

Agenda



Meeting of Licensing Committee

Date: Wednesday, 20 February 2019

Time: 10:00

Venue: Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank

Contact: Nuala Borthwick, Committee Officer
Tel: 01389 737594 nuala.borthwick@west-dunbarton.gov.uk

Dear Member

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

Yours faithfully

JOYCE WHITE

Chief Executive

Distribution:

Councillor Jim Finn (Chair)
Councillor Jim Brown
Councillor Ian Dickson
Councillor Jonathan McColl (Vice Chair)
Councillor Marie McNair
Councillor John Mooney
Councillor Lawrence O'Neill
Councillor Brian Walker

All other Councillors for information

Chief Executive
Strategic Director – Regeneration, Environment and Growth
Strategic Director – Transformation and Public Service Reform
Chief Officer of Health & Social Care Partnership

Date issued: 7 February 2019

LICENSING COMMITTEE

WEDNESDAY, 20 FEBRUARY 2019

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

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

3 MINUTES OF PREVIOUS MEETINGS 7 - 22

- (a) Submit for approval as a correct record, Minutes of Meeting of the Licensing Committee held on 5 December 2018; and
- (b) Submit for approval as a correct record, Minutes of Special Meeting of the Licensing Committee held on 7 January 2018.

4 OPEN FORUM

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

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

Name and Address of Applicant

Date Applied

Scott Brownlie
12 Oxhill Place
Dumbarton
G82 4QU

9 November 2019

With reference to the Minutes of Meeting of the Licensing Committee held on 7 January 2019, submit report by the Strategic Lead – Regulatory concerning an Application for Grant of a Temporary Taxi/Private Hire Car Driver's Licence for the above named person.

6 APPLICATION FOR GRANT OF A TEMPORARY PRIVATE HIRE CAR LICENCE 27 - 29

Name and Address of Applicant

Date Applied

Scott Brownlie
12 Oxhill Place
Dumbarton
G82 4AU

9 November 2019

With reference to the Minutes of Meeting of the Licensing Committee held on 7 January 2019, submit report by the Strategic Lead – Regulatory concerning an Application for Grant of a Temporary Private Hire Car Licence for the above named person.

7 APPLICATION FOR GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE 31 - 33

Name and Address of Applicant

Date Applied

Farhan Farhan
16 Balloch Road
Alexandria
G83 8SR

13 June 2018

With reference to the Minutes of Meeting of the Licensing Committee held on 10 October 2018 and 5 December 2018, submit report by the Strategic Lead – Regulatory concerning an application for Grant of a Taxi/Private Hire Car Driver's Licence by the above named person

8 APPLICATION FOR GRANT OF A TEMPORARY TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE 35 - 36

Name and Address of Applicant

Date Applied

John MacRae
31 Dryburgh Road
Bearsden
G61 4DJ

19 December 2018

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

9 APPLICATION FOR GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE 37 - 39

Name and Address of Applicant

Date Applied

Sitar Mohammad
2/2 Cart Street
Clydebank
G81 1QJ

5 December 2018

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

10 APPLICATION FOR GRANT OF LATE HOURS CATERING LICENCE 41 - 44

Name and Address of Applicant

Date Applied

Shafiqullah Khalil
28 Hillstreet Square
Brucehill
Dumbarton
G82 4EB

5 December 2018

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

11 APPLICATION FOR RENEWAL (VARIATION) OF A PRINCIPAL STREET TRADER'S LICENCE 45 - 47

Name and Address of Applicant

Date Applied

Carla Rea
5 West Cochno Holdings
Hardgate
Clydebank
G81 5QQ

19 December 2018

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

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in the Civic Space, Council Offices, 16 Church Street, Dumbarton on Wednesday, 5 December 2018 at 10.00 a.m.

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

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

* Arrived later in the meeting.

Also Attending: Constables Alison Simpson and Kelly Houston, Police Scotland.

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

DECLARATIONS OF INTEREST

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

MINUTES OF PREVIOUS MEETINGS

- (1) The Minutes of Meeting of the Licensing Committee held on Wednesday, 10 October 2018 were submitted and approved as a correct record; and
- (2) the Minutes of Special Meeting of the Licensing Committee held on 9 November 2018 were submitted and approved as a correct record.

OPEN FORUM

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

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

Name and Address of Applicant

Date Applied

Mr. William Buchanan
26 Myrtle Road
Dalmuir
Clydebank
G81 4NR

31 October 2018

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

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

- (a) that a letter had been received from the Chief Constable of Police Scotland on 16 November 2018 submitting comment in relation to the application;
- (b) that in view of the letter from Police Scotland, the applicant and a representative of Police Scotland had been invited to attend the meeting of the Committee in order that a hearing could take place; and
- (c) that the applicant, Mr William Buchanan and Constables Simpson and Houston, Police Scotland, were in attendance at the meeting.

The Committee heard from Constable Simpson in relation to the letter from Police Scotland. Mr Buchanan was then heard in support of his application and in answer to questions from Members.

