

LICENSING COMMITTEE

At a Special Meeting of the Licensing Committee held in the Council Chambers, Municipal Buildings, Station Road, Dumbarton on Wednesday, 25 June 2003 at 12.00 noon.

Present: Provost Alistair Macdonald and Councillors Dennis Brogan, Jack Duffy, Linda McColl, Duncan McDonald, Connie O'Sullivan and Raymond Young.

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

Apology: An apology for absence was intimated on behalf of Councillor Denis Agnew.

Councillor Jack Duffy in the Chair

APPLICATION FOR GRANT OF WINDOW CLEANER'S LICENCE

Name and Address of Applicant

Date Applied

Derek Balmain
12 Stevenson Street
Dalmuir
Clydebank

28 February 2003

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

119 Having heard the Principal Solicitor it was noted:-

- (a) that an objection to the application had been submitted on behalf of the Chief Constable and that the applicant and a representative of the local Police authority had been invited to attend the meeting in order that a hearing may take place;
- (b) that in terms of the relevant legislation the letter of objection had been received late, but there was provision for the Licensing Authority to entertain a late objection which had been received before a final decision had been made on an application if the Licensing Authority was satisfied that there was sufficient reason why the objection had not been made in the time required; and
- (c) that it would be a matter for the Committee to decide initially whether the late letter of objection from the Police should be entertained.

- 120 The representative of the Police, Sergeant Jeffrey, was invited to come forward and address the Committee on the reason why the objection had not been submitted within the permitted time. Having heard Sergeant Jeffrey the Committee agreed that, because of the sensitive issues which required to be investigated by the Police, there was sufficient reason why the objection had not been made in the time required and that the late letter of objection should be entertained.
- 121 The Principal Solicitor then advised the Committee that in addition to the conviction against the applicant referred to in the report, he had two further convictions which were spent in terms of the Rehabilitation of Offenders Act 1974 and the Committee would require to decide whether these convictions should be disclosed and taken into consideration when determining the application. The Principal Solicitor advised that in his opinion the applicant's spent convictions, which were quite recent, dating from 2000 and 2001, were relevant to the application and although not being in the most serious category, were not of a trivial nature. Following deliberation the Committee agreed that details of the applicant's spent convictions should be disclosed. Accordingly, details of the spent convictions were circulated to Members and a copy given to the applicant.
- 122 Sergeant Jeffrey was then invited to address the Committee in support of the objection which had been submitted. It was noted that the objection was on the grounds that the applicant was not a fit and proper person to be the holder of a Window Cleaner's Licence for the reasons detailed in the report.
- 123 The applicant declined an invitation to address the Committee in support of his application.
- 124 It was agreed that the application be refused on the grounds that the applicant was not a fit and proper person to be the holder of a Window Cleaner's Licence having regard to the nature of the convictions recorded against him.

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

<u>Name and Address of Applicant</u>	<u>Date Applied</u>
Patrick Kelly 8 McFarlane Place Renton	3 March 2003

- 125 A report was submitted by the Head of Legal and Administrative Services concerning an application for grant of a Taxi/Private Hire Car Driver's Licence by the above named person.
- 126 Having heard the Principal Solicitor it was noted:-

- (a) that a letter had been received from the Chief Superintendent of the local Police authority making representations in relation to the application on behalf of the Chief Constable and the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place;
- (b) that in terms of the relevant legislation the letter making representations had been received late, but there was provision for the Licensing Authority to entertain late representations which had been received before a final decision had been made on an application if the Licensing Authority was satisfied that there was sufficient reason why the representations had not been made in the time required; and
- (c) that it would be a matter for the Committee to decide initially whether the late letter making representations in relation to the application should be entertained.

127 The representative of the Police Authority, Sergeant Jeffrey, was invited to come forward and addressed the Committee on the reason why the letter making representations had not been submitted within the permitted time. Having heard Sergeant Jeffrey the Committee agreed that, as the letter had been received late due to an unforeseeable breakdown in the internal mail system, there was sufficient reason why the letter had not been submitted in the time required and that the letter should be entertained. It was also noted that the Police were not contending that there was a need for a spent conviction recorded against the applicant, referred to in the report, to be disclosed having regard to the age and nature of the conviction.

