

Agenda

Meeting of Licensing Committee

Date: Wednesday, 14 June 2023

Time: 14:00

Venue: Civic Space, 16 Church Street, Dumbarton, G82 1QL

Contact: Lynn Straker, Committee Officer
Email: lynn.straker@west-dunbarton.gov.uk

Dear Member,

Please attend a meeting of **Licensing Committee** as detailed above.

The business is shown on the attached agenda.

Yours faithfully

PETER HESSETT

Chief Executive

Distribution:

Councillor Ian Dickson
Councillor Jim McElhill
Councillor June McKay
Councillor John Millar
Councillor Lawrence O'Neill
Councillor Chris Pollock
Councillor Gurpreet Singh Johal
Councillor Hazel Sorrell

All other Councillors for information.
Chief Officer – Regulatory and Regeneration

Date issued: 31 May 2023

LICENSING COMMITTEE

WEDNESDAY, 14 JUNE 2023

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 MEETING 7 - 12

Submit for approval, as a correct record, the Minutes for:-

- (a) Meeting of the Licensing Committee held on 19 April 2023; and
- (b) Special Meeting of the Licensing Committee held on 4 May 2023.

4 OPEN FORUM

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

5 HEARING REGARDING POSSIBLE SUSPENSION OR REVOCATION OF A LATE HOURS CATERING LICENCE 13 - 16

Submit report by the Chief Officer – Regulatory and Regeneration asking Members to consider a request from the Chief Constable of Police Scotland for the suspension of a Late Hours Catering Licence held by Mr. Shafiqullah Khalil for the premises, Aladdin Hot For You located at 6 High Street, Dumbarton, G82 1LL. Members also have the option to revoke the licence.

6 APPLICATION FOR RENEWAL OF A TAXI / PRIVATE HIRE CAR DRIVER'S LICENCE 17 - 18

Submit report by the Chief Officer – Regulatory and Regeneration asking Members to consider an application for renewal of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Ian Thomson, Flat 1/1 711 Dumbarton Road, Clydebank, G81 4HP.

7 APPLICATION FOR GRANT OF A TAXI / PRIVATE HIRE CAR DRIVER'S LICENCE 19 - 21

Submit report by the Chief Officer – Regulatory and Regeneration asking Members to consider an application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Gerard Farrell, Flat 1/2 43 Broomknowes Road, Glasgow G21 4YP.

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

Submit report by the Chief Officer – Regulatory and Regeneration asking Members to consider an application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Ryan Martin, Flat G/2 18 Alsatian Avenue, Drumry, Clydebank, G81 2NF.

9 APPLICATION FOR GRANT OF A TAXI / PRIVATE HIRE CAR DRIVER'S LICENCE 27 - 29

Submit report by the Chief Officer – Regulatory and Regeneration asking Members to consider an application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Stuart Reid, 18 Fraser Street, Cambuslang, Glasgow, G72 7AR.

10 EXCLUSION OF PRESS AND PUBLIC 31

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

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

11 APPLICATION FOR GRANT OF A TAXI / PRIVATE HIRE CAR DRIVER'S LICENCE 33 - 35

Submit report by the Chief Officer – Regulatory and Regeneration asking Members to consider an application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Robert Young, 129 Melbourne Avenue, Clydebank, G81 4QB.

**12 APPLICATION FOR GRANT OF A WINDOW CLEANER'S
LICENCE**

37 - 39

Submit report by the Chief Officer – Regulatory and Regeneration asking Members to consider an application for grant of a Window Cleaner's Licence submitted by Mr. Ross McGowan, 9 Cherry Crescent, Clydebank, G81 3JA.

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in the Civic Space, 16 Church Street, Dumbarton on Wednesday, 19 April 2023 at 2.00 p.m.

Present: Councillors Ian Dickson, Gurpreet Singh Johal, James McElhill, June McKay, Lawrence O'Neill, Chris Pollock and Hazel Sorrell.

