

# Agenda



## Meeting of Licensing Committee

**Date:** Wednesday, 11 October 2017

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**Time:** 10:00

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

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

Dear Member

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

Yours faithfully

**JOYCE WHITE**

Chief Executive

**Distribution:**

Councillor Jim Finn (Chair)  
Councillor Jim Brown  
Councillor Ian Dickson  
Councillor Jonathan McColl (Vice Chair)  
Councillor Marie McNair  
Councillor 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: 28 September 2017

## **LICENSING COMMITTEE**

**WEDNESDAY, 11 OCTOBER 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 5 - 20**

Submit for approval as corrects records:-

- (a) Minutes of Special Meeting of the Licensing Committee held on 2 August 2017;
- (b) Minutes of Ordinary Meeting of the Licensing Committee held on 16 August 2017; and
- (c) Minutes of Special Meeting of the Licensing Committee held on 30 August 2017.

**4 APPLICATION FOR GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE 21 - 22**

**Name and Address of Applicant**

**Date Applied**

Alan Ritchie  
6 Empress Road  
Rhu  
Helensburgh  
G84 8LT

10 July 2017

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

**5 APPLICATION FOR GRANT OF A TEMPORARY TAXI/  
PRIVATE HIRE CAR DRIVER'S LICENCE 23 - 25**

**Name and Address of Applicant**

**Date Applied**

Colin Hilton  
11 Spencer Street  
Clydebank  
G81 3AT

30 August 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.

**6 APPLICATION FOR GRANT OF A PRINCIPAL STREET  
TRADER'S LICENCE 27 - 33**

**Name and Address of Applicant**

**Date Applied**

Duncan Wrethman  
5 Cordale Avenue  
Renton  
G82 4QF

14 July 2017

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

**7 SPECIFICATIONS FOR VEHICLES OPERATING AS  
TAXIS AND PRIVATE HIRE CARS 35 - 39**

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

## LICENSING COMMITTEE

At a Special Meeting of the Licensing Committee held in Committee Room 2, Council Offices, Garshake Road, Dumbarton on Wednesday, 2 August 2017 at 2.05 p.m.

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

**Attending:** Raymond Lynch, Section Head (Licensing); Peter Clyde, Licensing Standards Officer and Nuala Borthwick, Committee Officer.

**Also Attending:** Sergeant Angela Walker, Police Scotland.

**Apology:** An apology for absence was intimated on behalf of Councillor Lawrence O'Neill.

**Councillor Jim Finn 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.

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

**Name and Address of Applicant**

**Date Applied**

Garry Cosgrove  
Flat 2/2, 17 Burns Street  
Clydebank  
G81 4BW

5 February 2017

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

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

- (a) that a letter had been received from the Chief Superintendent of the Police authority advising that the Chief Constable had an objection to make in relation to the application;
- (b) that at the meeting on 14 June 2017, it was agreed that the applicant had advised in advance that he would not be present. It was agreed that consideration of the application would be continued to a Special Meeting in order that the applicant may be given a further opportunity to appear before the Committee;
- (c) that in view of the objection which had been received from the Police authority, the applicant and a representative of the Police authority had been invited to attend the special meeting in order that a hearing may take place;
- (d) that neither the applicant nor his solicitor were in attendance at the meeting;
- (e) that a representative of the Police authority, Sergeant Walker, was in attendance at the meeting;
- (f) that copies of the letter from the Police authority dated 15 February 2017, containing the objection, had been issued to Members of the Committee in advance of the meeting; and
- (g) that there was a part heard criminal trial due to an outstanding criminal matter and the case had been adjourned until 14 September 2017.

The Committee heard Sergeant Walker in relation to the objection and thereafter both Sergeant Walker and the Section Head (Licensing) were also heard in response to Members' questions.

**DECIDED:-**

After consideration, the Committee agreed:-

- (1) that the application be refused on the grounds that the applicant did not attend the meeting to state his case on why the Application for Renewal of the Taxi/Private Hire Car Driver's Licence should be granted; and
- (2) to determine that the applicant was no longer a fit and proper person to hold a licence due to the reasons stated in the letter of objection from Police Scotland.

The meeting closed at 2.13 p.m.

## LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 16 August 2017 at 2.00 p.m.

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

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

**Also Attending:** Sergeant Angela Walker, Police Scotland.

**Apologies:** Apologies for absence were intimated on behalf of Councillors Lawrence O'Neill and Brian Walker.

**Councillor Jim Finn 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 MEETING

The Minutes of Meeting of the Licensing Committee held on 14 June 2017 were submitted and approved as a correct record.

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

<b>(a)</b>	<b><u>Name and Address of Applicant</u></b>	<b><u>Date Applied</u></b>
	Kevin Maxwell 138 Lennox Drive Faifley Clydebank G81 5DT	19 June 2017

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

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

- (a) that a letter had been received from the Chief Superintendent of the Police authority advising that the Chief Constable had a representation to make in relation to the application;
- (b) that in view of the representation, the applicant and a representative of the Police authority had been invited to attend the meeting of the Committee in order that a hearing could take place;
- (c) that the applicant and a representative of the Police authority, Sergeant Walker, were in attendance.

The Committee then heard from Sergeant Walker in relation to the letter of representation from the Police authority.

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

**DECIDED:-**

After consideration, the Committee agreed that the application be granted for a period of 1 year and that Mr Maxwell's first application for renewal of the licence be referred to the Committee for consideration and determination.

Note: Councillor Dickson entered the meeting during consideration of the above application.

