

Agenda



Meeting of Licensing Committee

Date: Wednesday, 6 December 2017

Time: 10:00

Venue: Committee Room 3, Council Offices, Garshake Road, Dumbarton

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: 23 November 2017

LICENSING COMMITTEE

WEDNESDAY, 6 DECEMBER 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 MEETINGS 9 - 24

Submit for approval as correct records:-

- (a) Minutes of Ordinary Meeting of the Licensing Committee held on 11 October 2017; and
- (b) Minutes of Special Meeting of the Licensing Committee held on 1 November 2017.

**4 APPLICATION FOR GRANT OF A TEMPORARY TAXI/
PRIVATE HIRE CAR DRIVER'S LICENCE 25 - 29**

(a) Name and Address of Applicant Date Applied

Gerard Ross
2 Cunard Court
Clydebank
G81 1QD

28 September 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)/

(b)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Gary McArthur 66/1 Onslow Road Drumry Clydebank G81 2PN	2 October 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.

5 APPLICATIONS FOR GRANT OF A TAXI/ PRIVATE HIRE CAR DRIVER'S LICENCE 31 - 40

(a)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Arron Mansfield 21 Sunderland Avenue Castlehill Dumbarton G82 5AB	4 October 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)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	James McGowan 21/7 MacBride Way Renton Dumbarton G82 4QW	6 October 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.

(c)/

(c)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Donna Sweeney 14B Stevenson Street Holytown Motherwell ML1 4RQ	12 October 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.

(d)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	John Rice Flat 0/1 8 The Crescent Clydebank G81 4RH	19 October 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.

6 APPLICATION FOR GRANT OF A PRIVATE HIRE CAR PARTNERSHIP LICENCE 41 - 42

	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Mr & Mrs John & Patricia Rice Flat 0/1 8 The Crescent Clydebank G81 4RH	19 October 2017

Submit report by the Strategic Lead – Regulatory concerning an application for Grant of a Taxi Partnership Licence by the above named persons.

7/

7 APPLICATIONS FOR RENEWAL OF A TAXI/ PRIVATE HIRE CAR DRIVER'S LICENCE 43 - 48

(a)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Gavin Bonner 4 Erskine View Old Kilpatrick Glasgow G60 5JF	28 September 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.

(b)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Neil Brown 57 Lansbury Street Levensale Alexandria G83 0SA	9 October 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.

(c)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Peter McCrossan 34 Dumbuie Avenue Silverton Dumbarton G82 2JQ	15 September 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.

8 HEARING REGARDING REQUEST FOR SUSPENSION OF A TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE 49 - 51

Submit report by the Strategic Lead – Regulatory concerning a request from the Chief Constable of Police Scotland for the suspension of a Taxi Driver's/ Private Hire Car Driver's Licence for Mr Steven Ordish.

9 APPLICATION FOR GRANT OF A PRINCIPAL STREET TRADER'S LICENCE 53 - 54

Name and Address of Applicant

Date Applied

Alexander Elder
2 Harbours Place
Yoker
Glasgow
G14 0LH

17 October 2017

Submit report by the Strategic Lead – Regulatory concerning an application for Grant of a Principal Street Trader's Licence by the above named person.

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in Committee Room 3, Garshake Road, Dumbarton on Wednesday, 11 October 2017 at 10.10 a.m.

Present: Councillors Jim Brown, Ian Dickson, John Mooney, Marie McNair; Lawrence O'Neill and Brian Walker.

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

Also Attending: Constable Alison Simpson, Police Scotland.

Apology: Apologies for absence were intimated on behalf of Councillors Jim Finn and Jonathan McColl.

APPOINTMENT OF CHAIR

In the absence of the Chair, Councillor Finn, and the Vice-Chair, Councillor McColl, it was unanimously agreed that Councillor Brown would chair the meeting. Accordingly, Councillor Brown assumed the Chair.

Councillor Jim Brown in the Chair

DECLARATIONS OF INTEREST

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

MINUTES OF PREVIOUS MEETINGS

- (a) The Minutes of Special Meeting of the Licensing Committee held on 2 August 2017 were submitted and approved as a correct record.
- (b) The Minutes of Ordinary Meeting of the Licensing Committee held on 16 August 2017 were submitted and approved as a correct record subject to the inclusion of the undernoted wording in the Application for Renewal of a Taxi Driver's/Private Hire Car Driver's Licence:-

That the applicant was not a fit and proper person to be the holder of a Taxi Driver's/Private Hire Car Driver's Licence; and

- (c) The Minutes of Special Meeting of the Licensing Committee held on 30 August 2017 were submitted and approved as a correct record subject to the replacement of the word 'Board' with 'Committee' in the decision.

