

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in the Civic Space, Council Offices, 16 Church Street, Dumbarton on Wednesday, 8 May 2019 at 10.09 a.m.

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

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

Also Attending: Sergeant Mairi Capaldi, Police Scotland.

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

Councillor Jonathan McColl in the Chair

DECLARATIONS OF INTEREST

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

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Licensing Committee held on 10 April 2019 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.

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

Name and Address of Applicant

Date Applied

Sean McElhill
82 Kirkwood Avenue
Linnvale
Clydebank
G81 2ST

31 January 2019

With reference to the Minutes of Meeting of the Licensing Committee held on 10 April 2019, 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Having heard the Section Head (Licensing), it was noted that the application had been withdrawn by the applicant prior to the meeting.

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

Name and Address of Applicant

Date Applied

Jerome Fitzpatrick
Flat 0/2, 183 Glasgow Road
Clydebank
G81 1LQ

5 March 2019

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 dated 27 March 2019 had been received from the Chief Constable of Police Scotland submitting a comment in relation to the application;
- (b) that in view of the letter from the Police, the applicant and a representative of Police Scotland had been invited to attend the meeting; and
- (c) that the applicant, Mr Fitzpatrick, and a representative of Police Scotland, Sergeant Capaldi, were in attendance.

At the invitation of the Chair, the Committee then heard from Sergeant Capaldi in relation to the letter from Police Scotland.

Thereafter, the Committee heard from Mr Fitzpatrick in relation to the letter from Police Scotland and in answer to Members' questions concerning the circumstances relating to the matters referred to in the letter from Police Scotland.

DECIDED:-

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

EXCLUSION OF PRESS AND PUBLIC

The Committee considered 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."

Following discussion, Councillor O'Neill, seconded by Councillor Mooney, moved that the press and public should not be excluded from the meeting for the following item of business.

As an amendment, Councillor Dickson, seconded by Councillor Councillor McNair, moved that the press and public be excluded from the meeting.

On a vote being taken, three Members voted for the amendment to exclude press and public from the meeting and four Members voted for the motion that press and public remain in the meeting for the following item of business. The motion was accordingly declared therefore carried.

DECIDED:-

That the press and public be permitted to remain in the meeting for the following item of business.

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

Name and Address of Applicant

Date Applied

Alasdair Kerr
12 Union Street
Old Bonhill
Alexandria
G83 9AH

13 March 2019

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 name person.

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

- (a) that a letter dated 10 April 2019 had been received from the Licensing Standards Officer, West Dunbartonshire Council submitting a representation in terms of Schedule 1(3) of the Civic Government (Scotland) Act 1982, in relation to the conduct of the applicant;
- (b) that in view of the letter from the LSO, the applicant and the LSO had been invited to attend the meeting in order that a hearing could take place;
- (c) that both the applicant, accompanied by Mr Ross Brown, licensed taxi driver and Mr Peter Clyde, LSO were in attendance at the meeting.

The Committee then heard from Mr Clyde in relation to his letter of representation and in answer to Members' questions.

Thereafter Mr Kerr was given the opportunity to address the Committee in support of the application and was heard in answer to Members' questions in connection with the circumstances relating to the matters detailed in the letter from the LSO.

ADJOURNMENT

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

The Committee reconvened at 11.06 a.m. with all Members listed in the sederunt in attendance.

DECIDED:-

After consideration, the Committee agreed that the application be refused on the grounds that the applicant was not a fit and proper person to hold a Taxi/Private Hire Car Driver's Licence.

The meeting closed at 11.10 a.m.