

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in Committee Room 3, Council Offices, Garshake Road, Dumbarton on Wednesday, 9 January 2013 at 2.00 p.m.

Present: Councillors Jim Brown, Jim Finn, Patrick McGlinchey, John Mooney, Lawrence O'Neill and Tommy Rainey.

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

Apology: Apologies for absence were intimated on behalf of Provost Douglas McAllister and Councillor Jonathan McColl.

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 at this point in the meeting.

VARIATION IN THE ORDER OF BUSINESS

The Chair, Councillor O'Neill, welcomed everyone present to the first meeting of the Licensing Committee in 2013 and informed everyone present that the business would be varied as hereinafter minuted.

MINUTES OF PREVIOUS MEETINGS

The Minutes of Meetings of the Licensing Committee held on 31 October 2012 (Ordinary) and 21 November 2012 (Special) were submitted and approved as correct records.

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

(a)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Mr William Currie 160 Braehead Bonhill Alexandria G83 9ND	15 October 2012

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

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

- (a) when Mr Currie applied for grant of a temporary Taxi/Private Hire Car Driver's Licence, a representation had been made by the Chief Constable of the Police authority in relation to the application. After a hearing at the meeting of the Committee on 5 September 2012, it had been agreed that the application be granted and the applicant's first application for a full licence be referred to the Committee for consideration and the applicant invited to appear before the Committee in this connection;
- (b) that in accordance with the decision of the Committee, the applicant had been invited to attend the meeting; and
- (c) that confirmation had been received from the Police authority that there was no Police objection or representation with respect to Mr Currie's application for grant of his licence.

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

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

(b) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
Barry Bonner 4 Erskine View Old Kilpatrick G60	1 November 2012

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

After hearing the Principal Solicitor, it was noted:-

- (a) that a letter had been received from the Chief Superintendent of the Police authority making a representation with respect to the applicant;
- (b) that in view of the representation which had been received from the Police, the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place;

- (c) that the letter from the Chief Superintendent, making the representation in relation to the application, had been received on 6 December 2012. In terms of the relevant legislation, a representation with respect to an application should have been submitted within 28 days of receipt of the application. As Mr Bonner's application had been received on 1 November 2012, any representation should have been submitted by 29 November 2012. There is, however, provision in the legislation for the Licensing Authority to entertain a late representation which has been received before a final decision has been made on an application if the Licensing Authority was satisfied that there had been sufficient reason why the representation had not been made in the time required;
- (d) that it would be a matter for the Committee to decide initially whether the late representation from the Police should be taken into consideration; and
- (e) that the terms of the letter from the Police would be made known to the Committee as appropriate.

It was noted that the applicant and representatives of the Police authority, Sergeant Stewart and Mrs Queen, were in attendance.

The Committee heard from Sergeant Stewart, who explained why the Police representation had been submitted outwith the statutory period.

The Committee was satisfied that there was sufficient reason why the representation had not been made in the time required and agreed that the representation would be taken into consideration. Copies of the letter from the Police were accordingly circulated to Members of the Committee.

The Committee heard Sergeant Stewart in relation to the representation which had been submitted and in answer to Members' questions. Mr Bonner was then given the opportunity to address the Committee in support of the application and in connection with the circumstances relating to the matters detailed in the Police letter.

After consideration the Committee agreed that the application be granted.

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

Name and Address of Applicant

Stewart Patrick
325 Main Street
Alexandria
G83 0AJ

Date Applied

12 October 2012

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

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

- (a) that a letter had been received from the Chief Superintendent of the Police authority making a representation in relation to the application;
- (b) that in view of the representation, the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place; and
- (c) that copies of the letter from the Police authority had been issued to Members of the Committee in advance of the meeting.

It was noted that the applicant and representatives of the Police authority, Sergeant Stewart and Mrs Queen, were in attendance.

Sergeant Stewart was then heard in relation to the representation and in answer to questions from Members. The applicant was then given the opportunity to address the Committee in support of his application and he explained the background with respect to the incidents referred to in the letter from the Police.