<b>(b) <u>Name and Address of Applicant</u></b>	<b><u>Date Applied</u></b>
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 that the applicant had intimated in advance of the meeting that he would be unable to attend the



meeting and had requested that the application be continued until the next meeting of the Committee.

**DECIDED:-**

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

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

**Name and Address of Applicant**

**Date Applied**

Paul Monaghan  
33 Alclutha Avenue  
Dumbarton  
G82 2NX

11 May 2017

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

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

- (a) that a letter had been received from the Chief Superintendent of the Police authority advising that the Chief Constable had a representation to make in relation to the application;
- (b) that at the meeting of the Licensing Committee held on 14 June 2017, the applicant was not present and it was agreed that the application be continued to the next meeting in order that the applicant be given a further opportunity to appear before the Committee;
- (c) that in view of the representation, the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing could take place and that Mr Monaghan was not present at the meeting;
- (d) that Members may wish to consider the application in his absence or continue to the next meeting to give Mr Monaghan a further opportunity to attend.

Having agreed to hear the application in Mr Monaghan's absence, the Committee then heard from Sergeant Walker in relation to the letter of representation from the Police authority. Thereafter, the legal officer was heard in answer to Members' questions.

**DECIDED:-**

Following consideration, the Committee agreed that the application be refused on the grounds that the applicant had twice failed to attend meetings of the Committee at which the application was to be determined.

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

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

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

It was noted that a letter had been received from the Chief Superintendent of the Police Authority submitting comments in relation to the application. It was further noted that that the applicant and a representative of the Police authority had been invited to the meeting and that Mr Elvin was not present at the meeting.

**DECIDED:**

That it was not necessary to hear from the representative of the Police authority and that the application be refused on the grounds that the applicant had twice failed to attend the meetings of the Committee at which the application was to be determined.

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

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

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

- (a) that a letter had been received from the Chief Superintendent of the Police authority advising that the Chief Constable had an objection to make in relation to the application;
- (b) that in view of the objection, the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place;

- (c) that copies of the letter of objection from the Police authority had been issued to Members of the Committee in advance of the meeting;

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

The Committee then heard from Sergeant Walker in relation to the objection submitted by the Police authority.

The applicant was then given an opportunity to address the Committee in support of his application.

**DECIDED:-**

Following 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.

(c)	<b><u>Name and Address of Applicant</u></b>	<b><u>Date Applied</u></b>
	George Spence 59 Main Street Alexandria G83 0PD	29 June 2017

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

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

- (a) that a letter had been received from the Chief Constable of the Police authority on 25 July 2017 submitting comments in relation to the application;
- (b) that copies of the letter from the Police authority dated 25 July 2017, had been issued to Members of the Committee in advance of the meeting; and
- (c) that the licence holder and a representative of the Police authority, Sergeant Walker, were in attendance.

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

Thereafter, the licence holder was given the opportunity to address the Committee in support of his application and in connection with the circumstances relating to matters detailed in the Police letter. The licence holder was also heard in answer to Members' questions.

### **DECIDED:-**

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

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

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

Having heard the Section Head (Licensing), it was noted that Police Scotland had withdrawn their complaint and accordingly, there was no longer a requirement to hold a Suspension Hearing.

### **EXCLUSION OF PRESS AND PUBLIC**

Having heard the Section Head (Licensing) in relation to outstanding convictions of the licence holder, the Committee agreed to pass the following resolution:-

"That by virtue of Paragraph 14 of Part 1 of Schedule 7A 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 any action taken or to be taken in connection with the prevention, investigation or prosecution of crime".

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

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

Following discussion and having heard the Section Head (Licensing), it was noted:-

- (a) that a letter had been received from the Chief Constable of Police Scotland on 7 July 2017 requesting the suspension of a 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 carrying on of the activity to which the licence relates is likely to cause a threat to public safety;
- (b) that in view of the request for suspension of the licence received from the Police, the licence holder and a representative of Police Scotland had been invited to attend the meeting in order that a hearing may take place;

- (c) that copies of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting;
- (d) that the matters which the Committee was required to consider were as follows:-
  - (i) whether the 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 to be heard on the length of the suspension and the date from which the suspension should commence; and
  - (v) the Committee must then consider what length of suspension would be appropriate and whether the circumstances of the case would justify immediate suspension.

It was noted that the licence holder and a representative of Police Scotland, Sergeant Walker, were in attendance.

The Committee then heard from Sergeant Walker in relation to the letter from Police Scotland.

Thereafter, the licence holder was given an opportunity to address the Committee on the circumstances detailed in the letter from the Police authority and answered questions from Members.

**DECIDED:-**

After consideration, it was agreed:-

- (1) that the alleged misconduct had been established; and
- (2) that the licence holder remained a fit and proper person to hold a taxi/private hire car driver's licence.

## **CIVIC GOVERNMENT (SCOTLAND) ACT 1982 REVIEW OF TAXI FARES AND CHARGES CLYDEBANK TAXI LICENSING ZONE**

A report was submitted by the Strategic Lead – Regulatory seeking consideration of a proposed review of fares and charges applicable to taxis operating within the Clydebank Taxi Licensing Zone.

Having heard the Section Head (Licensing) and the Senior Officer (Licensing Services), it was noted:-

- (a) that a representation was submitted from taxi operator Allan MacLeod on 16 June 2017 seeking further consideration of the proposals in relation to the proposals and suggesting that the review did not comply with the Civic Government (Scotland) Act 1982, making reference to circular number 25/1986 issued at the same time as guidance to local authorities by the Scottish Office on the subject of Licensing and Regulation of Taxi and Private Hire Cars; and
- (b) that Mr Allan MacLeod, Acting Secretary of Clydebank Public Hire Association and Mr John Gallacher, Multiple Taxi Plate Holder, were in attendance at the meeting;

The Committee then heard from Mr Allan MacLeod in relation to his representation and his proposals for scales for taxi fares and related charges.