Attending: Michael McDougall, Section Head – Licensing; Bob Mackie, Senior Licensing Officer and Lynn Straker, Committee Officer.

Apologies: Apologies for absence were intimated on behalf of Councillor John Millar and Sergeant David Holmes, Police Scotland.

Councillor Lawrence O'Neill 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 Special Meeting of the Licensing Committee held on 15 February 2023 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.

SEXUAL ENTERTAINMENT VENUE LICENSING

A report was submitted by the Chief Officer – Regulatory and Regeneration advising the Licensing Committee (“the Committee”) on the responses received to the recently concluded consultation on the terms of its draft Sexual Entertainment Venue Policy Statement (“the Policy”) and for the Committee to thereafter determine the terms of the Policy as well as the appropriate number of Sexual Entertainment Venues.

Having heard from the Section Head (Licensing), and in answer to Members' questions, the Committee agreed to set the number of Sexual Entertainment Venues in West Dunbartonshire and each relevant locality to Zero (Nil) and approve the Policy subject to it being updated with a note on the appropriate number of Sexual Entertainment Venues being agreed at Zero (Nil) and the reasoning for the determination being that without a licensing regime operators would be free to open Sexual Entertainment Venues across West Dunbartonshire without oversight by the Council and for the further rationale in the Policy.

The Section Head (Licensing) noted the Policy would be updated and come into effect on 17 May 2023.

IMPACT ON THE CLYDEBANK TAXI TRADE FROM THE IMPLEMENTATION OF GLASGOW CITY COUNCIL'S LOW EMISSION ZONE

A report was submitted by the Chief Officer – Regulatory and Regeneration advising the Licensing Committee ("the Committee") of trade concerns relating to the impact of the implementation of Glasgow City Council's Low Emission Zone ("LEZ") on taxis licensed in the Clydebank zone.

Having heard from the Section Head (Licensing) and in answer to Members' questions, the Committee agreed:-

- (1) to note the implementation of Glasgow City Council's LEZ and the impact it would have on non-compliant taxis entering it;
- (2) to instruct officers to investigate what reasonable and proportionate steps can be taken, if any, to ameliorate the impact of the LEZ and what impact any steps will have on taxi users; and
- (3) to retain the policy of a 100% wheelchair accessible fleet within the Clydebank Zone.

SHORT TERM LETS LICENSING

A report was submitted by the Chief Officer – Regulatory and Regeneration advising the Licensing Committee ("the Committee") of an extension, approved by Scottish Ministers, for existing hosts to apply for a Short-Term Lets licence and the date by which all Short-Term Let operators must be licensed.

Having heard from the Section Head (Licensing) the Committee agreed:-

- (1) to note the terms of this report;
- (2) to amend any reference to 1 April 2023 within the Committee's Short-Term Lets Policy to 1 October 2023;

- (3) to amend any reference to 1 July 2024 within the Committee's Short-Term Lets Policy to 1 January 2025; and
- (4) to delay the review of its Policy and its implementation from 18 to 24 months from its adoption to 24 to 30 months.

The meeting closed at 2.17 p.m.

DRAFT

LICENSING COMMITTEE

At a Special Meeting of the Licensing Committee held in the Council Chambers, Clydebank Town Hall, 5 Hall Street, Clydebank, on Thursday, 4 May 2023 at 10.00 a.m.

Present: Councillors Ian Dickson, Gurpreet Singh Johal, James McElhill, June McKay and Lawrence O'Neill.

Attending: Michael McDougall, Section Head – Licensing; Bob Mackie, Senior Licensing Officer; and Lynn Straker, Committee Officer.

Also Attending: Licensing Sergeant David Holmes, Police Scotland.

Apologies: Apologies for absence were intimated on behalf of Councillors John Millar, Chris Pollock and Hazel Sorrell.

Councillor Lawrence O'Neill in Chair

DECLARATIONS OF INTEREST

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

EXCLUSION OF PRESS AND PUBLIC

The Committee agreed to approve the following Resolution.

