

## **LICENSING COMMITTEE**

At a Meeting of the Licensing Committee held in the Council Chambers, Municipal Buildings, Station Road, Dumbarton on Tuesday, 3 May 2011 at 12.00 noon.

**Present:** Councillors Jim Brown, Geoff Calvert, Jim Finn, Jonathan McColl and Willie McLaughlin.

**Attending:** Nigel Ettles, Principal Solicitor; Raymond Walsh, Engineer (Traffic), Housing, Environment and Economic Development; Robert Mackie, Senior Officer (Licensing Services) and Nuala Borthwick, Committee Officer, Legal, Administrative and Regulatory Services.

**Apologies:** An apology for absence was submitted on behalf of Councillor Ronnie McColl.

**Councillor Jim Finn in the Chair**

### **DECLARATION OF INTEREST**

Councillor Brown declared a non-financial interest in the agenda item under the heading "Proposed Relocation of Taxi Stance", being a Director of Clydebank Re-Built, and intimated that he would take no part in the Committee's decision in relation to that item.

### **MINUTES OF PREVIOUS MEETINGS**

The Minutes of Meetings of the Licensing Committee held on 1 March 2011 (Ordinary) and 7 April 2011 (Special) were submitted and approved as correct records.

### **APPLICATION FOR GRANT OF TAXI BOOKING OFFICE LICENCE**

A report was submitted by the Head of Legal, Administrative and Regulatory Services concerning an application for grant of a Taxi Booking Office Licence submitted by Alexandria and Dumbarton TOA Ltd., 107 Main Street, Alexandria.

After hearing the Principal Solicitor, it was noted:-

- (a) that at the meeting on 1 March 2011, the Committee had agreed to continue the application to the next meeting of the Committee in order that the notice at the premises could be displayed for a further period of 21 days beginning on 7 March 2011 as they were satisfied that the notice had not been displayed for the statutory period;
- (b) that 15 letters of objection had been received in relation to the application for the grant of a Taxi Booking Office Licence submitted by Alexandria and Dumbarton TOA Ltd;
- (c) that 4 out of the 15 letters of objection had been submitted late in respect of the initial notice period for the application, had not been superseded by further letters of objection and therefore had to be treated as late objections;
- (d) that copies of 11 letters of objection had been issued to members of the Committee in advance of the meeting;
- (e) that the objection from Mr Stephen Stewart, which had been issued to members of the Committee in advance of the meeting, was unsigned and therefore was not a competent objection and required to be disregarded by members;
- (f) that in view of the objections that had been received in relation to the application, the applicant and the objectors had been invited to attend the meeting in order that a hearing may take place;
- (g) that the applicant was represented at the meeting by Mr Steven Docherty, Solicitor, Wright, Johnston & Mackenzie LLP and the objector in attendance who wished to address the Committee was Councillor Jim Bollan;
- (h) that a facsimile had been received from the Chief Superintendent of the Police authority on 8 February 2011 advising that the Chief Constable had no objections or representations to make in relation to the application; and
- (i) that Inspector Byrne and Sergeant Stewart were in attendance on behalf of the Police authority.

Following consideration the Committee was satisfied that there was sufficient reason for the 4 late objections not being made in time. The Committee therefore agreed to entertain the 4 objections. Copies of the letters of objection were accordingly circulated to Members of the Committee and to the applicant's representative.

Thereafter, Councillor Bollan was invited to come forward and addressed the Committee on the terms of his objection.

The Committee then heard from Inspector Byrne, Strathclyde Police in answer to questions from Members concerning the seizure of drugs at the home of Mr Michael Rainey, one of the applicant's Directors, and advised that there had been no charges libelled against Mr Rainey as there had been no evidence to prove that he had been guilty of an offence.

At the invitation of the Chair, Councillor Finn, the Committee then heard from Mr Steven Docherty, Solicitor, Wright, Johnston & Mackenzie LLP who was in attendance on behalf of Alexandria and Dumbarton TOA Ltd. Mr Docherty addressed the Committee on the issues raised in the letters of objection submitted in relation to the application.

Thereafter Mr Docherty answered questions from Members concerning the individuals involved in Alexandria and Dumbarton TOA Ltd and Dumbarton and Alexandria Taxi Owners Association.

The Senior Officer (Licensing Services) and the Principal Solicitor were then heard in answer to Members' questions concerning the recently granted application for Transfer of a Taxi Licence to Mr Rainey which had been dealt with by Officers under delegated powers given that there were no objections or representations in relation to the application.

Following discussion the Committee unanimously agreed that the application be refused on the grounds:-

- (1) that Mr Michael Rainey (who was named as a Director of, or person responsible for the management of, the business) was, as an individual, not a fit and proper person to be the holder of a Taxi Booking Office Licence; and
- (2) that Mr Michael Rainey, Mr Martin Rankin and Mr John Berry (all of whom were named as Directors of, or persons responsible for the management of, the business and who were all Directors of, or persons responsible for the management of, Dumbarton and Alexandria Taxi Owners Association) were, collectively, not fit and proper persons to be the holder of a Taxi Booking Office Licence.

