

## **LICENSING COMMITTEE**

At a Meeting of the Licensing Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Wednesday, 2 December 2015 at 10.00 a.m.

**Present:** Councillors Jim Brown, Lawrence O'Neill and Tommy Rainey.

**Attending:** Nigel Ettles, Principal Solicitor; Robert Mackie, Senior Officer (Licensing Services); Lawrence Knighton, Licensing Standards Officer and Nuala Borthwick, Committee Officer, Legal, Democratic and Regulatory Services.

**Apologies:** Apologies for absence were intimated on behalf of Provost Douglas McAllister and Councillors Jim Finn, Jonathan McColl, John Mooney and Hazel Sorrell.

**Councillor Lawrence O'Neill in the Chair**

### **DECLARATION OF INTEREST**

Councillor O'Neill declared a non-financial interest in the item entitled, 'Application for Grant of a Temporary Taxi Driver's Licence' in relation to Mr Clark and advised that he would take no part in the Committee's decision in relation to that item.

### **MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of the Licensing Committee held on 21 October 2015 were submitted and approved as a correct record.

### **CHAIR'S REMARKS**

Having heard the Chair, Councillor O'Neill, in relation to the aforementioned declaration of interest, it was agreed that Councillor Rainey would Chair the meeting for the undernoted item of business. Thereafter Councillor O'Neill left the meeting and Councillor Rainey assumed the Chair for the undernoted item of business only.

## APPLICATIONS FOR GRANT OF A TEMPORARY TAXI DRIVER'S LICENCE

<b>(a)    <u>Name and Address of Applicant</u></b>	<b><u>Date Applied</u></b>
Douglas Clark 9D West Court Clydebank G81 4PG	30 October 2015

A report was submitted by the Head of Legal, Democratic and Regulatory Services concerning an application for grant of a Temporary Taxi Driver's Licence by the above named person.

Having heard the Principal Solicitor, it was noted:-

- (a) that a letter had been received from the Chief Superintendent of the Police authority supplying information for consideration by the Committee;
- (b) that in view of the information 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 information 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 Quinn, were in attendance.

The Committee then heard from Sergeant Quinn in relation to the information and in answer to Members' questions. Mr Clark 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:** 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/Private Hire Car Driver's Licence.

Note: Councillor O'Neill re-entered the meeting at this point and resumed the Chair.

<b>(b)    <u>Name and Address of Applicant</u></b>	<b><u>Date Applied</u></b>
Robert Nicol G/2 20 Burns Street Clydebank G81 4BN	21 September 2015

A report was submitted by the Head of Legal, Democratic and Regulatory Services concerning an application for grant of a Temporary Taxi Driver's Licence by the above named person.

Having heard the Principal Solicitor, it was noted:-

- (a) that a letter had been received from the Chief Constable of the Police authority in relation to the application;
- (b) that in view of the letter 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 dated 7 October 2015 had been issued to Members in advance of the meeting.

The Committee then heard from Sergeant Quinn in relation to the letter from Police Scotland. The Committee also heard from the applicant in support of the application.

**DECIDED:-**

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

(c)	<b><u>Name and Address of Applicant</u></b>	<b><u>Date Applied</u></b>
	Steven Rolland 4 Oran Gate Maryhill Glasgow G20 8DA	2 October 2015

A report was submitted by the Head of Legal, Democratic and Regulatory Services concerning an application for grant of a Temporary Taxi/Private Hire Car Driver's Licence by the above named person.

Having heard the Principal Solicitor, 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, 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 dated 7 October 2015 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 Quinn, were in attendance.

The Committee then heard from Sergeant Quinn in relation to the letter submitted by Police Scotland. The applicant was then given the opportunity to address the Committee in support of the application and was heard in answer to questions from Members.

**DECIDED:-**

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

(d) <b><u>Name and Address of Applicant</u></b>	<b><u>Date Applied</u></b>
Stephen Walker 55 Elmbank Drive Bonhill Alexandria G83 9EL	28 October 2015

A report was submitted by the Head of Legal, Democratic and Regulatory Services concerning an application for grant of a Temporary Taxi/Private Hire Car Driver's Licence by the above named person.

Having heard the Principal Solicitor, 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, 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 dated 3 November 2015 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 Quinn, were in attendance.

The Committee then heard from Sergeant Quinn in relation to the letter submitted by Police Scotland. The Committee also heard from the applicant in answer to Members' questions.

**DECIDED:-**

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

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

<b>(a) <u>Name and Address of Applicant</u></b>	<b><u>Date Applied</u></b>
Alan Millar 49 Elmbank Drive Bonhill Alexandria G83 9EL	26 October 2015

A report was submitted by the Head of Legal, Democratic and Regulatory Services concerning an application for renewal of a Taxi/Private Hire Car Driver's Licence by the above named person.

Having heard the Principal Solicitor, 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, Sergeant Quinn, were in attendance.

The Committee then heard from Sergeant Quinn in relation to the representation and in answer to Members' questions. Mr Millar 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:** That the application be granted although, depending on the outcome of ongoing investigations being carried out by HM Revenue & Customs, the matter might require to be considered further by the Committee.

**(b) Name and Address of Applicant**

**Date Applied**

John MacDonald  
Flat 1/1  
40 Whitecrook Street  
Clydebank  
G81 1QR

27 October 2015

A report was submitted by the Head of Legal, Democratic and Regulatory Services concerning an application for renewal of a Taxi/Private Hire Car Driver's Licence by the above named person.

After hearing the Principal Solicitor, it was noted:-

- (a) that when Mr MacDonald applied for renewal of his Taxi/Private Hire Car Driver's Licence last year, a representation had been made by the Chief Superintendent of the Police authority in relation to the application. After a hearing at the meeting of the Committee on 8 October 2014, it had been agreed that the application be granted and that the applicant's next application for renewal of the licence be referred to the Committee for consideration and the applicant 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 the Police authority.

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

**DECIDED:** That the application be granted.

**REQUEST TO OPERATE A NON-WHEELCHAIR ACCESSIBLE  
VEHICLE IN THE CLYDEBANK ZONE**

**Name and Address of Applicant**

**Date Applied**

Andrew Barclay  
33 Glebe Gardens  
Bonhill  
Alexandria  
G83 9NZ

15 July 2015

A report was submitted by the Head of Legal, Democratic and Regulatory Services concerning a request to potentially operate a vehicle as a taxi within the Clydebank zone which has not been adapted for wheelchair accessibility.

Having heard the Principal Solicitor, it was noted:-

- (a) that Mr Barclay had submitted a request on 15 July 2015 seeking permission, when considering a change of vehicle in future, to use a Peugeot Partner Tepee which had not been adapted to carry wheelchair passengers as a taxi within the Clydebank zone of West Dunbartonshire;
- (b) that Mr Barclay had, over the last few years, submitted letters from his doctor recommending that he be given light duties and had therefore been exempted on medical grounds from deploying the wheelchair ramp(s) and consequently not carrying wheelchair bound passengers. It was noted that the most recent letter received from his doctor was dated 12 August 2015 and had suggested that his condition would remain unchanged for a further 12 months;
- (c) that Mr Barclay had subsequently been issued with a letter exempting him from deploying the ramp(s) for the period of time stated in the doctor's letter;
- (d) that Mr Barclay was planning on changing his vehicle in the near future and had intimated that he may consider retirement in the next 3 to 4 years;
- (e) that a decision to enforce a 100% wheelchair accessible fleet within the Clydebank area was taken by the former Clydebank District Council and had been applied since October 1996;
- (f) that Mr Barclay had previously submitted a request to operate a saloon vehicle within the Clydebank zone and that this was considered by the Committee on 7 September 2010. It was noted that representations were made at the time from Clydebank Public Hire Association opposing the request from Mr Barclay as they wished to maintain a 100% wheelchair accessible fleet within the Clydebank zone; and
- (g) that at the meeting of the Licensing Committee held on 7 September 2010, Members refused Mr Barclay's request to operate a saloon vehicle within the Clydebank zone and maintained the 100% wheelchair accessible fleet.

