

## LICENSING COMMITTEE

At a meeting of the Licensing Committee held in the Council Chambers, Municipal Buildings, Station Road, Dumbarton on Wednesday, 1 October 2003 at 11.00 a.m.

**Present:** Councillors Dennis Brogan, Jack Duffy, Linda McColl and Raymond Young.

**Attending:** Nigel Ettles, Principal Solicitor and Craig Stewart, Administrative Assistant.

**Apologies:** Apologies for absence were intimated on behalf of Provost Alistair Macdonald and Councillors Denis Agnew, Duncan McDonald and Connie O'Sullivan.

**Councillor Jack Duffy in the Chair**

### MINUTES OF PREVIOUS MEETING

857      The Minutes of the Meeting of the Committee held on 6 August 2003 were submitted and approved as a correct record.

### APPLICATIONS FOR GRANT OF STREET TRADERS' LICENCES

(a)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Joseph MacLeod 175 Killoch Drive Knightswood Glasgow	25 August 2003

858      A report was submitted by the Head of Legal and Administrative Services concerning an application for grant of a Temporary Street Trader's Licence (Employee) by the above named person.

859      The Principal Solicitor advised the Committee that in his application form the applicant had disclosed various convictions, two of which were spent in terms of the Rehabilitation of Offenders Act 1974 and the Committee would require to decide initially whether these convictions should be disclosed and taken into consideration when determining the application. The Principal Solicitor advised that the response to the application submitted on behalf of the Chief Constable did not refer to the spent convictions. He further advised that in his opinion the applicant's spent

convictions, which were approximately 20 years old, did not appear to be particularly relevant or serious in the context of the application. Following deliberation the Committee agreed that details of the applicant's spent convictions should not be disclosed.

860 Having heard the Principal Solicitor in elaboration, it was noted that an objection to the application had been submitted on behalf of the Chief Constable and that the applicant and a representative of the local Police authority had been invited to attend the meeting in order that a hearing may take place.

861 The applicant and the representative of the Police, Sergeant Jeffrey, who were in attendance, were invited to come forward.

862 Sergeant Jeffrey was then invited to address the Committee in support of the objection which had been submitted. It was noted that the objection was on the grounds that the applicant was not a fit and proper person to hold a licence for the reasons detailed in the report.

863 The applicant was then given the opportunity to address the Committee in support of the application.

864 After consideration it was agreed that the application be granted on the basis that the conduct of the applicant would be closely monitored.

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

Alan McDevitt  
18 Colquhoun Road  
Milton  
Dumbarton

7 August 2003

865 A report was submitted by the Head of Legal and Administrative Services concerning an application for grant of a Street Trader's Licence by the above named person.

866 Having heard the Principal Solicitor it was noted:-

- (a) that the applicant was seeking a licence to allow him to trade in hot and cold snacks from a mobile snack van which would be located in Main Street, Alexandria, opposite Vale of Leven Academy, on Mondays to Fridays from 8 a.m. until 3 p.m. each day;

- (b) that in terms of agreed policy, a public notice had been inserted in the local press advising that the application had been made. The notice advised that any person wishing to submit an objection or representation in relation to the application should do so in writing by 10 September 2003;
- (c) that letters intimating objections to the application had been received from the undernoted individuals/organisations:-
  - (i) Messrs. Clark Boyle & Co., Solicitors, 33A Gordon Street, Glasgow on behalf of Mr. Ralph Colaluca who operates a chip shop at 148 Main Street, Alexandria;
  - (ii) J. G. Edwards, "The Corner Shop", 327 Main Street, Alexandria;
  - (iii) Ms. Anne Crawford, 1 Wylie Avenue, Alexandria on behalf of some of the residents of Wylie Avenue (a sheet which was enclosed with the letter contained the signatures/names of a further 11 residents of Wylie Avenue, Alexandria and a Mr. & Mrs. J. Brown, 358 Main Street, Alexandria presumably purporting to support the terms of the letter); and
  - (iv) Mr. T. Lanagan, Head Teacher, Vale of Leven Academy;
- (d) that in terms of the relevant legislation, a further letter from Mr. B. Jones, Vale of Leven Academy School Board, and an email from Mr. Ian Davison Porter, on behalf of the Town Centres Initiative, intimating objections to the application had been received late, but there was provision for the Licensing Authority to entertain a late objection which had been received before a final decision had been made on an application if the Licensing Authority was satisfied that there was sufficient reason why the objection had not been made in the time required;
- (e) that it would be a matter for the Committee to decide initially whether the late letter of objection from Mr. Jones and the late objection from Mr. Davison Porter which was intimated by e-mail should be entertained; and
- (f) that, in view of the objections to the application, the applicant and the objectors had been invited to attend the meeting in order that a hearing may take place.