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

Name and Address of Applicant

Date Applied

Alan Ritchie
6 Empire Road
Rhu
Helensburgh
G84 8LT

10 July 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 Police Scotland advising that the Chief Constable had an objection to make in relation to the application;
- (b) that in view of the objection, the applicant and a representative of Police Scotland had been invited to attend the meeting of the Committee in order that a hearing could take place;
- (c) that at the meeting of the Licensing Committee held on 16 August 2017, the applicant had intimated in advance of the meeting that he would be unable to attend. It was agreed that consideration of the application would be continued to the next meeting in order that the applicant be given a further opportunity to appear before the Committee;
- (d) that the applicant, Mr Alan Ritchie, and his solicitor, Mr Kenny Clark, Adairs Solicitors were in attendance; and
- (e) that Constable Alison Simpson was in attendance on behalf of Police Scotland.

The Committee then heard from Constable Simpson in relation to the letter from Police Scotland and in answer to Members' questions.

The Committee then heard from Mr Clark 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 Clark was heard in answer to questions from Members.

DECIDED:-

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

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

Name and Address of Applicant

Date Applied

Colin Hilton
11 Spencer Street
Clydebank
G81 3AT

30 August 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 Police Scotland on 13 September 2017 submitting comments in relation to the application;
- (b) that copies of the letter from Police Scotland had been issued to Members in advance of the meeting;
- (c) that a separate letter had been received from Police Scotland 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; and
- (d) that the licence holder, Mr Colin Hilton, and a representative of Police Scotland, Constable Alison Simpson, were in attendance.

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 the Members of the Committee.

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

Thereafter, the applicant 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 letters from Police Scotland. The applicant was also heard in answer to questions from Members.

DECIDED:-

After consideration, the Committee 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 Temporary Taxi Driver/Private Hire Car Driver's Licence.

APPLICATION FOR GRANT OF A PRINCIPAL STREET TRADER'S LICENCE

Name and Address of Applicant

Date Applied

Duncan Wrethman
5 Cordale Avenue
Renton
G82 4QF

14 July 2017

A report was submitted by the Strategic Lead – Regulatory concerning an application for Grant of a Principal Street Trader's Licence.

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

- (a) that Mr Wrethman was applying to operate a snack van on ground leased from West Dunbartonshire Council in an area off Levenside Road located within Vale of Leven Industrial Estate on Monday to Friday from 7 am to 3 pm and on Saturdays from 7 am to 1 pm;
- (b) that details of Mr Wrethman's application were advertised in the Dumbarton Reporter on 25 July 2017 requesting that any objections or representations required to be submitted no later than 22 August 2017;
- (c) that 6 letters of objection had been received plus an additional petition opposing the siting of the snack van within Vale of Leven Industrial Estate;
- (d) that officers had consulted Roads and Transportation Services and no objection had been received. They had however, advised that a Traffic Order was in place for Levenside Road, including the area adjacent to the location Mr Wrethman had leased from the Council, which will involve the road being marked with double yellow lines;
- (e) that Mr Stuart Gibson, Asset Co-ordinator, Asset Management Section was in attendance at the meeting to provide information in relation to the ground leased from West Dunbartonshire Council;
- (f) that no police objection or representation had been received in relation to the application;
- (g) that in view of the objections received, the applicant and each of the individuals who had submitted an objection to the application had been invited to attend the meeting; and

- (h) that Mr Wrethman was in attendance at the meeting.

ADJOURNMENT

The Committee agreed to adjourn at 10.54 a.m. for a short period to enable officers to contact Roads and Transportation Services to ascertain why a Traffic Regulation Order (TRO) was in place for Levenside Road which involved the road being marked with double yellow lines.

The Committee resumed at 11.09 a.m. with all Members listed in the sederunt present. The Section Head (Licensing) advised that the TRO had been necessary due to concerns of occupants and the Police regarding indiscriminate parking and to update other regulations in the area. Thereafter, he read out the West Dunbartonshire Council (Various Roads, Vale of Leven Industrial Estate area, Dumbarton) (Driving and Waiting Restrictions) Order 2017 Statement of Reasons advising it was to introduce one way, turning movement, waiting and loading restrictions on various roads in the Vale of Leven Industrial Estate and was considered necessary to avoid danger, facilitate passage of traffic and preserve or improve amenities of the area.

DECIDED:-

After consideration, the Committee agreed:-

- (1) to continue the application to a Special Meeting of the Licensing Committee being held on Wednesday, 1 November 2017 at 2.00 p.m. in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank;
- (2) that a Senior Officer from Roads and Transportation Services be invited to attend the meeting to answer any questions from Members; and
- (3) that all relevant officers and each of the individuals who had submitted an objection to the application would be invited to attend the Special Meeting.

