

Agenda



Meeting of Licensing Committee

Date: Wednesday, 3 February 2021

Time: 10:00

Venue: By Zoom Video Conference

Contact: Nuala Borthwick, Committee Officer,
nuala.borthwick2@west-dunbarton.gov.uk

Dear Member

The Convener has directed that the powers contained in Section 18B of the Civic Government (Scotland) Act 1982 that the hearing cannot be held in person because of a reason relating to coronavirus and so Members and parties to the proceedings will attend this meeting of the **Licensing Committee** remotely. The business is shown on the attached agenda.

Yours faithfully

JOYCE WHITE

Chief Executive

Distribution:

Councillor Jim Finn (Chair)
Councillor Ian Dickson
Councillor Caroline McAllister
Councillor Jonathan McColl (Vice Chair)
Councillor Marie McNair
Councillor Lawrence O'Neill
Councillor Brian Walker
Vacancy

All other Councillors for information

Chief Executive
Chief Officer – Regulatory and Regeneration

Date issued: 21 January 2021

LICENSING COMMITTEE
WEDNESDAY, 3 FEBRUARY 2021

AGENDA

1 STATEMENT BY THE CHAIR – ZOOM VIDEO CONFERENCING

2 APOLOGIES

3 DECLARATIONS OF INTEREST

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

4 MINUTES OF PREVIOUS MEETING 7 - 11

Submit for approval as a correct record, Minutes of Meeting of the Licensing Committee held on 2 December 2020.

5 OPEN FORUM

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

6 EXCLUSION OF PRESS AND PUBLIC

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

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

7/

7 APPLICATIONS FOR RENEWAL OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE 13 - 20

- (a) **Name and Address of Applicant** **Date Applied**
- David Darroch
51 Napier Crescent
Dumbarton
G82 4ED
- 5 December 2020
- Submit report by the Strategic Lead – Regulatory concerning an Application for Renewal of a Taxi/Private Hire Car Driver's Licence for the above named person.
- (b) **Name and Address of Applicant** **Date Applied**
- Steven Dickson
35 Craigbanzo Street
Faifley
Clydebank
G81 5B
- 10 November 2020
- Submit report by the Strategic Lead – Regulatory concerning an Application for Renewal of a Taxi/Private Hire Car Driver's Licence for the above named person.
- (c) **Name and Address of Applicant** **Date Applied**
- Thomas Gillies
219 Braehead
Bonhill
Alexandria
G83 9NE
- 19 November 2020
- Submit report by the Strategic Lead – Regulatory concerning an Application for Renewal of a Taxi/Private Hire Car Driver's Licence for the above named person.

8 APPLICATION FOR GRANT OF A PRINCIPAL STREET TRADER'S LICENCE 21 - 23

Name and Address of Applicant

Date Applied

Kieran Kilpatrick
2 Wyvis Quadrant
Blairdardie
Glasgow
G13 4JX

6 October 2020

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

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held by video conference on Wednesday, 2 December 2020 at 10.00 a.m.

Present: Councillors Ian Dickson, Jim Finn, Caroline McAllister, Jonathan McColl, Marie McNair, Lawrence O'Neill and Brian Walker.

Attending: Raymond Lynch, Section Head (Licensing); Robert Mackie, Senior Officer (Licensing Services) and Nuala Borthwick and Lynn Straker, Committee Officers.

Also Attending: Sergeant Wendy Maginnis, Licensing Sergeant and Constable Raymond Borland, Police Scotland.

Councillor Jim Finn in the Chair

CHAIR'S REMARKS

Councillor Finn, Chair, welcomed everyone to the meeting which was being held remotely, in terms of Section 18B of the Civic Government (Scotland) Act 1982.

Accordingly, the Chair advised that a process/procedure had been developed for the meeting (a copy of which had previously been circulated to Members). Thereafter, the Committee agreed to note the procedure in place for the conduct of the meeting and the meeting then continued by video conferencing.

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 21 October 2020 were submitted and approved as a correct record.

OPEN FORUM

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

APPLICATION FOR GRANT OF A TEMPORARY WINDOW CLEANER'S LICENCE

Name and Address of Applicant

Date Applied

Harry McLachlan
7 Broom Drive
Clydebank
G81 3JB

16 October 2020

A report was submitted by the Strategic Lead – Regulatory concerning an Application for Grant of a Temporary Window Cleaner's Licence for the above named person.

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

- (a) that a letter had been received from the Divisional Commander of the Police authority in relation to the application;
- (b) that in view of the letter 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;
- (c) that copies of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting.

It was noted that the applicant, Mr McLachlan, and representatives of Police Scotland, Sergeant Maginnis and Constable Borland, were in attendance.