DECIDED:-

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

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

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

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

- (a) that at a meeting of the Licensing Committee held on 16 August 2017, Members agreed to extend future consultations to all taxi drivers and taxi licence holders and to report on the findings separately;

- (b) that following agreement on the format, questionnaires were issued to 91 taxi operators which represent the 159 taxi licences issued in the Clydebank zone of West Dunbartonshire and also to a further 173 taxi drivers operating within the same zone;
- (c) that the questionnaire was first issued on 31 July 2018 allowing until 31 August 2018 for submission then, having received information that some responses submitted to the Council's One Stop Shop and by post had not been received, it was decided to re-issue the questionnaire to all operators and drivers who had not submitted a response, following the first issuing of the questionnaire allowing until 31 October 2018 for submission; and
- (d) that the 6 questions and subsequent responses pertaining to the taxi fare review were detailed in paragraph 4.5 of the report.

At the Chair's invitation, the Committee then heard from Mr Allan MacLeod in relation to his concerns with the proposals for scales for taxi fares and related charges and in relation to his own proposals that the taxi fare chart for the Dumbarton and Vale of Leven Taxi Licensing Zone should be replicated in the Clydebank Taxi Licensing Zone.

DECIDED:-

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

- (1) that the current level of fares and charges applicable to the Clydebank Taxi Licensing Zone be amended by increasing the flagfall on all tariffs by 20p;
- (2) to include within Extra Charges a clear wording advising that an extra charge of £3.00 will be applied where passengers are either dropped off or picked up at Glasgow Airport and that any subsequent changes to the extra charges imposed by Glasgow Airport will be applied;
- (3) that the charge for waiting time be set to the rate currently applicable in Dumbarton and Vale of Leven Zone, that being 10p for each period of 20 seconds (£18.00 per hour);
- (4) that the extra fees for extra passengers in the Clydebank Zone would be set at the same rate currently applicable in Dumbarton and Vale of Leven Zone;
- (5) that officers arrange for the advertisement of the fares and charges agreed by the Committee;
- (6) that authority be delegated to the Strategic Lead - Regulatory, in consultation with the Chair of the Licensing Committee, to conclude the review without the requirement for the Committee to consider a further report on the matter provided no objections or representations are received in relation to the proposal; and

- (7) that officers would provide a detailed report to a future meeting providing information on the possible amalgamation of the Clydebank and Dumbarton and Vale of Leven Taxi Licensing Zones to form one West Dunbartonshire Taxi Licensing Zone following consultation with the licensed trade.

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

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

DECIDED:-

Having heard the Senior Officer (Licensing Services) in further explanation of the report, the Committee agreed:-

- (1) to retain the current level of fares and charges applicable to the Dumbarton and Vale of Leven Taxi Licensing Zone;
- (2) that officers would arrange for the advertisement of the current fares and charges agreed by the Committee; and
- (3) that authority be delegated to the Strategic Lead - Regulatory, in consultation with the Chair of the Licensing Committee, to conclude the review without the requirement for the Committee to consider a further report on the matter provided that no objections or representations are received in relation to the proposal.

AGE LIMIT OF WHEELCHAIR ACCESSIBLE VEHICLES

A report was submitted by the Strategic Lead – Regulatory seeking consideration of a request from Mr James Aird that the age rules applicable to purpose built vehicles be similarly applied to adapted Wheelchair Accessible Vehicles (WAVs).

Having heard the Licensing Standards Officer, it was noted:-

- (a) that Mr Aird, the holder of a Taxi Licence operating in the Clydebank zone, had requested that the 14 year age limit applicable to adapted WAVs be removed;
- (b) that Mr Aird's submission was that the reason to allow use of any vehicle should be its suitability as a WAV and its continued use should be set by the vehicle's ability to pass regular vehicle inspections;

- (c) that local authorities had wide discretion when considering the setting of an age limit in relation to licensing taxi and private hire vehicles; and
- (d) that West Dunbartonshire Council requires vehicles over 8 years old to be tested at a minimum period of every 6 months and that if a vehicle of this age fails a vehicle examination on what is considered as a major failure item, the frequency of inspection increases to every 4 months.

The Committee then heard from Mr Aird in support of his request that the age rules applicable to purpose built vehicles be similarly applied to adapted WAVs.

DECIDED:-

After discussion, the Committee agreed that the age rules applicable to adapted WAVs be removed and that the indefinite age limit applied to purpose built WAVs would be applied.

EXCLUSION OF PRESS AND PUBLIC

The Committee passed the following resolution:-

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

ADJOURNMENT

Having heard the Chair, Councillor McColl, it was agreed to adjourn for a short period.

The Committee reconvened at 11.02 a.m. with all Members listed in the sederunt in attendance.

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

Name and Address of Applicant

Date Applied

Farhan Farhan
16 Balloch Road
Alexandria
G83 8SR

13 June 2018

With reference to the Minutes of Meeting of the Licensing Committee held on 10 October 2018, a report was submitted by the Strategic Lead – Regulatory concerning an application for Grant of a Taxi/Private Hire Car Driver's Licence by the above named person.

