

Agenda



Meeting of Licensing Committee

Date: Wednesday, 15 February 2017

Time: 10:00

Venue: Committee Room 3, Council Offices, Garshake Road, Dumbarton

Contact: Nuala Borthwick, Committee Officer
Tel: 01389 737594 nuala.borthwick@west-dunbarton.gov.uk

Dear Member

Please attend a meeting of the **Licensing Committee** as detailed above. The business is shown on the attached agenda.

Yours faithfully

JOYCE WHITE

Chief Executive

Distribution:

Councillor Lawrence O'Neill (Chair)
Councillor Jim Brown
Councillor Jim Finn
Provost Douglas McAllister (Vice Chair)
Councillor Jonathan McColl
Councillor John Mooney
Councillor Tommy Rainey
Councillor Hazel Sorrell

All other Councillors for information

Chief Executive
Strategic Director – Regeneration, Environment and Growth
Strategic Director – Transformation and Public Service Reform
Chief Officer of Health & Social Care Partnership

Date issued: 2 February 2017

LICENSING COMMITTEE
WEDNESDAY, 15 FEBRUARY 2017

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 - 13

Submit for approval as a correct record the Minutes of Meeting of the Licensing Committee held on 7 December 2016.

4 CONTINUED APPLICATION FOR GRANT OF A TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE 15 - 17

Name and Address of Applicant

Date Applied

Andrew Park
3 Braehead
Bonhill
Alexandria
G83 9NA

10 October 2016

Submit report by the Strategic Lead – Regulatory concerning an application for grant of a Taxi/Private Hire Car Driver's Licence by the above named person.

5 APPLICATION FOR RENEWAL OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE 19 - 24

(a) Name and Address of Applicant

Date Applied

Caroline Buchanan
23 Cordale Avenue
Renton
G82 4QF

10 October 2016

Submit report by the Strategic Lead – Regulatory concerning an application for Renewal of a Taxi/Private Hire Car Driver's Licence by the above named person.

(b)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Stephen Walker 55 Elmbank Drive Bonhill Alexandria G83 9EL	30 December 2016

Submit report by the Strategic Lead – Regulatory concerning an application for Renewal of a Taxi/Private Hire Car Driver's Licence by the above named person.

6 APPLICATION FOR GRANT OF A TEMPORARY TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE 25 - 30

(a)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Scott Brownlie Flat 2/2, 62 Glasgow Road Dumbarton G82 1HQ	7 December 2016

Submit report 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.

(b)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Alan Spence 34 Fasque Place Drumchapel Glasgow G15 8HU	12 December 2016

Submit report 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.

(c)/

(c)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	David Cross Flat 1/1, 1 Larchfield Avenue Glasgow G14 9BZ	16 December 2016
	Submit report 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.	

7	AVAILABILITY OF WHEELCHAIR ACCESSIBLE VEHICLES IN THE DUMBARTON AND VALE OF LEVEN TAXI ZONE	31 - 47
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Submit report by the Strategic Lead – Regulatory providing an update on the current level of Wheelchair Accessible Vehicles in the Dumbarton and Vale of Leven taxi zone and seeking consideration of action to increase their numbers.

8	CIVIC GOVERNMENT (SCOTLAND) ACT 1982 PART V – PUBLIC PROCESSIONS – POLICE, PUBLIC ORDER AND CRIMINAL JUSTICE (SCOTLAND) ACT 2006 – NOTICE OF PROPOSAL TO HOLD A PUBLIC PROCESSION: CLYDEBANK PROTESTANT MARTYRS	49 - 54
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Submit report by the Strategic Lead – Regulatory concerning a Notice of Proposal to hold a Public Procession submitted by Clydebank Protestant Martyrs Loyal Orange Lodge 2000.

9	HEARING REGARDING POSSIBLE SUSPENSION OF A TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE	55 - 57
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Submit report by the Strategic Lead – Regulatory requesting consideration of the possible suspension of a Taxi Driver's/Private Hire Car Driver's Licence following a complaint which has been submitted by Police Scotland.

10	HEARING REGARDING POSSIBLE SUSPENSION OR REVOCATION OF TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE	59 - 62
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Submit report by the Strategic Lead – Regulatory requesting consideration of the possible suspension of a Taxi Driver's/Private Hire Car Driver's Licence following a complaint which has been submitted by Police Scotland.

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 7 December 2016 at 10.05 a.m.

Present: Councillors Jim Brown, Jim Finn, Jonathan McColl, John Mooney, Lawrence O'Neill and Hazel Sorrell.

Attending: Raymond Lynch, Section Head (Licensing); Robert Mackie, Senior Officer (Licensing Services); Martin Keeley, Service Co-ordinator (Regulatory); Lawrence Knighton, Licensing Standards Officer and Nuala Borthwick, Committee Officer.

Apologies: Apologies for absence were intimated on behalf of Provost Douglas McAllister and Councillor Tommy Rainey.

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 Meeting of the Licensing Committee held on 19 October 2016 were submitted and approved as a correct record.

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

Name and Address of Applicant

Date Applied

Andrew Park
5 Braehead
Bonhill
Alexandria
G83 9NA

10 October 2016

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 named person.

Having heard the Section Head (Licensing), it was noted that the applicant had intimated in advance of the meeting that he would be unable to attend the meeting due to a hospital appointment.

DECIDED:-

It was agreed that consideration of the application be continued to the next meeting of the Licensing Committee to be held on 15 February 2017.

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

Name and Address of Applicant

Date Applied

John Slevin
3 Allan Crescent
Alexandria
G83 0BJ

21 October 2016

A report was submitted by the Strategic Lead – Regulatory concerning an application for Renewal of a 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 had been received from the Chief Superintendent of the Police authority advising that the Chief Constable had an objection to make in relation to the application;
- (b) that in view of the objection, the applicant and a representative of the Police authority had been invited to attend the meeting of the Committee in order that a hearing could take place;
- (c) that the applicant and his representative, Mr Cobb, Solicitor, PRG Partnership Solicitors and a representative of the Police authority, Sergeant Walker, were in attendance; and
- (d) that a separate letter had been received from the Police authority detailing the applicant's alternatives to prosecution that were considered "spent" in terms of the Rehabilitation of Offenders Act 1974 and that it was for the Committee to decide whether or not the letter detailing the spent alternatives to prosecution should be disclosed and taken into consideration.

Having heard the Section Head (Licensing) with regard to the age, degree of seriousness and relevance of the spent alternatives to prosecution, the Committee agreed that the letter from the Police authority detailing the spent alternatives to prosecution should be circulated and taken into account. Copies of the letter containing the spent alternatives to prosecution were accordingly circulated to Members of the Committee.

The Committee then heard from Sergeant Walker in relation to both letters from the Police authority and in answer to Members' questions.

The Committee also heard from the applicant's legal representative, Mr Cobb. Both Mr Cobb and Mr Slevin were 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 letters. Thereafter, both Mr Cobb and Mr Slevin answered questions from Members. It was noted that Mr Slevin's pending case was sub-judice.

DECIDED:-

After consideration, the Committee agreed to continue consideration of the Application for Renewal of a Taxi/Private Hire Car Driver's Licence to the meeting of the Licensing Committee to be held on 19 April 2017.

