

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 10 August 2016 at 10.00 a.m.

Present: Provost Douglas McAllister and Councillors Jim Brown, Jim Finn, Jonathan McColl*, John Mooney, Lawrence O'Neill, Tommy Rainey and Hazel Sorrell.

* Arrived later in the meeting.

Attending: Raymond Lynch, Section Head (Licensing); Peter Clyde and Lawrence Knighton, Licensing Standards Officers and Nuala Borthwick, Committee Officer - Regulatory.

Councillor Lawrence O'Neill in the Chair

DECLARATIONS OF INTEREST

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

MINUTES OF PREVIOUS MEETINGS

The following Minutes of Previous Meetings were submitted and approved as correct records:-

- (1) Minutes of Meeting of the Licensing Committee held on 8 June 2016; and
- (2) Minutes of Special Meeting of the Licensing Committee held on 22 June 2016.

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

Name and Address of Applicant

Date Applied

William Sweeney
48 Cherry Crescent
Clydebank
G81 3JA

26 May 2016

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 when Mr Sweeney applied for grant of a temporary Taxi/Private Hire Car Driver's Licence on 26 February 2016, a letter was received from the Chief Superintendent of the Police authority making comments in relation to the application. After a hearing at the meeting of the Committee on 20 April 2016, it was agreed that the application be granted and should the applicant submit an application for the grant of a Taxi/Private Hire Car Driver's Licence, the application would be referred to the Committee for consideration and the applicant would be invited to appear before the Committee in this connection;
- (b) that, in accordance with the aforementioned decision of the Committee, the applicant had been invited to attend this meeting of the Committee; and
- (c) that there was no objection or representation from Police Scotland.

It was noted that the applicant was in attendance at the meeting.

DECIDED: After consideration, the Committee agreed that the application be granted for a period of one year.

Note: Councillor McColl entered the meeting during the undernoted item of business and took no part in consideration of the application.

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

Name and Address of Applicant

Date Applied

Lindsay Morgan
48 Wood Quadrant
Whitecrook
Clydebank
G81 1AP

15 June 2016

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 an objection with respect to the application;
- (b) that in view of the objection that 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;

- (c) that copies of the letter of objection from the Police authority dated 27 June 2016 had been issued to Members of the Committee in advance of the meeting;
- (d) that a separate letter had been received from the Police authority detailing a number of convictions of the applicant 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 convictions should be disclosed and taken into consideration; and
- (e) that the applicant and a representative of the Police authority, Constable Brown, were in attendance.

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

The Committee then heard from Constable Brown in relation to both letters from the Police authority.

Miss Morgan 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 Miss Morgan answered questions from Members.

DECIDED: Following consideration, the Committee agreed that the application be refused on the grounds that the application was not a fit and proper person to be the holder of a Taxi/Private Hire Car Driver’s Licence.

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

Name and Address of Applicant

Date Applied

Paul Edmonds
18 Silkin Avenue
Linnvale
Clydebank
G81 2RD

15 June 2016

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 an objection with respect to the application;

- (b) that in view of the objection that 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;
- (c) that copies of the letter of objection from the Police authority dated 27 June 2016 had been issued to Members of the Committee in advance of the meeting;
- (d) that a separate letter had been received from the Police authority detailing a number of convictions of the applicant 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 convictions should be disclosed and taken into consideration; and
- (e) that the applicant and a representative of the Police authority, Constable Brown, were in attendance.

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

The Committee then heard from Constable Brown in relation to both letters from the Police authority.

Mr Edmonds 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 Edmonds answered questions from Members.

DECIDED: Following consideration, the Committee agreed that the application be refused on the grounds that the application was not a fit and proper person to be the holder of a Taxi/Private Hire Car Driver’s Licence.

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

Name and Address of Applicant

Date Applied

Paul Jones
8A McNeil Avenue
Linnvale
Clydebank
G81 2SU

24 May 2016

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 in relation to the application;
- (b) that in view of the letter 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;
- (c) that copies of the letter from the Police authority dated 20 June 2016 had been issued to Members of the Committee in advance of the meeting; and
- (d) that the applicant and a representative of the Police authority, Constable Brown, were in attendance.

The Committee then heard from Constable Brown in relation to the letter from the Police authority.

Mr Jones 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 letter. Thereafter Mr Jones answered questions from Members.

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

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

Name and Address of Applicant

Date Applied

James Johnston
5 Lusset Glen
Old Kilpatrick
G60 5DD

24 May 2016

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 Constable 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, Constable Brown, were in attendance.