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

- (a) that a letter had been received from the Chief Constable on 7 September 2018 submitting an objection in relation to the application;
- (b) that at the meeting of the Licensing Committee held on 10 October 2018, Mr Farhan had given advanced notice that he was unable to attend and therefore it was agreed that consideration of the application would be continued to the next meeting in order that the applicant be given a further opportunity to attend;
- (c) that Mr Farhan was in attendance at the meeting and was represented by Mr David Gallagher, Solicitor, Jonathan Paul Solicitors; and
- (d) that representatives of Police Scotland, Constable Alison Simpson and Constable Kelly Houston were in attendance;

DECIDED:-

The Committee then heard from Mr Gallagher, on behalf of Mr Farhan, who advised that the pending case had still to be marked by the Procurator Fiscal and therefore requested that the application be continued to a future meeting.

After consideration and having heard from the Section Head (Licensing), Constable Simpson and Mr Gallagher in answer to Members' questions, it was agreed that the application be continued to a future meeting.

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

With reference to the Minutes of Meeting of the Licensing Committee held on 10 October 2018, a report was submitted by the Strategic Lead – Regulatory concerning a request from the Chief Constable of Police Scotland for the suspension of a Taxi Driver's/Private Hire Car Driver's Licence.

Having heard the Section Head (Licensing), it was noted that the licence holder was not in attendance but was represented at the meeting by Mr David Gallagher, Jonathan Paul Solicitors. Thereafter Mr Gallagher requested that the Hearing be continued until the outcome of the pending criminal proceedings against his client.

DECIDED:-

After consideration, the Committee agreed that the application be continued to a future meeting following the outcome of the criminal proceedings pending against the applicant.

**HEARING REGARDING REQUEST FOR POSSIBLE SUSPENSION
OF A LATE HOUR CATERING LICENCE**

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

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

- (a) that a letter dated 29 October 2018 had been received from the Chief Constable of Police Scotland requesting the suspension of a Late Hours Catering Licence under Paragraph 11(1) 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 hold a licence;
- (b) that copies of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting;
- (c) that the matters which the Committee was required to consider were as follows:-
 - (i) whether the alleged misconduct had been established;
 - (ii) if the Committee was satisfied that the alleged misconduct had been established, whether, having regard to the misconduct, the licence holder was no longer a fit and proper person to hold a late hours catering licence;
 - (iii) if the Committee was of the opinion that the licence holder was no longer a fit and proper person, then the Committee must consider whether the licence should be suspended;
 - (iv) if the Committee was satisfied that the licence holder should be suspended, the Committee must give the licence holder an opportunity to be heard on the length of suspension and the date from which the suspension should commence; and

- (v) that the Committee must then consider what length of suspension would be appropriate and whether the circumstances of the case would justify immediate suspension; and
- (d) that the licence holder and representatives of Police Scotland, Constable Simpson and Constable Houston, were in attendance at the meeting.

The Committee then heard from Constable Simpson in relation to the letter from Police Scotland and in answer to questions from Members. It was noted that the criminal case pending against the applicant was still pending with the Procurator Fiscal's office.

Thereafter, the licence holder addressed the Committee on the circumstances detailed in the letter from Police Scotland and was heard in answer to questions from Members.

ADJOURNMENT

Having heard the Chair, Councillor McColl, it was agreed to adjourn for a short period.

The meeting resumed at 11.30 a.m. with all Members and officers in attendance with the inclusion of Mr Martin Keeley, Environmental Health Manager.

Thereafter, the Committee heard from the Environmental Health Manager in relation to the circumstances which led to the alleged unlawful disconnection and reconnection of gas supply at the premises.

DECIDED:-

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

- (1) to note that the licence holder's licence was currently suspended;
- (2) that the alleged misconduct by the licence holder had been established;
- (3) that the licence holder was no longer a fit and proper person to hold a Late Hours Catering Licence; and
- (4) that the licence be revoked on the grounds of public safety.

The meeting closed at 12.06 p.m.

LICENSING COMMITTEE

At a Special Meeting of the Licensing Committee held in the Civic Space, Council Offices, 16 Church Street, Dumbarton on Monday, 7 January 2019 at 10.05 a.m.

Present: Councillors Jim Brown, Jonathan McColl, John Mooney and Brian Walker.

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

Also Attending: Constable Alison Simpson, Police Scotland.

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

APPOINTMENT OF CHAIR

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

DECLARATIONS OF INTEREST

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

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

(a)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Mr Robert Cameron 6A Cumbræ Crescent South Castlehill Dumbarton G82 5AP	26 October 2018

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

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

- (a) that a letter had been received from the Chief Constable of Police Scotland on 4 December 2018 advising that a separate letter had been submitted detailing the applicant's previous convictions which were considered "protected" in terms of the Rehabilitation of Offenders Act 1974;
- (b) that in view of the letter from Police Scotland, the applicant and a representative of the Police authority had been invited to attend the meeting of the Committee in order that a hearing could take place; and
- (c) that the applicant and a representative of the Police authority, Constable Simpson, were in attendance.

