities.

4.3 An email dated 14 April 2022 was received from Councillor Bollan objecting to the request to play music prior to 9.00 am (Appendix 1).

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 The Committee, in considering whether or not to depart from the code of conduct by allowing music to be played at 8.30 am should consider the risk of disruption to the community.

8. Equalities, Health & Humans Rights Impact Assessment

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 Details of the procession were posted on the Council's website on 13 April 2022. One Objection was received - please see Appendix 1.

9.2 Notification of the proposed procession was sent to those elected Members whose ward the processions pass through within both the Dumbarton and Leven Wards as well as Members of the Licensing Committee.

9.3 Dumbarton East & Central Community Council were invited to comment by email on 13 April 2022. No comments were received.

9.4 Police Scotland were sent a copy of the Notice of Proposal on 13 May 2022.

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

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

Appendices: Email dated 14 April 2022 from Councillor Bollan.

Background Papers:

1. Notice of Proposal to hold a Public Procession submitted 13 April 2022.
2. Email to Elected Members dated 13 April 2022.
3. Email to Dumbarton East & Central Community Council dated 13 April 2022.

Wards Affected: Dumbarton and Leven Wards

Item 7

Appendix 1

I would not consent to this change. There are many elderly and people with disabilities living in and around the Park Street area, plus the parade will pass very close to Bridge Court a sheltered housing complex on Main Steet. We should retain the 9am condition.

Thanks
Jim Bollan.

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer – Regulatory and Regeneration

Licensing Committee – 27 April 2022

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

1. Purpose

- 1.1 To consider an application for renewal of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Mark Winters, 8 Brisbane Street, Clydebank G81 4LP.

2. Recommendations

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

3. Background

- 3.1 Mr. Winters submitted an application for renewal of a Taxi/Private Hire Car Driver's Licence to the Council on 24 February 2022.
- 3.2 A letter was received from the Chief Constable of the Police authority on 15 March 2022 submitting an objection in connection with the application.
- 3.3 Mr. Winters' current Taxi/Private Hire Car Driver's Licence has an expiry date of 13 March 2022.
- 3.4 At a meeting of the Licensing Committee held on 18 August 2021, Mr. Winters was the subject of hearing regarding the possible suspension or revocation of a Taxi/Private Hire Car Driver's Licence having received a request from the Chief Constable of Police Scotland. Following consideration, the Committee agreed that the alleged misconduct had not at that time been established, and pending court dates and the outcome, it would be brought back to the Committee if misconduct was established.
- 3.5 At the meeting on 27 April 2022 it was agreed that consideration of the application be continued to the next meeting of the Committee once further information was available.
- 3.6 The representative from the Police will be able to provide an update on the outcome of the court proceedings and the resultant sentence issued.
- 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 8 June 2022.

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.

Chief Officer – Regulatory and Regeneration

Date 17 May 2022

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

Tel. No. (Mobile) 01389 738742.
robert.mackie@west-dunbarton.gov.uk

Appendices: N/A.

Background Papers:

1. Application for renewal of a Taxi/Private Hire Car Driver's Licence from Mr. Mark Winters, 8 Brisbane Street, Clydebank G81 4LP.
2. Letter dated 15 March 2022 from the Chief Constable, Police Scotland, 'L'

Divisional Headquarters, Stirling Road, Dumbarton G82 3PT.

3. Letter to Mr. Winters dated 7 April 2022.
3. Letter to Mr. Winters dated 20 May 2022.

Wards Affected: N/A

WEST DUNBARTONSHIRE COUNCIL**Report by Chief Officer – Regulatory & Regeneration****Licensing Committee – 8 June 2022**

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. Stephen Eaton, 18 Smollett Street, Alexandria G83 0DS.

2. Recommendations

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

3. Background

- 3.1** Mr. Eaton submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 16 March 2022.
- 3.2** A letter was received from the Chief Constable of the Police authority on 12 April 2022 advising that the Police were unable to submit a comment on the application at this point in time due to matters which required further investigation.
- 3.3** Further letters were then received from the Chief Constable of the Police authority on 18 May 2022 submitting an objection to the application detailing a number of convictions deemed as 'protected' under the Rehabilitation of Offenders Act 1974.
- 3.4** In terms of the relevant legislation, an objection with respect to an application should be submitted within 28 days of receipt of the application. As Mr. Eatons' application was received on 16 March 2022, any objection should have been submitted by 13 April 2022. There is, however, provision in the legislation for the Licensing Authority to entertain a late representation which has been received before a final decision has been made if the Licensing Authority is satisfied that there is sufficient reason why the objection had not been submitted in the time required.

4. 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 8 June 2022.
- 4.2** If the Committee decide to entertain the late objection, it will be a matter for the

Committee to decide whether the applicant's protected convictions should be disclosed and taken into consideration. It should be noted that protected convictions cannot be considered unless there is no other way of doing justice.

- 4.3** The terms of the letters from the Police will be made known to the Committee at the meeting as appropriate.

5. People Implications

- 5.1** There are no personnel issues.

6. Financial Implications

- 6.1** There are no financial implications

7. Risk Analysis

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

8. Equalities Impact Assessment (EIA)

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

9. Consultation

- 9.1** Police Scotland were consulted in relation to the application.

10. Strategic Assessment

- 10.1** In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Chief Officer – Regulatory & Regeneration

Date 18 May 2022

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

Tel. No. (Direct line) 01389 738742.

robert.mackie@west-dunbarton.gov.uk

Appendices: N/A.

Background Papers:

1. Application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Stephen Eaton, 18 Smollett Street, Alexandria G83 0DS.
2. Letter dated 12 April 2022 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letters dated 18 May 2022 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letter to Mr. Eaton dated 20 May 2022.

Wards Affected: N/A.



NOT FOR PUBLICATION

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

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

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