The Committee also heard from Mr John Gallacher in relation to his concerns with proposals discussed at the meeting.

### **DECIDED:-**

Following discussion and having heard officers in answer to Members' questions, the Committee agreed the undernoted motion by Councillor McColl:-

- (1) to fix taxi fares and related charges as detailed below:-
  - With regards Fares by Distance/Waiting Times, there be no change.
  - With regards Christmas Day and New Year tariffs, there be no change.
  - With regards Charges when Carrying Five or More Passengers, there be no change.
  - With regard Fares Where the Journey Terminates Outwith the West Dunbartonshire Area, there be no change.
  - With regard the Soiling Fee we agree to the request from the trade to stipulate the £50 maximum charge.
  - With regard charges where the customer no longer requires a pickup

but does not cancel, we agree to extend the £2.50 fee to hires booked on an App.

- (2) furthermore, while Committee agrees that previous consultations have been compliant with the relevant legislation, we are happy going forward to extend consultations to drivers, and we instruct officers to make suitable arrangements for this in future years; with consultation outcomes for drivers and operators being reported separately.

## **CIVIC GOVERNMENT (SCOTLAND) ACT 1982 REVIEW OF TAXI FARES AND CHARGES DUMBARTON AND VALE OF LEVEN TAXI LICENSING ZONE**

A report was submitted by the Strategic Lead – Regulatory seeking consideration of a proposed review of fares and charges applicable to taxis operating within the Dumbarton & Vale of Leven Taxi Licensing Zone.

### **DECIDED:-**

Following discussion and having heard the Senior Officer (Licensing Services), it was agreed:-

- (1) that officers be authorised to arrange for the advertisement of the proposed fares and charges;
- (2) that it be noted that if representations or objections to the proposal are received, a further report on the matter would require to be considered by the Committee;
- (3) that should no objections or representations be received in relation to the proposal, authority would be delegated to the Strategic Lead – Regulatory, in consultation with the Chair of the Licensing Committee, to conclude the review without the requirement for the Committee to consider a further report on the matter; and
- (4) to extend consultations to drivers, and thereby instruct officers to make suitable arrangements for this in future years; with consultation outcomes for drivers and operators being reported separately.

## **AGE LIMIT OF VEHICLES OPERATING AS TAXIS AND PRIVATE HIRE CARS**

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

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

The Committee then heard from Mr L Cameron in relation to the above request.

Following discussion, the Committee agreed:-

- (1) to increase the age limit of saloon vehicles from 10 years to 14 years for private hire cars and taxis operating in both the Clydebank zone and the Dumbarton and Vale of Leven zone ;
- (2) that saloon cars/multi-purpose vehicles (MPVs) be permitted to operate until 14 years old and must be licensed prior to being 8 years old;
- (3) that adapted Wheelchair accessible Vehicles (WAVs) be permitted to operate until 14 years old with no restriction on age at first use; and
- (4) that purpose built WAVs be permitted to operate indefinitely with no restriction on age at first use.

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

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

**DECIDED:-**

After consideration, the Committee agreed:-

- (1) that, given the unique circumstances of the request, to grant the exemption for a period of 6 months; and
- (2) that a further report reviewing the applicant's requirement to continue the medical exemption would be submitted to the Committee prior to the end of the 6 month period.

The meeting closed at 3.54 p.m.



## **LICENSING COMMITTEE**

At a Special Meeting of the Licensing Committee held in the Council Chamber, Council Offices, Garshake Road, Dumbarton on Wednesday, 30 August 2017 at 10.00 a.m.

**Present:** Councillors Jim Brown, Ian Dickson, Jonathan McColl, John Mooney, Lawrence O'Neill and Brian Walker.

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

**Also Attending:** Sergeant Angela Walker, Police Scotland.

**Apology:** An apology for absence was intimated on behalf of Councillor Jim Finn.

**Councillor Jonathan McColl in the Chair**

### **DECLARATIONS OF INTEREST**

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

### **EXCLUSION OF PRESS AND PUBLIC**

The Committee passed the following resolution:-

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

### **HEARING REGARDING THE POSSIBLE SUSPENSION OF A LATE HOURS CATERING LICENCE**

A report was submitted by the Strategic Lead – Regulatory requesting consideration of a possible suspension of a Late Hours Catering Licence following a complaint which had been submitted by Police Scotland.

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

- (a) that a letter had been received from the Chief Constable of Police Scotland requesting the immediate suspension of the Late Hours Catering Licence under Paragraph 12(1) and making a complaint under Paragraph 11(2)(a) & (c) of Schedule 1 to the Civic Government (Scotland) Act 1982, on the grounds that the holder of the licence is no longer a fit and proper person and that the carrying on of the activity to which the licence relates was likely to cause a serious threat to public safety;
- (b) that, having consulted with the Strategic Lead – Regulatory, the request for the immediate suspension of the licence, under Paragraph 12(1) had not been granted on this occasion;
- (c) that copies of the letter from Police Scotland dated 4 August 2017 had been issued to members of the Committee in advance of the meeting;
- (d) that the matters which the Committee was required to consider were as follows:-
  - (i) whether the alleged misconduct had been established;
  - (ii) if the Committee was satisfied that the alleged misconduct had been established, whether, having regard to the misconduct, the licence holder was no longer a fit and proper person to hold a late hours catering 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 the 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 to be heard on the length of the suspension and the date from which the suspension should commence; and
  - (v) the Committee must then consider what length of suspension would be appropriate and whether the circumstances of the case would justify immediate suspension.
- (e) that the licence holder, his solicitor, Mr Cairns, Cairns Brown Solicitors and Mr Dalawer Singh, Interpreter, Global Connects Glasgow were in attendance and that Mr Singh provided interpreting services throughout the meeting; and
- (f) that Sergeant Walker was in attendance on behalf of Police Scotland.