Following discussion and having heard both the Senior Officer (Licensing Services) and the applicant in answer to Members' questions, the Committee agreed:-

- (1) to grant the request to operate a non-wheelchair accessible vehicle subject to Mr Barclay being the only taxi driver to use the vehicle;
- (2) that Mr Barclay continue to seek medical exemptions; and
- (3) that should Mr Barclay's circumstances change (for instance, should he cease to be given a medical exemption or should he become unable to drive a taxi) then the matter must be referred back to the Committee for consideration.

## APPLICATION FOR RENEWAL OF A WINDOW CLEANER'S LICENCE

### Name and Address of Applicant

Steven McLaren  
99 Canberra Avenue  
Dalmuir  
Clydebank  
G81 4LW

### Date Applied

12 October 2015

A report was submitted by the Head of Legal, Democratic and Regulatory Services concerning an application for renewal of a Window Cleaner's Licence by the above applicant.

Having heard the Principal Solicitor in further explanation of the report, it was noted:-

- (a) that a letter had been received from the Chief Superintendent of the Police authority making a representation with respect to the application;
- (b) that in view of the letter of representation 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 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, Sergeant Quinn, were in attendance.

The Committee then heard from Sergeant Quinn in relation to the representation and in answer to Members' questions. Mr McLaren 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.

**DECIDED:** That the application be granted.

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

Having heard the Chair, Councillor O'Neill, the Committee approved 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 OF A TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE**

A report was submitted by the Head of Legal, Democratic and Regulatory Services requesting consideration of a possible suspension of a Taxi Driver's/Private Hire Car Driver's Licence following complaints which have been submitted.

Having heard the Principal Solicitor, it was noted:-

- (a) that on 3 September 2015, the Licensing Team received a telephone call expressing concern over the physical condition of the taxi driver whilst operating as such;
- (b) that on 13 November 2015, a further complaint was made to the Licensing Team from a passenger who had been driven by the taxi driver and statements were taken from the witnesses who had been conveyed by the taxi driver;
- (c) that, having consulted with the Chair of the Licensing Committee, it was decided that due to the nature of the complaints received, the Taxi Driver's/Private Hire Car Driver's Licence held by the licence holder should be suspended with immediate effect under Paragraph 12 of Schedule 1 to the Act;
- (d) that a letter dated 24 November 2015 had been received from the Chief Constable of Police Scotland requesting the suspension of a Taxi Driver's/Private Hire Car Driver's Licence under Paragraph 11(2)(a) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the grounds that the licence holder was no longer a fit and proper person to be the holder of a Taxi Driver's/Private Hire Car Driver's Licence;
- (e) that in addition to the grounds above, the letter from the Chief Constable had requested the immediate suspension of the Taxi Driver's/Private Hire Car Driver's Licence in terms of Paragraph 12(1) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the grounds that the carrying on of the activity to which the licence relates was likely to cause a serious threat to public order or public safety;
- (f) that the letter dated 24 November 2015 received from the Chief Constable was distributed to members at the meeting;
- (g) that the licensing authority may order suspension of a licence if, in its opinion, the carrying on of the activity to which the licence relates is likely to cause a threat to public safety;
- (h) the licensing authority must, before deciding to suspend a licence, give the holder of the licence, any person who has made a complaint and the Chief Constable an opportunity of being heard;

- (i) that in view of the request for suspension of the licence, the licence holder, the complainers and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place;
- (j) that the matters which the Committee was required to consider in relation to paragraph (g) above were as follows:-
  - (i) whether the alleged safety issue had been established;
  - (ii) if the Committee was satisfied that the alleged safety issue had been established, whether, having regard to that issue, the carrying on of the activity to which the licence relates is likely to cause a threat to public safety;
  - (iii) if the Committee was of the opinion that the carrying on of the activity to which the licence relates is likely to cause a threat to public safety, then the Committee must consider whether 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 of being heard on the length of the suspension and the date from which the suspension should commence; and
  - (v) the Committee must then consider what length of suspension would be appropriate and whether the circumstances of the case would justify immediate suspension; and
- (k) that a copy of a letter dated 25 November 2015 received from the licence holder's solicitor was distributed to members at the meeting.

It was noted that neither the licence holder nor the complainers were in attendance at the meeting and that Sergeant Quinn was in attendance on behalf of Police Scotland.

The Committee heard from Sergeant Quinn who provided details of the alleged offence committed by the licence holder in relation to the request for suspension of the licence.

**DECIDED:**

After discussion and having heard the Principal Solicitor and the Senior Officer (Licensing Services) in further explanation of the report and in answer to Members' questions, the Committee agreed:-

- (1) that the alleged safety issue had been established;
- (2) that the carrying on of the activity to which the licence relates was likely to cause a threat to public safety and that the licence should be suspended;

- (3) that, due to the threat to public safety, the suspension already imposed under Paragraph 12 of Schedule 1 to the Act should, in effect be replaced by a suspension under Paragraph 11 of that Schedule and that the suspension be immediate;
- (4) that the period of suspension would be the unexpired portion of the duration of the licence; and
- (5) that any request for a recall of the suspension by the licence holder would be referred to the Committee for consideration.

### **VALEDICTORY**

The Chair, Councillor O'Neill, advised that this would be the last meeting that Sergeant Quinn would attend as Licensing Sergeant given that he was moving to a new role within Police Scotland. On behalf of the Committee, Councillor O'Neill acknowledged Sergeant Quinn's hard work and commitment during his time as Licensing Sergeant within "L" Division and wished him well in his future endeavours.

The meeting closed at 11.05 a.m.



**WEST DUNBARTONSHIRE COUNCIL**

**Report by the Head of Legal, Democratic and Regulatory Services**

**Licensing Committee – 24 February 2016**

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

**1. Purpose**

- 1.1** To consider an application for grant of a Taxi Driver's Licence/Private Hire Car Driver's Licence submitted by Mr. Ryan Firth, 91 O'Hare, Bonhill, Alexandria, G83 9DU.

**2. Recommendations**

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

**3. Background**

- 3.1** Mr. Firth submitted an application for grant of a Taxi Driver's Licence/Private Hire Car Driver's Licence to the Council on 18 November 2015.
- 3.2** A letter was received from the Chief Superintendent of the Police authority on 23 November 2015 advising that the Chief Constable has a representation to make in relation to the application.

**4. Main Issues**

- 4.1** In view of the representation 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 24 February 2016.
- 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 and Procurement 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.

Head of Legal, Democratic and Regulatory Services

Date 23/01/16

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**Person to Contact:** Robert Mackie,  
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Licensing Team,  
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G82 3PU.

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**Appendices:** N/A.

### **Background Papers:**

- 1.** Application for grant of Taxi Driver's/Private Hire Car Driver's Licence from Mr. Ryan Firth, 91 O'Hare, Bonhill, Alexandria, G83 9DU
- 2.** Letter dated 23 November 2015 from the Chief Superintendent, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Firth dated 30 November 2015.
- 4.** Letter to Mr. Firth dated 5 February 2016
- 5.** Letter to Chief Superintendent dated 5 February 2016.

**Wards Affected:** N/A.

**WEST DUNBARTONSHIRE COUNCIL**

**Report by the Head of Legal, Democratic and Regulatory Services**

**Licensing Committee – 24 February 2016**

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

**1. Purpose**

- 1.1** To consider an application for grant of a temporary Taxi Driver's/Private Hire Car Driver's Licence submitted by Mr. Shaun Ennis, 97 Thistlebank, Old Kilpatrick, G60 5LZ.

**2. Recommendations**

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

**3. Background**

- 3.1** Mr. Ennis submitted an application for grant of a temporary Taxi Driver's Licence/Private Hire Car Driver's Licence to the Council on 5 January 2016.
- 3.2** A letter was received from the Chief Superintendent of the Police authority on 15 January 2016 supplying information for consideration by the Committee.

**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 24 February 2016.
- 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 and Procurement 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.

Head of Legal, Democratic and Regulatory Services

Date 23/01/16

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

### **Background Papers:**

- 1.** Application for grant of temporary Taxi Driver's Licence/Private Hire Car Driver's Licence from Mr. Shaun Ennis, 97 Thistlebank, Old Kilpatrick, G60 5LZ
- 2.** Letter dated 15 January 2016 from the Chief Superintendent, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Ennis dated 18 January 2016.
- 4.** Letter to Mr. Ennis dated 5 February 2016.
- 5.** Letter to Chief Superintendent dated 5 February 2016.