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

<b>(a)</b>	<b><u>Name and Address of Applicant</u></b>	<b><u>Date Applied</u></b>
	Thomas Walker 13A Ellinger Court Dalmuir Clydebank G81 4PB	3 December 2010

With reference to the Minutes of Meeting held on 1 March 2011 (Page 3511 refers), a report was submitted by the Head of Legal, Administrative and Regulatory Services concerning an application for renewal 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 application;
- (b) that in view of the representation that 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, Inspector Byrne and Sergeant Stewart, were in attendance.

The Committee heard from Sergeant Stewart in relation to the representation which had been submitted and in answer to Members' questions.

Thereafter, Mr Walker was given the opportunity to address the Committee in support of the application and he explained the circumstances relating to the incident that had led to the charges against him. He advised that a new trial date had been fixed for 12 August 2011.

Following discussion and having heard the Principal Solicitor in answer to Members' questions, the Committee agreed that the application be granted for a period of one year on the basis that a report on the possible suspension of the licence would be submitted to the Committee should the pending case against the applicant result in a conviction.

(b) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
William McLeod 13/2 Merkins Avenue Bellsmyre Dumbarton G82 3DZ	17 March 2011

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

Having heard the Principal Solicitor, it was noted:-

- (a) that a letter had been received from Chief Superintendent of the Police authority making a representation with respect 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, Inspector Byrne and Sergeant Stewart, were in attendance.

The Committee heard Sergeant Stewart in relation to the representation which had been submitted. The applicant was then given the opportunity to address the Committee in support of his application and was heard in answer to questions from Members.

After consideration the Committee agreed that the application be granted for a period of one year.

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

A report was submitted by the Head of Legal, Administrative and Regulatory Services on the proposed review of fares and charges applicable to taxis operating within the Clydebank Taxi Licensing Zone.

Following discussion and having heard the Principal Solicitor in further explanation of the report, the Committee agreed:-

- (1) to authorise Officers to arrange for the advertisement of the proposed status quo in the fares and charges;
- (2) to note that if representations or objections to the proposal were received, a further report on the matter would be considered at a future meeting of the Committee; and
- (3) that should no objections or representations be received in relation to the proposal, to delegate authority to the Head of Legal, Administrative and Regulatory Services, 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.

## **CIVIC GOVERNMENT (SCOTLAND) ACT 1982: REVIEW OF TAXI FARES AND CHARGES – DUMBARTON TAXI LICENSING ZONE**

A report was submitted by the Head of Legal, Administrative and Regulatory Services on the proposed review of fares and charges applicable to taxis operating within the Dumbarton Taxi Licensing zone.

Following discussion and having heard the Principal Solicitor in further explanation of the report, the Committee agreed:-

- (1) to authorise Officers to arrange for the advertisement of the proposed increase in the fares and charges; and
- (2) that a further report on the matter would be submitted for consideration at a future meeting of the Committee.

## **AGE LIMIT OF SALOON VEHICLES OPERATING AS TAXIS**

A report was submitted by the Head of Legal, Administrative and Regulatory Services concerning a representation that has been received from West Dunbartonshire Taxi Trade Association requesting consideration for extending the age limit of saloon vehicles from 8 years to 10 years with vehicles remaining subject to 2 inspections per year once they have reached 8 years of age.

Following discussion and having heard the Principal Solicitor in further explanation of the report and in answer to a Member's question, the Committee agreed:-

- (1) to increase the age limit of saloon vehicles for both taxi and private hire cars from 8 years to 10 years; and
- (2) that the existing frequency of testing policy which requires vehicles to be tested 3 times per year once they have reached 8 years of age would remain in place.

## **DECLARATION OF INTEREST**

Councillor Brown declared a non-financial interest in the following item of business, being a Director of Clydebank Re-Built, and left the meeting.

## **PROPOSED RELOCATION OF TAXI STANCE**

A report was submitted by the Head of Legal, Administrative and Regulatory Services concerning a proposal from Clydebank Rebuilt to alter the taxi stance which is currently situated in Alexander Street, Clydebank and to create a new feeder rank in Hume Street.

Following discussion and having heard the Principal Solicitor in further explanation of the report, the Committee agreed:-

- (1) that officers be authorised to consult the taxi trade regarding the proposed appointment and revocation of the taxi stances;
- (2) that officers be authorised to make the necessary arrangements to give notice of the proposed appointment and revocation of the taxi stances to the Chief Constable and public notice of the proposals;
- (3) to note that if representations or objections to the proposals are received, the representations or objections would require to be considered by Committee; and
- (4) that a further report on the matter would be submitted to the next meeting of the Committee.

The meeting closed at 12.55 p.m.