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

(a) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
Graham Bell 8 Stuckleckie Road Helensburgh G84 7NL	17 October 2016

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 had been received from the Chief Superintendent of the Police authority providing information in respect of the application for the Committee's consideration;
- (b) that the applicant and a representative of the Police authority, Sergeant Walker, were in attendance; and
- (c) that copies of the letter from the Police authority dated 15 November 2016, providing information in relation to the application, had been issued to Members of the Committee in advance of the meeting.

The Committee heard from Sergeant Walker in relation to the information which had been provided by the Police authority concerning the application and she was then heard in answer to a Member's question.

Thereafter, Mr Bell was given the opportunity to address the Committee in support of the application.

DECIDED:-

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

<u>(b) Name and Address of Applicant</u>	<u>Date Applied</u>
Mark Harvey 19 Alsation Avenue Drumry Clydebank G81 2NF	21 October 2016

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 had been received from the Chief Superintendent of the Police authority providing information in respect of the application for the Committee's consideration;
- (b) that copies of the letter from the Police authority dated 15 November 2016, providing information in relation to the application, had been issued to Members of the Committee in advance of the meeting;
- (c) that the applicant and a representative of the Police authority, Sergeant Walker, were in attendance; and
- (d) that a separate letter had been received from the Police authority detailing the applicant's alternatives to prosecution that were considered "spent" in terms of the Rehabilitation of Offenders Act 1974 and that it was for the Committee to decide whether or not the letter detailing the spent alternatives to prosecution should be disclosed and taken into consideration.

Having heard the Section Head (Licensing) with regard to the age, degree of seriousness and relevance of the spent alternatives to prosecution, the Committee agreed that the letter from the Police authority detailing the spent alternatives to prosecution should be circulated and taken into account.

Copies of the letter containing the spent alternatives to prosecution were accordingly circulated to Members of the Committee.

The Committee then heard from Sergeant Walker in relation to both letters from the Police authority and in answer to Members' questions.

Mr Harvey 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 letters, and to be heard in answer to questions from Members.

DECIDED:

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

APPLICATION FOR RENEWAL OF A WINDOW CLEANER'S LICENCE

Name and Address of Applicant

Date Applied

Kevin Hannan
34/6 Valeview Terrace
Dumbarton
G82 3BN

6 October 2016

A report was submitted by the Strategic Lead – Regulatory concerning an application for Renewal of a Window Cleaner's Licence by the above named person.

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

- (a) that a letter had been received from the Chief Superintendent of the Police authority advising that the Chief Constable had an objection to make in relation to the application;
- (b) that in view of the objection which had been received from the Police authority, 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 applicant and a representative of the Police authority, Sergeant Walker, were in attendance; and
- (d) that copies of the letter from the Police authority dated 19 October 2016, containing the objection, had been issued to Members of the Committee in advance of the meeting.

The Committee heard Sergeant Walker in relation to the objection and in answer to Members' questions.

Mr Hannan was then given the opportunity of addressing the Committee in support of his application and in connection with the matters detailed in the Police letter, and to be heard in answer to Members' questions.

DECIDED:-

After consideration, the Committee agreed that the application be refused on the grounds that the applicant was no longer a fit and proper person to hold a licence.

INTRODUCTION OF LICENSING CONDITIONS FOR HOME BOARDING AND COMMERCIAL DAY BOARDING OF DOGS UNDER THE ANIMAL BOARDING ESTABLISHMENTS ACT 1963

A report was submitted by the Strategic Lead – Regulatory seeking approval for the introduction of licensing conditions for Home Boarding and Commercial Boarding of dogs under the Animal Boarding Establishments Act 1963.

The Committee then heard from the Section Head (Licensing) and the Service Co-ordinator (Regulatory) in further explanation of the report and in answer to Members' questions.

Thereafter, having heard the Chair, Councillor O'Neill, it was agreed that consultees who were present and likely to be affected by the introduction of the licensing conditions, would have the opportunity to address the Committee in response to the proposed licensing conditions for Home Boarding of Dogs and Commercial Boarding of Dogs.

Thereafter, the Committee heard from those consultees present at the meeting who provided information in relation to the proposed responses.

After discussion, the Committee agreed:-

- (1) to continue the matter to the meeting of the Licensing Committee scheduled to be held on Wednesday, 19 April 2017;
- (2) that a full public consultation would be commenced at the start of January 2017 for a period of 6 weeks to enable all consultees to submit comprehensive responses to the consultation; and
- (3) that the public consultation would be publicised in the local media and via the Council's social media after the new year period.

ADJOURNMENT

Having heard the Chair, Councillor O'Neill, the Committee agreed to adjourn for a short period of time.

The Committee resumed at 12.05 p.m. with all Members shown on the sederunt in attendance.

UPDATE ON INDEPENDENT REPORT ON MARCHES, PARADES AND STATIC DEMONSTRATIONS IN SCOTLAND

A report was submitted by the Strategic Lead – Regulatory providing information on the content of a report written by Dr Michael Rosie who was invited by the Scottish Government to revisit the report carried out by Sir John Orr in 2005 titled 'Review of Marches and Parades in Scotland'.

After discussion and having heard the Section Head (Licensing) in further explanation of the report and in answer to Members' questions, the Committee agreed:-

- (1) to approve the amendments to Conditions 15 and 24 of the Council's Code of Conduct – Public Processions, as detailed at paragraphs 4.3 and 4.4 of the report; and
- (2) to otherwise note the contents of the report.

The meeting closed at 12.26 p.m.

DRAFT

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead – Regulatory

Licensing Committee – 15 February 2017

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. Andrew Park, 3 Braehead, Bonhill, Alexandria, G83 9NA.

2. Recommendations

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

3. Background

- 3.1** Mr. Park submitted an application for renewal of a Taxi/Private Hire Car Driver's Licence to the Council on 10 October 2016.
- 3.2** A letter was received from the Chief Constable of the Police authority on 4 November 2016 submitting an objection in relation to the application.
- 3.3** A further letter received from the Chief Constable of the Police authority on 4 November 2016 details alternatives to prosecution which are considered spent under the Rehabilitation of Offenders Act 1974.
- 3.4** At the meeting on 7 December 2016, it was noted that the applicant had advised in advance that he would not be present. It was agreed that consideration of the application be continued to the next meeting in order that the applicant may be given a further opportunity to appear before the Committee.

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 15 February 2017.
- 4.2** It will also 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** 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 protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 12 January 2017

Person to Contact: Robert Mackie,
Senior Officer (Licensing Services),
Licensing Team,
Garshake Road,
Dumbarton,
G82 3PU.

Tel. No. (Direct line) 01389 738742.
robert.mackie@wdc.gcsx.gov.uk

Appendices: N/A.

Background Papers:

1. Application for renewal of Taxi/Private Hire Car Driver's Licence from Mr. Andrew Park, 3 Braehead, Bonhill, Alexandria, G83 9NA.

2. Letters dated 4 November 2016 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letter to Mr. Park dated 27 January 2017.
4. Letter to Chief Constable dated 27 January 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL**Report by Strategic Lead – Regulatory****Licensing Committee – 15 February 2017**

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 Miss Caroline Buchanan, 23 Cordale Avenue, Renton, G82 4QF.

