

Agenda

Meeting of Licensing Committee

Date: Wednesday, 22 September 2021

Time: 10:00

Format: Zoom Video Conference

Contact: Lynn Straker, Committee Officer
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Dear Member

The Convener has directed that the powers contained in Section 18B of the Civic Government (Scotland) Act 1982 as the hearing cannot be held in person because of a reason relating to coronavirus and so Members and parties to the proceedings will attend this meeting of the **Licensing Committee** remotely. The business is shown on the attached agenda.

Yours faithfully

JOYCE WHITE

Chief Executive

Distribution:

Councillor Jim Finn (Chair)
Councillor Karen Conaghan
Councillor Ian Dickson
Councillor Caroline McAllister
Councillor Jonathan McColl (Vice Chair)
Councillor Lawrence O'Neill
Councillor Brian Walker
Vacancy

All other Councillors for information.

Date issued: 09 September 2021

LICENSING COMMITTEE

WEDNESDAY, 22 SEPTEMBER 2021

AGENDA

1 STATEMENT BY THE CHAIR – ZOOM VIDEO CONFERENCING

2 APOLOGIES

3 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.

4 MINUTES OF PREVIOUS MEETINGS 5 - 8

Submit for approval as a correct record the Minutes of Meeting of the Licensing Committee held on 18 August 2021.

5 OPEN FORUM

The Committee is asked to note that no open forum questions have been submitted by members of the public.

6 PROPOSED ADVERTISING ON A TAXI 9 - 11

Submit report by Chief Officer – Regulatory and Regeneration to consider a request for permission to display an advert on a taxi operating in the Dumbarton & Vale of Leven Licensing Zone.

7 EXCLUSION OF PRESS AND PUBLIC 13

The Committee is asked to consider passing the following resolution prior to consideration of the undernoted items of business:-

“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 14 of Part 1 of Schedule 7A of the Act.”

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held by video conference on Wednesday, 18 August 2021 at 2.01 p.m.

Present: Councillors Karen Conaghan, Ian Dickson, Jim Finn, Jonathan McColl, Lawrence O'Neill and Brian Walker.

Attending: Robert Mackie, Senior Officer (Licensing Services); Peter Clyde, Licensing Standards Officer; Nigel Ettles, Section Head (Litigation Services); Lynn Straker and Ashley MacIntyre, Committee Officers.

Also attending: Constable Raymond Borland, Police Scotland.

Apologies: Apologies for absence were intimated on behalf of Raymond Lynch, Section Head (Licensing).

Councillor Jim Finn in the Chair

STATEMENT BY CHAIR

Councillor Finn, Chair, welcomed everyone to the meeting which was being held remotely, in terms of Section 18B of the Civic Government (Scotland) Act 1982.

The Chair advised that a process had been developed for the meeting (a copy of which had previously been circulated to Members). Thereafter, the Committee agreed to note the procedure in place for the conduct of the meeting and the meeting then continued by video conferencing.

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 MEETINGS

The Minutes of Meeting of the Licensing Committee held on (a) 5 May 2021; (b) 15 June 2021 (Special); (c) 29 June 2021 (Special); and (d) 28 July 2021 (Special) were submitted and approved as a correct record.

OPEN FORUM

The Committee noted that no open forum questions had been submitted by members of the public.

APPLICATION FOR GRANT OF LATE HOURS CATERING LICENCE

A report was submitted by Chief Officer – Regulatory and Regeneration to consider an application for grant of a Late Hours Catering Licence, submitted by Blue Lagoon Fish & Chip Shops Limited.

Having heard from Section Head (Litigation Services) and Senior Officer (Licensing Services), it was noted there were no objections to this application, and the Late Hours Catering Licence was being requested in line with late night properties in the area now beginning to reopen alongside government relaxing of restrictions.

It was also noted the applicant had taken steps to ensure the public footpath at the property would be kept clean and free of litter, in particular within late night opening hours and ensure waste management contract is followed including guidelines from Environmental Health, both outside and within the property.

DECIDED:-

Following consideration, the Committee agreed to grant a Late Hours Catering Licence, submitted by Blue Lagoon Fish & Chip Shops Limited.

APPLICATION FOR GRANT OF A TEMPORARY PUBLIC ENTERTAINMENT LICENCE

A report was submitted by Chief Officer – Regulatory and Regeneration to consider an application for grant of a temporary Public Entertainment Licence submitted by Mr. Cameron Codona.