SPECIFICATIONS FOR VEHICLES OPERATING AS TAXIS AND PRIVATE HIRE CARS

A report was submitted by the Strategic Lead – Regulatory seeking a review of the Vehicle Specification Guidance for Taxis and Private Hire Cars.

Having heard the Licensing Standards Officer in further explanation of the report and in answer to Members' questions, the Committee agreed:-

- (1) to remove the minimum engine size requirement for taxi and private hire cars; and
- (2) to convert imperial measurements into the nearest metric equivalent for other specifications.

The meeting closed at 11.18 a.m.

DRAFT

SPECIAL LICENSING COMMITTEE

At a Special Meeting of the Licensing Committee held in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 1 November 2017 at 2.10 p.m.

Present: Councillors Jim Brown, Ian Dickson, John Mooney, Marie McNair, Jonathan McColl and Brian Walker.

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

Also Attending: Constable Alison Simpson, Police Scotland.

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

Councillor Jonathan McColl in the Chair

CHAIR'S REMARKS

Having heard the Chair, Councillor McColl, the Committee agreed to adjourn for a period of 10 minutes to allow applicants and objectors to arrive given the road blockage caused by a road traffic incident on the A82.

DECLARATIONS OF INTEREST

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

APPLICATION FOR GRANT OF A PRINCIPAL STREET TRADER'S LICENCE

Name and Address of Applicant

Date Applied

Duncan Wrethman
5 Cordale Avenue
Renton
G82 4QF

14 July 2017

With reference to the Minutes of Meeting of the Licensing Committee held on 11 October 2017, a report was submitted by the Strategic Lead – Regulatory concerning an application for grant of a Principal Street Trader's Licence by the above named person.

It was noted:-

- (a) that Mr Wrethman had submitted an application for grant of a Principal Street Trader's Licence to Council on 14 June 2017;
- (b) that Mr Wrethman was applying to operate a snack van on ground leased from West Dunbartonshire Council in an area off Levenside Road, located within Vale of Leven Industrial Estate on Monday to Friday from 7 am till 3 pm and on Saturday from 7 am until 1 pm;
- (c) that 6 letters of objection were received plus one additional petition opposing the siting of the snack van within Vale of Leven Industrial Estate;
- (d) that, having consulted West Dunbartonshire Roads and Transportation Services, no objection or representation was received. They had however, advised that there was a traffic order in place for Levenside Road, including the area adjacent to the location Mr Wrethman had leased from the Council, which would involve the road being marked with double yellow lines;
- (e) that at the meeting on 11 October 2017 the Committee agreed to continue the application to a Special Meeting of the Licensing Committee in order that a Senior Officer from West Dunbartonshire Roads and Transportation Services be invited to attend to answer any relevant questions from Members;
- (f) that in view of the objections received, the applicant and each of the individuals who had submitted an objection to the application had been invited to attend the meeting;
- (g) that Mr Derek Barr, Roads Co-ordinator, West Dunbartonshire Roads and Transportation Services was in attendance at the meeting to provide information in relation to the Traffic Regulation Order in place on Levenside Road and to answer any relevant questions from Members;
- (h) Mr Stuart Gibson, Asset Co-ordinator, West Dunbartonshire Asset Management Section was in attendance at the meeting to provide information in relation to the ground leased from West Dunbartonshire Council;
- (i) that no police objection or representation had been received in relation to the application;
- (j) that Mr Wrethman was in attendance at the meeting;
- (k) that 3 objectors to the application, namely Mr Martyn Harris, Ms Robina Simpson and Mr Angus McMillan, were in attendance and wished to address the Committee; and

- (l) that 3 members of the Committee had attended a site visit to Vale of Leven Industrial Estate to view the proposed location of the snack van.

The Committee then heard from Mr Knighton, Licensing Standards Officer in relation to the siting of the snack van within Vale of Leven Industrial Estate.

Thereafter, the Committee heard from Mr Barr, Roads Co-ordinator. In response to questions from Members, Mr Barr advised that the Road Traffic Order for the area had recently been refreshed due to inconsiderate/illegal parking on Levenside Road, including the area adjacent to the location that Mr Wrethman had leased from the Council, and that plans were in place for the road to be marked with double yellow lines on both sides when a weather window became available.

The objectors to the application were invited to address the Committee and were heard in respect of their objections.

Mr Wrethman was then invited to address the Committee. He was heard in support of his application and in answer to Members' questions.