The Committee then heard from Sergeant Walker in relation to the letter from Police Scotland and in answer to Members questions.

Thereafter, a copy of the Licensing Committee's previous decision on the Application for Grant of a Late Hours Catering Licence and the letter of objection from Police Scotland dated 3 March 2015 objecting to that application, were circulated at the meeting. It was noted that a matter detailed within the letter dated 3 March 2015 was now a conviction and details of the incident were included in the letter dated 4 August 2017 relating to the suspension hearing.

Thereafter, the licence holder and his solicitor, Mr Cairns, addressed the Committee on the circumstances detailed in the letter from the Police authority and were heard in answer to Members' questions.

A letter from the licence holder's accountant was circulated at the meeting providing information relating to persons employed at the premises and advising of the business' heavy reliance on the late hours catering licence for its turnover and profitability.

At the request of the Chair, the Section Head (Licensing) then clarified the legal position relating to Section 11(2)(a) and (c) of the Civic Government (Scotland) Act 1982 and thereafter both the Section Head (Licensing) and Mr Cairns were heard in answer to Members' questions.

### **ADJOURNMENT**

After hearing Councillor McColl, Chair, the Committee agreed to adjourn for a short period, to enable Mr Cairns to discuss details of the incident which led to the conviction detailed within the letter from Police Scotland dated 4 August 2017.

The meeting resumed at 11.35 a.m. with all members and officers listed in the sederunt in attendance. The Committee then heard from Mr Cairns in relation to the circumstances that led to the conviction and in answer to Members' questions.

### **DECIDED:-**

After discussion and having heard the Section Head (Licensing) in clarification of the proceedings and in answer to Members' questions, the Board agreed:-

- (1) that the alleged misconduct by the licence holder had been established;
- (2) that, having regard to the misconduct, the licence holder was no longer a fit and proper person to hold a Late Hours Catering Licence; and
- (3) that having regard to the misconduct, the carrying on of the activity to which the licence relates has caused, or is likely to cause a threat to public safety.

The Committee then considered whether the licence should be suspended. Councillor Mooney, seconded by Councillor Dickson, moved:-

The Committee agree that the licence be suspended.

As an amendment, Councillor O'Neill, seconded by Councillor McColl, moved:-

That the Committee is not satisfied that the licence be suspended.

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

### **ADJOURNMENT**

After hearing Councillor McColl, Chair, the Committee agreed to adjourn for a short period, to enable Mr Cairns to consider the implications of a suspension and the length of a suspension with the licence holder.

The meeting resumed at 12.15 p.m. with all members and officers listed in the sederunt in attendance.

The Committee then gave Mr Cairns, on behalf of the licence holder, the opportunity to be heard on the length of suspension and thereafter Mr Cairns answered questions from Members on the effects of a suspension and possible commencement date of the suspension.

Following consideration, the Committee agreed:-

- (1) that the licence be suspended for a period of two weeks in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982;
- (2) that the suspension would commence on Thursday, 28 September 2017 and would end on Wednesday, 11 October 2017; and
- (3) that Licensing Standards Officers would meet with the licence holder and other managers in the premises to provide advice in order to prevent any future sale of alcohol to minors and on general compliance with the law in this regard.

The meeting closed at 12.28 p.m.

**WEST DUNBARTONSHIRE COUNCIL**  
**Report by Strategic Lead – Regulatory**  
**Licensing Committee – 11 October 2017**

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

**1. Purpose**

- 1.1** To consider an application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Alan Ritchie, 6 Empress Road, Rhu, Helensburgh, G84 8LT.

**2. Recommendations**

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

**3. Background**

- 3.1** Mr. Ritchie submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 10 July 2017.
- 3.2** A letter was received from the Chief Constable of the Police authority on 25 July submitting an objection in relation to the application.
- 3.3** At the meeting on 16 August 2017, it was noted that the applicant had intimated in advance of the meeting that he would be unable to attend and had requested that the application be continued until the next meeting of the Committee. It was agreed that consideration of the application be continued to the next meeting in order that the applicant may be given a further opportunity to appear before the Committee.

**4. Main Issues**

- 4.1** In view of the objection received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 11 October 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 31 August 2017

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**Person to Contact:** Robert Mackie,  
Senior Officer (Licensing Services),  
Licensing Team,  
Garshake Road,  
Dumbarton,  
G82 3PU.

Tel. No. (Direct line) 01389 738742.  
[robert.mackie@wdc.gcsx.gov.uk](mailto: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. Alan Ritchie, 6 Empress Road, Rhu, Helensburgh, G84 8LT.
- 2.** Letter dated 25 July 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Ritchie dated 8 September 2017.
- 4.** Email to Chief Constable dated 8 September 2017.

**Wards Affected:** N/A.

**WEST DUNBARTONSHIRE COUNCIL**  
**Report by Strategic Lead – Regulatory**  
**Licensing Committee – 11 October 2017**

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**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. Colin Hilton, 11 Spencer Street, Clydebank, G81 3AT.