- 867 It was noted that neither Mr. Jones nor Mr. Davison Porter were present and that Mr. Lanagan was represented by Ms. S. Muir, Depute Head Teacher, Vale of Leven Academy. Ms. Crawford, Mr. Colaluca and Ms. Muir were invited to come forward and made their views on the application known.
- 868 The applicant and his representative, Mr. Tony Dance, were then invited to address the Committee in support of the application. In this regard, a copy of a submission by the applicant was circulated to Members and Mr. Dance was heard in elaboration thereof.
- 869 After hearing the Convener, Councillor Duffy, it was agreed that the meeting be adjourned for a short period to enable the Committee to discuss certain issues relating to the application. The meeting was adjourned at 11.33 a.m. and reconvened at 11.41 a.m. with the same Members and officers present as listed in the sederunt.
- 870 Following consideration, it was agreed that consideration of the application be continued to the next meeting of the Committee in order to enable a site visit to the proposed location to be undertaken.

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

	<b><u>Name and Address of Applicant</u></b>	<b><u>Date Applied</u></b>
	John McGroarty Flat G/1 9 Burns Street Dalmuir Clydebank	11 August 2003
871	A report was submitted by the Head of Legal and Administrative Services concerning an application for grant of a Temporary Taxi/Private Hire Car Driver's Licence by the above named person.	
872	It was noted that an objection to the application had been submitted on behalf of the Chief Constable and that the applicant and a representative of the local Police authority had been invited to attend the meeting in order that a hearing may take place.	
873	The applicant and the representative of the Police, Sergeant Jeffrey, who were in attendance, were invited to come forward.	

- 874 Sergeant Jeffrey was then invited to address the Committee in support of the objection which had been submitted. It was noted that the objection was on the grounds that the applicant was not a fit and proper person to hold a licence for the reasons detailed in the report.
- 875 The applicant was then given the opportunity to address the Committee in support of his application.
- 876 After consideration it was 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.

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

<b><u>Name and Address of Applicant</u></b>	<b><u>Date Applied</u></b>
Francis Meehan 22 Davidson Street Whitecrook Clydebank	25 July 2003
877 A report was submitted by the Head of Legal and Administrative Services concerning an application for renewal of a Taxi/Private Hire Car Driver's Licence by the above named person.	
878 Having heard the Principal Solicitor it was noted:-	
(a) that an objection had been submitted on behalf of the Chief Constable in relation to the application;	
(b) that the applicant and a representative of the local Police Authority had been invited to attend the meeting in order that a hearing may take place; and	
(c) that the applicant had intimated that he was unable to attend the meeting as he was out of the country on holiday until 8 October 2003.	
879 It was agreed that consideration of the application be continued to the next meeting of the Committee and that the applicant and a representative of the local Police authority again be invited to attend the meeting.	

## **REVIEW OF TAXI FARES AND CHARGES – DUMBARTON AND VALE OF LEVEN TAXI LICENSING ZONE**

880 A report was submitted by the Head of Legal and Administrative Services concerning a proposed review of fares and charges applicable to taxis operating within the Dumbarton and Vale of Leven Taxi Licensing zone.

881 Having heard the Principal Solicitor it was agreed:-

- (a) that the response from the taxi trade in relation to this matter be noted; and
- (b) that officers be authorised to make the necessary arrangements for the advertisement of the fact that it is proposed that the taxi fares and related charges for the Dumbarton and Vale of Leven zone remain as existing.

## **LICENSING OF LATE HOURS CATERING**

882 With reference to the Minutes of the Meeting of the Committee held on 6 August 2003, a further report was submitted by the Head of Legal and Administrative Services concerning the proposed introduction of a licensing scheme for late hours catering within West Dunbartonshire.

883 Having heard the Principal Solicitor it was noted:-

- (a) that, in accordance with the previous decision of the Committee, a Public Notice setting out the terms of a Proposed Resolution in this respect had been published in both the Lennox Herald and Clydebank Post on 13 August 2003. In this connection, it was indicated in the Notice that representations concerning the Proposed Resolution should be made in writing to the Authority within 28 days of the date of publication of the Notice;
- (b) that one letter making representations about the Resolution had been received from a Mr. Alberta C. Costa on behalf of his father, Mr. Santo Costa, who operates the premises known as "Pizzeria Santino" at 9/11 Quay Street, Dumbarton; and
- (c) that in order that the representation which had been received may be fully considered by the Committee, Mr. Costa had been invited to attend the meeting.

- 884 Mr. & Mrs. Costa, who were in attendance, were invited to come forward and Mrs. Costa, on behalf of her husband, addressed the Committee in relation to their concerns on the matter. In this respect, reference was made by Mrs. Costa to a petition which had been signed by patrons of "Pizzeria Santino", a copy of which was handed to the Convener.
- 885 After consideration and having heard the Convener, Councillor Duffy, the Committee agreed to make a Resolution in the terms of the Proposed Resolution which had been advertised.

### **SITE VISIT**

- 886 It was agreed that the site visit referred to in the item of business concerning the application for a Street Trader's Licence in respect of a proposed location close to Vale of Leven Academy, Alexandria be undertaken on the same day as Planning Committee visitations which were due to take place in the afternoon of Monday, 3 November 2003.

The meeting concluded at 11.57 a.m.