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

APPLICATION FOR GRANT OF PRINCIPAL STREET TRADER'S LICENCE

Name and Address of Applicant

Date Applied

Carla Rea
5 Small Holdings
Cochno Road
Hardgate
Clydebank
G81 5QQ

5 October 2012

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

Having heard the Principal Solicitor, it was noted:-

- (a) that Ms Rea was applying to take over the licence held by Mr Giulio Rea who operated in Faifley Road on Mondays to Saturdays from 12.00 p.m. until 7.30 p.m. at Beeches Road, Duntocher on Mondays to Fridays from 12.00 p.m. until 7.30 p.m. and at St. Peter the Apostle High School, Kirkoswald Drive, Drumry on Mondays to Fridays from 12.00 p.m. until 2.00 p.m.;

- (b) that Mr Rea had operated in the vicinity of St. Peter the Apostle High School and previously St. Columba's High School for approximately 20 years and that as he was retiring, he was proposing to pass the business on to his daughter, Ms Carla Rea, who had worked as an employee in the business for over 5 years;
- (c) that at the meeting of the Licensing Committee held 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 children; but that individual applications still required to be considered on their own merits; and
- (d) that there were no Police objections or representations with respect to Ms Rea's application.

It was noted that the applicant was in attendance. Ms Rea was then given the opportunity to address the Committee in support of the application and was heard in answer to questions from Members.

After consideration and having heard Miss Rea in answer to questions from Members, the Committee agreed:-

- (1) that the application be granted; and
- (2) to note the assurance given by the applicant that all visible litter in the vicinity of the catering van would be picked up and removed by the applicant at the end of each lunch period.

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

Name and Address of Applicant

Date Applied

Garry Cosgrove
15 Brunswick House
Mountblow
Clydebank
G81 4QH

25 September 2012

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

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

- (a) that a letter had been received from the Chief Constable of the Police authority making a representation in relation to the application;

- (b) that in view of the representation which had been received from the Police, the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place; and
- (c) that copies of the letter from the Police authority had been issued to Members of the Committee in advance of the meeting.

It was noted that the applicant and representatives of the Police authority, Sergeant Stewart and Mrs Queen, were in attendance.

The Committee heard from Sergeant Stewart in relation to the representation which had been submitted.

Thereafter, the applicant, Mr Cosgrove, was invited to come forward and addressed the Committee in support of his application.

After discussion and having heard Sergeant Stewart in answer to Members' questions, Councillor O'Neill, seconded by Councillor McGlinchey, moved:-

That the application be granted for a period of one year.

As an amendment, Councillor Rainey, seconded by Councillor Brown, moved:-

That the application be refused on the ground that the applicant was not a fit and proper person to be the holder of a Taxi/Private Hire Car Driver's Licence.

On a vote being taken, 3 Members voted for the amendment and 3 for the motion. There being an equality of votes, Councillor O'Neill used his casting vote in favour of the motion which was accordingly declared carried.

APPLICATIONS FOR GRANT OF TEMPORARY EMPLOYEE STREET TRADER'S LICENCE

(a) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
Karl Zupp 42 Kelvin Way Kilsyth G65 9UL	12 November 2012

A report was submitted by the Head of Legal, Democratic and Regulatory Services concerning an application for grant of a Temporary Employee Street Trader's Licence.

It was noted that the applicant was not in attendance.

The Committee agreed to continue consideration of the application to the next meeting of the Committee.

(b) Name and Address of Applicant

Date Applied

Raymond Jauncey
34 Southdeen Road
Drumchapel
Glasgow
G15 7RZ

25 October 2012

A report was submitted by the Head of Legal, Democratic and Regulatory Services concerning an application for grant of a Temporary Employee Street Trader's Licence.

It was noted that the applicant was not in attendance.

The Committee agreed to continue consideration of the application to the next meeting of the Committee.

The meeting closed at 2.34 p.m.