**2. Recommendations**

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

**3. Background**

- 3.1** Mr. Hilton submitted an application for grant of a temporary Taxi/Private Hire Car Driver's Licence to the Council on 30 August 2017.
- 3.2** A letter was received from the Chief Constable of the Police authority on 13 September 2017 submitting a comment in relation to the application.
- 3.3** A further letter received from the Chief Constable of the Police authority on 13 September 2017 details alternatives to prosecution which are 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 11 October 2017.
- 4.2** It will also be a matter for the Committee to decide whether the applicant's spent alternatives 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 September 2017

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**Person to Contact:** Robert Mackie,  
Senior Officer (Licensing Services),  
Licensing Team,  
Garshake Road,  
Dumbarton,  
G82 3PU.

Tel. No. (Direct line) 01389 738742.  
[robert.mackie@wdc.gcsx.gov.uk](mailto: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. Colin Hilton, 11 Spencer Street, Clydebank, G81 3AT.
- 2.** Letters dated 13 September 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Hilton dated 13 September 2017.



4. Email to Chief Constable dated 22 September 2017.

**Wards Affected:** N/A.



**WEST DUNBARTONSHIRE COUNCIL**  
**Report by Strategic Lead – Regulatory**  
**Licensing Committee – 11 October 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. Duncan Wrethman, 5 Cordale Avenue, Renton, G82 4QF.

**2. Recommendations**

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

**3. Background**

- 3.1** Mr. Wrethman submitted an application for grant of a Principal Street Trader's Licence to the Council on 14 July 2017.
- 3.2** Mr. Wrethman is 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 7am till 3pm and on Saturdays from 7am until 1pm. Appendix 1 shows the layout of the estate and the position of the proposed site showing the distance from the nearby corner.
- 3.3** As the application for grant of the Principal Street Trader's Licence related to a previously unused static location, public notice of the application was given in accordance with Council policy.
- 3.4** Details of Mr. Wrethman's application were advertised in the 25 July 2017 edition of the Dumbarton Reporter requesting that any objections or representation be submitted no later than 22 August 2017.
- 3.5** 6 letters of objection were received plus one additional petition opposing the siting of the snack van within Vale of Leven Industrial Estate.
- 3.6** Having consulted Roads, Design and Maintenance no objection or representation was received. They have however advised that there is a traffic order in place for Levenside Road, including the area adjacent to the location Mr. Wrethman has leased from the Council, which will involve the road being marked with double yellow lines. The areas covered by the TRO are indicated at Appendix 2.
- 3.7** No Police objection or representation was received.

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

**4.1** In view of the objections received, the applicant and each of the individuals who have submitted an objection to the application have been invited to attend the meeting of the Committee to be held on 11 October 2017.

**4.2** A summary of the objections received are as follows:-

(i) There are concerns over road safety given the proposed location of the snack van and its proximity to a 90 degree corner approximately 50 metres away.

(ii) Levenside Road is currently subject to a Road Traffic Order which will involve double yellow lines being marked on the road adjacent to the proposed site of the snack van.

(iii) There are concerns over the viability of the existing café located within Leven Industrial Estate expressing fears that this will result in the loss of 2 jobs.

(iv) There is a perception that the introduction of a snack van would lower the tone of the industrial estate also suggesting an increase in littering.

(v) One objection suggested that the siting of a snack van may impact on the Council's marketing of vacant industrial units within the estate.

#### **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 and West Dunbartonshire Council's Roads, Design and Maintenance were consulted in relation to the application. An advert giving details of the application was also advertised in the 25 July 2017 edition of the Dumbarton Reporter inviting representations or objections.

## **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 September 2017

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**Person to Contact:** Robert Mackie,  
Senior Officer (Licensing Services),  
Licensing Team,  
Garshake Road,  
Dumbarton,  
G82 3PU.