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

HEARING REGARDING POSSIBLE SUSPENSION OR REVOCATION OF A TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE

A report was submitted by the Chief Officer – Regulatory and Regeneration asking Members to consider 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 from Mr. McDougall, Section Head – Licensing and Sergeant David Holmes, Police Scotland and in answer to Members' questions, the Committee

agreed to suspend the Taxi Driver's/Private Hire Car Driver's Licence with immediate effect, for the remainder of the term of the Licence, due to the holder not being considered a fit and proper person to hold the Licence.

The meeting closed at 10.10 a.m.

DRAFT

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer – Regulatory and Regeneration

Licensing Committee – 14 June 2023

Subject: Hearing regarding possible suspension or revocation of a Late Hours Catering Licence

1. Purpose

- 1.1** To consider a request from the Chief Constable of Police Scotland for the suspension of a Late Hours Catering Licence held by Mr. Shafiqullah Khalil for the premises, Aladdin Hot For You located at 6 High Street, Dumbarton G82 1LL. Members also have the option to revoke the licence.

2. Recommendations

- 2.1** The Committee are asked to consider the terms of this report, the terms of the letter from the Chief Constable and any evidence presented at the hearing and thereafter determine whether the licence should be suspended and, if so, the duration of the suspension and date of commencement thereof or alternatively revoke the licence.

3. Background

- 3.1** On 17 May 2023, a letter was received from the Chief Constable of Police Scotland requesting the immediate suspension of the Late Hours Catering Licence held by Mr. Khalil 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 is likely to cause a serious threat to public safety.
- 3.2** Having consulted with the Chief Officer, Regulatory and Regeneration, it was decided that the Late Hours Catering Licence held by Mr. Khalil did not merit an immediate suspension under Paragraph 12 of Schedule 1 to the Act.
- 3.3** Mr. Khalil previously held a Late Hours Catering Licence for the premises having been granted the licence at Committee on 20 February 2019. The licence expired on 19 February 2022 and no renewal application was submitted at that time.
- 3.4** Mr. Khalil's current Late Hours Catering Licence has an expiry date of 23 June 2025 having had the licence granted on 24 June 2022 The operating hours of the Late Hours Catering Licence are:-

Monday	11.00 pm to 1 am
Tuesday	11.00 pm to 1 am

Wednesday	11.00 pm to 1 am
Thursday	11.00 pm to 2 am
Friday	11.00 pm to 4.30 am
Saturday	11.00 pm to 4.30 am
Sunday	11.00 pm to 2 am

4. Main Issues

4.1 In his letter the Chief Constable also requested a suspension of the licence under Paragraph 11 of Schedule 1 to the 1982 Act. A licensing authority may, in these circumstances, order the suspension or revocation of a licence under Paragraph 11 if, in its opinion:-

- (a) the holder of the licence is not, or is no longer, a fit and proper person to hold the licence and/or;
- (b) the activity to which the licence relates is being managed by or carried on for the benefit of a person, other than the licence holder, who would have been refused the grant or renewal of the licence under paragraph 5(3) and/or;
- (c) the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety and/or;
- (d) a condition of the licence has been contravened

4.2 The period of suspension of a licence is the unexpired portion of the duration of the licence, or such shorter period as the licensing authority may fix.

4.3 Where a licensing authority decides to order the suspension or revocation of a licence, the suspension or revocation generally does not take effect until the expiry of the time within which the holder of the licence may appeal against the suspension or revocation (28 days from the date of the decision to suspend) or, if an appeal has been lodged, until the appeal has been abandoned or determined in favour of the suspension or revocation. However, if the licensing authority determines that the circumstances of the case justify immediate suspension or revocation, it may order that the licence be suspended or revoked immediately.

4.4 A licensing authority must, before deciding to suspend or revoke a licence under Paragraph 11, give the holder of the licence and the Chief Constable an opportunity of being heard.