2. Recommendations

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

3. Background

- 3.1** Miss Buchanan submitted an online application for grant of a temporary Taxi/Private Hire Car Driver's Licence to the Council on 10 October 2016.
- 3.2** Due to technical issues with the online application process, no application form was received.
- 3.3** Miss Buchanan was advised shortly after the failed submission of the online application that she would be required to submit a written version instead. The written application was not submitted by Miss Buchanan until 24 November 2016 at which point it was forwarded to the Police.
- 3.4** A letter was received from the Chief Superintendent of the Police authority on 21 December 2016 advising that the Chief Constable has a representation to make in relation to the application.

4. Main Issues

- 4.1** In view of the representation 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 15 February 2017.
- 4.2** In terms of the relevant legislation, a representation with respect to an application should be submitted within 28 days of receipt of the application. As Miss Buchanan submitted her application on 10 October 2016, any representation should have been submitted by 6 November 2016. Licensing however did not receive a physical copy of the application until 24 November 2016 at which point they consulted Police Scotland who did respond within 28 days of receiving the application. 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 representation had not been made in the time required.

- 4.3** 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 protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 19 January 2017

Person to Contact: Robert Mackie,
Senior Officer (Licensing Services),
Licensing Team,
Garshake Road,
Dumbarton,
G82 3PU.

Tel. No. (Direct line) 01389 738742.

robert.mackie@wdc.gcsx.gov.uk

Appendices: N/A.

Background Papers:

1. Application for renewal of Taxi/Private Hire Car Driver's Licence from Miss Caroline Buchanan, 23 Cordale Avenue, Renton, G82 4QF.
2. Letter dated 21 December 2016 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letter to Miss Buchanan 27 January 2017.
4. Letter to Chief Constable dated 27 January 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead – Regulatory

Licensing Committee – 15 February 2017

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. Stephen Walker, 55 Elmbank Drive, Bonhill, Alexandria, G83 9EL.

2. Recommendations

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

3. Background

- 3.1** Mr. Walker submitted an application for renewal of a Taxi/Private Hire Car Driver's Licence to the Council on 30 December 2016.
- 3.2** A letter was received from the Chief Superintendent of the Police authority on 24 January 2017 advising that the Chief Constable has a representation to make in relation to the application.

4. Main Issues

- 4.1** In view of the representation 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 15 February 2017.
- 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 protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 24 January 2017

Person to Contact: Robert Mackie,
Senior Officer (Licensing Services),
Licensing Team,
Garshake Road,
Dumbarton,
G82 3PU.

Tel. No. (Direct line) 01389 738742.
robert.mackie@wdc.gcsx.gov.uk

Appendices: N/A.

Background Papers:

- 1.** Application for renewal of Taxi/Private Hire Car Driver's Licence from Mr. Stephen Walker, 55 Elmbank Drive, Bonhill, Alexandria, G83 9EL.
- 2.** Letter dated 24 January 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Walker 27 January 2017.
- 4.** Letter to Chief Constable dated 27 January 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead – Regulatory

Licensing Committee – 15 February 2017

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

1. Purpose

- 1.1** To consider an application for grant of a temporary Taxi/Private Hire Car Driver's Licence submitted by Mr. Scott Brownlie, Flat 2/2, 62 Glasgow Road Dumbarton, G82 1 HQ.

2. Recommendations

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

3. Background

- 3.1** Mr. Brownlie submitted an application for grant of a temporary Taxi/Private Hire Car Driver's Licence to the Council on 7 December 2016.
- 3.2** A letter was received from the Chief Constable of the Police authority on 29 December 2016 supplying information for consideration by the Committee.

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 15 February 2017.
- 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 protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 12 January 2017

Person to Contact: Robert Mackie,
Senior Officer (Licensing Services),
Licensing Team,
Garshake Road,
Dumbarton,
G82 3PU.

Tel. No. (Direct line) 01389 738742.
robert.mackie@wdc.gcsx.gov.uk

Appendices: N/A.

Background Papers:

- 1.** Application for grant of Taxi/Private Hire Car Driver's Licence from Mr. Scott Brownlie, Flat 2/2, 62 Glasgow Road Dumbarton, G82 1 HQ.
- 2.** Letter dated 29 December 2016 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Brownlie 27 January 2017.
- 4.** Letter to Chief Constable dated 27 January 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead – Regulatory

Licensing Committee – 15 February 2017

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

1. Purpose

- 1.1** To consider an application for grant of a temporary Taxi/Private Hire Car Driver's Licence submitted by Mr. Alan Spence, 34 Fasque Place, Drumchapel, Glasgow, G15 8HU.

2. Recommendations

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

3. Background

- 3.1** Mr. Spence submitted an application for grant of a temporary Taxi/Private Hire Car Driver's Licence to the Council on 12 December 2016.
- 3.2** A letter was received from the Chief Constable of the Police authority on 29 December 2016 supplying information for consideration by the Committee.

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 15 February 2017.
- 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 protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 12 January 2017

Person to Contact: Robert Mackie,
Senior Officer (Licensing Services),
Licensing Team,
Garshake Road,
Dumbarton,
G82 3PU.

Tel. No. (Direct line) 01389 738742.
robert.mackie@wdc.gcsx.gov.uk

Appendices: N/A.

Background Papers:

- 1.** Application for grant of Taxi/Private Hire Car Driver's Licence from Mr. Alan Spence, 34 Fasque Place, Drumchapel, Glasgow, G15 8HU.
- 2.** Letter dated 29 December 2016 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Spence 27 January 2017.
- 4.** Letter to Chief Constable dated 27 January 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead – Regulatory

Licensing Committee – 15 February 2017

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

1. Purpose

- 1.1** To consider an application for grant of a temporary Taxi/Private Hire Car Driver's Licence submitted by Mr. David Cross, Flat 1/1, 1 Larchfield Avenue, Glasgow, G14 9BZ.

2. Recommendations

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

3. Background

- 3.1** Mr. Cross submitted an application for grant of a temporary Taxi/Private Hire Car Driver's Licence to the Council on 16 December 2016.
- 3.2** A letter was received from the Chief Constable of the Police authority on 29 December 2016 supplying information for consideration by the Committee.

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 15 February 2017.
- 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 protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 12 January 2017

Person to Contact: Robert Mackie,
Senior Officer (Licensing Services),
Licensing Team,
Garshake Road,
Dumbarton,
G82 3PU.

Tel. No. (Direct line) 01389 738742.
robert.mackie@wdc.gcsx.gov.uk

Appendices: N/A.

Background Papers:

- 1.** Application for grant of Taxi/Private Hire Car Driver's Licence from Mr. David Cross, Flat 1/1 1 Larchfield Avenue, Glasgow, G14 9BZ.
- 2.** Letter dated 29 December 2016 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Cross 27 January 2017.
- 4.** Letter to Chief Constable dated 27 January 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead - Regulatory

Licensing Committee: 15 February 2017

Subject: Availability of Wheelchair Accessible Vehicles in the Dumbarton and Vale of Leven taxi zone.

1. Purpose

- 1.1** To update the Committee with regard to the current level of Wheelchair Accessible Vehicles (WAVs) in the Dumbarton and Vale of Leven zone and consider action to increase their numbers.

2. Recommendations

- 2.1** Officers recommend that in future all vehicles proposed for use as a taxi or private hire car with a carrying capacity of 5 or more passengers be wheelchair accessible.