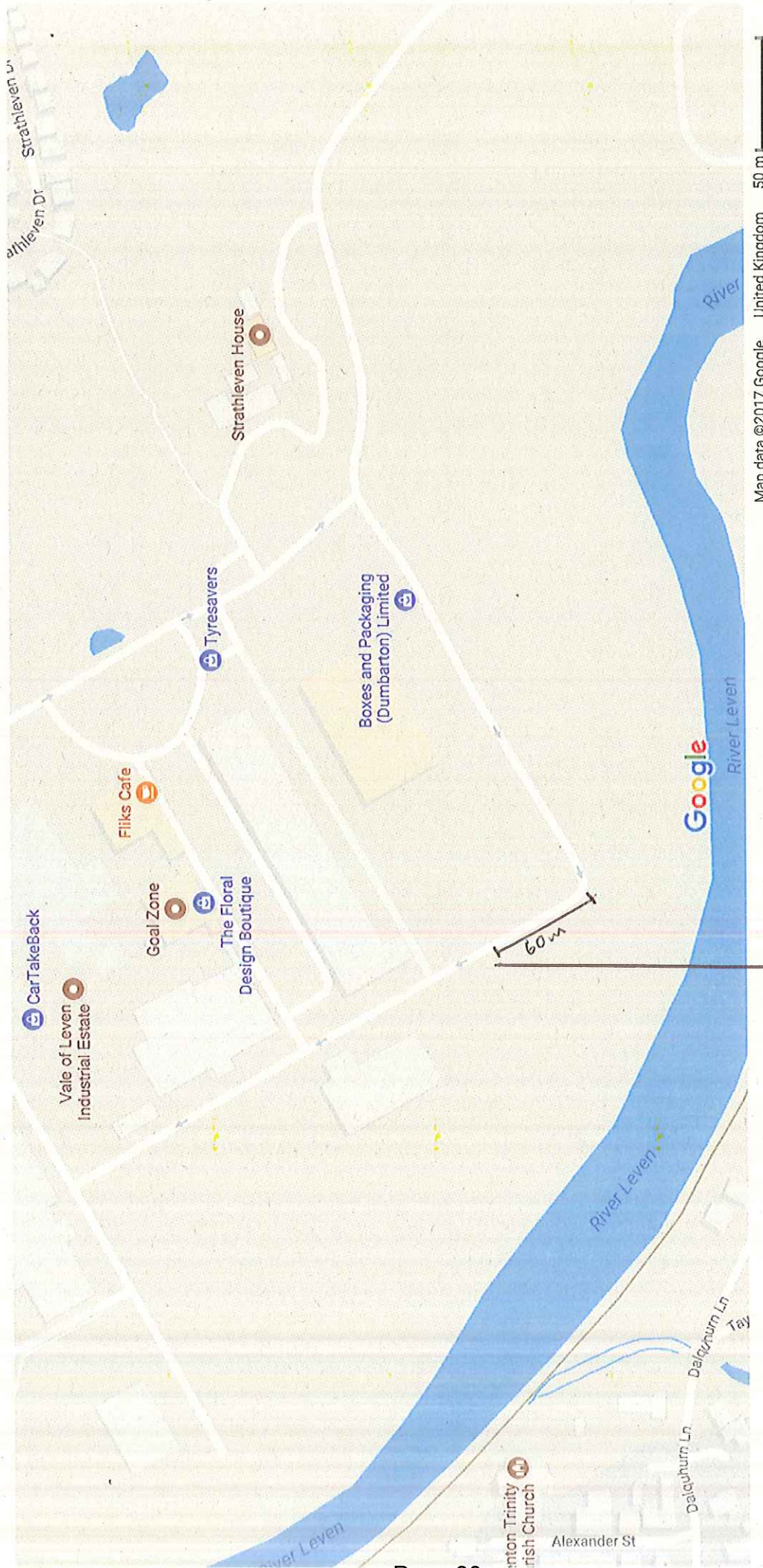
Tel. No. (Direct line) 01389 738742.  
[robert.mackie@wdc.gcsx.gov.uk](mailto:robert.mackie@wdc.gcsx.gov.uk)

**Appendices:** Appendix 1 – Map indicating location of proposed site and distance from nearest corner  
  
Appendix 2 – Map indicating the area within Vale of Leven Industrial Estate which will be marked with double yellow lines.

### **Background Papers:**

1. Application for grant of Principal Street Trader's Licence from Mr. Duncan Wrethman, 5 Cordale Avenue, Renton, G82 4QF.
2. 6 letters of objection and a petition received on or before the statutory period for submission of objections.
3. Letter to Mr. Wrethman dated 8 September 2017.
4. Letters to all 6 objectors dated 8 September 2017.
5. Email to Chief Constable dated 22 September 2017.

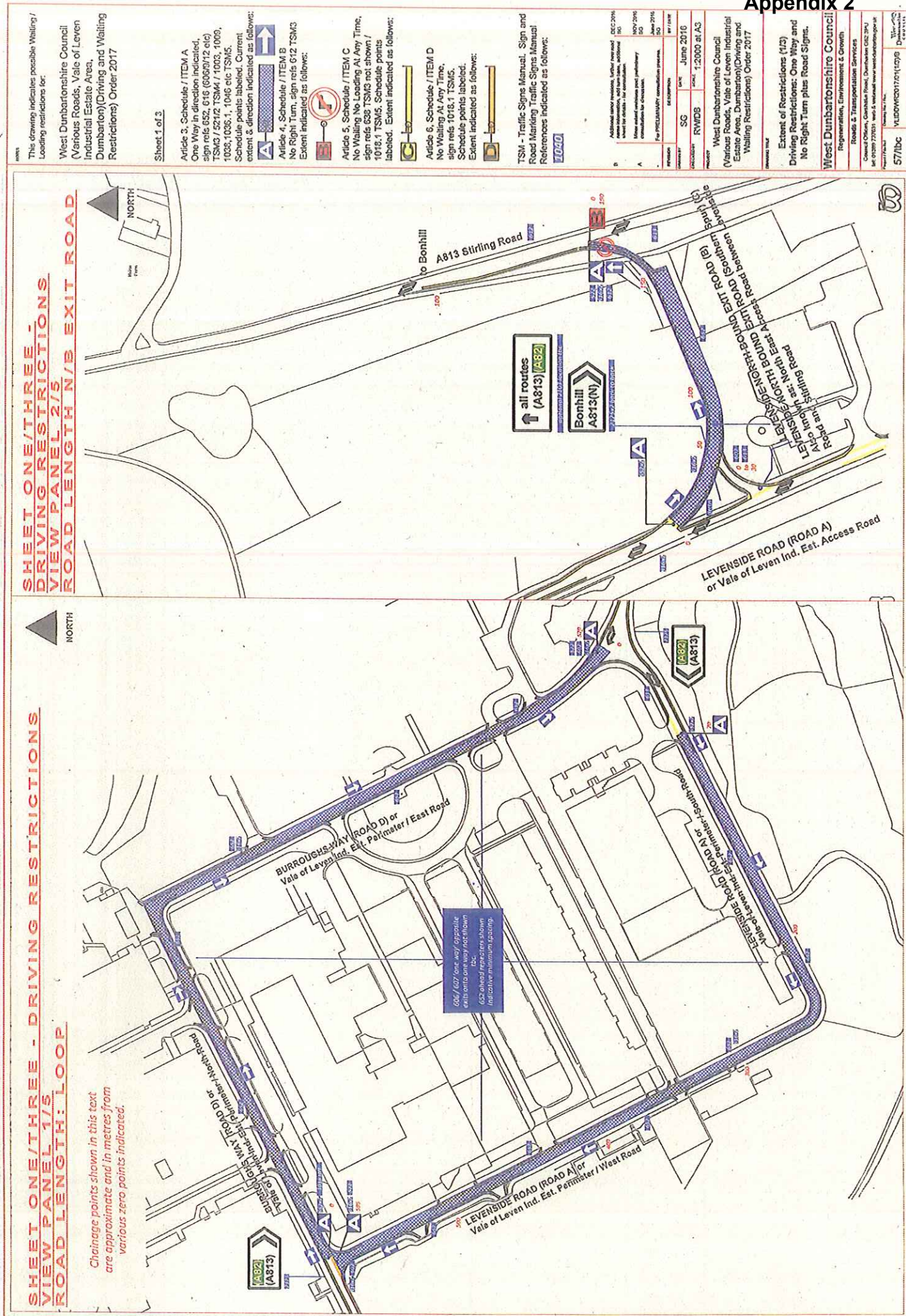
**Wards Affected:** N/A.