The Section Head (Licensing) was then heard in answer to Members' questions and in clarification of Schedule 1 Paragraph 5(3) of the Civic Government (Scotland) Act 1982, the grounds for refusal of a Principal Street Trader's Licence.

Following consideration of the application, Councillor McNair, seconded by Councillor McColl, moved:-

That the application be granted given that in their opinion that there were no grounds for refusal.

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

That the application be refused in terms of Schedule 1, Paragraph 5(3)(c) of the Civic Government (Scotland) Act 1982 that the location is not suitable or convenient for the conduct of the activity.

On a vote being taken 2 Members voted for the motion and 4 Members voted for the amendment which was accordingly declared carried.

DECIDED

That the application be refused in terms of Schedule 1, Paragraph 5(3)(c) of the Civic Government (Scotland) Act 1982 that the location is not suitable or convenient for the conduct of the activity.

VARIATION IN THE ORDER OF THE AGENDA

Having heard the Chair, Councillor McColl, the Committee agreed that the business be varied as hereinafter minuted.

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 items 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 REQUEST FOR SUSPENSION OF A TAXI DRIVER’S/PRIVATE HIRE CAR DRIVER’S LICENCE

A report was submitted by the Strategic Lead – Regulatory concerning a request from the Chief Constable of Police Scotland for the suspension of a Taxi Driver’s/Private Hire Car Driver’s Licence.

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

- (a) that on 29 September 2017, a letter had been received from the Chief Constable of Police Scotland requesting the immediate suspension of the Taxi Driver’s/Private Hire Car Driver’s Licence under Paragraph 12(1) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the grounds that the carrying on of the activity to which the licence related was likely to cause a serious threat to public safety;
- (b) that, having consulted with the Chair of the Licensing Committee it was decided that, due to the content of the letter received from the Police, the Taxi Driver’s/Private Hire Car Driver’s Licence held by the licence holder be suspended with immediate effect under Paragraph 12 of Schedule 1 to the Act;
- (c) that the licence holder’s current Taxi Driver’s/Private Hire Car Driver’s Licence expires on 1 March 2018;
- (d) that the Chief Constable of Police Scotland had also requested the suspension of the licence under Paragraph 11 of Schedule 1 to the 1982 Act whereby 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;
- (e) that in view of the request for suspension of the licence received from Police Scotland, the licence holder and a representative of Police Scotland had been invited to attend the meeting in order that a hearing may take place;

- (f) that copies of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting; and
- (g) that the matters which the Committee were required to consider in relation to paragraph (e) above, were as follows:-
 - (i) whether the alleged misconduct had been established;
 - (ii) if the Committee was satisfied that the alleged misconduct had been established, whether, having regard to the misconduct, the licence holder was no longer a fit and proper person to hold a taxi driver's licence;
 - (iii) if the Committee was of the opinion that the licence holder 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 the licence holder an opportunity of being 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 her legal representative, Mr Paul, Jonathan Paul Solicitors and a representative of Police Scotland, Constable Simpson, were in attendance.

The Committee then heard from Constable Simpson who provided details of the offence allegedly committed by the licence holder in relation to the request for suspension of the licence and answered questions from Members. It was noted that a trial date of 15 January 2018 had been set. It was also noted that the letter from Police Scotland contained factual inaccuracies and, following questioning by Members, these points were clarified by Constable Simpson at the meeting.

Thereafter, the licence holder and her legal representative, Mr Paul, were given the opportunity to address the Committee on the circumstances detailed in the letter from Police Scotland.

Thereafter, the licence holder, Constable Simpson and the Senior Officer (Licensing Services) were heard in answer to questions from Members and in relation to the circumstances relating to the alleged offences, as detailed in the letter from Police Scotland.

DECIDED:-

After consideration, the Committee agreed:-

- (1) that the alleged misconduct had not been established and that the licence holder remained a fit and proper person to hold a taxi/private hire car driver's licence; and
- (2) that the Clerk would write to the Licensing Sergeant seeking an explanation for factual inaccuracies contained in the letter from Police Scotland.

HEARING REGARDING POSSIBLE SUSPENSION OF A LATE HOURS CATERING LICENCE

A report was submitted by the Strategic Lead – Regulatory concerning a request from the Chief Constable of Police Scotland for the suspension of a Late Hours Catering Licence.

Having heard the Section Head (Licensing), it was noted that notification had been received from the licence holder that he was no longer operating the business. It was noted that the business had been under different ownership since 2 January 2016 and was no longer trading beyond 11.00 p.m. therefore the Late Hours Catering Licence was no longer in existence.