4.5 The licence holder and a representative of the Chief Constable have been invited to the meeting of the Committee on 14 June 2023 in order that a hearing may take place with regard to the possible suspension or revocation of the licence.

- 4.6** In considering whether to suspend or revoke a licence the licensing authority may have regard to any misconduct on the part of the licence holder which in the opinion of the authority has a bearing on his fitness to hold a licence.
- 4.7** The matters which the Committee will require to consider in relation to paragraph 4.1 above are as follows:-
- (a) Whether the alleged misconduct has been established.
 - (b) If the Committee is satisfied that the alleged misconduct has been established, whether, having regard to the misconduct on the part of the licence holder, this has a bearing on Mr Khalil's fitness to hold a licence.
 - (c) If the Committee is of the opinion that Mr. Khalil is no longer a fit and proper person, or the activity to which the licence relates is being managed by or carried on for the benefit of a person, other than the licence holder, who would have been refused the grant or renewal of the licence under paragraph 5(3), or that the carrying on of the activity has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety, the Committee must consider whether his licence should be suspended or revoked.
 - (d) If the Committee is of the opinion that a condition of the licence has been contravened then it may order the suspension or revocation of the licence.
 - (e) If the Committee is satisfied that the licence should be suspended, the Committee must give Mr. Khalil an opportunity of being heard on the length of the suspension and the date from which the suspension should commence.
 - (f) The Committee must then consider what length of suspension is appropriate and whether the circumstances of the case justify immediate suspension.
 - (g) If the Committee is satisfied that circumstances of the case justify revocation, the Committee must consider whether the circumstances of the case justify immediate suspension of the licence as well as revocation.

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** No consultation was required in relation to this request for suspension from Police Scotland.

10. Strategic Assessment

- 10.1** In terms of the Council's Strategic Priorities, the purpose of licensing is to ensure our Communities are Resilient and Thriving.

Chief Officer – Regulatory and Regeneration

Date 25 May 2023

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

Tel. No. (Direct line) 01389 738742.
robert.mackie@west-dunbarton.gov.uk

Appendices: N/A.

Background Papers:

- 1.** Letter dated 17 May 2023 from the Chief Constable, Police Scotland.
- 2.** Letter to Mr. Khalil dated 26 May 2023.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer – Regulatory & Regeneration

Licensing Committee – 14 June 2023

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

1. Purpose

- 1.1 To consider an application for renewal of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Ian Thomson, Flat 1/1 711 Dumbarton Road, Clydebank G81 4HP.

2. Recommendations

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

3. Background

- 3.1 Mr. Thomson submitted an application for renewal of a Taxi/Private Hire Car Driver's Licence to the Council on 20 April 2023.
- 3.2 A letter was received from the Chief Constable of the Police authority on 17 May 2023 submitting a representation in connection with 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 14 June 2023.
- 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 ensure our Communities are Resilient and Thriving.

Chief Officer – Regulatory & Regeneration

Date 18 May 2023

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

Tel. No. (Direct line) 01389 738742.
robert.mackie@west-dunbarton.gov.uk

Appendices: N/A.

Background Papers:

- 1.** Application for renewal of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Ian Thomson, Flat 1/1 711 Dumbarton Road, Clydebank G81 4HP.
- 2.** Letter dated 17 May 2023 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Thomson dated 25 May 2023.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer – Regulatory & Regeneration

Licensing Committee – 14 June 2023

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. Gerard Farrell, Flat 1/2 43 Broomknowes Road, Glasgow G21 4YP.

2. Recommendations

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

3. Background

- 3.1** Mr. Farrell submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 16 March 2023. The application however was incomplete therefore further information was sought from the applicant. This was subsequently received on 26 April 2023 at which point the application was registered and sent out for consultation.
- 3.2** Letters were received from the Chief Constable of the Police authority on 10 May 2023, the first of which submitted an objection in connection with the application with reference to a number of convictions and an alternative to prosecution, which are considered 'protected' in terms of the Rehabilitation of Offenders Act 1974. These protected matters are detailed in a second letter as well as additional information in connection with the objection.