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

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

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

DECIDED:-

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

(b)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Mr Mark Shields 2 Quebec House Clydebank G81 4QP	23 October 2018

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

It was noted:-

- (a) that a letter had been received from the Chief Constable of Police Scotland on 28 November 2018 submitting a comment in relation to the application;
- (b) that a separate letter had been submitted detailing the applicant's previous convictions which were considered "protected" in terms of the Rehabilitation of Offenders Act 1974;
- (c) that in view of the letter from Police Scotland, the applicant and a representative of the Police authority had been invited to attend the meeting of the Committee in order that a hearing could take place; and
- (d) that the applicant and a representative of the Police authority, Constable Simpson, were in attendance; and
- (e) that Mr Shields had not received the letter from Police Scotland and that following clarification, his address details were clarified as detailed above.

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

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

Thereafter, the licence holder was given the opportunity to address the Committee in support of his application and in connection with the circumstances relating to matters detailed in the Police letters?. The licence holder was also heard in answer to Members' questions. It was noted that Mr Shields' pending case was subjudice.

ADJOURNMENT

Having heard the Chair, Councillor Brown, the Committee agreed to adjourn at 10.30 a.m. for a short period.

The Committee resumed at 10.40 a.m. with all Members shown in the sederunt in attendance.

DECIDED:-

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

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

Date Applied

Mr Scott Brownlie
12 Oxhill Place
Dumbarton
G82 4QU

9 November 2018

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

Having heard the Section Head (Licensing), it was noted the the applicant was in attendance at the meeting however had requested in advance of the meeting that the application be continued to the next meeting of the Licensing Committee to enable his legal representative to attend.

DECIDED:-

After discussion, it was decided that consideration of the application be continued to the next scheduled meeting of the Licensing Committee being held on Wednesday, 20 February 2019.

APPLICATION FOR GRANT OF A TEMPORARY PRIVATE HIRE CAR LICENCE

Name and Address of Applicant

Date Applied

Mr Scott Brownlie
12 Oxhill Place
Dumbarton
G82 4QU

9 November 2018

A report was submitted by the Strategic Lead – Regulatory concerning an Application for Grant of a Temporary Private Hire Car Licence by the above named person.

DECIDED:-

The Committee agreed that consideration of the application be continued to the next scheduled meeting of the Licensing Committee being held on Wednesday, 20 February 2019 to enable Mr Brownlie's legal representative to attend the meeting.

APPLICATION FOR GRANT OF A WINDOW CLEANER'S LICENCE

Name and Address of Applicant

Mr Gary Trainer
37 Roman Crescent
Old Kilpatrick
G60 5JX

Date Applied

14 November 2018

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

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

- (a) that a letter had been received from the Chief Superintendent of Police Scotland making an objection in relation to the application;
- (b) that in view of the objection which had been received from Police Scotland, 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 of objection from the Police authority had been issued to Members of the Committee in advance of the meeting.

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

The Committee then heard from Constable Simpson in relation to the objection and in connection with the matters detailed in the Police letter.

DECIDED:-

After discussion, it was agreed that the application be granted.

EXCLUSION OF PRESS AND PUBLIC

The Committee passed the following resolution:-

"That under Section 50A(4) of the Local Government (Scotland) Act, 1973 the press and public be excluded from the meeting for the following items of business on the grounds that they 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 Strategic Lead – Regulatory concerning a request from the Chief Constable of Police Scotland for the suspension of a Taxi Driver's/Private Hire Car Driver's Licence.

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

- (a) that a letter had been received from the Chief Constable of Police Scotland on 26 November 2018 requesting the immediate suspension of a Taxi Driver's/Private Hire Car Driver's Licence under Paragraph 12(1) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the grounds that the carrying on of the activity to which the licence relates was likely to cause a serious threat to public order or public safety;
- (b) that, having consulted the Depute Chair of the Licensing Committee it was decided that, due to the content of the letter received from Police Scotland, the Taxi Driver's/Private Hire Car Driver's Licence should be suspended with immediate effect under Paragraph 12 of Schedule 1 of the Act;
- (c) that in view of the request for suspension of the licence received from Police Scotland, the licence holder and a representative of Police Scotland had been invited to attend the meeting in order that a hearing may take place;
- (d) to note that the licence holder had previously attended the Licensing Committee on three occasions during 2017 having been subject to separate suspension requests from Police Scotland and that on each occasion Members had decided that the licence holder remained a fit and proper person to hold a taxi/private hire car driver's licence;
- (e) that copies of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting; and
- (f) that the matters which the Committee required to consider in relation to paragraph (c) above were as follows:-
 - (i) whether the alleged misconduct had been established;
 - (ii) if the Committee was satisfied that the alleged misconduct had been established, whether, having regard to the misconduct, the licence holder was no longer a fit and proper person to hold a Taxi Driver's/Private Hire Car Driver's Licence;
 - (iii) if the Committee was of the opinion that the licence holder was no longer a fit and proper person or that the carrying on of the activity is likely to cause a threat to public order or public safety, then the Committee must consider whether the licence should be suspended; and

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

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

The Committee heard from Constable Simpson in terms of the Police letter dated 26 November 2018. It was noted that the licence holder's pending case was sub judice.