HEARING REGARDING REQUEST FOR SUSPENSION OF A TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE

A report was submitted by the Strategic Lead – Regulatory concerning a request from the Chief Constable of Police Scotland for the suspension of a Taxi Driver's/Private Hire Car Driver's Licence.

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

- (a) that a letter had been received from the Chief Constable of Police Scotland on 9 October 2017 requesting the immediate suspension of a Taxi Driver's/Private Hire Car Driver's Licence under Paragraph 12(1) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the grounds that the carrying on of the activity to which the licence relates was likely to cause a serious threat to public order or public safety;
- (b) that on receipt of the letter from the Chief Constable of Police Scotland, having consulted with the Chair of the Licensing Committee, it was decided that, due to the content of the letter received from Police Scotland, the Taxi Driver's/Private Hire Car Driver's Licence be suspended with immediate effect under Paragraph 12 of Schedule 1 to the Act;
- (c)/

- (c) that an immediate suspension under Paragraph 12 of Schedule 1 to the Act had effect for six weeks or, if earlier, until the Licensing Committee made a decision on whether to suspend the licence under Paragraph 11 of Schedule 1 to the Act;
- (d) that the licensing authority may order a suspension of a licence under Paragraph 11 of Schedule 1 to the Act if, in its opinion, the holder of the licence is not, or is no longer, a fit and proper person to hold the licence or if the carrying on of the activity to which the licence relates is likely to cause a threat to public safety;
- (e) that the licensing authority must, before deciding to suspend a licence under Paragraph 11 of Schedule 1 to the Act, give the holder of the licence and the Chief Constable of Police Scotland an opportunity of being heard;
- (f) that in view of the request for suspension of the licence received from Police Scotland, the licence holder and a representative of Police Scotland had been invited to attend the meeting in order that a hearing may take place;
- (g) that copies of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting;
- (h) that the licence holder was not in attendance and that an email had been received from his legal representative advising that the licence holder had been remanded in custody, that no trial date had been set for the outstanding criminal case and requesting that the Hearing be continued until the outcome of the criminal proceedings;
- (i) that a representative of the Police Scotland, Constable Simpson, was in attendance at the meeting;
- (j) that the matters which the Committee were required to consider in relation to paragraph (d) above were as follows:-
 - (i) whether the alleged misconduct had been established;
 - (ii) if the Committee was satisfied that the alleged misconduct had been established, whether, having regard to the misconduct, the licence holder was no longer a fit and proper person to hold a Taxi Driver's/Private Hire Car Driver's Licence or whether the carrying on of the activity to which the licence relates is likely to cause a threat to public safety;
 - (iii) if the Committee was of the opinion that the licence holder was no longer a fit and proper person or that the carrying on of the activity to which the licence relates is likely to cause a threat to public safety, then the Committee must consider whether his licence should be suspended;

- (iv) if the Committee is satisfied that the licence should be suspended, the Committee must give the licence holder an opportunity of being 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.

A copy of the email from the applicant's solicitor requesting a continuation of the hearing was circulated to Members for information.

The Committee then heard from Constable Simpson in relation to the request for suspension and in answer to Members' questions concerning the licence holder being held on remand.

DECIDED:-

Following consideration and having heard the Section Head (Licensing) in answer to Members' questions, the Committee agreed:-

- (1) that the alleged misconduct had been established and that the carrying on of the activity to which the licence relates was likely to cause a serious threat to public order or public safety;
- (2) that the Committee was of the opinion that the licence holder was no longer a fit and proper person to hold a taxi driver's licence; and
- (3) that the period of suspension would be the remainder of the duration of the licence.

**HEARING REGARDING REQUEST FOR SUSPENSION OF
A TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE**

A report was submitted by the Strategic Lead – Regulatory concerning a request from the Chief Constable of Police Scotland for the suspension of a Taxi Driver's/Private Hire Car Driver's Licence.

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

- (a) that on 11 October 2017, a letter had been received from the Chief Constable of Police Scotland requesting the suspension of the Taxi Driver's/Private Hire Car Driver's Licence under Paragraph 11(1) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the grounds that the licence holder is no longer a fit and proper person to hold a licence;
- (b) that the licence holder's current Taxi Driver's/Private Hire Car Driver's Licence expired on 27 October 2018;

- (c) that in view of the request for suspension of the licence received from Police Scotland, the licence holder and a representative of Police Scotland had been invited to attend the meeting in order that a hearing may take place;
- (d) that copies of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting; and
- (e) that the matters which the Committee was required to consider in relation to paragraph (e) above were as follows:-
 - (i) whether the alleged misconduct had been established;
 - (ii) if the Committee was satisfied that the alleged misconduct had been established, whether, having regard to the misconduct, the licence holder was no longer a fit and proper person to hold a taxi driver's licence;
 - (iii) if the Committee was of the opinion that the licence holder 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 the licence holder an opportunity of being 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 a representative of Police Scotland, Constable Simpson, were in attendance.