3. Background

- 3.1** The Committee will be aware that the Clydebank taxi zone has a 100% compulsory WAV fleet and the Dumbarton and Vale of Leven zone has a mixed fleet comprising of both saloon vehicles and WAVs.
- 3.2** The Halcrow demand survey carried out in 2013 suggested that the Licensing Authority look to increase the number of WAVs in the Dumbarton and Vale of Leven zone with an aspiration to achieving 20% of the overall fleet.

In August 2013, the Committee;

- i. committed to address the finding that there is an insufficient number of wheelchair-accessible vehicles operating within the Dumbarton and Vale of Leven zone;
 - ii. agreed that the Council should aspire to have a taxi fleet of which 20% are wheelchair-accessible and;
 - iii. instructed officers to consult with representatives of the taxi trade in Dumbarton and Vale of Leven about the various options that could achieve the Council's aim to have sufficient numbers of wheelchair accessible vehicles operating in the Dumbarton and Vale of Leven zone, in particular to have a taxi fleet of which 20% is wheelchair-accessible and thereafter, to report back to the Committee with a recommendation.
- 3.3** The number of WAVs operating in the Dumbarton and Vale of Leven zone taxi fleet in January 2017 is 14 vehicles, the same number as reported to Committee in 2013. The total number of taxis operating in the Dumbarton and

Vale of Leven zone is 177. This represents 7.9 % of the taxi fleet which is a wheelchair accessible vehicle.

- 3.4** The Dumbarton and Vale of Leven zone currently has 20 Private Hire Car licences, 3 of which are WAV's. Although the Halcrow report is specific to taxis it is worth noting that WAV availability is supplemented by private hire cars and these WAV numbers are slowly increasing.

4. Main Issues

- 4.1** In 2013 Halcrow suggested that a WAV fleet of 20% could be aspired to. However with the exception of large city authorities, this level of WAV provision does not appear to be the norm. Of the comparable authorities that responded to the request for information, the following percentages were provided; Stirling Council (as at September 2016) has 15.2%, and North Ayrshire (as at January 2017) has 15.3%. Inverclyde (as at January 2017) has 9.6%. East Renfrewshire (as at January 2017) has 2.6% and East Dunbartonshire does not currently track their WAV percentages.

- 4.2** It is difficult to acquire a national picture as the percentages fluctuate on a regular basis but through consultation with the Scottish Civic Government Enforcement Officers Group it is apparent to officers that the WAV numbers in the Dumbarton and Vale zone are at least average when looking at comparable areas. None of the comparable areas have 20%.

- 4.3** Consultation with the West Dunbartonshire Access Panel with regard to the sufficiency of WAV vehicles within the Dumbarton and Vale of Leven Zone.

The committee in 2013 directed officers to consult with the taxi trade. Officers also consulted with wheelchair users and those providing support to wheelchair users. This was done through officer attendance at a dedicated meeting of the West Dunbartonshire Access Panel and through a "Survey Monkey" questionnaire issued to email addresses held on record by the Council's Equality Officer.

- 4.4** The direct consultation with West Dunbartonshire Access Panel in April 2016 revealed that it is harder to obtain a WAV between 3pm and 6pm. This is likely due to the demand for WAV's for the purpose of educational contract hires at this time. However there have been no formal complaints to this effect and this is therefore anecdotal in nature.

- 4.5** The West Dunbartonshire Access Panel consultation of April 2016 had a consensus view that the current availability is inadequate. The Access Panel committee have asked that the Licensing Committee consider the Access Panel's view that the need for WAV's may increase due to an ageing population and a predicted reduction in the number of wheelchair users qualifying for ownership of their own adapted vehicle.

4.6 The Access Panel were asked to submit a formal response however this was not forthcoming so officers have relied on the notes taken at the Access Panel meeting in April 2016.

4.7 Two “Survey Monkey” responses were received from individuals (contained at Appendix 2), one being a wheelchair user, and the other a provider of support to a wheelchair user. Both found that it was generally possible to get a WAV by contacting the booking offices directly but it was harder to access a vehicle on a rank. One respondent commented that often a WAV was more easily available for the outbound journey from home, but not the inbound journey, when requesting a vehicle from a booking office.

4.8 Consultation with the taxi trade within the Dumbarton and Vale of Leven zone.

A direct consultation with taxi operators resulted in the majority opinion that the current level of WAV's in the Dumbarton and Vale zone is acceptable as WAV numbers are more than sufficient to meet the actual demand of users. The trade responses advised that should demand increase, this would be catered for by the trade. A detailed summary of these responses is at Appendix 1.

4.9 The issue of WAV numbers in the zone has also been raised and considered at several recent meetings of the West Dunbartonshire Taxi Licensing Forum in 2016. The Taxi Forum's views have mirrored that of the consultation responses received from taxi operators.

4.10 Following the issue of the consultation questionnaire, (Appendix 3) 6 options were laid out for comment. Those questions or options and a summary of the majority answers are detailed below;

The options and general responses are set out as follows;

i) A discounted license fee for WAV's.

Even though this would generally be welcomed by the trade this will have minimal impact on the cost effectiveness of purchasing a WAV.

ii) Replacement of non WAV with a WAV when the operator changes vehicle.

This was a generally unpopular option with the trade.

iii) Replacement of vehicle with 5-8 seats with a WAV when the operator changes the vehicle.

Even though this was still unpopular as a measure with the trade it still received some support if it was necessary to implement some positive measures.

iv) Replacement of non WAV with a WAV when the operator's licence is transferred to another person.

The trade was equal in its' support and opposition to this measure. It is recommended that this would not apply in non-business circumstances i.e. death of the licence holder.

v) Creation of 20 new licences reserved for new WAV operators.

The vast majority of the trade were against this measure as it would likely have a serious detrimental economic impact on all operators. Comment to officers from several current WAV operators stated that they would possibly give up their WAVs if this was introduced as the market would be "flooded" with more WAVs than there is a demand for.

vi) Abolish the distinction between the two taxi licensing zones.

This was opposed by almost all operators as it is believed that the Dumbarton and Vale zone would stand to lose the most economically from this measure.

4.11 Two other measures were suggested by members of the trade;

- 1.) Four respondents suggested that it should be a condition of the booking office licence to ensure that they provide a WAV or ensure a WAV is available.
- 2.) Two respondents suggested that any operator who has more than one vehicle licensed as a taxi should make the second and any subsequent licensed vehicle a WAV.

4.12 Officers considered several options which are detailed below before making a recommendation;

Option 1: Officers considered the results of the consultation outlined above and the lack of complaints received and concluded that demand is currently being met and no direct action needs to be taken to increase the availability of WAV's in the Dumbarton and Vale of Leven zone.

Option 2: Replacement of vehicle with 5-8 seats with a WAV when the operator changes the vehicle. These operators currently benefit from the higher tariffs available when carrying five or more passengers without offering wheelchair availability. Officers believe that this option would increase WAV numbers, has seen support from members of the taxi trade, and should have minimal detrimental impact on the taxi trade.

Option 3: Creation of 20 new licences reserved for new WAV operators. The majority of the trade who responded to the consultation process stated that this would be unpopular.

Option 4: In order to achieve a figure of 20% of the fleet, providing that the existing 14 wheelchair accessible vehicles remain so, an additional 21 plates

would require to be made available. If the existing 14 wheelchair vehicles were not included in the calculation, an additional 45 licences would require to be made available. Any newly issued licences, other than transfers, would have the stipulation that they must always operate using a wheelchair accessible vehicle. This option, not consulted on, would likely be as unpopular to the trade as Option 3 above.

