

## **LICENSING COMMITTEE**

At a Meeting of the Licensing Committee held in the Council Chambers, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 7 March 2007 at 12.15 a.m.

**Present:** Councillors Denis Agnew, Dennis Brogan, Douglas McAllister, Linda McColl, Duncan McDonald, Craig McLaughlin and Connie O'Sullivan.

**Attending:** Nigel Ettles, Principal Solicitor; Graham Pollock, Manager of Environmental Services; Lorraine MacGillivray, Team Leader - Environmental Health; Tony Cairns, Team Leader - Trading Standards; and David Rooney, Senior Administrative Officer.

**Apology:** An apology for absence was intimated on behalf of Provost Macdonald.

### **Councillor McAllister in the Chair**

#### **CONVENER'S REMARKS**

The Convener, Councillor McAllister, apologised for the late start of the meeting.

#### **MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of the Licensing Committee held on 10 January 2007 were submitted and approved as a correct record.

#### **REQUEST TO CONSIDER ITEM OF BUSINESS AS MATTER OF URGENCY**

Councillor McLaughlin made reference to a letter that had been sent to the Chief Executive by Mrs. Wendy Hutchinson, Chairwoman of Age Concern Dumbarton concerning the decision in relation to Wheelchair Accessible Taxis that had been taken at the January meeting of the Committee and he requested that the issue be given further consideration at the meeting as an emergency item of business.

The Convener, Councillor McAllister, advised that Mrs. Hutchinson had been given the opportunity to address the Committee on behalf of Age Concern Dumbarton at the previous meeting and he was of the opinion that the matter did not constitute an emergency item. The Convener therefore determined, in terms of Standing Order No. 7, that the matter should not be considered at the meeting as a matter of urgency.

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

<b>(a) <u>Name and Address of Applicant</u></b>	<b><u>Date Applied</u></b>
Patrick Hamill 17 Dumbain Crescent Balloch	16 October 2006

With reference to the Minutes of the Meeting of the Licensing Committee held on 10 January 2007 (Page 2929, paragraph 11096 refers) a report was resubmitted by the Head of Legal and Administrative Services concerning an application for grant of a Temporary Taxi/Private Hire Car Driver's Licence by the above named person.

An Excerpt Minute of Meeting of the Licensing Committee held on 10 January 2007 was also submitted for information.

After hearing the Principal Solicitor it was noted:-

- (a) that at the previous meeting of the Committee a late representation in relation to the application which had been submitted on behalf of the Chief Constable had been heard;
- (b) that consideration of the application had been continued to allow clarification to be sought with respect to a conviction which had been disputed by the applicant;
- (c) that the applicant and a representative of the Police had again been invited to attend the meeting; and
- (d) that Chief Inspector MacRae and Sergeant Fulton were present but the applicant was not in attendance.

The Committee agreed to proceed to consider the application in the absence of the applicant.

Copies of the letter from the Chief Superintendent providing details of three convictions against the applicant were again circulated.

Chief Inspector MacRae was invited to address the Committee and it was noted that the Police had offered the applicant the opportunity to be re-fingerprinted in an effort to establish that he had not served a term of

imprisonment in relation to a conviction against him in Holland in 1994; Mr. Hamill had declined the offer; and the Police were maintaining that the applicant had been convicted and sentenced as detailed in the report.

After consideration it was unanimously agreed that the application be refused on the grounds that the applicant was not a fit and proper person to hold a Taxi/Private Hire Car Driver's Licence.

### **APPLICATION FOR GRANT OF PUBLIC ENTERTAINMENT LICENCE**

#### **Name and Address of Applicant**

#### **Date Applied**

Royco Scotland Ltd  
26 Kelvin Avenue  
Hillington Industrial Estate  
Glasgow

15 January 2007

A report was submitted by the Head of Legal and Administrative Services concerning an application for grant of a Public Entertainment Licence by the above named company in respect of the proposed provision of a sunbed salon at premises at Unit 20A, Clyde Shopping Centre, Clydebank.

After hearing the Principal Solicitor it was noted:-

- (a) that a letter intimating an objection to the application had been received from Ms Rose Donaghey, c/o Perfect Tan, 38 Kilbowie Road, Clydebank; and
- (b) that in view of the objection to the application, the applicant and the objector had been invited to attend the meeting in order that a hearing may take place.

At the invitation of the Convener, Councillor McAllister, Mrs. Donaghey was invited to come forward and was given the opportunity to address the Committee in support of her objection. It was noted that Mrs. Donaghey operated a sunbed salon at 38 Kilbowie Road, Clydebank and that she had objected to the application on the grounds that there were already a sufficient number of sunbed shops in Clydebank and one or more of these shops could go out of business if the application before the Committee was to be granted. After answering questions from Members Mrs. Donaghey returned to the public gallery.

It was noted that Ms McKenna, a Director of Royco Scotland Ltd, was in attendance together with Ms Robb, the company's solicitor. At the invitation of the Convener, Ms Robb addressed the Committee in support of the application. Thereafter Ms Robb and Ms McKenna returned to the public gallery.

After hearing the Senior Administrative Officer in relation to a question from the Convener, Councillor McAllister, it was noted that there were currently 3

licensed sunbed salons in the Clydebank area, none of which were located in the Clyde Shopping Centre.

After discussion, Councillor McDonald, seconded by Councillor Agnew, moved:-

That the application be granted.