The Committee then heard from Constable Simpson who provided details of the offence allegedly committed by the licence holder in relation to the request for suspension of the licence and answered questions from Members. It was noted that the court case had now been continued until 8 November 2017.

The Committee then heard from the licence holder who provided details of the offence allegedly committed by the licence holder in relation to the request for suspension of the licence and answered questions from Members.

DECIDED:-

After consideration, the Committee agreed that the alleged misconduct had not been established and that the licence holder remained a fit and proper person to hold a taxi/private hire car driver's licence.

The meeting closed at 3.42 p.m.

DRAFT

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead – Regulatory

Licensing Committee – 6 December 2017

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

1. Purpose

- 1.1** To consider an application for grant of a temporary Taxi/Private Hire Car Driver's Licence submitted by Mr. Gerard Ross, 2 Cunard Court, Clydebank G81 1QD.

2. Recommendations

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

3. Background

- 3.1** Mr. Ross submitted an application for grant of a temporary Taxi/Private Hire Car Driver's Licence to the Council on 28 September 2017.
- 3.2** A letter was received from the Chief Constable of the Police authority on 12 October 2017 submitting a comment detailing an alternative to prosecution which is considered spent under the Rehabilitation of Offenders Act 1974.

4. Main Issues

- 4.1** In view of the submission received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 6 December 2017.
- 4.2** It will be a matter for the Committee to decide whether the applicant's spent alternative to prosecution should be disclosed and taken into consideration. It should be noted that spent alternatives to prosecution cannot be considered unless there is no other way of doing justice.
- 4.3** 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 19 October 2017

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

Background Papers:

- 1.** Application for grant of Taxi/Private Hire Car Driver's Licence from Mr. Gerard Ross, 2 Cunard Court, Clydebank G81 1QD.
- 2.** Letter dated 12 October 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Ross dated 20 October 2017.
- 4.** Letter to Mr. Ross dated 17 November 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL**Report by Strategic Lead – Regulatory****Licensing Committee – 6 December 2017**

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

1. Purpose

- 1.1** To consider an application for grant of a temporary Taxi/Private Hire Car Driver's Licence submitted by Mr. Gary McArthur, 66/1 Onslow Road, Drumry, Clydebank G81 2PN.

2. Recommendations

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

3. Background

- 3.1** Mr. McArthur submitted an application for grant of a temporary Taxi/Private Hire Car Driver's Licence to the Council on 2 October 2017.
- 3.2** A letter was received from the Chief Constable of the Police authority on 18 October 2017 submitting a comment in relation to the application.
- 3.3** A further letter received from the Chief Constable of the Police authority on 18 October 2017 details an alternative to prosecution which is considered spent under the Rehabilitation of Offenders Act 1974.
- 3.4** On 13 November 2017 a further letter was received from the Chief Constable of the Police authority providing additional information in relation to the application.
- 3.5** At a meeting of the Licensing Committee held on 11 May 2016, Mr. McArthur was the subject of a suspension hearing relating to the incident outlined in the Police comment letter dated 18 October 2017. Members decided at that time to issue a warning letter to Mr. McArthur.
- 3.6** At a meeting of the Licensing Committee held on 8 June 2016, Mr. McArthur was the subject of a further suspension hearing relating to the incident outlined in the Police letter dated 18 October 2017 detailing an alternative to prosecution. Members decided that misconduct had not been established and no further action would be taken at that time due to the matter being sub-judice.
- 3.7** Mr. McArthur applied for the renewal of his Taxi/Private Hire Car Driver's Licence on 20 September 2016 and on 22 September 2016 notification of no Police objections or representations were received. The licence was

subsequently renewed under delegated powers.

- 3.8** The Taxi/Private Hire Car Driver's Licence held previously by Mr. Mc Arthur expired on 27 August 2017.

4. Main Issues

- 4.1** In view of the submissions 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 6 December 2017.
- 4.2** It will be a matter for the Committee to decide whether the applicant's spent alternative to prosecution should be disclosed and taken into consideration. It should be noted that spent alternatives to prosecution 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.