Map data ©2017 Google United Kingdom 50 m

*Proposed Street Trader*







West Dunbartonshire Council  
(Various Roads, Vale of Leven  
Industrial Estate Area,  
Dumbarton)(Driving and Waiting  
Restrictions) Order 2017

Article 3, Schedule / ITEM A  
One Way in direction indicated,  
design refs 652, 616 (606/9/12 etc)  
TSM3 / 521/2 TSM4 / 1003, 1009,  
1038, 1036.1, 1046 etc TSM5.  
Schedule points labeled. Current  
extent & direction indicated as follows:



1040

DEC 2010 SG	Additional ester injections, further new road names information, will turn back, additional sheet for dates - for consideration	DATE	June 2010
NOV 2010 SG	Minor estate enquiries passed preliminary instructions for discussion	DATE	1:2000 at A3
June 2010 SG	For PHEMISTRY consultation process.	DATE	
NOV 2010 SG		DATE	
DEC 2010 SG		DATE	

West Dunbartonshire Council  
Various Roads, Vale of Leven Industrial  
Estate Area, Dumbarton)(Driving and  
Walling Restrictions) Order 2017

**Extent of Restrictions (2/3)  
Waiting and Loading plus  
Road Markings.**

West Dunbartonshire Council

Regeneration, Environment &amp; Growth

**Roads & Transportation Services**

1-800-875-7373 • [www.west-durham.com](http://www.west-durham.com)

[illegible]

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Chainage points shown in this text are approximate and in metres from various zero points indicated.

ADDITIONAL ROAD MARKING  
DETAIL (N.T.S.)

LEVENSIDE ROAD (ROAD A) or  
Vale of Leven Ind. Est. Access Road

Page 32




West Dunbartonshire Council  
(Various Roads, Vale of Leven  
Industrial Estate Area,  
Dumbarton)(Driving and Waiting  
Restrictions) Order 2017

Article 3, Schedule / ITEM A  
One Way in direction indicated,  
align refs 652, 616 (606/9/12 etc),  
TSM3 / 521/2 TSM4 / 1003, 1009,  
038, 1036.1, 1046 etc TSM5.

Article 4, Schedule / ITEM B  
No Right Turn, sign refs 612 TSM3  
Extent indicated as follows:

Article 5, Schedule / ITEM C  
No Waiting No Loading At Any Time,  
sign refs 638 TSM3 not shown /  
1018.1 TSM5. Schedule points  
tabbed. Extent indicated as follows:

**C**  **Article 6, Schedule / ITEM D**  
No Waiting At Any Time.  
Sign refs 1018.1 TSM5.  
Schedule points labelled.  
Extent indicated as follows:

SM - Traffic Signs Manual, Sign and Road Marking Traffic Signs Manual references indicated as follows:

Additional email addresses, further email and phone information, DCH form, additional sheet for details - for consultation	DEC 2010 SQ	DATE	JUNE 2010
	NOV 2010 SQ		
More email addresses joined preliminary consultation for discussion	JUNE 2010 SQ	DATE	JUNE 2010
For PRELIMINARY consultation process		DATE	JUNE 2010
		DATE	JUNE 2010

West Dunbartonshire Council  
Various Roads, Vale of Leven Industrial  
state Area, Dumbarton)(Driving and  
Walling Restrictions) Order 2017.

Extent of Restrictions (3/3)  
Waiting and Loading plus  
Road Markings.

**West Dunbartonshire Council**  
Regeneration, Environment & Growth

**Roads & Transportation Services**  
Russell Ollerton, Garthside Road, Dumbarton G82 3PU  
Tel: 01209 737631 web & e-mail: [www.west-dumbarton.gov.uk](http://www.west-dumbarton.gov.uk)

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**WEST DUNBARTONSHIRE COUNCIL**  
**Report by the Strategic Lead - Regulatory**  
**Licensing Committee – 11 October 2017**

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**Subject: Specifications for vehicles operating as Taxis and Private Hire Cars**

**1. Purpose**

- 1.1** To review the vehicle specification guidance for Taxis and Private Hire Cars.