128 Sergeant Jeffrey was then invited to address the Committee in support of the letter from the Chief Superintendent making representations in relation to the application. It was noted that the letter had been submitted specifically to draw the attention of the Committee to the nature of the conviction recorded against the applicant in July 2002, as detailed in the report, and to invite the Committee to consider whether the applicant was a fit and proper person to be the holder of a Taxi/Private Hire Car Driver's Licence in view of this conviction.

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

PROPOSED PUBLIC PROCESSIONS - 5 JULY 2003 – DUMBARTON ORANGE & PURPLE DISTRICT 27

130 A report was submitted by the Head of Legal and Administrative Services regarding a Notice of Proposal to hold Public Processions in Alexandria and Dumbarton on Saturday, 5 July 2003 which had been submitted by Mr. William Leitch on behalf of the above organisation.

131 It was noted:-

- (a) that Mr. Leitch had requested permission for the proposed procession in the Alexandria area to commence at 8.00 a.m. with an accompanying band being permitted to play music, which was contrary to one of the Council's approved standard conditions relating to public processions which precludes bands accompanying processions playing music prior to 9.00 a.m.;
- (b) that it was also proposed that the organisation would undertake a return procession in the Dumbarton Central area commencing at 6.00 p.m. on 5 July;
- (c) that the local Members within whose Wards the proposed processions would take place, Councillors James Bollan and James McCallum, had been consulted with regard to the proposals and both had made representations in relation to the proposals;
- (d) that, as representations had been made by the local Members and the organisation had requested a special dispensation to allow the band to play from 8.00 a.m. in Alexandria, which was contrary to the aforementioned standard condition, the matter required to be determined by the Committee;
- (e) that Mr. Leitch and Councillors Bollan and McCallum had been invited to attend the meeting;
- (f) that Mr. Leitch was present and was accompanied by Mr. James Peters and Councillor McCallum was in attendance; and
- (g) that Councillor Bollan had advised that he was unable to attend the meeting but had requested that his views in relation to the proposed procession in the Alexandria area be made known to the Members of the Committee.

132 Councillor McCallum was given the opportunity to address the Committee in relation to the representations which he had made with respect to the proposed procession in the Dumbarton Town Centre area.

133 Mr. Peters then addressed the Committee in support of the proposals which had been submitted on behalf of the organisation.

134 After consideration it was agreed that the proposals be approved with a dispensation being granted to allow the band accompanying the procession in the Alexandria area to play from 8.00 a.m. and on the basis that the band accompanying the evening procession in the Dumbarton area would refrain from playing whilst in the vicinity of the roundabout at Strathleven Place and the sheltered housing at Church Court, Dumbarton.

APPLICATION FOR GRANT OF STREET TRADER'S LICENCE

<u>Name and Address of Applicant</u>	<u>Date Applied</u>
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Silvana Puddinu 15 Eldergrove Avenue Drumoyne Glasgow	15 April 2003
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- 135 A report was submitted by the Head of Legal and Administrative Services concerning an application for grant of a Street Trader's Licence by the above named person.
- 136 The Principal Solicitor explained the background to the application as detailed in the report and it was noted:-
- (a) that Mrs. Puddinu was seeking a licence to allow her to trade in ice cream, confectionery, minerals and tobacco products from a van which would be located at the Moss O'Balloch Slipway, Balloch on Mondays to Sundays from 12 noon until 10.00 p.m. each day;
 - (b) that an objection to the application had been received from Mr. and Mrs. MacDonald who are holders of Street Trader's Licences issued by this Authority;
 - (c) that a further letter objecting to the application had been received from Mr. Palombo, who has a shop at 40 Balloch Road, Balloch, and although in terms of the relevant legislation this objection had been received late, there was provision for the Licensing Authority to entertain a late objection which had been received before a final decision had been made on an application if the Licensing Authority was satisfied that there was sufficient reason why the objection had not been made in the time required; and
 - (d) that the applicant and the objectors had been invited to attend the meeting.
- 137 Mrs. Puddinu was given the opportunity to address the Committee in support of her application.
- 138 Thereafter Mr. MacDonald was invited to address the Committee in relation to the objection to the application.
- 139 It was noted that Mr. Palombo, who had submitted a late objection, was not in attendance.
- 140 After consideration it was agreed that the application be granted.

The meeting closed at 12.40 p.m.