Option 5: Amalgamate the Clydebank and Dumbarton and Vale of Leven taxi zones. A policy would have to be agreed in advance to ensure the retention of at least 20% of the overall fleet as WAVs in the longer term. This option was opposed by the Dumbarton and Vale of Leven taxi trade for economic reasons during consultation and the Clydebank trade have not been consulted on this option.

- 4.13** It is recommended that authority be delegated to the Strategic Lead – Regulatory in consultation with the Chair of the Committee to agree for the allocation and application of new licences phased in over a period of two years if members decide to implement Option 3 or Option 4.
- 4.14** Officers will continue to monitor the position of WAV numbers in this area and at a national level and any changes to legislation that may overtake any locally adopted position with regard to WAV numbers. Particularly any changes that occur through the Equality Act 2010 will be reported to the Committee.

5. People Implications

- 5.1** There are no personnel issues associated with this report.

6. Financial Implications

- 6.1** There are no financial implications to the Council associated with this report.

7. Risk Analysis

- 7.1** No risks to the Council were identified.

8. Equalities Impact Assessment (EIA)

- 8.1** An equalities impact assessment was carried out. This shows that an increase in WAV numbers would have potential benefits to wheelchair users but equally a potentially detrimental economic impact on members of the taxi licensed trade.

9. Consultation

- 9.1** Consultation on the content of this report was carried out with the Council's Equality Officer, the West Dunbartonshire Access Panel, taxi operators in the Dumbarton and Vale of Leven zone, West Dunbartonshire Taxi Forum, members of the West Coast of Scotland Civic Government Enforcement

Officer's group and members of the public who are wheelchair users or assist a wheelchair user via the West Dunbartonshire Community Forum.

- 9.2** All formal consultations were open for a six week period however in practice responses were allowed for some time after this in the interest of receiving the maximum amount of views.

10. Strategic Assessment

- 10.1** This report assists in maintenance of the following strategic priority:

- Improve the well-being of communities and protect the welfare of vulnerable people.

Peter Hessett
Strategic Lead – Regulatory

Date: 30 January 2017

Person to Contact:	Lawrence Knighton, Licensing Standards Officer, Council Offices, Garshake, Dumbarton G82 3PU. Lawrence.Knighton@wdc.gcsx.gov.uk tel: 0141 951 7986
Appendices:	1) Summary of taxi trade responses 2) Responses from wheelchair users or carers 3) Trade consultation questionnaire
Background Papers:	1. Trade consultation responses 2. Equality Impact Assessment
Wards Affected:	All

Appendix 1

Trade consultation responses 2016

Comment on the following options for achieving an increase in WAVs - 32 trade responses.

	Very Impractical	Impractical	No Opinion	Practical	Very Practical
Q 1.1 Discounted fee for WAV operators.	18	1	1	5	7
Comments: "Cost of maintaining WAV slightly higher than non WAV." "These vehicles are more expensive so this is only fair." "They already take bookings for 6 seaters to Glasgow etc, but not for wheelchairs." "Buses are subsidised, is the taxpayer prepared to subsidise WAVs?" "TOA operate a discount scheme at present. It hasn't been successful at all." "Good incentive" "Offices to reduce radio payments to WAV operators." "WAVs get party hires with extra tariffs and Glasgow Hires etc." "This seems practical as an operator of a WAV is losing work due to elderly/infirm who won't travel in a WAV."					
Q 1.2 Replacement of non WAV with a WAV when operator changes the vehicle.	25	4	2	1	0
Comments: "Seems unfair to force someone into a particular vehicle choice. It should be everyone or no-one or optional." "Operator should have choice of vehicle to operate." "Breakdowns/crashes/major repairs etc. mean you can't pre-empt when you need to change." "Money" "At the last meeting of taxi drivers at Dumbarton Golf Club this was unanimously rejected." "Unfair system" "These vehicles start at £20,000, not viable unless you double fares and price out of business." "You won't get new cars. It would be like Clydebank's Old Hackneys." "Unfairly Discriminates on grounds of chance. Would operator be tied to having a WAV forever for 20% figure?"					
Q 1.3 Replacement of vehicle with 5-	19	2	3	4	4

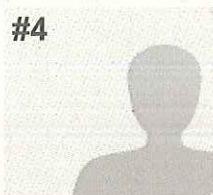
8 seats with a WAV when the operator changes the vehicle.					
Comments: "Personally believe every MPV should be a WAV too." "Tariffs 4, 5 and 6 should only be for WAVs." "If people want to continue with 5-8 seater it should be a WAV." "TOA currently operate this system but it is under review." "Operator should have option." "Unnecessary huge expense, all round bad for the environment and traffic." "Seems unfair to dictate to an individual. Everyone or no-one."					
Q 1.4 Replacement of non WAV with a WAV when the operator's licence is transferred to another person.	13	3	1	5	10
Comments: "This may make transferring a licence more difficult therefore unfair on the present holder." "Should not be necessary." "Good idea." "This penalises the first people to change their vehicles." "Should be responsibility of current licence holder not new one." "Best option to achieving the required quota of WAVs." "I feel this would unfairly discriminate, however along with Q1.2 is possibly least worst solution if no other options."					

Q 1.5 Creation of 20 new licences reserved for new WAV operators.	27	1	1	0	3
Comments: "There are already too many cars in this area. 20 more licences would harm/ruin this trade." "Still don't believe demand exists. Is there data that proves demand?" "There is no work for extra plates." "Not issued to offices, issued to individuals." "Too many cars on road already." "More than enough licences in this area." "We have enough plates on the road." "This option ensures a minimum number of WAVs in the area." "Again the problem should be resolved by current licence holders. I would remove my WAV if new plates are issued." "Removal of existing WAV would eradicate any progression." "Would cause a cut in income for everyone." "Too many already and the large addition of private hire by Wright's." "Not enough work as it is without another 20 public plates." "It really is hard enough to make a living with present number of taxis. 20 more would probably make job unviable." "If 20 new plates created how would these be allocated i.e. first come first served basis?" "Issue additional plates for WAVs either to individuals firstly or offices secondly."					
Q 1.6 Abolish the distinction between the two taxi licensing zones.	30	0	2	0	0
Comments: "Ridiculous idea! Two distinct areas. Too vast a distance to cover." "This won't work." "?" "Knowledge test? Meter? Too much hassle/problems." "At the last taxi driver meeting at Dumbarton Golf Club this was unanimously rejected." "Again more cars working this area would be catastrophic. Clydebank cars would come to work this area."					