**Wards Affected:** N/A.



**WEST DUNBARTONSHIRE COUNCIL**

**Report by the Head of Legal, Democratic and Regulatory Services**

**Licensing Committee – 24 February 2016**

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

**1. Purpose**

- 1.1** To consider an application for grant of a temporary Taxi Driver's Licence/Private Hire Car Driver's Licence submitted by Mrs. Wilma Cameron, 4A Carmona Drive, Balloch, G83 8AN.

**2. Recommendations**

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

**3. Background**

- 3.1** Mrs. Cameron submitted an application for grant of a temporary Taxi Driver's Licence/Private Hire Car Driver's Licence to the Council on 3 December 2015.
- 3.2** A letter was received from the Chief Superintendent of the Police authority on 7 December 2015 supplying information for consideration by the Committee.

**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 24 February 2016.
- 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 and Procurement 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.

Head of Legal, Democratic and Regulatory Services

Date 23/01/16

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

### **Background Papers:**

- 1.** Application for grant of temporary Taxi Driver's Licence/Private Hire Car Driver's Licence from Mrs. Wilma Cameron, 4A Carmon Drive, Balloch, G83 8AN.
- 2.** Letter dated 7 December 2015 from the Chief Superintendent, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mrs. Cameron dated 8 December 2015.
- 4.** Letter to Mrs. Cameron dated 5 February 2016.
- 5.** Letter to Chief Superintendent dated 5 February 2016

**Wards Affected:** N/A.

**WEST DUNBARTONSHIRE COUNCIL**

**Report by the Head of Legal, Democratic and Regulatory Services**

**Licensing Committee – 24 February 2016**

---

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

**1. Purpose**

- 1.1** To consider an application for renewal of a Taxi Driver's/Private Hire Car Driver's Licence submitted by Mr. William Mack, 21 Irving Avenue, Hardgate, Clydebank, G81 6AY.

**2. Recommendations**

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

**3. Background**

- 3.1** Mr. Mack submitted an application for renewal of a Taxi Driver's/Private Hire Car Driver's Licence to the Council on 28 December 2015.
- 3.2** A letter was received from the Chief Superintendent of the Police authority on 31 December 2015 advising that the Chief Constable has a representation to make in relation to the application.

**4. Main Issues**

- 4.1** When Mr. Mack submitted his last application for renewal of a Taxi Driver's/Private Hire Car Driver's Licence, a representation was made by the Chief Superintendent of the Police authority. After a hearing at the meeting of the Committee on 25 February 2015, it was agreed that the application be renewed.
- 4.2** In view of the representation 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 24 February 2016.
- 4.3** The terms of the letter from the Police will be made known to the Committee at the meeting as appropriate.

**5. People Implications**

- 5.1** There are no personnel issues.

**6. Financial and Procurement 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.

Head of Legal, Democratic and Regulatory Services

Date 21/01/16

---

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

**Background Papers:**

- 1.** Application for renewal of Taxi Driver's/Private Hire Car Driver's Licence from Mr. William Mack, 21 Irving Avenue, Hardgate, Clydebank, G81 6AY.
- 2.** Letter dated 31 December 2015 from the Chief Superintendent, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Mack dated 18 January 2016.
- 4.** Letter to Mr. Mack dated 5 February 2016.

4. Letter to the Chief Superintendent dated 5 February 2016.

**Wards Affected:** N/A.



**WEST DUNBARTONSHIRE COUNCIL**

**Report by the Head of Legal, Democratic and Regulatory Services**

**Licensing Committee – 24 February 2016**

---

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

**1. Purpose**

- 1.1** To consider an application for renewal of a Taxi Driver's/Private Hire Car Driver's Licence submitted by Mr. Michael McGlashan, 203 O'Hare, Bonhill, Alexandria, G83 9DX.

**2. Recommendations**

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

**3. Background**

- 3.1** Mr. McGlashan submitted an application for renewal of a Taxi Driver's/Private Hire Car Driver's Licence to the Council on 11 November 2015.
- 3.2** A letter was received from the Chief Superintendent of the Police authority on 8 December 2015 advising that the Chief Constable has a representation to make in relation to the application.

**4. Main Issues**

- 4.1** In view of the representation 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 24 February 2016.
- 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 and Procurement 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.

Head of Legal, Democratic and Regulatory Services

Date 21/01/16

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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 renewal of Taxi Driver's/Private Hire Car Driver's Licence from Mr. Michael McGlashan, 203 O'Hare, Bonhill, Alexandria, G83 9DX.
- 2.** Letter dated 8 December 2015 from the Chief Superintendent, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. McGlashan dated 8 December 2015.
- 4.** Letter to Mr. McGlashan dated 5 February 2016.
- 4.** Letter to the Chief Superintendent dated 5 February 2016.

**Wards Affected:** N/A.



**WEST DUNBARTONSHIRE COUNCIL**

**Report by the Head of Legal, Democratic and Regulatory Services**

**Licensing Committee – 24 February 2016**

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**Subject: Application for renewal of a Window Cleaner's Licence**

**1. Purpose**

- 1.1** To consider an application for renewal of a Window Cleaner's Licence submitted by Mr. Paul Flanagan, 11/7 Steven Street, Alexandria, G83 0PT.

**2. Recommendations**

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

**3. Background**

- 3.1** Mr. Flanagan submitted an application for renewal of a Window Cleaner's Licence to the Council on 20 January 2016.
- 3.2** A letter was received from the Chief Superintendent of the Police authority on 3 February 2016 advising that the Chief Constable has an objection to make in relation to the application.
- 3.3** A further letter was received from the Chief Superintendent of the Police authority on 3 February 2016. The letter details alternatives to prosecution which are considered spent under the Rehabilitation of Offenders Act 1974

**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 24 February 2016.
- 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 and Procurement 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.

Head of Legal, Democratic and Regulatory Services

Date 3/2/16

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

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[robert.mackie@wdc.gcsx.gov.uk](mailto:robert.mackie@wdc.gcsx.gov.uk)

**Appendices:** N/A.

### **Background Papers:**

- 1.** Application for renewal of a Window Cleaner's Licence from Mr. Paul Flanagan, 11/7 Steven Street, Alexandria, G83 0PT.
- 2.** Letters dated 3 February 2016 from the Chief Superintendent, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Flanagan dated 5 February 2016.

4. Letter to the Chief Superintendent dated 5 February 2016.

**Wards Affected:** N/A.



**WEST DUNBARTONSHIRE COUNCIL**

**Report by Head of Legal, Democratic and Regulatory Services**

**Licensing Committee: 24 February 2016**

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**Subject: Proposed changes to licence conditions attached to  
Second Hand Dealer and Window Cleaner Licences**

**1. Purpose**

- 1.1** This report requests that the Licensing Committee accepts the proposed changes to Second Hand Dealers and Window Cleaners licence conditions.

**2. Recommendations**

- 2.1** The Licensing Committee is recommended to agree the proposed changes as referred to in appendices 1 and 2.

**3. Background**

- 3.1** Following a review of the existing conditions for Second Hand Dealers and Window Cleaners several of the conditions were found to be in need of updating to reflect current language, practice or changes to legislation.

**4. Main Issues**

- 4.1** Conditions have historically been infrequently reviewed and as the legislation and wording used dates it can provide difficulty for officers enforcing the terms of these conditions.
- 4.2** The proposed conditions were found to be in need of updating to reflect current language, practice or changes to legislation as per appendix 1 and 2.
- 4.3** There are however no new conditions or substantive changes to the current conditions.

**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** The only identified risk to West Dunbartonshire Council would be the risk of a legal challenge to any action taken by Officers with conditions that include out of date references.

## **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** Consultation on the content of the conditions referred to in this report was carried out with the Environmental Health & Trading Standards Teams of Regulatory Services and Police Scotland.

## **10. Strategic Assessment**

- 10.1** The review of licensing conditions assists in maintenance of the following strategic priority:
- Improve the well-being of communities and protect the welfare of vulnerable people.

Peter Hissett  
Head of Legal, Democratic and Regulatory Services  
Date: 2 February 2016

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<b>Person to Contact:</b>	Lawrence Knighton, Licensing Standards Officer, Council Offices, Garshake, Dumbarton G82 3PU. <a href="mailto:Lawrence.Knighton@wdc.gcsx.gov.uk">Lawrence.Knighton@wdc.gcsx.gov.uk</a> tel: 0141 9517986
<b>Appendices:</b>	1) Second Hand Dealers Conditions – proposed changes 2) Window Cleaners Conditions – proposed changes
<b>Background Papers:</b>	None
<b>Wards Affected:</b>	All.