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

ADJOURNMENT

Having heard the Chair, Councillor Brown, the Committee agreed to adjourn at 11.05 a.m. for a short period.

The Committee resumed at 11.30 a.m. with all Members shown in the sederunt in attendance.

DECIDED:-

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

- (1) to note that the licence holder's licence was currently suspended;
- (2) that the alleged misconduct by the licence holder had been established;
- (3) that the licence holder was no longer a fit and proper person to hold a Taxi Driver's/Private Hire Car Driver's Licence; and
- (4) that the licence be suspended with immediate effect on the grounds of public safety.

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

Name and Address of Applicant

Mr Steven Ordish
Address withheld

Date Applied

1 November 2018

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

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

- (a) that a letter dated 28 November 2018 had been received from the Chief Constable of Police Scotland submitting an objection in relation to the application and that copies of the letter had been circulated to Members in advance of the meeting;
- (b) that in view of the letter received from Police Scotland, the applicant and a representative of Police Scotland had been invited to attend the meeting of the Committee in order that a hearing could take place; and
- (c) that the applicant, Mr Ordish, and Constable Alison Simpson, Police Scotland were in attendance.

The Committee then heard from Constable Simpson in relation to the letter from Police Scotland. Thereafter, Mr Ordish was heard in support of his application and was heard in answer to questions from Members.

ADJOURNMENT

Having heard the Chair, Councillor Brown, it was agreed to adjourn for a short period.

The Committee reconvened at 11.45 a.m.

DECIDED:-

After discussion and having heard Mr Ordish in answer to Members' further questions, the Committee agreed that the application be refused on the grounds that the applicant was not a fit and proper person to be the holder of a Taxi Driver/Private Hire Car Driver's Licence.

The meeting closed at 11.50 a.m.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead – Regulatory

Licensing Committee – 20 February 2019

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

1. Purpose

- 1.1** To consider an application for grant of a temporary Taxi/Private Hire Car Driver's Licence submitted by Mr. Scott Brownlie, 12 Oxhill Place, Dumbarton G82 4QU.

2. Recommendations

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

3. Background

- 3.1** Mr. Brownlie submitted an application for grant of a temporary Taxi/Private Hire Car Driver's Licence to the Council on 9 November 2018.
- 3.2** A letter was received from the Chief Constable of the Police authority on 17 December 2018 submitting a comment in relation to the application.
- 3.3** A further letter received from the Chief Constable of the Police authority on 17 December 2018 details spent convictions in terms of the Rehabilitation of Offenders Act 1974.
- 3.4** At a meeting of the Committee held on 1 March 2017, Members decided to grant Mr. Brownlie a temporary Taxi/Private Hire Car Driver's Licence.
- 3.5** Mr. Brownlie subsequently applied for the full grant of a Taxi/Private Hire Car Driver's Licence and at the meeting of the Committee held on 14 June 2017, having considered the objection submitted by Police Scotland and having heard from Mr. Brownlie, Members refused the application. Mr. Brownlie subsequently appealed the decision of the Council but was unsuccessful as the Sheriff upheld the Committee's decision.
- 3.6** At the meeting held on 7 January 2019, the Committee agreed to Mr. Brownlie's request to continue consideration of the application for grant of a temporary Taxi/Private Hire Car Driver's Licence to the meeting of the Licensing Committee being held on 20 February 2019.

4. Main Issues

- 4.1** In view of the submissions received from the Police, the applicant and a

representative of the Police authority have been invited to attend the meeting of the Committee to be held on 20 February 2019.

4.2 It will also be a matter for the Committee to decide whether the applicant's spent convictions should be disclosed and taken into consideration. It should be noted that spent convictions cannot be considered unless there is no other way of doing justice.

4.3 The terms of the letters from the Police will be made known to the Committee at the meeting as appropriate.

5. People Implications

5.1 There are no personnel issues.

6. Financial Implications

6.1 There are no financial implications

7. Risk Analysis

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

8. Equalities Impact Assessment (EIA)

8.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

9.1 Police Scotland were consulted in relation to the application.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 8 January 2019

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

Background Papers:

1. Application for grant of a temporary Taxi/Private Hire Car Driver's Licence from Mr. Scott Brownlie, 12 Oxhill Place, Dumbarton G82 4QU.
2. Letters dated 17 December 2018 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton G82 3PT.
3. Letter to Mr. Brownlie dated 20 December 2018.
4. Letter to Mr. Brownlie dated 1 February 2019.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead – Regulatory
Licensing Committee – 20 February 2019

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

1. Purpose

- 1.1** To consider an application for grant of a temporary Private Hire Car Licence submitted by Mr. Scott Brownlie, 12 Oxhill Place, Dumbarton G82 4QU.

2. Recommendations

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

3. Background

- 3.1** Mr. Brownlie submitted an application for grant of a temporary Private Hire Car Licence to the Council on 9 November 2018.
- 3.2** A letter was received from the Chief Constable of the Police authority on 18 December 2018 submitting a comment in relation to the application.
- 3.3** A further letter received from the Chief Constable of the Police authority on 18 December 2018 details spent convictions in terms of the Rehabilitation of Offenders Act 1974.
- 3.4** At the meeting held on 7 January 2019, the Committee agreed to Mr. Brownlie's request to continue consideration of the application for grant of a temporary Private Hire Car Licence to the meeting of the Licensing Committee being held on 20 February 2019.