Strategic Lead - Regulatory

Date 14 November 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. Gary McArthur, 66/1 Onslow Road, Drumry, Clydebank G81 2PN.
2. Letters dated 18 October 2017 and 13 November 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letter to Mr. McArthur dated 20 October 2017.
4. Letter to Mr. McArthur dated 17 November 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead – Regulatory

Licensing Committee – 6 December 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. Arron Mansfield, 21 Sunderland Avenue, Castlehill, Dumbarton G82 5AB.

2. Recommendations

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

3. Background

- 3.1** Mr. Mansfield submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 4 October 2017.
- 3.2** A letter was received from the Chief Constable of the Police authority on 18 October 2017 submitting a representation in relation to the application.

4. Main Issues

- 4.1** In view of the submission received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 6 December 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 19 October 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. Arron Mansfield, 21 Sunderland Avenue, Castlehill, Dumbarton G82 5AB.
- 2.** Letter dated 18 October 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Mansfield dated 20 October 2017.
- 4.** Letter to Mr. Mansfield dated 17 November 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead – Regulatory

Licensing Committee – 6 December 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. James McGowan, 21/7 MacBride Way, Renton, Dumbarton G82 4QW.

2. Recommendations

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

3. Background

- 3.1** Mr. McGowan submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 6 October 2017.
- 3.2** A letter was received from the Chief Constable of the Police authority on 30 October 2017 submitting an objection in relation to the application.
- 3.3** A further letter was received from the Chief Constable of the Police authority on 30 October 2017 detailing a number of spent convictions regarded as 'protected' in terms of the Rehabilitation of Offenders Act 1974.

4. Main Issues

- 4.1** In view of the submission received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 6 December 2017.
- 4.2** It will also be a matter for the Committee to decide whether the applicant's spent convictions should be disclosed and taken into consideration. It should be noted that spent 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.

Strategic Lead - Regulatory

Date 16 November 2017

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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. James McGowan, 21/7 MacBride Way, Renton, Dumbarton G82 4QW.
- 2.** Letters dated 30 October 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. McGowan dated 31 October 2017.

4. Letter to Mr. McGowan dated 17 November 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead – Regulatory
Licensing Committee – 6 December 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 Miss Donna Sweeney, 14B Stevenson Street, Holytown, Motherwell ML1 4RQ.

2. Recommendations

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

3. Background

- 3.1** Miss Sweeney submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 12 October 2017.
- 3.2** A letter was received from the Chief Constable of the Police authority on 8 November 2017 submitting a representation in relation to the application.

4. Main Issues

- 4.1** In view of the submission received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 6 December 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 9 November 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 Miss Donna Sweeney, 14B Stevenson Street, Holytown, Motherwell ML1 4RQ.
- 2.** Letter dated 8 November 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Miss Sweeney dated 17 November 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead – Regulatory

Licensing Committee – 6 December 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. John Rice, Flat 0/1, 8 The Crescent, Clydebank G81 4RH.

2. Recommendations

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

3. Background

- 3.1** Mr. Rice submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 19 October 2017.
- 3.2** A letter was received from the Chief Constable of the Police authority on 13 November 2017 submitting an objection 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 6 December 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 13 November 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. John Rice, Flat 0/1, 8 The Crescent, Clydebank G81 4RH.
- 2.** Letter dated 13 November 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Rice dated 17 November 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL**Report by Strategic Lead – Regulatory****Licensing Committee – 6 December 2017**

Subject: Application for grant of a Private Hire Car Partnership Licence

1. Purpose

- 1.1** To consider an application for grant of a Private Hire Car Partnership Licence submitted by Mr. John Rice and Mrs. Patricia Rice, Flat 0/1, 8 The Crescent, Clydebank G81 4RH.

2. Recommendations

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

3. Background

- 3.1** Mr. and Mrs. Rice submitted an application for grant of a Private Hire Car Partnership Licence to the Council on 19 October 2017.
- 3.2** A letter was received from the Chief Constable of the Police authority on 13 November 2017 submitting an objection in relation to the application.

4. Main Issues

- 4.1** In view of the submission received from the Police, the applicants and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 6 December 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 13 November 2017

Person to Contact: Robert Mackie,
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G82 3PU.

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Appendices: N/A.

Background Papers:

- 1.** Application for grant of Private Hire Car Partnership Licence from Mr. John Rice and Mrs. Patricia Rice, Flat 0/1, 8 The Crescent, Clydebank G81 4RH.
- 2.** Letter dated 13 November 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. and Mrs. Rice dated 17 November 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead – Regulatory

Licensing Committee – 6 December 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. Gavin Bonner, 4 Erskine View, Old Kilpatrick, Glasgow G60 5JF.