## Appendix 1

### **Proposed amendments to conditions attached to Second Hand Dealer Licences**

The following conditions have been identified as requiring alteration to comply with current legislation and administrative matters. Some of these changes have been suggested through consultation with Police Scotland, Environmental Health, and Trading Standards. The language has been updated for clarity.

#### **CIVIC GOVERNMENT (SCOTLAND) ACT, 1982 SECOND HAND DEALERS STANDARD CONDITIONS**

##### **Existing condition**

1. The licence holder, or, where the licence holder themselves are not to be carrying on the day-to-day management of the activity in relation to which this licence applies, the employee or agent who is, shall exhibit the licence issued by the licensing authority on demand, to any person.

##### **Proposed Condition**

The licence holder, or, where the licence holder themselves are not to be carrying on the day-to-day management of the activity in relation to which this licence applies, the employee or agent who is, will produce the licence issued by the licensing authority on demand, to any person.

##### **Reason for Change**

Changed from shall exhibit the licence to produce the licence.

##### **Existing condition**

2. The licence holder shall enter and thereafter retain for a period of not less than three years, books, to be kept by him/her on the premises the particulars of each transaction in his/her business, which particulars shall contain a proper and distinctive description of each article purchased or received by him/her the name and abode of the person from whom he/she has purchased or received the same, the date and hour of each transaction, and the price paid or agreed to be paid for such articles.

##### **Proposed Condition**

The licence holder will retain for a period of not less than three years, records in written or electronic format, to be kept on the premises, the details of each transaction in their

business. These details will contain an accurate description and manufacturer's serial number (if available) of each article purchased or received by them, the name and address of the person from whom it was purchased or received, the time and date of each transaction, and the price paid or agreed to be paid for such articles.

### **Reason for Change**

Updated for clarity 1) books to records in written or electronic format. 2) distinctive description of each article to accurate description and manufacturer's serial number (if available) 3) abode to address 4) date and hour to time and date

### **Existing condition**

3. All articles purchased or received by the licence holder, shall be kept by him/her in his/her shop or other place where his/her ordinary business is carried on for the full period of forty eight hours from and after the date on which it shall appear from his/her books that such articles have been purchased or received; and he/she shall attach to each article a ticket or label with the date of purchase or receipt written thereon.

### **Proposed Condition**

All articles purchased or received by the licence holder, will be kept by them in their premises or other place their business is carried on for a full period of forty eight hours after the date on which it appears from their records they were purchased or received. They will attach to each article a ticket or label with the receipt and date of purchase written thereon.

### **Reason for Change**

Reference to books changed to records

### **Existing condition**

4. The licence holder shall add columns to his books in which entries shall be made showing to whom the several articles were sold or delivered, giving full name, full address and date of sale.

### **Proposed Condition**

The licence holder will include in their records details showing to whom all the articles were sold or delivered, giving full name and full address of the recipient and date of sale.

### **Reason for Change**

Updated for clarity 1) add columns to his books to include in his records 2) giving full name, full address and date of sale to giving full name and full address of the recipient and date of sale.



### **Existing condition**

5. The licence holder shall, at all reasonable times, exhibit and produce, on demand, to the Chief Constable, or to any constable acting under him, all articles in his possession, or which he may have received or purchased by way of trade. He/she shall also produce his books in which the description of any such articles is or should have been entered when required, in Court; to any trading standards officer duly authorised under the Trade Descriptions Act 1966 and the Consumer Credit Act 1974; or to the Chief Constable, or any constable acting under him, on production of a warrant granted by a court of law, in which books the constable requiring and obtaining production thereof shall on every occasion subscribe his name immediately following the last entry therein. If it shall be found that any goods or articles which have been stolen, embezzled, or fraudulently obtained are in the possession of the licence holder, he/she shall, on being informed by the Chief Constable or other constable authorised as aforesaid that such goods or articles were stolen, embezzled, or fraudulently obtained, deposit the same with the Chief Constable, in order that they may be produced in such a manner as may be necessary for the ends of justice, or, upon proof of ownership, to the satisfaction of a Court of Law, restored to the proper owner thereof.

### **Proposed Condition**

The licence holder will, at all reasonable times, produce, on demand, to any Police Constable, all articles in his possession, or articles he may have received or purchased by way of trade. They will also produce records in which the description of articles should have been entered when required, in Court; to any Trading Standards Officer duly authorised under the Consumer Protection From Unfair Trading Regulation 2008; or any Police Constable, or on production of a warrant granted by a court of law. In this case the constable requiring the production of records will on every occasion write his name immediately following the last entry in the records. If it is found that any goods or articles have been stolen, embezzled, or fraudulently obtained are in the possession of the licence holder, they will, on being informed by the Police Constable that the goods or articles were stolen, embezzled, or fraudulently obtained, deposit them with the Police, in order that they can be produced as may be necessary for the ends of justice, or, upon proof of ownership, to the satisfaction of a Court of Law, restored to the proper owner.

### **Reason for Change**

Reference to Chief Constable, or to any constable acting under him changed to any Police constable. Reference to books changed to records and change of Trade Descriptions Act 1966 and the Consumer Credit Act 1974 to Consumer Protection From Unfair Trading Regulation 2008.

### **Existing condition**

6. If any goods or articles regarding which written or printed information shall be given by any Constable to the licence holder as having been stolen, embezzled, or fraudulently obtained, shall then be or thereafter come into the possession of the licence holder, he/she shall, without unnecessary delay, give information at the nearest Police station, or to a Police Officer, that certain goods or articles answering the description of the said goods or articles were offered to him/her or are in his/her possession, and shall also

state the name and address given by the person by whom the same were offered or from whom the same were received.

**Proposed Condition**

If a Constable presents information to the licence holder about goods or articles as having been stolen, embezzled, or fraudulently obtained, and they are in or thereafter come into the possession of the licence holder, they will, without unnecessary delay, give information at the nearest police station, or to a police officer, that certain goods or articles answering the description of these goods or articles were offered to them or are in their possession. The licence holder will also state the name and address given by the person who offered the goods or articles, or any other relevant information.

**Reason for Change**

Reworded for clarity and an addition of 'or any other relevant information.'

**Existing condition**

7. The licence holder or any person acting on his/her behalf, may not, at any time, sell to or purchase from any person who shall apparently be under sixteen years of age, whether such person is acting on his own behalf, or on behalf of some other person.

**Proposed Condition**

The licence holder or any person acting on their behalf, may not, at any time, sell to or purchase from any person who appears be under sixteen years of age, whether the person is acting on their own behalf, or on behalf of some other person. In those circumstances, the licence holder will require any person to provide photographic documentary identification as proof of age.

**Reason for Change**

With the increased availability of photographic identification, updated to include; In those circumstances, the licence holder shall require any person to provide photographic documentary identification as proof of age.



**CIVIC GOVERNMENT (SCOTLAND) ACT 1982  
WINDOW CLEANERS' STANDARD CONDITIONS**

Appendix 1

**Proposed amendments to conditions attached to Window Cleaners'  
Licences**

The following conditions have been identified as requiring alteration to comply with current legislation and administrative matters. Some of these changes have been suggested through consultation with Police Scotland, Environmental Health, and Trading Standards. The language used has also been updated for clarity.

**Current Condition**

- 1 A window cleaner while operating shall always have with him his licence which he shall keep at all times clean and legible and shall exhibit on demand to any Consumer Protection Officer or Inspector of Weights and Measures, any Shops Inspector, any Environmental Health Officer, any Constable, any Officer appointed by the Council or such other Officer as may be prescribed by the Council in the licence from time to time on production by that Officer, Inspector, Constable or other Officer of his badge of office or written evidence of his appointment to that office and shall allow such Officer, Inspector, Constable or other Officer to note the particulars on such licence.

**Proposed Condition**

A window cleaner while operating will always have with them their licence which they will keep at all times clean and legible and they will present it on demand to any Trading Standards authorised Officer, any Shops Inspector, any Environmental Health Officer, any Constable and any Officer appointed by the Council on production by that Officer or Constable of their identification badge. They will allow this Officer or Constable to note the details on the licence.