4. Main Issues

- 4.1** In view of the submissions received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 20 February 2019.
- 4.2** It will also be a matter for the Committee to decide whether the applicant's spent convictions should be disclosed and taken into consideration. It should be noted that spent convictions cannot be considered unless there is no other way of doing justice.
- 4.3** The terms of the letters from the Police will be made known to the Committee at the meeting as appropriate.

5. People Implications

5.1 There are no personnel issues.

6. Financial Implications

6.1 There are no financial implications

7. Risk Analysis

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

8. Equalities Impact Assessment (EIA)

8.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

9.1 Police Scotland were consulted in relation to the application.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 8 January 2019

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Appendices: N/A.

Background Papers:

1. Application for grant of a temporary Private Hire Car Licence from Mr. Scott Brownlie, 12 Oxhill Place, Dumbarton G82 4QU.

2. Letters dated 18 December 2018 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton G82 3PT.
3. Letter to Mr. Brownlie dated 20 December 2018.
4. Letter to Mr. Brownlie dated 1 February 2019.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL**Report by Strategic Lead - Regulatory****Licensing Committee – 20 February 2019**

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

1. Purpose

- 1.1** To consider an application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Farhan Farhan, 16 Balloch Road, Alexandria, G83 8SR.

2. Recommendations

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

3. Background

- 3.1** Mr. Farhan submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 13 June 2018.
- 3.2** A letter was received from the Chief Constable on 10 July 2018 advising that the Police authority were unable to comment further on the applicant's suitability to hold the above licence at this time due to ongoing enquiries.
- 3.3** A further letter was received from the Chief Constable of the Police authority on 7 September 2018 submitting an objection in relation to the application.
- 3.4** At the meeting on 10 October 2018, it was noted that the applicant had given advance notice that he could not attend. It was agreed that consideration of the application be continued to the next meeting in order that the applicant may be given a further opportunity to appear before the Committee.
- 3.5** At the meeting on 5 December 2018, having heard from the applicant's legal representative who advised that the pending case had still to be marked by the Procurator Fiscal, Members agreed that the application be continued to a future meeting.
- 3.6** Licensing authorities are required to reach a final decision on Civic Government applications within 9 months of an application being made otherwise the licence will be deemed to be granted for one year.
- 3.7** On 9 January 2019, Mr. Farhan advised of a change of address to 313 Main Street, Alexandria, G83 0JA.

4. Main Issues

- 4.1** In terms of the relevant legislation, an objection with respect to an application

should be submitted within 28 days of receipt of the application. As Mr. Farhan's application was received on 13 June 2018, any objection should have been submitted by 11 July 2018. There is, however, provision in the legislation for the Licensing Authority to entertain a late objection which has been received before a final decision has been made if the Licensing Authority is satisfied that there is sufficient reason why the objection had not been made in the time required.

4.2 In view of the submissions received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 5 December 2018.

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 for the Council arising from this report.

6. Financial Implications

6.1 There are no financial implications for the Council arising from this report.

7. Risk Analysis

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

8. Equalities Impact Assessment (EIA)

8.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

9.1 Police Scotland were consulted in relation to the application.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 15/01/2019

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Appendices: N/A.

Background Papers:

1. Application for grant of a Taxi Driver's Licence from Mr. Farhan Farhan, 16 Balloch Road, Alexandria, G83 8SR.
2. Letter dated 10 July 2018 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letter dated 7 September 2018 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
4. Letter to Mr. Farhan dated 26 September 2018.
5. Letter to Mr. Farhan dated 19 November 2018.
6. Letter to Mr. Farhan dated 1 February 2019.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead – Regulatory

Licensing Committee – 20 February 2019

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

1. Purpose

- 1.1** To consider an application for grant of a temporary Taxi/Private Hire Car Driver's Licence submitted by Mr. John MacRae, 31 Dryburgh Road, Bearsden, Glasgow G61 4DJ.

2. Recommendations

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

3. Background

- 3.1** Mr. MacRae submitted an application for grant of a temporary Taxi/Private Hire Car Driver's Licence to the Council on 19 December 2018.
- 3.2** A letter was received from the Chief Constable of the Police authority on 21 December submitting a comment in relation to the application.

4. Main Issues

- 4.1** In view of the submission received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 20 February 2019.
- 4.2** The terms of the letter from the Police will be made known to the Committee at the meeting as appropriate.

5. People Implications

- 5.1** There are no personnel issues.

6. Financial Implications

- 6.1** There are no financial implications

7. Risk Analysis

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

8. Equalities Impact Assessment (EIA)

- 8.1** No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

- 9.1** Police Scotland were consulted in relation to the application.