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

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

DECIDED:-

After discussion and having heard the Section Head (Licensing) in explanation of proceedings and the Senior Officer (Licensing Services) with regard to the history of the applicant as a Licence Holder within this authority, it was agreed that the application be granted for a period of 6 weeks.

EXCLUSION OF PRESS AND PUBLIC

Having heard the Section Head (Licensing) in relation to the undernoted item of business, the Committee agreed to approve 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

Drew Stewart
10 Cameron Drive
Alexandria
G83 0JT

29 September 2020

A report was submitted by the Strategic Lead – Regulatory concerning an application for grant of a Taxi/Private Hire Car Driver's Licence for 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 submitting an objection in relation to the application;
- (b) that in view of the objection, the applicant and a representative of the Police Scotland had been invited to attend the meeting in order that a hearing may take place;
- (c) that copies of the letter of objection from Police Scotland had been issued to Members of the Committee in advance of the meeting; and

It was noted that the applicant, Mr Stewart and representatives of Police Scotland, Sergeant Maginnis and Constable Borland, were in attendance.

The Committee then heard from Sergeant Maginnis in relation to the letter from Police Scotland and thereafter both Sergeant Maginnis and the Section Head (Licensing), were heard in answer to Members' questions.

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

DECIDED:-

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

EXCLUSION OF PRESS AND PUBLIC

Having heard the Section Head (Licensing) in relation to the undernoted item of business, the Committee agreed to approve the following resolution:-

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

HEARING REGARDING POSSIBLE SUSPENSION OR REVOCATION OF A TAXI 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 Licence for Mr Kenneth Sweeney, 3 Canberra Avenue, Dalmuir, Clydebank G81 3LH.

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

- (a) that a letter had been received from the Chief Constable of Police Scotland on 28 October 2020 requesting the suspension of the Taxi Driver's/Private Hire Car Driver's Licence under Paragraph 11(2)(a) of Schedule 1 to the Civic Government (Scotland) Act 1982 complaining that Mr Sweeney was no longer a fit and proper person to hold a licence and also under Paragraph 11(2)(c) that the carrying on of the activity to which the licence relates was likely to cause a threat to public safety;
- (b) 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 could take place;
- (c) that Mr Sweeney's current licence had an expiry date of 11 August 2021;
- (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 required to consider in relation to paragraph (b) 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 and also whether the carrying on of the activity to which the licence relates was likely to cause a serious threat to public safety;

- (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 the opportunity to be heard on the length of the suspension and the date from which the suspension should commence;
- (v) the Committee must then consider what length of suspension would be appropriate and whether the circumstances of the case would justify immediate suspension; and
- (vi) if the Committee was satisfied that the circumstances of the case justified revocation, the Committee must then consider whether the revocation should be immediate.

It was noted that the licence holder, Mr Sweeney, and his legal representative, Mr Eugene Boyle, Solicitor, PRG Partnership, and representatives of Police Scotland, Sergeant Maginnis and Constable Borland, were in attendance at the meeting.

The Committee then heard from Sergeant Maginnis in relation to the letter from Police Scotland and in response to questions from Members who received an update with regard to the terms of the letter submitted by Police Scotland. Thereafter, Mr Boyle, on behalf of Mr Sweeney, was given an opportunity to address the Committee on the circumstances detailed in the letter from Police Scotland and was heard in answer to questions from Members.

DECIDED:-

After discussion and having heard the Section Head (Licensing) in relation to the licence holder and the Senior Officer (Licensing Services) in further explanation of proceedings, the Committee agreed:-

- (1) that the alleged misconduct had not been established at this time; and
- (2) that Mr Sweeney remained a fit and proper person to hold a Taxi Driver's/Private Hire Car Driver's Licence.

The meeting closed at 11.09 a.m.

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer – Regulatory and Regeneration

Licensing Committee – 3 February 2021

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

1. Purpose

- 1.1** To consider an application for renewal of a Taxi/Private Hire Car Driver's Licence submitted by Mr. David Darroch, 51 Napier Crescent, Dumbarton G82 4ED.

2. Recommendations

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

3. Background

- 3.1** Mr. Darroch submitted an application for renewal of a Taxi/Private Hire Car Driver's Licence to the Council on 5 December 2020.
- 3.2** A letter was received from the Chief Constable of the Police authority on 17 December 2020 submitting an objection in relation to the application.
- 3.3** Mr. Darroch attended the meeting of the Licensing Committee held on 21 October 2020 following a request from Police Scotland for the immediate suspension of his Taxi/Private Hire Car Driver's Licence.
- 3.4** Having heard from all relevant parties, the Committee decided that the alleged misconduct relating to a pending matter had been established and that the misconduct did not form grounds for suspending or revoking the licence and thereafter instructed Officers to issue a warning letter to the licence holder.