**2. Recommendations**

- 2.1** (i) It is recommended that the committee remove the minimum engine size requirement for taxi and private hire cars.
- (ii) It is further recommended to convert imperial measurements into the nearest metric equivalent for other specifications.

**3. Background**

- 3.1** In terms of Section 10(2) of the Civic Government (Scotland) Act 1982, a Licensing Authority shall not grant or renew a taxi licence or private hire car licence unless they are satisfied that the vehicle to which the licence is to relate is suitable in type, size and design for use as a taxi or private hire car, as the case may be, and is safe for that use.
- 3.2** It is good practice for the Council to review and revise the vehicle specifications from time to time to keep up to date with changes in the design and construction of motor vehicles and any other relevant factors. Officers have accordingly looked at this issue in a modern context.

**4. Main Issues**

- 4.1** It is now becoming more common for vehicles to be produced using smaller more fuel efficient diesel and petrol engines, hybrid technology, or recently purely electric engines. This makes the existing guidance that minimum engine capacity should be 1600cc outdated. As there is no common power rating available for all engine types it is recommended that there should be no minimum power rating stipulated.
- 4.2** The removal of a minimum engine size also supports the Council's environmental aims and objectives.
- 4.3** Recent benchmarking by a member of the Civic Government Enforcement Officers group showed that local authorities had the following minimum engine



capacities :-

East Renfrewshire – no minimum capacity  
South Lanarkshire – 90bhp/68kw  
North Lanarkshire – 80bhp  
Inverclyde – 75bhp  
Glasgow – 73bhp/54.4kw  
East Dunbartonshire – 1300cc  
North Ayrshire and Falkirk – 1400cc  
Stirling, Renfrewshire and West Dunbartonshire – 1600cc.

It is believed that Stirling Council are considering the removal of their minimum engine rating requirement.

- 4.3 Licensing Officers at East Renfrewshire Council have stated that no adverse effects have been noted since their decision in 2015 to remove the minimum engine size requirement.
- 4.4 The guidance also requires to be updated to convert any measurements into metric equivalent in relation to boot capacity and seat width from the current imperial measurements. The boot capacity will only be applied to saloons and MPVs.
- 4.5 If all recommendations are accepted by the committee the original specifications as per Appendix 1 will be replaced by the new specifications as per Appendix 2.

## **5. People Implications**

- 5.1 There are no personnel issues associated with this report.

## **6. Financial Implications**

- 6.1 There are no financial implications associated with this report.

## **7. Risk Analysis**

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

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

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

## **9. Consultation**

- 9.1 Members of the West Dunbartonshire Taxi Forum were consulted via email in relation to the proposed changes. The Operations Manager – Transport was also consulted in connection with the proposed changes and is supportive.

## **10. Strategic Assessment**

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

Strategic Lead - Regulatory

Date 19 September 2017

**Person to Contact:** Lawrence Knighton, Licensing Standards Officer, Council Offices, Garshake, Dumbarton G82 3PU.  
[Lawrence.Knighton@wdc.gcsx.gov.uk](mailto:Lawrence.Knighton@wdc.gcsx.gov.uk)  
tel: 0141 951 7986

### **Appendices:**

1. 1990 Dumbarton District vehicle specifications.
2. Proposed revised vehicle specifications.

### **Background Papers:**

1. Email to taxi forum advising of proposals.

**Wards Affected:** N/A.

DUMBARTON DISTRICT COUNCILReport by Director of Administration and Legal Services3rd April, 1990Item No: 6Meeting: Ad Hoc Committee onLicensing, 8th <sup>August</sup> ~~May~~, 1990Subject: Specification of Vehicles

Ref: DN/LC

Reference is made to page 1744 of the 1988 Minutes. The Committee at their meeting held on 29th November, 1988 accepted the proposed Specification of Vehicles to be used as Taxis/Private Hire Cars which is as follows:-

- \* 1. Minimum engine capacity of 1600 c.c.
- 2. Capacity for 5/6 adults including the driver.
- \* 3. Minimum of 4 doors.
- \* 4. Minimum of space across the narrowest part of the back seat of 48 inches.
- 5. Luggage compartment space of at least 11.4 cubic feet.

A list of approved vehicles meeting the Specification was submitted to the Committee and adopted. A copy of this list is attached for members information on Appendix I.

It was further agreed at that meeting that the Department of Administration and Legal Services be authorised to monitor any new production models to ascertain if they met the District Council's Specification.

New models meeting the specification are as follows:-

Citreon XM Series	Hyundai Sonata
Lancia Therma	Peugeot 605
Rover Vitesse (800 Series)	SAAB CD Series
Subaru 1.8 Series and Legacy	

It is recommended that these models be added to the approved list.

Mr./



## **Taxi and Private Hire Vehicle Age and Vehicle Specification Requirements**

### **All vehicles**

- Must meet M1 type full vehicle approval;
- No less than 4 passengers seats and no more than 8;
- Minimum of 4 doors;
- Minimum space across the narrowest part of the backseat to be 122 cms;
- The steering wheel must be on the offside of the vehicle.

### **Saloon cars/MPVs**

- May operate until 14 years old;
- They must be licensed prior to being 8 years old;
- Saloon type vehicles must have a luggage compartment space of at least 323 litres;
- must be a wheelchair accessible vehicle when replacing a vehicle with passenger carrying capacity of 5 or more. (This is only applicable in Dumbarton and VOL zone).

### **Adapted WAVs**

- can operate until 14 years old with no restriction on age at first use.

### **Purpose Built WAVs**

- can operate indefinitely with no restriction on age at first use.

WAV – Wheelchair Accessible Vehicle