10. Strategic Assessment

- 10.1** In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 8 January 2019

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

Background Papers:

- 1.** Application for grant of a temporary Taxi/Private Hire Car Driver's Licence from Mr. John MacRae, 31 Dryburgh Road, Bearsden, Glasgow G61 4DJ.
- 2.** Letter dated 21 December 2018 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton G82 3PT.
- 3.** Letter to Mr. MacRae dated 1 February 2019.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead – Regulatory
Licensing Committee – 20 February 2019

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

1. Purpose

- 1.1** To consider an application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Sitar Azadin Mohammad, 2/2 Cart Street, Clydebank G81 1QJ.

2. Recommendations

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

3. Background

- 3.1** Mr. Mohammad submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 5 December 2018.
- 3.2** A letter was received from the Chief Constable of the Police authority on 31 December 2018 submitting an objection in relation to the application.
- 3.3** A further letter received from the Chief Constable of the Police authority on 31 December 2018 details spent convictions in terms of the Rehabilitation of Offenders Act 1974.

4. Main Issues

- 4.1** In view of the submissions received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 20 February 2019.
- 4.2** It will also be a matter for the Committee to decide whether the applicant's spent convictions should be disclosed and taken into consideration. It should be noted that spent convictions cannot be considered unless there is no other way of doing justice.
- 4.3** The terms of the letters from the Police will be made known to the Committee at the meeting as appropriate.

5. People Implications

- 5.1** There are no personnel issues.

6. Financial Implications

6.1 There are no financial implications

7. Risk Analysis

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

8. Equalities Impact Assessment (EIA)

8.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

9.1 Police Scotland were consulted in relation to the application.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 8 January 2019

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

Background Papers:

- 1.** Application for grant of a Taxi/Private Hire Car Driver's Licence from Mr. Sitar Azadin Mohammad, 2/2 Cart Street, Clydebank G81 1QJ.
- 2.** Letters dated 31 December 2018 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton G82 3PT.
- 3.** Letter to Mr. Mohammad dated 1 February 2019.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead – Regulatory

Licensing Committee – 20 February 2019

Subject: Application for grant of a Late Hours Catering Licence

1. Purpose

- 1.1** To consider an application for grant of a Late Hours Catering Licence submitted by Mr. Shafiqullah Khalil, 28 Hillstreet Square, Brucehill, Dumbarton G82 4EB.

2. Recommendations

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

3. Background

- 3.1** Mr. Khalil submitted an application for grant of a Late Hours Catering Licence to the Council on 5 December 2018.
- 3.2** A letter was received from the Chief Constable of the Police authority on 31 December 2018 submitting an objection in relation to the application.
- 3.3** A further letter received from the Chief Constable of the Police authority on 31 December 2018 details spent convictions in terms of the Rehabilitation of Offenders Act 1974.
- 3.4** In recent years, applications for late hours catering licences have been granted by the Committee subject to the operating hours being restricted to co-relate to the closing hours of the nearest licensed premises, i.e. the late hours catering premises being allowed to operate until 30 minutes after the closing time of the nearest public house or nightclub. The nearest licensed premises in relation to Aladdin Hot 4 U, situated at 6 High Street, Dumbarton, are detailed below in order of proximity. It should be noted that the nearest licensed premises to Aladdin Hot 4 U becomes Cheers Night Club once the 6 public houses listed below, close for business. Cheers Night Club is approximately 0.2 miles from Aladdin Hot 4 U.

The Clipper, 3 High Street, Dumbarton

Sunday to Thursday – 11 am to 12 Midnight and
Friday and Saturday – 11 am to 1 am

The Counting House, 17 High Street, Dumbarton

Sunday to Thursday – 11 am to 12 Midnight and

Friday and Saturday – 11 am to 1 am

Captain James Laing, 97-99 High Street, Dumbarton

Sunday to Thursday – 11 am to 12 Midnight and
Friday and Saturday – 11 am to 1 am

The Burgh Bar, 117 High Street, Dumbarton

Sunday to Thursday – 11 am to 12 Midnight and
Friday and Saturday – 11 am to 1 am

The Lennox, 139 High Street, Dumbarton

Sunday to Thursday – 11 am to 12 Midnight and
Friday and Saturday – 11 am to 1 am

The Waterside Inn, 1A Riverside Lane, Dumbarton

Sunday to Thursday – 11 am to 12 Midnight and
Friday and Saturday – 11 am to 1 am

Cheers Nightclub, 1 Brewer's Lane, Dumbarton

Monday and Wednesday - 11 am to 1 am
Tuesday - 11 am to 2 am and
Thursday and Sunday - 11 am to 3 am
Friday and Saturday – 11 am to 4.30 am

3.5 The operating hours requested by Mr. Khalil are:-

Monday to Wednesday 11 pm - 1 am
Thursday and Sunday 11 pm - 2 am
Friday and Saturday 11 pm - 4.30 am

3.6 At a meeting of the Licensing Committee held on 5 December 2018, the previous licence holder for the same premises was subject to a request for the suspension of a Late Hours Catering Licence. The decision taken by Members was to revoke the licence.