**Reason for Change**

Changed from any Consumer Protection Officer or Inspector of Weights and Measures and removal of references to Inspector and other Officer as may be prescribed by the Council in the licence from time to time. Removal of written evidence of appointment as this is superseded by identification/authorisation badges/cards.

### **Current Condition**

- 2 If, during the currency of his licence, the licence holder changes his name or address he shall within seven days next after such change of name or address notify the change and send or deliver his licence to the Senior Officer (Licensing Services), Council Offices, Rosebery Place, Clydebank G81 1TG who shall endorse the new name or address upon the licence and return it to the holder.

### **Proposed Condition**

If, during the currency of their licence, the licence holder changes their name or address they will within seven days notify the change and send or deliver their licence to the Licensing Team at West Dunbartonshire Council where an Officer will amend the name or address on the licence and return it to the holder.

### **Reason for Change**

Changed from the Licensing Officer, Council Offices, Rosebery Place, Clydebank G81 1TG to authorized officer at the Licensing Team at West Dunbartonshire Council and language changed for clarity. Address removed for longevity of the document.

### **Current Condition**

- 3 A Window Cleaner will not lend or allow any person to use their licence.

### **Proposed Condition**

No change

### **Current Condition**

- 4 A Window Cleaner shall not in any way alter, erase or deface his licence and shall, when reasonably required, produce it for examination by the Head of Legal and Administrative Services, Council Offices, Garshake Road, Dumbarton G82 3PU.

### **Proposed Condition**

A Window Cleaner will not in any way alter, erase or deface their licence and will, when reasonably required, produce it for examination by the Head of Legal, Democratic and Regulatory Services.

### **Reason for Change**

Changed from, Head of Legal and Administrative Services, Council Offices, Garshake Road, Dumbarton G82 3PU to Head of Legal, Democratic and Regulatory Services. Removal of address for longevity of the document.

### **Current Condition**

- 5 Notwithstanding the terms and conditions contained in their licence every person engaged or employed in Window Cleaning within the area will comply with any order or instruction given by any Constable in uniform for the prevention of obstruction or annoyance to the public or to the occupiers of any premises or in connection with any emergency or disturbance or on any occasion when such Officer/Constable in their discretion may consider it necessary in the public interest to give such order or instruction.

### **Proposed Condition**

No change

### **Current Condition**

- 6 A Window Cleaner who ceases to act as such for the unexpired period of his licence, or whose licence shall have been suspended, varied or revoked by the Council or shall have expired shall, within seven days thereafter, deliver his licence and badge to the Head of Legal and Administrative Services and shall be in contravention of these Conditions if he shall fail to deliver both or either his licence and/or badge within said period of seven days.

### **Proposed Condition**

A Window Cleaner who ceases to act as such for the unexpired period of their licence, or whose licence has been suspended, varied or revoked by the Council or has expired will, within seven days, deliver his licence and badge to the Head of Legal, Democratic and Regulatory Services and they will be in contravention of these Conditions if they fail to deliver their licence and/or badge within the period of seven days.

### **Reason for Change**

Changed from Head of Legal and Administrative Services to Head of Legal, Democratic and Regulatory Services and language changed for clarity.

### **Current Condition**

- 7 A Window Cleaner within the area when acting as such shall wear the badge provided, conspicuously on his outer garment with the lettered side outermost, so that the whole writing thereon and any photograph shall be distinctly visible and legible and must when reasonably required, permit any person to inspect same and to note the writing thereon. The licence holder shall be bound to renew his badge at yearly intervals, or sooner on being notified by the Head of Legal and Administrative Services that the badge is considered to be defaced or illegible. A badge which has been so defaced may be suspended at the sole discretion of the Council.

### **Proposed Condition**

A Window Cleaner within the area when acting as such will wear the identification badge provided, on their outer clothing with the details facing outermost, so that the details of the badge and any photograph are visible. They

must when reasonably required, permit any person to inspect and note these details. The licence holder is required to renew his identification badge at yearly intervals, or sooner on being notified by the Head of Legal, Democratic and Regulatory Services that the badge is considered to be defaced or illegible. A badge which has been so defaced may be suspended at the sole discretion of the Council.

#### **Reason for Change**

Changed from Head of Legal and Administrative Services to Head of Legal, Democratic and Regulatory Services and language changed for clarity.

#### **Current Condition**

- 8 A Window Cleaner shall maintain an adequate policy of Third Party Indemnity Insurance and, where appropriate, Employer Liability Insurance and shall, when reasonably required, produce such policies and receipts for payment of premiums for examination by the Head of Legal and Administrative Services, Council Offices, Garshake Road, Dumbarton G82 3PU.

#### **Proposed Condition**

A Window Cleaner will maintain an adequate policy of Third Party Indemnity Insurance and, where appropriate, Employer Liability Insurance and will, when reasonably required, produce these policies and receipts for payment of premiums for examination by the Head of Legal, Democratic and Regulatory Services.

#### **Reason for Change**

Changed from Head of Legal and Administrative Services, Council Offices, Garshake Road, Dumbarton G82 3PU to Head of Legal, Democratic and Regulatory Services. Language changed for clarity and address removed for longevity of the document.

**WEST DUNBARTONSHIRE COUNCIL**

**Report by the Head of Legal, Democratic and Regulatory Services**

**Licensing Committee – 24 February 2016**

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**Subject: Resolutions under the Civic Government (Scotland) Act 1982**

**1. Purpose**

- 1.1** To seek Committee's approval to make a resolution, using their discretionary powers under the Civic Government (Scotland) Act 1982, in order that all existing resolutions for optional activities are contained within a single decision.

**2. Recommendations**

- 2.1** It is recommended that Committee approve the resolution, previously agreed in principle on 21 October 2105, set out in Appendix 3 allowing officers to advertise the resolution in order that it comes into effect on 1 December 2016.

**3. Background**

- 3.1** The Civic Government (Scotland) Act 1982 provides powers to local authorities to licence a wide range of different activities.
- 3.2** Some of those statutory powers are mandatory and those activities which this applies to are taxi booking offices, metal dealers (including itinerant metal dealers), indoor sports entertainment, skin piercing and tattooing, and knife dealers.
- 3.3** However many of the powers in the 1982 Act are discretionary, and the Act states that those powers "shall have effect in the area of a licensing authority only if and insofar as the authority have so resolved" in accordance with the Act. West Dunbartonshire Council has always used all the discretionary powers available to it under the 1982 Act.
- 3.4** The wording of the Council's existing public entertainment resolution is somewhat dated, and the new resolution seeks to update the classes and places of public entertainment. The resolution also provides the opportunity for the Committee to have all existing optional resolutions contained within a single decision.
- 3.5** In order for a licensing authority to make a resolution they are required to publish the proposed resolution in a newspaper or newspapers circulating in their area. It must state the terms of the proposed resolution together with a notice stating that they intend to make the resolution; and that representations about the resolution may be made in writing to the authority within 28 days of the first publication of the notice.

- 3.6** At a meeting of the Licensing Committee on 21 October 2015 Members agreed to make a resolution to continue to use the discretionary powers available to the Council to licence the existing activities throughout the West Dunbartonshire area subject to an advert being published and a further report being brought before the Committee describing any representations made in response, and asking the committee to make a resolution. The specific activities to which the resolution refers are:-
- i. Taxis and private hire cars; taxi and private hire car drivers; street traders (principals and employees); market operators; late hours catering; window cleaners; and sex shops.
  - ii. Public entertainment, subject to the amended list of classes shown in column 2 of Appendix 1.
  - iii. Second hand dealers of the classes listed in Appendix 2.
- 3.7** An advert was placed in the 27 October 2015 edition of the Dumbarton Reporter inviting representations about the proposed resolution asking them to be received no later than 25 November 2015. No representations were received.
- 3.8** The licensing authority shall, as soon as they have made a resolution, publish in a newspaper or newspapers circulating in their area the terms of the resolution so made, together with a notice stating the effect of the resolution.
- 3.9** Any resolution cannot come into effect until at least nine months after the date that the resolution is made.
- 3.10** The Regulatory Reform (Scotland) Act 2014, supported by the Scottish Regulators' Strategic Code of Practice, states that "each regulator must contribute to achieving sustainable economic growth, except to the extent that it would be inconsistent with the exercise of those functions to do so".

