

## LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in the Council Chambers, Municipal Buildings, Station Road, Dumbarton on Wednesday, 7 December 2005 at 11.30 a.m.

**Present:** Provost Alistair Macdonald, Councillors Denis Agnew, Douglas McAllister, Duncan McDonald and Connie O'Sullivan.

**Attending:** Nigel Ettles, Principal Solicitor and David Rooney, Senior Administrative Officer.

**Apology:** An apology for absence was intimated on behalf of Councillor Linda McColl.

### Councillor Douglas McAllister in the Chair

#### MINUTES OF PREVIOUS MEETINGS

7656 The Minutes of Meeting of the Licensing Committee held on 5 October 2005 were submitted and approved as a correct record.

7657 The Minutes of Special Meeting of the Licensing Committee held on 9 November 2005 were submitted and approved as a correct record.

#### POSSIBLE SUSPENSION OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE – MR. H. WEST

7658 A report was submitted by the Head of Legal and Administrative Services concerning the possible suspension of a Taxi/Private Hire Car Driver's Licence held by the above named person.

7659 Having heard the Principal Solicitor it was noted:-

- (a) that after a hearing at the meeting of the Licensing Committee which was held on 4 May 2005, Mr. West had been granted a Taxi/Private Hire Car Driver's Licence on the basis that his conduct would be closely monitored;
- (b) that a letter had been received from the Chief Superintendent of the local Police authority advising that since Mr. West had been granted his licence, it had come to light that he had further previous convictions of a serious nature;

- (c) that the Chief Constable was now making a complaint in terms of the Civic Government (Scotland) Act 1982 that Mr. West was no longer a fit and proper person to be the holder of a Taxi/Private Hire Car Driver's Licence;
- (d) that Mr. West and a representative of the Police authority had been invited to attend the meeting of the Committee in order that a hearing may take place to determine whether or not Mr. West's licence should be suspended;
- (e) that in September 2005 Mr. West became a partner along with three other individuals in respect of a Clydebank Taxi Licence;
- (f) that an application for variation of the terms of the Taxi Licence had recently been submitted by Mr. West which, if granted, would result in Mr. West and one other individual holding the licence on a partnership basis; and
- (g) that depending on the outcome of the suspension hearing in relation to Mr. West's Taxi/Private Hire Car Driver's Licence, the Committee may wish to consider whether further proceedings for possible suspension should be instigated in respect of the Taxi Licence in which Mr. West now had an interest as a partner.

7660 Chief Inspector MacDonald and Sergeant Brier, who were in attendance, were invited to come forward by the Convener and Chief Inspector MacDonald was heard in relation to the complaint which had been made.

7661 Mr. West and his representative, Mr. David Gordon, were then invited to come forward. The Committee heard Mr. Gordon who explained why Mr. West had failed to disclose the convictions, the background to the offences, in particular the offence which had led to the conviction on 25 February 2000, and the circumstances which had resulted in the disclosure of the convictions. Thereafter Mr. Gordon answered questions from Members.

7662 The Committee then deliberated on whether Mr. West was a fit and proper person to hold a Taxi/Private Hire Car Driver's Licence. It was agreed that he was not a fit and proper person to hold such a licence and that his licence should be suspended.

7663 Mr. Gordon was then invited to address the Committee on the length of suspension and the date from which the suspension should commence.

7664 Mr. Gordon did not contend that the period of suspension should be shorter than the unexpired portion of the duration of the licence. He did, however, contend that the suspension should not be immediate. Mr. Gordon circulated copies of references from three individuals vouching for the good character of Mr. West, which were read by the Members of the Committee.

7665 Chief Inspector MacDonald was then given the opportunity to comment with respect to the matter of when the suspension should come into effect and it was noted that it was his contention that the suspension should be immediate.

7666 After deliberation it was agreed:-

- (1) that the period of suspension would be the unexpired portion of the duration of the licence, which was due to expire on 3 May 2006; and
- (2) that the circumstances of the case justified immediate suspension and that the licence would be suspended immediately.

7667 The Committee then considered whether further proceedings for possible suspension should be instigated in relation to the Taxi Licence in respect of which Mr. West had an interest as a partner. It was agreed that proceedings for possible suspension should be instigated in this connection and that the matter be dealt with at the next appropriate meeting of the Committee.

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

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

##### **Date Applied**

Columba McKinley  
11 Cardross Park Mansion  
Cardross

15 September 2005

7668 A report was submitted 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.

7669 Having heard the Principal Solicitor it was noted:-

- (a) that a letter had been received from the Chief Superintendent of the Police authority intimating an objection in relation to the application on behalf of the Chief Constable;
- (b) that in view of the above the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place; and
- (c) that Chief Inspector MacDonald and Sergeant Brier were in attendance and that the applicant was present, accompanied by his representative Ms. Linda Fyffe.

- 7670 Chief Inspector MacDonald was heard in relation to the objection which had been submitted and it was noted that it was the contention of the Chief Constable that the applicant was not a fit and proper person to be the holder of a licence having regard to the convictions against him and the associated circumstances.
- 7671 The applicant and his representative were invited to come forward by the Convener. With the consent of the Convener, Ms. Fyffe circulated copies of a Social Enquiry Report relating to Mr. McKinley and a letter from his Community Service Officer, which were read by the Members of the Committee.
- 7672 Ms. Fyffe then addressed the Committee in support of the application giving Mr. McKinley's account of the circumstances of the incident which had led to the conviction against him on 17 February 2005. Thereafter Ms. Fyffe answered questions from Members.
- 7673 After consideration it was agreed that the application be granted on the basis that Mr. McKinley's conduct would be closely monitored during the period of the Temporary Licence.

#### **MANAGEMENT RULES FOR ADMINISTRATION OF SHOPPING CENTRES**

<b><u>Name and Address of Applicant</u></b>	<b><u>Date Applied</u></b>
James Peace 12 Mansfield Tyndrum	8 September 2005
7674 A report was submitted by the Head of Legal and Administrative Services concerning an application by the above named person for permission to carry out an activity within the Artizan Centre, Dumbarton in terms of the Council's Management Rules for the Administration of Shopping Centres.	
7675 The Principal Solicitor advised that letters inviting Mr. Peace to attend the meeting, which had been sent by Recorded Delivery service and normal mail, had been returned marked "addressee has gone away".	
7676 The Committee agreed to consider the application in the absence of the applicant.	
7677 Having heard the Principal Solicitor further, it was noted:-	
(a) that the proposed activity would consist of Mr. Peace playing traditional and popular music once a week on Saturdays;	

- (b) that in terms of the Management Rules for Administration of Shopping Centres, the type of activity which the applicant wished to undertake was precluded, unless special permission is granted by the Council, in writing;
- (c) that the Town Centres Manager, Mr. Davison Porter, had been consulted in relation to the application and had responded expressing reservations about the application; and
- (d) that Mr. Davison Porter had also been invited to attend the meeting in order that the application may be determined.

7678 After consideration, and having heard Provost Macdonald, it was agreed:-

- (1) to note that the Town Centres Manager had indicated in his response that the mall area was currently the subject of discussion between West Dunbartonshire Council and the landlord of the shopping centre, Dunedin Properties, and that in his opinion requests such as had been submitted by Mr. Peace should not be sanctioned until revised mall regulations are in place; and
- (2) that the Council should not consider granting such applications until revised Management Rules for the Administration of Shopping Centres covering the new Artizan Centre in Dumbarton have been approved and that the application by Mr. Peace should therefore be refused.

The meeting closed at 12.32 p.m.