The Committee then heard from Constable Brown in relation to the representation and in answer to Members' questions. Mr Johnston was then given the opportunity to address the Committee in support of the application and in connection with the matters detailed in the Police letter.

DECIDED:- After consideration, the Committee agreed that the application be granted.

PROPOSED AMENDMENTS TO SECOND HAND CAR DEALER'S LICENCE CONDITIONS

A report was submitted by the Strategic Lead – Regulatory seeking approval of the proposed amendments to existing conditions attached to Second Hand Car Dealer licences.

DECIDED:-

After discussion and having heard the Licensing Standards Officer in further explanation of the report and in answer to members' questions, the Committee agreed that the proposed changes to the conditions, as described in Appendix 1 of the report, be approved.

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."

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

Name and Address of Applicant

Date Applied

Colin Hilton
11 Spencer Street
Clydebank
G81 3AT

30 June 2016

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 of objection had been received from the Chief Constable of the Police authority in relation to the application;
- (b) that in view of the objection which had been received from the Police, 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 objection 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, Constable Brown, were in attendance.

The Committee then heard from Constable Brown in relation to the objection submitted by the Police authority.

The applicant, Mr Hilton, was then given the opportunity to address the Committee in support of his application and be heard in answer to questions from Members.

DECIDED:

Following consideration, the Committee agreed:-

- (1) 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 Driver/Private Hire Car Driver's Licence given the pending case against him; and
- (2) that in terms of Paragraph 6, Schedule 1 of the Civic Government (Scotland) Act 1982 the applicant could re-apply for a taxi licence within 12 months should he be acquitted in the pending case against him during that period.

Note: Members of the public gallery re-entered the meeting at this point.

**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: INDEPENDENT REPUBLICAN BANDS SCOTLAND –
CLYDEBANK**

A report was submitted by the Strategic Lead – Regulatory concerning a Notice of Proposal to hold a Public Procession in Clydebank on Saturday, 13 August 2016 as requested by Mr Brian Keenan on behalf of the Independent Republican Bands Scotland (IRBS).

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

- (a) that a Notice of Proposal and risk assessment had been submitted by Mr Brian Keenan on behalf of IRBS on 15 July 2016;
- (b) that Inspector John Mullen and Sergeant Calum Fulton were in attendance on behalf of the Chief Constable, Police Scotland and that the applicant, IRBS, was represented by Mr Brian Keenan, Organiser;
- (c) that a precursory meeting had been held on 27 July 2016 and had been attended by the Mr Knighton, Licensing Standards Officer, West Dunbartonshire Council, Sergeant Fulton, Police Scotland and Mr Keenan of IRBS;
- (d) that, as per previous applications by IRBS concerning the same route, at the precursory meeting on 27 July 2016, Police Scotland had again advised that they were of the view that the route applied for was contrary to Condition 11 of the Council's Code of Conduct, and argued that by travelling along Second Avenue, a significant part of the procession would involve passing through a residential area;
- (e) that Members may again wish to consider whether they regarded the route proposed by IRBS, principally the section of the route on Second Avenue, as being a main route in terms of the Code of Conduct and whether they considered Second Avenue to be classed as a residential housing development; and
- (f) that a copy of the Procession Summary by Police Scotland was distributed to Members of the Committee.

Thereafter, the Committee heard from Inspector Mullen, who advised that Police Scotland had no objection to the procession taking place but were of the view that the route proposed by the applicant contravened Condition 11 of the Council's Code of Conduct. It was noted that the route proposed by Police Scotland did not pass through a residential housing development and therefore did not carry a high risk of disruption to the community. It was noted that the route proposed by Police Scotland had proven to work on several previous occasions.

Thereafter, the Committee heard from Mr Keenan, nominated spokesperson for the applicant, in support of the Notice of Proposal and in answer to Members' questions. It was noted that Mr Keenan was given several opportunities to amend the applicant's proposed route to that suggested by Police Scotland but declined to do so.

DECIDED:-

Following discussion and having heard both Inspector Mullen and Mr Keenan in answer to questions from Members, the Committee agreed to make an Order under Section 63(1)(i) of the Civic Government (Scotland) Act 1982 prohibiting the holding of the public procession. The reason for the Order was that a significant section of

the proposed route would be through residential areas in Clydebank and therefore would be in contravention of the Council's Code of Conduct.

The meeting closed at 11.05 a.m.