3.7 The hours operated by the previous licence holder were:-

Monday to Wednesday 11 pm - 12.30 am
Thursday and Sunday 11 pm – 2 am
Friday and Saturday 11 pm – 4.00 am

4. Main Issues

4.1 In view of the submissions received from the Police, the applicant and a

representative of the Police authority have been invited to attend the meeting of the Committee to be held on 20 February 2019.

4.2 It will also be a matter for the Committee to decide whether the applicant's spent convictions should be disclosed and taken into consideration. It should be noted that spent convictions cannot be considered unless there is no other way of doing justice.

4.3 The terms of the letters from the Police will be made known to the Committee at the meeting as appropriate.

5. People Implications

5.1 There are no personnel issues.

6. Financial Implications

6.1 There are no financial implications

7. Risk Analysis

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

8. Equalities Impact Assessment (EIA)

8.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

9.1 Police Scotland were consulted in relation to the application.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 15 January 2019

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Appendices: N/A.

Background Papers:

1. Application for grant of a Late Hours Catering Licence from Mr. Shafiqullah Khalil, 28 Hillstreet Square, Brucehill, Dumbarton G82 4EB.
2. Letters dated 31 December 2018 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton G82 3PT.
3. Letter to Mr. Khalil dated 1 February 2019.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead – Regulatory

Licensing Committee – 20 February 2019

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

1. Purpose

- 1.1** To consider an application for renewal of a Principal Street Trader's Licence submitted by Miss Carla Rae, 5 West Cochno Holdings, Hardgate, Clydebank G81 5QQ.

2. Recommendations

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

3. Background

- 3.1** Miss Rea submitted an application for renewal of a Principal Street Trader's Licence to the Council on 19 December 2018.

- 3.2** The licence currently held by Miss Rae allows her to operate on the following days, times and locations:-

Monday – Saturday:- 12.00 pm – 7.30 pm
Faifley Road adjacent to Orbiston Road

Monday – Saturday:- 12.00 pm – 7.30 pm
Beeches Road adjacent to Carleith Avenue

Monday – Friday:- 12.00 am – 2.00 pm
St. Peter The Apostle High School

- 3.3** The application for renewal of the Principal Street Trader's Licence requests changes to the existing permitted hours and the addition of a new location:-

Monday – Saturday:- 4.00 pm – 7.30 pm
Faifley Road adjacent to Orbiston Road

Monday – Saturday:- 4.00 pm – 7.30 pm
Beeches Road adjacent to Carleith Avenue

Monday – Friday:- 12.00 am – 2.00 pm
St. Peter The Apostle High School

Monday – Friday:- 12 am – 2.00 pm

Janetta Street, Clydebank (adjacent to the curtilage of Clydebank High School).

- 3.4 At a meeting of the Licensing Committee on 1 February 2006, members agreed to approve a policy whereby there would be a presumption against granting an application for a new Street Trader's Licence for a location in the vicinity of a secondary school and for operating within school hours, unless the proposed location was a minimum of two hundred and fifty metres from the curtilage of the school premises and the business was not seen as targeting school pupils.
- 3.5 The policy also noted that individual applications would still require to be considered on their own merits.
- 3.6 At a meeting of the Committee held on 1 March 2011, an application for the grant of a Street Trader's Licence was submitted by Miss Jean-Anne MacDonald. The application included a request to operate between 11.30 am – 2.00 pm on Mondays to Fridays in the vicinity of Clydebank High School at Janetta Street.
- 3.7 Prior to 2011 the licence to operate in the vicinity of Clydebank High School at Janetta Street had been held by Mrs. Jean Cowan who had operated at this location for approximately 20 years. Miss MacDonald had been an employee of Mrs. Cowan for the previous 15 years and was applying to operate on her own. The application submitted in 2011 from Miss MacDonald was supported by Mrs Cowan at the Committee.
- 3.8 At the meeting of the Licensing Committee held on 1 March 2011, Members decided to grant the application for a Principal Street Trader's Licence to Miss Jean-Anne MacDonald.
- 3.9 Miss MacDonald submitted an application for renewal of the Principal Street Trader's Licence on 31 March 2017 which was granted under delegated powers. Miss MacDonald has failed to operate from this location since the licence was renewed and has since surrendered the licence on 17 January 2019.
- 3.10 The applicant, Miss Carla Rae, is the daughter of Mrs. Cowan and is therefore applying to operate from the location previously held by her mother.

4. Main Issues

- 4.1 Notification that there are no Police objections or representations in relation to the application was received on 20 December 2018.
- 4.2 In accordance with the policy implemented by the Committee in 2006, the applicant has been invited to attend the meeting of the Committee to be held on 20 February 2019.

5. People Implications

- 5.1 There are no personnel issues.

6. Financial Implications

6.1 There are no financial implications

7. Risk Analysis

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

8. Equalities Impact Assessment (EIA)

8.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

9.1 Police Scotland were consulted in relation to the application.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 21 January 2019

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Appendices: N/A.

Background Papers:

1. Application for grant of Principal Street Trader's Licence from Miss Carla Rae, 5 West Cochno Holdings, Hardgate, Clydebank G81 5QQ.
2. Letter to Miss Rae dated 1 February 2019.

Wards Affected: N/A.