Q 2 Any other options for achieving an increase in WAVs.	4 x Should be a condition of the booking office licence to provide a WAV.	2 x WAV for all operators with more than one taxi plate.
<p>Any other comments:</p> <p>"Get about two wheelchair hires per year. Both no problems, chair in boot. Help if required."</p> <p>"% of overall wheelchair hires should be similar to % of WAV vehicles on road."</p> <p>"I am not aware of this great need of 20% of the fleet needing to be wheelchair accessible. I don't know of a huge demand that is not being serviced by the cars available at the moment. I do know that most of the elderly customers I get would not use a WAV so saloon cars seem necessary to me."</p> <p>"Stay as we are."</p> <p>"Never seen any proof that disabled are getting a significantly compromised taxi service. This needs to be proved unequivocally or else this is a total waste of taxpayers resources. I suspect these claims are made by support groups and not individual wheelchair users who in my experience do not play the victim card, happy to be treated as normal people who want to get on with living and getting and getting about with little fuss (and a bit of help getting in and out of taxis). Some do not want special WAVs and are more comfortable as an ordinary passenger."</p> <p>"Make multi plate holders put on WAVs. If someone has got more than one plate all plates should be WAV after the first one. After all they are not taxi drivers. They are only in to make money out of a trade he or she does not work in. Also as a driver who put first WAV on the road many years ago more and more disabled people are getting their own cars. Not the work out there for me to spend £30,000+ on a car to put me out of business."</p> <p>"TOA are now thinking about replacing their Peugeot WAVs, the old ones will be offered for sale to drivers in the area. This will increase the number of WAVs over a period of time."</p> <p>4 comments saying, "By making it a condition of a booking office licence that 20% of their fleet is WAV."</p> <p>"What's the % usage of my bus? How did you arrive at 20% when actual usage is 0-025% with present vehicles? Put burden on multi plate owners, they can afford it!! You're not solving problem, your causing it!! This is a sledgehammer to crack a walnut!!! The present fleet of WAVs are used by the council to transport children and in that time frame are not available for the disabled!!!"</p> <p>"Tariffs 4,5,6 should only be for hackneys and Peugeot E7s etc, not for 6 seater people carriers. The only reason people carriers are on the road is the above tariffs, not for wheelchairs."</p>		

Wheel Chair Accessible Vehicles Consultation 2016

#4

**COMPLETE**

Collector: Web Link 1 (Web Link)
 Started: Monday, March 21, 2016 3:02:54 PM
 Last Modified: Monday, March 21, 2016 3:07:28 PM
 Time Spent: 00:04:33
 IP Address: 77.97.14.107

PAGE 2

Q1: Are you a wheel chair user or provide support to wheel chair user

Yes

Q2: Do you make use of Taxis

Yes, I use taxis regularly

PAGE 3

Q3: What other forms of transport do you use?

Respondent skipped this question

Q4: If yes, how many taxi journeys each way are undertaken in an average week?

3

PAGE 4

Q5: If you book a taxi through a booking office how is the availability of the right type of vehicle

The right type of vehicle is available most of the time

Q6: Do you find waiting times when using a booking office acceptable

No

Q7: If you use taxi ranks for your journeys is

The right type of vehicle is never

Q8: Do you find waiting times at taxi ranks acceptable

No

Q9: How long do you think it is acceptable for you to wait at a rank for a suitable vehicle

10 minutes

Q10: Do you have any other comments relating to the availability of wheelchair accessible vehicles or the service provided by them?

The range of times for waiting on a wheelchair taxi has been 5 minutes to two hours. I have had numerous occasions of being taken out quite quickly but not having any available to take you home again.

PAGE 5: About you

Q11: What is your post Code

G83

Wheel Chair Accessible Vehicles Consultation 2016

Q12: What gender are you

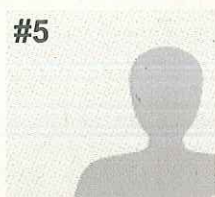
Female

Q13: What age are you

35-44

Wheel Chair Accessible Vehicles Consultation 2016

#5



COMPLETE

Collector: Web Link 1 (Web Link)
 Started: Wednesday, March 16, 2016 4:40:46 PM
 Last Modified: Tuesday, April 05, 2016 1:10:45 PM
 Time Spent: Over a week
 IP Address: 86.31.214.226

PAGE 2

Q1: Are you a wheel chair user or provide support to wheel chair user

Yes

Q2: Do you make use of Taxis

Yes, I use taxis regularly

PAGE 3

Q3: What other forms of transport do you use?

Bus

Q4: If yes, how many taxi journeys each way are undertaken in an average week?

4 or more times a week

PAGE 4

Q5: If you book a taxi through a booking office how is the availability of the right type of vehicle

The right type of vehicle is only available sometimes

Q6: Do you find waiting times when using a booking office acceptable

Yes

Q7: If you use taxi ranks for your journeys is

The right type of vehicle is available some of the time

Q8: Do you find waiting times at taxi ranks acceptable

Yes

Q9: How long do you think it is acceptable for you to wait at a rank for a suitable vehicle

5 minutes

Q10: Do you have any other comments relating to the availability of wheelchair accessible vehicles or the service provided by them?

When you phone one of the companies to book accessible vehicle advance they tell you that they can't say yes or no if they can supply one for the time you want. And the other taxi company says that they don't take advanced booking but if you phone about an hour and a half before you need it.

PAGE 5: About you

Q11: What is your post Code

G82

9 / 12

Wheel Chair Accessible Vehicles Consultation 2016

Q12: What gender are you

Male

Q13: What age are you

55-64



Consultation on the availability of wheelchair-accessible vehicles in the Dumbarton & Vale of Leven taxi licensing zone

1 The Council's decision

1.1 West Dunbartonshire Council's licensing committee:

1. committed to address the finding that there is an insufficient number of wheelchair-accessible vehicles operating within the Dumbarton and Vale of Leven zone;
2. agreed that the Council should aspire to have a taxi fleet of which 20% are wheelchair-accessible; and
3. instructed officers to consult with representatives of the taxi trade in Dumbarton and Vale of Leven about the various options that could achieve the Council's aim to have sufficient numbers of wheelchair accessible vehicles operating in the Dumbarton and Vale of Leven zone, in particular to have a taxi fleet of which 20% is wheelchair-accessible and thereafter, to report back to the Committee with a recommendation.

2 Consultation

- 2.1 The Council has been carrying out a two-stage consultation with the taxi trade and local disability groups.
- 2.2 Stage 1 was an initial consultation with the members of the West Dunbartonshire Taxi Forum located in the Dumbarton & Vale of Leven taxi licensing zone i.e. the sole taxi trade association and both taxi booking offices:
- 2.3 This document is the Stage 2 consultation. Consultees are asked to respond using the following link xxxxxxxx. It is requested that responses are returned **no later than Friday 22 April 2016**.

Your assistance in this consultation is appreciated.

Lawrence Knighton
Licensing Officer

West Dunbartonshire Council, Garshake Road, Dumbarton, G82 3PU
lawrence.knighton@west-dunbarton.gov.uk

Consultation on the availability of wheelchair-accessible vehicles in the Dumbarton & Vale of Leven taxi licensing zone					
Taxi Plate number					
Name of person completing this response					
Address					
Date of response					
Question 1 Please comment on the following six options for achieving a fleet of which 20% is wheelchair-accessible.	The scale to be used when answering Questions 1.1 to 1.6 is as follows:				
	1 Very impractical	2 Impractical	3 No opinion	4 Practical	5 Very practical
Q1.1 Discounted fee for Wheelchair Assisted Vehicles (WAV) operators.	Please rate the practicality of this option using the scale above		1	2	3
	Please add any comments here.		4	5	
Q1.2 Replacement of non-WAV with a WAV when the operator changes the vehicle.	Please rate the practicality of this option using the scale above		1	2	3
	Please add any comments here.		4	5	
Q1.3 Replacement of vehicle with 5-8 seats with a WAV when the operator changes the vehicle.	Please rate the practicality of this option using the scale above		1	2	3
	Please add any comments here.		4	5	
Q1.4 Replacement of non-WAV with a WAV when the operator's licence is transferred to another person.	Please rate the practicality of this option using the scale above		1	2	3
	Please add any comments here.		4	5	

Q1.5 Creation of 20 new licences reserved for new WAV operators.	Please rate the practicality of this option using the scale above	1 2 3 4 5
	Please add any comments here.	
Q1.6 Abolish the distinction between the two taxi licensing zones.	Please rate the practicality of this option using the scale above	1 2 3 4 5
	Please add any comments here.	
Question 2 Please let us know of any other options for achieving a fleet of which 20% is wheelchair-accessible and explain why you believe they are practical.		