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

##### Public Entertainment

- 4.1** A public entertainment licence is required for the use of premises as a place where members of the public are admitted or may use any facilities for the purposes of entertainment or recreation.
- 4.2** The Act requires that, if a council resolves to licence public entertainment, it shall specify the particular places or classes of those activities which shall fall to be licensed and regulated.
- 4.3** When specifying places or classes, it is best to avoid descriptions of activities that are so specific that the list doesn't keep pace with changes in public entertainment. Equally, it is best to avoid descriptions of activities that are so generic that they regulate some activities that are in fact lower risk and therefore impose unnecessary red tape on organisers, businesses and the Council.
- 4.4** Public entertainment licensing is not necessary where risks can be controlled



adequately through other means e.g. health & safety legislation. However, licensing allows the Council to approve an activity before it can take place, or have a legal means to stop an activity after it has started, and impose conditions on the licence holder, where the existing regulatory controls do not allow that. This may be important where:

- i. the risk of the activity is significantly affected by whether the person is a fit and proper person [e.g. where someone's criminal history or links to serious organised crime or money laundering are directly relevant to the risks associated with the activity].
- ii. the risk of the activity is significantly affected by whether the premises is suitable for the activity in question. [e.g. activities that potentially raise concerns about crowd control, traffic management, noise, nuisance etc.]
- iii. there is a need for the council to be consulted when an event is being planned, so that higher risks are controlled in advance of the event taking place rather than trying to resolve serious issues after an event has started [e.g. temporary higher risk events such as music festivals].

- 4.5** Column 1 of Appendix 1 shows the classes and places of public entertainment currently licensed by the Council. The proposed new list is shown in column 2, and the reasons for the changes are shown in column 3.

#### Second Hand Dealers

- 4.6** The Act requires that, if a council resolves to licence second hand dealers, it shall specify the particular classes of activity which shall fall to be licensed and regulated.
- 4.7** The risks associated with second hand dealing are mainly concerned with reset of stolen goods (especially high value portable goods), and the safety of goods (e.g. electrical goods).
- 4.8** Appendix 2 lists the classes of second hand dealing that have been licensed by the Council as part of its long-established practice. No changes are proposed.

#### Other Licences

- 4.9** The other discretionary licences in the Act are taxis and private hire cars; taxi and private hire car drivers; street traders (principals and employees); market operators; late hours catering; window cleaners; and sex shops.
- 4.10** The Council currently licences all of these activities to prevent crime including serious organised crime, protect public safety and public health, protect consumers, control noise and other nuisances, and address crowd control and traffic management issues.

### **5. People Implications**

- 5.1** There are no people implications.

## **6. Financial and Procurement Implications**

**6.1 Financial** - The legislation requires the Council to charge fees for licences that cover the costs of administering the licensing regime, therefore changes to the types of activity licensed by the Council are cost neutral.

**6.2 Procurement** – There are no procurement implications.

## **7. Risk Analysis**

**7.1** There would be a reputational risk for the Council if it fails to use powers to regulate activities that could cause harm to citizens or businesses.

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

**8.1** An EIA has been completed, and there are no equalities impacts associated with using these discretionary powers.

## **9. Consultation**

**9.1** Police Scotland was consulted during the development of proposals for specifying the particular classes of second hand dealers and public entertainment to be licensed in West Dunbartonshire. Its recommended changes have been incorporated in the appendices.

**9.2** An advert was placed in a local newspaper and on the Council's website stating the terms of the proposed resolution together with a notice stating that they intend to make the resolution; and that representations about the resolution should be made in writing to the authority within 28 days of the first publication of the notice. This report recommends that an advert be placed in a local newspaper and on the Council's website advising citizens, businesses and event organisers that a resolution has been passed and the effective date.

## **10. Strategic Assessment**

**10.1** The Council's use of discretionary licensing functions needs to strike the right balance between two strategic objectives. Licensing those activities that could cause harm helps to improve the well-being of communities and protect the welfare of vulnerable people. Licensing also needs to improve economic growth and employability by not imposing unnecessary red tape on businesses that are lower risk (as well as on community groups and the Council). It is important to note that licensing can have a positive impact on businesses by eliminating unfair competition. It is considered that the recommendations in this report achieve the right balance.

Head of Legal, Democratic and Regulatory Services

Date 22/01/16

**Person to Contact:** Peter Hesse  
Head of Legal, Democratic & Regulatory Services  
  
Tel 01389 737800

**Appendices:** Appendix 1: Classes and places of public entertainment  
Appendix 2: Classes of second hand dealer  
Appendix 3: Draft statutory notice

**Background Papers:** Nil

**Wards Affected** All

**Appendix 1**  
**Classes and places of public entertainment**

Column 1		Column 2		Column 3
Current resolution		Proposed resolution		Comments
i)	All “Acid House Parties” or “Raves” and all other musical entertainment of whatever kind (except for musical entertainment arranged by local schools, choirs, charities, drama, theatre, operatic and musical clubs where the time, date and place of the entertainment is intimated to West Dunbartonshire Council at least 14 days in advance of the event).	(1)	<p>Premises used for public performances of live music, whether indoor or outdoor, including concerts, music festivals and live DJ events.</p> <p>However a public entertainment licence will not be required for public performances of live music in premises organised by local schools, choirs, charities, drama, theatre, operatic and musical clubs where:</p> <p>(a) the time, date and place of the entertainment is intimated to West Dunbartonshire Council at least 14 days in advance of the event, and</p> <p>(b) access to the premises is by ticket only and the number of tickets available is no greater than 500.</p>	<p>The language has been modernised, and is now specific to live music events, although discos and dancing to recorded music would still be covered by (3) below.</p> <p>The risk associated with a live music event depends more on the scale and nature of the event rather than whether it is arranged by schools, choirs charities etc. Commercial organisers of live music events may actually have a better understanding of the measures needed to minimise risk than community groups which organise events very infrequently. For those reasons, it is proposed that the exemption for schools and clubs etc. should apply to smaller events only (≤500 people). The Educational Services department does not foresee any problems with such a change.</p>

(ii)	Theatre, concert halls or music halls	(2)	Theatres (whether or not being used for the performance of plays), premises used for variety shows, and premises used for performances involving hypnotism.	The language has been modernised, and clarified to include performances of hypnotism. Concert halls would be covered by (1) above.
(iii)	Dance halls, discotheques or roller discotheques	(3)	Dance halls (with capacity for more than 100 people, including both participants and spectators), and premises used for discos or roller discos.	The exemption for premises with a capacity of less than 100 people is designed to exempt dance studios. The capacity exemption is lower than for live music events because of the inclusion of participants as well as spectators.
(iv)	Skating rinks	(4)	Skating rinks (including facilities for indoor roller skating and skateboarding) and ice rinks	The language has been clarified to include the full range of 'skating' activity.
(v)	Circuses	(5)	Circuses	No change, however applicants will be required to pay for the Council to advertise the application in a local newspaper.
(vi)	Exhibition of persons or performing animals	(6)	Exhibitions of persons or performing animals	No change.
(vii)	Fairgrounds or pleasure parks	(7)	Fairgrounds, pleasure parks and theme parks	The language has been clarified to include theme parks. Applicants will be required to pay for the Council to advertise the application in a local newspaper.
(viii)	Billiard, snooker or pool rooms	(8)	Billiard, snooker or pool rooms	No change
(ix)	Amusement arcades or similar premises having machines for entertainment or amusement		-	Deleted because such premises are now exempt from public entertainment licensing due to the Gambling Act 2005

(x)	Swimming pools		-	Deleted because the risks can be adequately managed via health & safety legislation etc.
(xi)	Sports halls		-	Deleted because the risks can be adequately managed via health & safety legislation etc.
(xii)	Indoor bowling stadiums		-	Deleted because the risks can be adequately managed via health & safety legislation etc.
(xiii)	Activities where a public audience may be present e.g. boxing, wrestling or judo presentations etc.		-	Deleted because it is no longer appropriate to licence all spectator events regardless of risk. However, specific activities have been added in (12) to (16) below.
(xiv)	Public concerts other than theatrical performances		-	Deleted. Included in (1) above.
(xv)	Open air concerts		-	Deleted. Included in (1) above.
(xvi)	Firework or bonfire displays	(9)	Firework or bonfire displays	No change
(xvii)	Large fetes with marquees for the public	(10)	Fetes, gala days and similar community events involving the use of temporary enclosed or semi-enclosed structures such as tents and marquees, temporary raised structures, live music, mechanical amusement rides, or inflatable structures.	Amended to make it clearer which type of events will require a licence, although in practice it is unlikely that the change would bring many extra events into the licensing regime.