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 3 February 2021.
- 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.

Report by Chief Officer – Regulatory and Regeneration

Date 14 January 2021

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

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robert.mackie@west-dunbarton.gov.uk

Appendices: N/A.

Background Papers:

- 1.** Application for renewal of a Taxi/Private Hire Car Driver's Licence from Mr. David Darroch, 51 Napier Crescent, Dumbarton G82 4ED.
- 2.** Letter dated 17 December 2020 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton G82 3PT.
- 3.** Letter to Mr. Darroch dated 15 January 2021.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL
Report by Chief Officer – Regulatory and Regeneration
Licensing Committee – 3 February 2021

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

1. Purpose

- 1.1** To consider an application for renewal of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Steven Dickson, 35 Craighbanzo Street, Faifley, Clydebank G81 5BT.

2. Recommendations

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

3. Background

- 3.1** Mr. Dickson submitted an application for renewal of a Taxi/Private Hire Car Driver's Licence to the Council on 10 November 2020.
- 3.2** A letter was received from the Chief Constable of the Police authority on 25 November 2020 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 3 February 2021.
- 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.

Report by Chief Officer – Regulatory and Regeneration

Date 8 January 2021

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

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robert.mackie@west-dunbarton.gov.uk

Appendices: N/A.

Background Papers:

- 1.** Application for renewal of a Taxi/Private Hire Car Driver's Licence from Mr. Steven Dickson, 35 Craighanzo Street, Faifley, Clydebank G81 5BT.
- 2.** Letter dated 25 November 2020 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton G82 3PT.
- 3.** Letter to Mr. Dickson dated 15 January 2021.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL
Report by Chief Officer – Regulatory and Regeneration
Licensing Committee – 3 February 2021

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

1. Purpose

- 1.1** To consider an application for renewal of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Thomas Gillies, 219 Braehead, Bonhill, Alexandria G83 9NE.

2. Recommendations

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

3. Background

- 3.1** Mr. Gillies submitted an application for renewal of a Taxi/Private Hire Car Driver's Licence to the Council on 19 November 2020.
- 3.2** A letter was received from the Chief Constable of the Police authority on 10 December 2020 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 3 February 2021.
- 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.

Report by Chief Officer – Regulatory and Regeneration

Date 13 January 2021

Person to Contact: Robert Mackie,
Senior Officer (Licensing Services),
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Dumbarton,
G82 1NR.

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Appendices: N/A.

Background Papers:

1. Application for renewal of a Taxi/Private Hire Car Driver's Licence from Mr. Thomas Gillies, 219 Braehead, Bonhill, Alexandria G83 9NE.
2. Letter dated 19 November 2020 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton G82 3PT.
3. Letter to Mr. Gillies dated 15 January 2021.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer – Regulatory and Regeneration

Licensing Committee – 3 February 2021

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. Kieran Kilpatrick, 2 Wyvis Quadrant, Blairdardie, Glasgow G13 4LX.

2. Recommendations

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

3. Background

- 3.1** Mr. Kilpatrick submitted an application for grant of a Principal Street Trader's Licence to the Council on 6 October 2020 requesting permission to trade from a snack van within the grounds of 834 Dumbarton Road, Dalmuir, Clydebank G814BX, which operates a car wash and valet, with permission of the proprietor.
- 3.2** At a meeting of the Regulatory Committee (Licensing) held on Wednesday, 2 October 2002, Members decided that the practice of giving public notice of applications for the grant of Street Traders' licences involving static locations which are regarded as being of a controversial nature be introduced and that appropriate additional fees be payable by applicants to cover the cost of any public notice.
- 3.3** An advert was place in the 11 November 2020 edition of the Clydebank Post and no objections were received.
- 3.4** West Dunbartonshire Council's Planning Team have advised Mr. Kilpatrick that he would require to apply for planning permission in order to occupy the site location within 834 Dumbarton Road and the applicant has been given pre-application advice from the planning service.
- 3.5** Police Scotland responded on 14 October 2020 with no objections.

4. Main Issues

- 4.1** Mr. Kilpatrick, having taken account of the advice from the planning service, wishes the application to proceed to Committee for consideration.

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.

Report by Chief Officer – Regulatory and Regeneration

Date 21 January 2021

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

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robert.mackie@west-dunbarton.gov.uk

Appendices: N/A

Background Papers:

1. Application for grant of a Principal Street Trader's Licence from Mr. Kieran

Kilpatrick, 2 Wyvis Quadrant, Blairdardie, Glasgow G13 4LX.

2. Letter to Mr. Kilpatrick dated 20 January 2021.

Wards Affected: N/A.