Please use a separate sheet of paper if you need more space for any of your responses, and make it clear which questions your answers refer to.

WEST DUNBARTONSHIRE COUNCIL

Report by the Strategic Lead - Regulatory

Licensing Committee – 15 February 2017

**Subject: Civic Government (Scotland) Act 1982
Part V – Public Processions
Police, Public Order and Criminal Justice (Scotland) Act 2006
Notice of Proposal to hold a Public Procession:
Clydebank Protestant Martyrs**

1. Purpose

- 1.1** To consider a Notice of Proposal to hold a Public Procession submitted by Mr. Cameron Russell on behalf of the Protestant Martyrs Loyal Orange Lodge 2000.

2. Recommendations

- 2.1** It is recommended that Members consider the request from Mr. Russell to allow the Protestant Martyrs Loyal Orange Lodge 2000 to hold a Public Procession on their stated route on Saturday 18 March 2017 having considered the objection received from Linnvale and Drumry Community Council.

3. Background

- 3.1** The notice of proposal to hold a public procession and risk assessment was submitted by Mr. Russell on behalf of the Protestant Martyrs Loyal Orange Lodge 2000 on 10 January 2017. The reason for the procession, as stated on the notice of proposal, is for an Annual Clydebank Blitz Anniversary Parade. The notice of proposal was subsequently advertised on the Council's website.
- 3.2** Notification of the proposed procession was sent to all Councillors whose ward the procession passes through along with Members of the Licensing Committee and all Community Council's whose route the procession affected.
- 3.3** A precursory meeting was held on 25 January 2017. There were no issues regarding the notice of proposal other than advice being given to the organiser that an objection had been received and that the matter would be subject to a report to the Licensing Committee on 15 February 2017.
- 3.4** The route, as stated in the notice of proposal, has requested that the procession commence at Morar Drive, moving onto Kilbowie Road, Dumbarton Road, Hall Street for a wreath laying ceremony then back onto Dumbarton Road and Cart Street for dispersal.
- 3.5** The notice of proposal from the Protestant Martyrs Loyal Orange Lodge 2000 names Pride of the Rock Flute Band (Dumbarton) and Orange and Purple (Dumbarton) as the participating bands in the procession.

4. Main Issues

- 4.1** An email was received on 21 January 2017 from 2 members of Linnvale and Drumry Community Council objecting to the procession taking place on the public road.
- 4.1** The Procession Summary from Police Scotland was received on 30 January 2017 detailing their observations, a copy of which is attached as Appendix 2.

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, Health & Humans Rights Impact Assessment

- 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** Details of the procession were posted on the Council's website on 23 January 2017.
- 9.2** Members of the Licensing Committee, Councillors for the ward area in which the proposed procession is due to pass through and Community Council's affected by the proposed route were contacted and advised of the details of the procession by email on 16 January 2017.
- 9.3** Police Scotland were sent a copy of the notice of proposal on 16 January 2017.

10. Strategic Assessment

- 10.1** There are no strategic implications.

Strategic Lead - Regulatory

Date: 31 January 2017

Person to Contact: Robert Mackie,
Senior Officer (Licensing Services),
Licensing Team,
Garshake road,
Dumbarton,
G82 3PU

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

Appendices: WDC - Code of Conduct

Background Papers:

1. Notice of Proposal to hold a Public Procession submitted 10 January 2017.
2. Email to the Members of the Licensing Committee, Councillors and Community Council's dated 16 January 2017.
3. Letter to Mr. Russell dated 31 January 2017.
4. Email to Linnvale and Drumry Community Council dated 31 January 2017.

Wards Affected: Clydebank Central and Clydebank Waterfront

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

POLICE, PUBLIC ORDER AND CRIMINAL JUSTICE (SCOTLAND) ACT 2006

CODE OF CONDUCT - PUBLIC PROCESSION

(1)	A minimum of 28 days notice will be given to the Council of the intention to hold a procession. If possible, a greater period of notice should be given and notification should be made as early as possible in any instance in which a series of similar processions is proposed. Provision of a minimum of 28 days notice is a statutory requirement. Only in exceptional circumstances can a public procession take place without notification being given at least 28 days before the date of the proposed procession. In any instance in which a full 28 days notice is not given the onus is on the organiser to satisfy the Council that exceptional circumstances exist sufficient to justify the Council in making an Order waiving the legislative requirement for full 28 days prior notice.
(2)	The organiser shall co-operate with the Council and the police from the time of submission of the notification of intention to hold a procession until the procession disperses.
(3)	The organiser shall identify him or herself to the police officer in charge immediately on the assembly of the procession.
(4)	The organiser shall ensure that, in the event of the procession being cancelled, the Council and police are informed of this promptly and that the cancellation is confirmed in writing to the Council within 48 hours. No band other than the bands specified in the notification shall take part in the procession and in the event of any change in participants – including the withdrawal of any band specified in the notification – the organiser shall immediately advise the Council and the police.
(5)	The organiser shall ensure that all participants are informed of any condition imposed on the procession including any condition regarding change to timing or route.
(6)	The organiser shall ensure that any person under the influence of alcohol or drugs does not participate in the procession.
(7)	<p>The organiser shall ensure that the number of stewards or marshals present at the procession is in the ratio 1 steward/marshal per 10 participants and the organiser shall ensure that all stewards and marshals</p> <ul style="list-style-type: none"> · are briefed by the organisers and given guidance and instructions on their role prior to the procession including written directions/instructions in respect of legislation; · carry proof of their status; · co-operate with the police as required; · are highly visible and easily identifiable by means of high visibility wear which cannot be confused with police attire; · conduct themselves in a proper manner; · ensure that participants comply with directions regarding their own public safety and that of all other members of the public.
(8)	The organiser shall take responsibility for the behaviour of all participants and, where appropriate, bands and for ensuring general compliance with the Council's Code of Conduct on Public Processions and police instructions;
(9)	The organiser shall ensure that the behaviour of participants is not such as can be reasonably perceived