(xviii)	Sunbed/tanning facilities	(11)	Sunbed/tanning facilities	No change
		(12)	<p>Premises used for bungee jumping, abseiling*, zip slides, indoor climbing walls and trampolining</p> <p>[*unless abseiling is only offered to young people under 18 years of age, and the provider is licensed by the Adventure Activities Licensing Authority]</p>	These are inherently risky activities which could be used by inexperienced members of the public. Licensing such activities would give compliance officers an opportunity to discuss the risks with the applicant, inspect the premises and processes for suitability, and approve the arrangements prior to the public using the facility. After the activity starts, it would also give the Council the ability to take prompt action to safeguard the public should the risks not be adequately controlled. This is especially important for temporary events.
		(13)	Premises used for motor vehicle stunt shows, and any premises (including roads) used for motor sports	Same as (12) above.
		(14)	Premises used for paintball games	Same as (12) above.
		(15)	Premises used for any activity involving inflatable structures	Same as (12) above.
		(16)	Boxing, wrestling and martial arts events where a public audience may be present on payment of a fee	Police Scotland report that boxing and martial arts events can be attractive to organised crime groups seeking to launder money.

**Classes of second hand dealers**

It is recommended that the particular classes of second hand dealers' activity which shall fall to be licensed and regulated within West Dunbartonshire are as follows:

- Cars, caravans and other motor vehicles, and motor parts (including tyres)
- Jewellery, medals, coins, clocks and watches
- Antiques, antique furniture, paintings and objects d'art
- Upholstered furniture
- Electrical goods and gas appliances
- Photographic equipment
- Mobile phones, computers, computer and console games, and DVDs
- Children's toys
- Bicycles
- Garden tools and domestic power tools
- Musical instruments
- Industrial or commercial plant and machinery



**WEST DUNBARTONSHIRE COUNCIL  
CIVIC GOVERNMENT (SCOTLAND) ACT 1982  
NOTICE OF RESOLUTION**

*“Notice is hereby given that on 24 February 2016, West Dunbartonshire Council, by virtue of the powers conferred on it by section 9 of the Civic Government (Scotland) Act 1982, resolves to give effect to, or to continue to give effect to, the following discretionary licensing provisions contained in Part II of the 1982 Act throughout the area of West Dunbartonshire, namely:*

- *Taxis and private hire cars; taxi and private hire car drivers; street traders (principals and employees); market operators; late hours catering; window cleaners; and sex shops.*
- *Those classes of public entertainment as follows:*

1) <i>Premises used for public performances of live music, whether indoor or outdoor, including concerts, music festivals and live DJ events. However a public entertainment licence will not be required for public performances of live music in premises organised by local schools, choirs, charities, drama, theatre, operatic and musical clubs where: (a) the time, date and place of the entertainment is intimated to West Dunbartonshire Council at least 14 days in advance of the event, and (b) access to the premises is by ticket only and the number of tickets available is no greater than 500.</i>
2) <i>Theatres (whether or not being used for the performance of plays), premises used for variety shows, and premises used for performances involving hypnotism.</i>
3) <i>Dance halls (with capacity for more than 100 people, including both participants and spectators), and premises used for discos or roller discos.</i>
4) <i>Skating rinks (including facilities for indoor roller skating and skateboarding) and ice rinks</i>
5) <i>Circuses</i>
6) <i>Exhibitions of persons or performing animals</i>
7) <i>Fairgrounds, pleasure parks and theme parks</i>
8) <i>Billiard, snooker or pool rooms</i>
9) <i>Firework or bonfire displays</i>
10) <i>Fetes, gala days and similar community events involving the use of temporary enclosed or semi-enclosed structures such as tents and marquees, temporary raised structures, live music, mechanical amusement rides, or inflatable structures.</i>
11) <i>Sunbed/tanning facilities</i>
12) <i>Premises used for bungee jumping, abseiling, zip slides, indoor climbing walls and trampolining</i>
13) <i>Premises used for motor vehicle stunt shows, and any premises (including roads) used for motor sports</i>

14) <i>Premises used for paintball games</i>
15) <i>Premises used for any activity involving inflatable structures</i>
16) <i>Boxing, wrestling and martial arts events where a public audience may be present on payment of a fee</i>

- *Those classes of second hand dealer as follows:*

1) <i>Cars, caravans and other motor vehicles, and motor parts (including tyres)</i>
2) <i>Jewellery, medals, coins, clocks and watches</i>
3) <i>Antiques, antique furniture, paintings and objects d'art</i>
4) <i>Upholstered furniture</i>
5) <i>Electrical goods and gas appliances</i>
6) <i>Photographic equipment</i>
7) <i>Mobile phones, computers, computer and console games, and DVDs</i>
8) <i>Children's toys</i>
9) <i>Bicycles</i>
10) <i>Garden tools and domestic power tools</i>
11) <i>Musical instruments</i>
12) <i>Industrial or commercial plant and machinery</i>

*From a date nine months after the Council makes the resolution, any person wishing to carry on any such activity will require a licence from the Council before doing so, (unless the Council already licenses the activity in which case a licence will continue to be required without any delay in implementation)."*

With effect from 24 November 2016 it will be an offence under Section 7(1) of the Act to use a premises for Public Entertainment or Second Hand Dealing for the classes mentioned above without a licence.

Applications for licences in respect of public entertainment and second hand dealing will be considered by the Authority after the expiry of one month after the date of the making of the Resolution.

Peter Hessett  
Head of Legal, Democratic and Regulatory Services  
Council Offices  
Garshake Road  
Dumbarton  
G82 3PU

1 March 2016

**WEST DUNBARTONSHIRE COUNCIL**

**Report by the Head of Legal, Democratic and Regulatory Services**

**Licensing Committee – 24 February 2016**

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**Subject: Proposed amendments to Market Operators' Conditions**

**1. Purpose**

- 1.1** To amend certain existing conditions attached to Market Operators' licences which have become outdated or require amendment and to include additional conditions to ensure better regulation.

**2. Recommendations**

- 2.1** It is recommended that the proposed changes to the conditions as described in Appendix 1 be approved.

**3. Background**

- 3.1** The conditions attached to a variety of Civic Government licences have not been updated for a number of years therefore the Licensing Team are carrying out an ongoing review of all types of Civic Government licensing conditions. This includes those attached to Market Operators' Licences to ensure the public are properly protected.

**4. Main Issues**

- 4.1** The proposed revisions are required to ensure that the respective conditions reflect operational changes and existing practices. The main changes focus on the removal of the strict liability of the licence holder for the actions of stall holders in reference to food safety and trading standards law. This liability has been replaced with a general duty to take reasonable, defined steps to make stall holders aware of the requirements of this legislation.

**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** The Equality Impact Assessment shows no impact on equalities.

## **9. Consultation**

**9.1** Both the Environmental Health and Trading Standards sections of West Dunbartonshire were consulted along with Police Scotland. Proposed amendments were submitted by the Environmental Health section while the other consultees had no comments to add.

## **10. Strategic Assessment**

**10.1** Improve economic growth and employability: The proposed changes and additions rectify various anomalies and will not increase the burden of regulation on market operators.

Improve the wellbeing of communities and protect the welfare of vulnerable people: The proposed changes and additions will have a positive impact on the customers of market operators.

Head of Legal, Democratic and Regulatory Services

Date: 08/02/2016

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**Appendices:** Appendix 1 - Proposed amendments to conditions attached to Market Operators' Licences.

**Background Papers:** Equality Impact Assessment Screening Report

**Wards Affected:** N/A.

**Proposed amendments to conditions attached to Market Operators Licences**

The following conditions have been identified as requiring immediate alteration to comply with both legislative and/or operational changes.

**Conditions - Holder of a Market Operators Licence**

**Existing condition**

3 The licence holder shall ensure that in addition to a responsible person being present at all times, that there shall always be on duty at such times a sufficient number of competent attendants or stewards to the satisfaction of the Council.