As an amendment, Councillor Brogan, seconded by Councillor McLaughlin, moved:-

That the application be refused on the grounds that there was a risk to the health of persons using sunbed salons and the Council should therefore not license such premises.

On a vote being taken, 2 Members voted for the amendment and 5 Members voted for the motion, which was accordingly declared carried.

### **REVISED CONDITIONS FOR PETROLEUM LICENCES**

A report was submitted by the Acting Director of Housing, Regeneration and Environmental Services (Land and Environmental Services) seeking approval for new conditions to be attached to licences granted for the keeping of petroleum spirit in underground tanks at petrol filling stations.

The Committee agreed to approve the adoption of the revised licence conditions, which had been drafted by the Petroleum Enforcement Liaison Group, with immediate effect.

### **THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (LICENSING OF SKIN PIERCING AND TATTOOING) ORDER 2006**

A report was submitted by the Acting Director of Housing, Regeneration and Environmental Services (Land and Environmental Services) seeking approval:-

- (a) to authorise the Environmental Health Section to undertake all functions in relation to the licensing scheme for skin piercing and tattooing premises and to issue licences to those premises which meet the requirements of licence; and
- (b) to adopt the National Licensing Conditions (detailed in Appendix 1 to the report) which amend those conditions which were agreed at the meeting of the Licensing Committee on 1 February 2006.

After hearing the Manager of Environmental Services in answer to Members' questions the Committee agreed:-

- (1) to authorise the Environmental Health Section to undertake the functions of licensing in relation to the Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006;
- (2) to approve the adoption of the revised National Licensing Conditions for all skin piercing and tattooing premises within West Dunbartonshire; and
- (3) to delegate authority to the Acting Director of Housing, Regeneration & Environmental Services (Land and Environmental Services) to issue licences to those premises which meet the requirements of licence.

NOTE: Councillor McLaughlin left the meeting at this point.

### **EXCLUSION OF PRESS AND PUBLIC**

The Committee agreed to approve the undernoted resolution:-

“That under Section 50A(4) of the Local Government (Scotland) Act, 1973 the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in Paragraph 6 of Part I of Schedule 7A to the Act (information relating to the financial or business affairs of any particular person (other than the authority)).”

NOTE: Councillor McLaughlin returned to the meeting during consideration of the undernoted item but took no part in the deliberation or determination of the application.

### **APPLICATION FOR GRANT OF SECOND HAND DEALER’S LICENCE**

#### **Name and Address of Applicant**

#### **Date Applied**

Abubekir Oncu  
104 Croftspar Grove  
Springboig  
Glasgow

21 December 2006

A report was submitted by the Head of Legal and Administrative Services concerning an application for grant of a Second Hand Dealer’s Licence by the above named person who was seeking a licence to allow him to trade in second hand mobile phones from premises at Jimmy’s Mobile Accessories, Unit 13 – 14, Sylvania Way, Clyde Shopping Centre, Clydebank.

Having heard the Principal Solicitor it was noted:-

- (a) that a letter had been received from the Chief Superintendent of the Police authority advising that the Chief Constable intends to make an observation in relation to the application based on the applicant having been convicted at Dumbarton Sheriff Court on 3 February 2005 for a contravention of the Trade Marks Act 1994 for which he was fined £1000;
- (b) that a memorandum had been received from the Council's Trading Standards Section providing information with respect to various issues concerning the business presently operated by the applicant at Jimmy's Mobile Accessories, Unit 13 – 14, Sylvania Way, Clyde Shopping Centre, Clydebank, including details of a number of consumer complaints that had been received in relation to the business;
- (c) that in view of the above the applicant and representatives of the Police and the Trading Standards Section had been invited to attend the meeting in order that a hearing may take place; and
- (d) that the details of convictions which had been provided by the applicant in his application form were incomplete and a further letter from the Police providing full details of the applicant's convictions could be made available to assist with the determination of the application.

The Committee agreed that copies of the further letter from the Police should be circulated and copies were distributed to Members and the applicant. The Committee noted that the applicant had a range of convictions, mainly related to Road Traffic offences, between 2003 and 2007.

The Committee then heard Chief Inspector MacRae in support of the observation which had been submitted on behalf of the Chief Constable. In relation to a question which was raised by Councillor O'Sullivan concerning the applicant's conviction under the Trade Marks Act 1994, it was agreed to hear Mr. Cairns, Team Leader (Trading Standards) in explanation.

The Committee also agreed that copies of the memorandum from the Council's Trading Standards Section referred to in the report should be made available for perusal. Copies of the memorandum were circulated accordingly.

Mr. Cairns provided details with respect to the conviction under the Trade Marks Act 1994 and also provided details of the consumer complaints that had been received in relation to the business and other issues relating to the business.

At the invitation of the Convener, Councillor McAllister, the applicant was given the opportunity to address the Committee in support of his application and thereafter answered questions from Members.

After deliberation it was agreed by the Committee that the application be refused on the grounds that the applicant was not a fit and proper person to hold a Second Hand Dealer's licence having regard to the convictions

recorded against him and the information provided by the Trading Standards Section with respect to the business presently operated by the applicant.

Having heard Councillor Agnew it was agreed that the officers of the Trading Standards Section and the Police be commended for the work which they had carried out in relation to the investigation of complaints against the applicant.

The meeting closed at 12.52 p.m.