2. Recommendations

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

3. Background

- 3.1** Mr. Bonner submitted an application for renewal of a Taxi/Private Hire Car Driver's Licence to the Council on 28 September 2017.
- 3.2** A letter was received from the Chief Constable of the Police authority on 11 October 2017 submitting a representation in relation to the application.

4. Main Issues

- 4.1** In view of the submission received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 6 December 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 19 October 2017

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

Background Papers:

- 1.** Application for renewal of Taxi/Private Hire Car Driver's Licence from Mr. Gavin Bonner, 4 Erskine View, Old Kilpatrick, Glasgow G60 5JF.
- 2.** Letter dated 11 October 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Bonner dated 20 October 2017.
- 4.** Letter to Mr. Bonner dated 17 November 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL**Report by Strategic Lead – Regulatory****Licensing Committee – 6 December 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. Neil Brown, 57 Lansbury Street, Levenvale, Alexandria G83 0SA.

2. Recommendations

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

3. Background

- 3.1** Mr. Brown submitted an application for renewal of a Taxi/Private Hire Car Driver's Licence to the Council on 9 October 2017.
- 3.2** A letter was received from the Chief Constable of the Police authority on 17 October 2017 submitting a representation in relation to the application.

4. Main Issues

- 4.1** In view of the submission received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 6 December 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 19 October 2017

Person to Contact: Robert Mackie,
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Dumbarton,
G82 3PU.

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Appendices: N/A.

Background Papers:

- 1.** Application for renewal of Taxi/Private Hire Car Driver's Licence from Mr. Neil Brown, 57 Lansbury Street, Levenvale, Alexandria G83 0SA.
- 2.** Letter dated 17 October 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Brown dated 20 October 2017.
- 4.** Letter to Mr. Brown dated 17 November 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead – Regulatory

Licensing Committee – 6 December 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. Peter McCrossan, 34 Dumbuie Avenue, Silverton, Dumbarton G82 2JQ.

2. Recommendations

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

3. Background

- 3.1** Mr. McCrossan submitted an application for renewal of a Taxi/Private Hire Car Driver's Licence to the Council on 15 September 2017.
- 3.2** A letter was received from the Chief Constable of the Police authority on 27 September 2017 submitting a representation in relation to the application.

4. Main Issues

- 4.1** In view of the submission received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 6 December 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 19 October 2017

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

Background Papers:

- 1.** Application for renewal of Taxi/Private Hire Car Driver's Licence from Mr. Peter McCrossan, 34 Dumbuie Avenue, Silverton, Dumbarton G82 2JQ.
- 2.** Letter dated 27 September 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. McCrossan dated 20 October 2017.
- 4.** Letter to Mr. McCrossan dated 17 November 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead - Regulatory

Licensing Committee – 6 December 2017

Subject: Hearing regarding request for 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, 24/4 Shandon Crescent, Haldane, Balloch, G83 8EX.

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 27 October 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 complaining that Mr. Ordish is no longer a fit and proper person to hold a licence on the grounds that the carrying on of the activity is likely to cause a threat to public safety.
- 3.2** Mr. Ordish's current Taxi Driver's/Private Hire Car Driver's Licence expired on 27 October 2017. An application for the renewal of the licence was submitted by Mr. Ordish on 30 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 6 December 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 09/11/2017

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

Background Papers:

1. Letter dated 27 October 2017 from the Chief Constable, Police Scotland.
2. Letter to Mr Ordish dated 17 November 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL**Report by Strategic Lead – Regulatory****Licensing Committee – 6 December 2017**

Subject: Application for grant of a Principal Street Trader's Licence

1. Purpose

- 1.1** To consider an application for grant of a Principal Street Trader's Licence submitted by Mr. Alexander Elder, 2 Harbours Place, Yoker, Glasgow G14 0LH.

2. Recommendations

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

3. Background

- 3.1** Mr. Elder submitted an application for grant of a Principal Street Trader's Licence to the Council on 17 October 2017.
- 3.2** A letter was received from the Chief Constable of the Police authority on 8 November 2017 submitting a representation in relation to the application.
- 3.3** The application submitted by Mr. Elder is to take over an existing fixed pitch snack van located in South Elgin Street, Clydebank currently held by Mr. Robert Pauley. Mr. Pauley has provided written confirmation that he wishes his licence to be taken over by Mr. Elder pending the licence application submitted by Mr. Elder being granted.

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 6 December 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 9 November 2017

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

Background Papers:

- 1.** Application for grant of Principal Street Trader's Licence from Mr. Alexander Elder, 2 Harboury Place, Yoker, Glasgow G14 0LH.
- 2.** Letter dated 8 November 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Elder dated 17 November 2017.

Wards Affected: N/A.