**Proposed change**

3 When directed by the Council, the licence holder shall ensure that in addition to a responsible person being present at all times, that there shall be on duty at such times a sufficient number of competent attendants or stewards to the satisfaction of the Council.

**Reason for change**

To remove the unnecessary burden of compelling licence holders to always have stewards when in reality this is generally not required nor complied with, whilst still retaining the right to require stewards if deemed necessary by officers.

**Existing condition**

4 The licence holder shall at all times display his/her licence at the premises where a market is taking place. The licence shall be displayed in such a way as to be conveniently read by members of the public attending the market.

**Proposed change**

4. The licence holder shall at all times conspicuously display the licence at the premises where a market is taking place. The licence shall be displayed in such a way as to be conveniently read by members of the public attending the market.

**Reason for change**

To insert the word “conspicuously” in order to ensure that licence holders are clear on the requirement to ensure that the licence is as visible as possible.

### **Existing condition**

13 The licence holder shall be responsible for ensuring that, where necessary, traders participating in the market are holders of second hand dealers licences granted by the Council.

### **Proposed change**

13 The licence holder shall take reasonable steps to ensure that where necessary, traders participating in the market are holders of a second hand dealer's licence issued by West Dunbartonshire Council.

### **Reason for change**

To add in the phrase "issued by West Dunbartonshire Council" in order to remove any dubiety in this condition. A second hand dealer's licence issued by any other authority is not valid for use in the West Dunbartonshire area.

Also the wording of this condition is amended to remove the absolute duty under other legislation that the existing condition places on the licence holder for the actions or inactions of the trader(s). This change is necessary because it is impractical to require a market operator to be fully responsible for stall holders' detailed compliance with trading standards law.

### **Existing condition**

14. The licence holder shall ensure that any stalls or units or any premises contained in the market comply with the provisions of the Food Safety Act 1990 including subordinate codes of practice, regulations and other associated legislation.

### **Proposed change**

14. The licence holder shall take reasonable steps to ensure that Market traders are aware of the requirements of the Food Safety Act 1990 including subordinate codes of practice, regulations and other associated legislation and guidance.

The "reasonable steps" specified in this condition are defined within condition 16 of this document.

### **Reason for change**

The reason for this change is to remove the absolute duty under other legislation that the existing condition places on the licence holder for the actions or inactions of the trader(s). This change is necessary because it is impractical to require a market operator to be fully responsible for stall holders' detailed compliance with food safety law.

### **Existing condition**

15. The licence holder shall ensure that all stalls or units or any premises contained in the market comply with the provisions of the Health and Safety at Work etc Act 1974 including subordinate codes of practice, regulations and other associated legislation.

### **Proposed change**

15 The licence holder shall take reasonable steps to ensure that Market traders are aware of the requirements of the Health and Safety at Work etc Act 1974 including subordinate codes of practice, regulations and other associated legislation and guidance.

The “reasonable steps” specified in this condition are defined within condition 16 of this document.

### **Reason for change**

The reason for this change is to remove the absolute duty under other legislation that the existing condition places on the licence holder for the actions or inactions of the trader(s). This change is necessary because it is impractical to require a market operator to be fully responsible for stall holders’ detailed compliance with Health and Safety Law.

### **Existing condition**

16. The licence holder shall ensure that all stalls or units or any premises contained in the market do not constitute a noise nuisance in terms of statute or at common law.

### **Proposed change**

17 The licence holder shall ensure that there is no amplified music or amplified sound of any kind in any stalls or units or any premises contained within the market to which the licence is subject.

### **Reason for change**

The reason for this change is to remove the absolute duty under other legislation that the existing condition places on the licence holder for the actions of the trader(s). This change is necessary because it is impractical to require a market operator to be fully responsible for stall holders’ detailed compliance with noise nuisance law.

The addition of the requirement for the Licence holder to ensure that no amplified music is apparent is designed to protect any residents from noise nuisance.

Note that the number of this condition has altered from 16 to 17 to accommodate new condition 16, which is specified under the 'Additional Conditions' section of this report.

#### **Existing condition**

17 The licence holder shall ensure that no counterfeit goods are sold by any stall or unit or any premises contained in the market. The licence holder shall ensure that all stalls or units or any premises contained in the market comply with the Consumer Protection from Unfair Trading Regulations 2008, Trade Marks Act 1994 and Copyright, Designs and Patents Act 1988 including subordinate codes of practice, regulations and other associated legislation.

#### **Proposed change**

18. The licence holder shall take reasonable steps to ensure that no counterfeit goods are sold by any stall or unit or any premises contained in the market. The licence holder shall take reasonable steps to ensure that all stalls or units or any premises contained within the market comply with the Consumer Protection from Unfair Trading Regulations 2008, Trade Marks Act 1994 and Copyright, Designs and Patents Act 1988 including subordinate codes of practice, regulations and other associated legislation.

The "reasonable steps" specified in this condition are defined within condition 16.

#### **Reason for change**

The reason for this change is to remove the absolute duty under other legislation that the existing condition places on the licence holder for the actions or inactions of the trader(s). This change is necessary because it is impractical to require a market operator to be fully responsible for stall holders' detailed compliance with trading standards law.

Note that the number of this condition has altered from 17 to 18 to accommodate new condition 16, which is specified under the 'Additional Conditions' section of this report.

#### **Existing condition**

18 The licence holder shall ensure that all stalls or units or any premises contained in the market do not sell alcoholic liquor. A licence holder shall ensure that no alcoholic liquor is present in, or being consumed on, the premises. The licence holder shall ensure that no person under the influence of alcohol is allowed entry to the premises.

#### **Proposed change**

19 The Licence holder shall take reasonable steps to ensure that, other than when a licence issued under the Licensing (Scotland) Act 2005 has effect, that no alcohol is consumed within the premises.



In addition, the licence holder shall take reasonable steps to ensure that any stall holders who are considering selling alcohol are informed of the need to apply for an Occasional Licence under Section 56 of the Licensing (Scotland) Act 2005.

Reasonable steps could be investigating whether stall holders intend to sell alcohol when they apply to hold a stall at the market. Should they indicate an intention to sell alcohol they should be referred to the licensing team to apply for the requisite licence.

Note that the number of this condition has altered from 18 to 19 to accommodate new condition 16, which is specified under the 'Additional Conditions' section of this report.

### **Additional Conditions**

#### **Proposed condition**

16. In reference to conditions 13, 14, 15 & 18, the phrase “reasonable steps” shall include (but is not restricted to) supplying every stall holder with a copy of Regulatory Services “Code of Practice for Vendors at Markets in West Dunbartonshire”. A register is to be kept which records when this document was supplied and shall contain the signatures of both the trader and the Market Operator/the Day to Day manager named on the licence confirming that this requirement has been met.

#### **Reason for inclusion**

This is a new condition designed to give guidance on “reasonable steps” as referred to in conditions 13, 14, 15, 18 & 19. This will now place a duty on Market Operators to issue stall holders with guidance documents which will advise on matters dealt with by Environmental Health and Trading Standards Legislation.

#### **Proposed condition**

22 Should the licence holder or day-to-day manager become aware at any time during the operation of a market to which the licence applies that a trader is in breach of any regulatory requirement enforceable by the Council's Environmental Health, Trading Standards and Licensing officers, or the police and fire authorities, or is in breach of the 'Code of Practice for Vendors at Markets in West Dunbartonshire', (whether as a result of the licence holder's own routine monitoring of traders' activity, or as a result of being informed by an officer from one of those regulatory bodies), the licence holder must:

(i) record this incident within the register described in condition 6,

(ii) take reasonable steps to ensure that the trader rectifies the breach promptly. If a breach cannot be rectified promptly, the trader should be

instructed to cease trading at the market until the breach is rectified, unless the breach is considered to be a minor one.

(iii) take reasonable steps to prevent a recurrence of any breaches. If a breach is serious, or if a trader is in breach repeatedly, the trader should not be permitted to trade at the market again until the licence holder is satisfied on reasonable grounds that the trader will not continue to commit breaches.

**Reason for inclusion**

This new condition is designed to ensure that the holder of the Market Operators Licence regulates traders in order to protect members of the public from harm or unfair trading.

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