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 14 June 2023.
- 4.2** It will be a matter for the Committee to decide whether the applicant's 'protected' convictions should be disclosed and taken into consideration. It should be noted that protected convictions cannot be considered unless there is no other way of doing justice.
- 4.3** The terms of the letters from the Police, including the letter containing the protected convictions, 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 ensure our Communities are Resilient and Thriving.

Chief Officer – Regulatory & Regeneration

Date 15 May 2023

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

Tel. No. (Direct line) 01389 738742.
robert.mackie@west-dunbarton.gov.uk

Appendices: N/A.

Background Papers:

1. Application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Gerard Farrell, Flat 1/2 43 Broomknowes Road, Glasgow G21 4YP.

2. Letters dated 10 May 2023 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letter to Mr. Farrell dated 25 May 2023.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer – Regulatory & Regeneration

Licensing Committee – 14 June 2023

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. Ryan Martin, Flat G/2 18 Alsatian Avenue, Drumry, Clydebank G81 2NF.

2. Recommendations

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

3. Background

- 3.1** Mr. Martin submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 8 March 2023.
- 3.2** Letters were received from the Chief Constable of the Police authority on 4 April 2023, the first of which submitted an objection in connection with the application. The second letter details a number of convictions deemed as 'protected' under the Rehabilitation of Offenders Act 1974 as additional information in connection with the objection.

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 14 June 2023.
- 4.2** It will be a matter for the Committee to decide whether the applicant's 'protected' convictions should be disclosed and taken into consideration. It should be noted that protected 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 ensure our neighbourhoods are safe, resilient and inclusive.

Chief Officer – Regulatory & Regeneration

Date 15 May 2023

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

Tel. No. (Direct line) 01389 738742.
robert.mackie@west-dunbarton.gov.uk

Appendices: N/A.

Background Papers:

- 1.** Application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Ryan Martin, Flat G/2 18 Alsatian Avenue, Drumry, Clydebank G81 2NF.
- 2.** Letters dated 4 April 2023 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Martin dated 25 May 2023.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer – Regulatory & Regeneration

Licensing Committee – 14 June 2023

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. Stuart Reid, 18 Fraser Street, Cambuslang, Glasgow G72 7AR.

2. Recommendations

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

3. Background

- 3.1** Mr. Reid submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 27 March 2023.
- 3.2** Letters were received from the Chief Constable of the Police authority on 21 April 2023, the first of which submitted an objection in connection with the application. The second letter details a number of convictions deemed as 'protected' under the Rehabilitation of Offenders Act 1974 as additional information in connection with the objection.

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 14 June 2023.
- 4.2** It will be a matter for the Committee to decide whether the applicant's 'protected' convictions should be disclosed and taken into consideration. It should be noted that protected 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 ensure our neighbourhoods are safe, resilient and inclusive.

Chief Officer – Regulatory & Regeneration

Date 15 May 2023

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

Tel. No. (Direct line) 01389 738742.
robert.mackie@west-dunbarton.gov.uk

Appendices: N/A.

Background Papers:

- 1.** Application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Stuart Reid, 18 Fraser Street, Cambuslang, Glasgow G72 7AR.
- 2.** Letters dated 21 April 2023 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Reid dated 25 May 2023.

Wards Affected: N/A.

NOT FOR PUBLICATION

**by virtue of Paragraph 14 of Part 1 of Schedule 7A of
the Local Government (Scotland) Act, 1973**

**ANY ACTION TAKEN OR TO BE TAKEN IN
CONNECTION WITH THE PREVENTION,
INVESTIGATION OR PROSECUTION OF CRIME**

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

WEST DUNBARTONSHIRE COUNCIL**Report by Chief Officer – Regulatory & Regeneration****Licensing Committee – 14 June 2023**

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. Robert Young, 129 Melbourne Avenue, Clydebank G81 4QB.