	to be aggressive, threatening, abusive, homophobic, sectarian or racist. The organiser shall exercise reasonable diligence to ensure that any follower of the procession also refrains from such behaviour, for example by bringing such matters to the attention of the Police as soon as possible;
(10)	The organiser shall ensure that, in the event that persons attached to or following the procession engage in behaviour which is aggressive, threatening, abusive, homophobic, sectarian or racist, and the police are of the view that the playing of music is exacerbating the situation, the organiser/band major should immediately instruct a band to cease playing when asked to do so by Police Scotland;
(11)	The organiser shall ensure that, wherever possible, proposed routes follow main roads and do not go through residential housing developments;
(12)	The organiser shall ensure that all participants do not march more than four abreast and that they keep to the near or left hand side of the street except on one way streets where they shall keep to the right hand side;
(13)	The organiser shall ensure that the police are assisted in guaranteeing that passage is allowed for traffic and pedestrians;
(14)	The organiser shall ensure that the procession is split into sections in order to avoid serious dislocation of traffic and to facilitate the crossing of pedestrians who have a right of free access and passage to and through any public area;
(15)	Any band or bands taking part in a parade/procession shall cease playing when approaching and passing any place of worship or any other location where a recognised religious, cultural or legal ceremony is taking place;
(16)	The organiser shall ensure that all participants disperse immediately the procession concludes.
(17)	The organiser shall ensure that all participants behave with due regard for the rights, traditions and feelings of others in the vicinity of the procession, particularly in any area in which there has, on any previous occasion, been public disorder in relation to processions;
(18)	The organiser shall ensure that all participants behave with due respect at sensitive areas such as areas adjacent to places of worship;
(19)	All participants must obey the lawful direction of procession organisers, stewards and the police at all times;
(20)	All participants must keep to the designated route as directed by the police;
(21)	All participants must refrain from consuming alcohol or drugs prior to or during the procession;
(22)	No flags relating to proscribed organisations or which are likely to cause offence shall be displayed;
(23)	All participants in processions shall disperse in good order immediately the procession concludes;
(24)	No halberds, weapons or spear topped banner poles of any description shall be carried;
(25)	No obstruction shall be caused;
(26)	No procession shall commence before the hour of 7.30 am and no procession shall conclude after the hour of 9.00 pm;
(27)	Unless specifically stipulated in the notification, no band shall play or music shall be played before 9.00 am or after 9.00 pm.
(28)	The procession and all participants shall comply with all legal requirements including, without prejudice to the foregoing generality <ul style="list-style-type: none"> · Section 62 of the Control of Pollution Act 1974 in relation to the use of loudspeakers;

	· The Public Order Act 1986 in relation to the prohibition of wearing of uniforms signifying association with any political organisations etc;
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A copy of this Code of Conduct is provided to organisers alongside the notification form.

WEST DUNBARTONSHIRE COUNCIL

Report by the Strategic Lead - Regulatory

Licensing Committee – 15 February 2017

Subject: Hearing regarding possible suspension of a Taxi Driver's/Private Hire Car Driver's Licence

1. Purpose

- 1.1** 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 held by Mr. Barry Dalton, 48 McCreery Street, Whitecrook, Clydebank G81 1AQ.

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.

3. Background

- 3.1** On 19 January 2017, a letter was received from the Chief Constable of Police Scotland requesting the suspension of the Taxi Driver's/Private Hire Car Driver's Licence held by Mr. Barry Dalton under Paragraph 11(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 threat to public safety.
- 3.2** The expiry date of Mr. Dalton's current Taxi Driver's/Private Hire Car Driver's Licence is 14 September 2017.

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 order the suspension of a licence under Paragraph 11 if, in its opinion, the holder of the licence is not, or is no longer, a fit and proper person to hold the licence.
- 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 of a licence, the suspension generally does not take effect until the expiry of the time within which the holder of the licence may appeal against the suspension (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.

However, if the licensing authority determines that the circumstances of the case justify immediate suspension, it may order that the licence be suspended immediately.

- 4.4** A licensing authority must, before deciding to suspend 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 Police authority have been invited to attend the meeting of the Committee on 15 February 2017 in order that a hearing may take place with regard to the possible suspension of the licence.
- 4.6** In considering whether to suspend 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, Mr. Dalton is no longer a fit and proper person to hold a taxi driver's licence.
 - (c) If the Committee is of the opinion that Mr. Dalton is no longer a fit and proper person, the Committee must consider whether his licence should be suspended.
 - (d) If the Committee is satisfied that the licence should be suspended, the Committee must give Mr. Dalton an opportunity of being heard on the length of the suspension and the date from which the suspension should commence.
 - (e) The Committee must then consider what length of suspension is appropriate and whether the circumstances of the case justify immediate suspension.

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 protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 19/1/2017

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Appendices: N/A.

Background Papers:

- 1.** Letter dated 19 January 2017 from the Chief Constable, Police Scotland.
- 2.** Letter to Mr. Dalton dated 27 January 2017.
- 3.** Letter to the Chief Constable, Police Scotland dated 27 January 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL**Report by Strategic Lead - Regulatory****Licensing Committee – 15 February 2017**

Subject: Hearing regarding possible suspension or revocation of a Taxi Driver's/Private Hire Car Driver's Licence

1. Purpose

- 1.1** To consider the suspension or revocation of a Taxi Driver's/Private Hire Car Driver's Licence held by Mr. Biju Thomas, 12 Mellerstain Grove, Glasgow G14 0LQ.

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 or revoked and, if suspended, the duration of the suspension and the date of commencement thereof or, revoke the licence with immediate effect.

3. Background

- 3.1** On 1 June 2016, Mr. Thomas applied for the Grant of a Taxi/Private Hire Car Driver's Licence. Notification was received from the Chief Constable of Police Scotland on 8 June 2016 stating that there were no police objections in relation to the application. The licence was subsequently granted under delegated powers on 30 June 2016 valid for 1 year.
- 3.2** A complaint was received by the Licensing Team on 24 January 2017 regarding a conduct issue relating to Mr. Thomas which prompted an investigation by the Senior Officer (Licensing Services). On examining Mr. Thomas's original application form, an issue came to light regarding the declaration of convictions which he had completed at the time of his application.
- 3.3** On request by the Senior Officer (Licensing Services) a letter was received from the Chief Constable of Police Scotland dated 26 January 2017 providing details of the conviction declared on the application form submitted by Mr. Thomas on 1 June 2016.
- 3.4** As a consequence Officers felt it appropriate that Mr. Thomas be asked to attend a meeting of the Licensing Committee in order that Members can decide whether he is a fit and proper person to hold a Taxi Driver's/Private Hire Car Driver's Licence.

4. Main Issues

- 4.1** Officers request Members to consider the suspension or revocation of the licence under Paragraph 11 of Schedule 1 to the 1982 Act. A licensing authority may order the suspension or revocation of a licence under Paragraph 11 if, in its opinion, the holder of the licence is not a fit and proper person to hold the licence.
- 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 whereas in the case of revocation the licence is withdrawn with immediate effect.
- 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 revoke) 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 Police authority have been invited to attend the meeting of the Committee on 15 February 2017 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** If the Committee is of the opinion that Mr. Thomas is no longer a fit and proper person, the Committee must consider whether his licence should be suspended or revoked.

If the Committee is satisfied that the licence should be suspended, the Committee must give Mr. Thomas an opportunity of being heard on the length of the suspension and if the Committee decide that the licence should be suspended or revoked then the date from which the suspension or revocation should commence.

The Committee must then consider what length of suspension is appropriate and whether the circumstances of the case justify immediate suspension or 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 Police Scotland were consulted in relation to this request for suspension by Officers.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 25/1/2017

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Appendices: N/A.

Background Papers:

1. Application form for the Grant of a Taxi Driver's/Private Hire Car Driver's Licence dated 1 June 2016.

2. Letter from the Chief Constable, Police Scotland dated 26 January 2017.
3. Letter to Mr. Thomas dated 31 January 2017.
4. Letter to the Chief Constable, Police Scotland dated 31 January 2017.

Wards Affected: N/A.