2. Recommendations

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

3. Background

- 3.1** Mr. Young submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 18 October 2022.
- 3.2** A letter was received from the Chief Constable of the Police authority on 14 November 2022 submitting an objection in connection with the application.
- 3.3** A further letter was received from the Chief Constable of the Police authority on 14 November 2022 detailing a number of convictions deemed as 'protected' under the Rehabilitation of Offenders Act 1974.
- 3.4** Mr. Young previously held a Taxi/Private Hire Car Driver's Licence with West Dunbartonshire Council from September 2015 until September 2019.
- 3.5** At the meeting of the Licensing Committee held on 7 December 2022, having heard from both the Section Head of Licensing and the Police representative, Members decided to continue the application until the 15 February 2023.
- 3.6** At the meeting of the Licensing Committee held on 15 February 2023, having heard from both the Section Head of Licensing and the Police representative, Members decided to continue the application until the 14 June 2023.

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 14 June 2023.
- 4.2** The second letter received from Police Scotland contains details of matters that are considered 'protected' in terms of the Rehabilitation Of Offenders Act 1974.

These details will only be submitted to Members of the Committee should they determine that justice cannot be done in this case except by admitting these details.

4.3 The Civic Government (Scotland) Act 1982 requires the licensing authority to reach a final decision on each application within a period of 9 months from the date the application was submitted. As Mr Young submitted his application on 18 October 2022 a decision on the application must be made by 18 July 2023 at the latest otherwise the licence will be deemed to have being granted.

4.4 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 ensure our Communities are Resilient and Thriving.

Chief Officer – Regulatory & Regeneration

Date 15 May 2023

Person to Contact: Robert Mackie,
Senior Officer (Licensing Services),
Licensing Team,

Municipal Buildings,
College Street,
Dumbarton,
G82 1NR.

Tel. No. (Direct line) 01389 738742.
robert.mackie@west-dunbarton.gov.uk

Appendices: N/A.

Background Papers:

1. Application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Robert Young, 129 Melbourne Avenue, Clydebank G81 4QB.
2. Letters dated 14 November 2022 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letter to Mr. Young dated 25 May 2023.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer – Regulatory & Regeneration

Licensing Committee – 14 June 2023

Subject: Application for grant of a Window Cleaner's Licence

1. Purpose

- 1.1** To consider an application for grant of a Window Cleaner's Licence submitted by Mr. Ross McGowan, 9 Cherry Crescent, Clydebank G81 3JA.

2. Recommendations

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

3. Background

- 3.1** Mr. McGowan submitted an application for grant of a Window Cleaner's Licence to the Council on 1 February 2023.
- 3.2** Letters were received from the Chief Constable of the Police authority on 16 February 2023, the first of which submitted an objection in connection with the application. The second letter details a number of alternatives to prosecution which are considered spent under the Rehabilitation of Offenders Act 1974 as additional information in connection with the objection.
- 3.3** Further letters were received from the Chief Constable of the Police authority on 30 March 2023 which provides additional information in connection with the objection 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 14 June 2023.
- 4.2** It will 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** In relation to the letters received from the Chief Constable of the Police authority on 30 March 2023, 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. McGowan's application was received on 1 February 2023, any objection should have been submitted by 1 March 2023. 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 submitted in the time required.

- 4.4 The terms of the letters containing the alternatives to prosecutions and late information received 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 ensure our Communities are Resilient and Thriving.

Chief Officer – Regulatory & Regeneration

Date 15 May 2023

Person to Contact: Robert Mackie,
Senior Officer (Licensing Services),

Licensing Team,
Municipal Buildings,
College Street,
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G82 1NR.

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Appendices: N/A.

**Background
Papers:**

1. Application for grant of a Window Cleaner's Licence submitted by Mr. Ross McGowan, 9 Cherry Crescent, Clydebank G81 3JA.
2. Letters dated 16 March 2023 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letters dated 30 March 2023 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letter to Mr. McGowan dated 25 May 2023.

Wards Affected: N/A.