Having heard the Section Head (Litigation Services), it was noted no objections or representations have been received for this application.

DECIDED:-

Following consideration, the Committee agreed to grant a temporary Public Entertainment Licence to Mr. Cameron Codona on the dates submitted and areas submitted.

REVIEW OF TAXI FARES AND CHARGES – CLYDEBANK TAXI LICENSING ZONE

A report was submitted by Chief Officer – Regulatory and Regeneration reporting on the review of fares and charges applicable to taxis operating within the Clydebank Taxi Licensing Zone.

Having heard the Section Head (Litigation Services), and in answer to Members questions, it was noted the responses received from pre-consultation letters sent to 103 Taxi drivers within the Clydebank area were being considered and suggestions from responses be brought forward as recommendations from Licensing Committee.

DECIDED:-

Following discussion, the Committee agreed:-

- (1) that the current level of fares and charges applicable to the Clydebank Taxi Licensing Zone be amended by increasing the flag fall on all tariffs by 30p;
- (2) that Tariff 2, as detailed in Appendix 1, should commence at 9.00 p.m. instead of 10.00 p.m. each day and that Tariff 2 will be applicable all day on 24 and 31 December;
- (3) that the maximum Soiling Fee as detailed in Appendix 1, should be increased from £50 to £60;
- (4) that officers arrange for the advertisement of the fares and charges agreed by the Committee; and
- (5) that authority be delegated to the Chief Officer – Regulatory & Regeneration, in consultation with the Chair of the Licensing Committee, to conclude the review without the requirement for the Committee to consider a further report on the matter provided no objections or representations are received in relation to the proposal;

EXCLUSION OF PRESS AND PUBLIC

Having heard the Section Head (Licensing) in relation to the undernoted items of business the Committee agreed to approve the following 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 14 of Part 1 of Schedule 7A of the Act.”

HEARING REGARDING POSSIBLE SUSPENSION OR REVOCATION OF A TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE

A report was submitted by the Chief Officer – Regulatory and Regeneration concerning a request from the Chief Constable of Police Scotland for the suspension of a Taxi Driver's/Private Hire Car Driver's Licence.

Having heard the Section Head (Litigation Services) and Police Constable Raymond Borland it was noted the alleged offence as detailed in the letter from Chief Constable, Police Scotland was still sub judice and as such could not be discussed further at this time or any further details provided.

Eugene Boyle, Solicitor and representative of Licence holder provided the submission and advised the Licence holder would plead not guilty to all charges when court trial goes ahead.

DECIDED:-

Following consideration, the Committee agreed that the alleged misconduct has not at this time been established, and pending court dates and the outcome, it would be brought back to the Committee if misconduct was established. At this time, the Taxi Driver's licence would not be suspended.

The meeting closed at 2.30 p.m.

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer Regeneration and Regulatory

Licensing Committee – 22 September 2021

Subject: Proposed Advertising on Taxis

1. Purpose

- 1.1 To consider a request for permission to display an advert on a taxi operating in the Dumbarton & Vale of Leven Licensing Zone.

2. Recommendations

- 2.1 It is recommended that the request made by Mr. Woodcock for consent to advertise The Burgh Bar on a taxi operating in the Dumbarton & Vale of Leven Taxi Licensing Zone be considered and determined by the Committee.

3. Background

- 3.1 At a meeting of the Licensing Committee held on 5 April 2006, Members decided that where an advertising proposal be considered controversial, Officers consult with the Chair of the Committee as to whether the request should be approved under delegated powers or referred to the Committee for determination.
- 3.2 Having advised the Chair of the proposed advert it was decided that the matter should be brought before the Licensing Committee for determination.

4. Main Issues

- 4.1 When the request from Mr. Woodcock was received, Officers took the view that it would be inappropriate to give approval under delegated powers given that the adverts would be promoting a licensed premises. The Chair, Councillor Finn, was consulted and it was agreed that the request should be referred to the Committee for a decision. A copy of the proposed artwork is attached for information (Appendix 1).

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 The Chair of the Licensing Committee was consulted resulting in the matter being brought before the Committee.

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.

Chief Officer – Regeneration & Regulatory

Date 6 September 2021

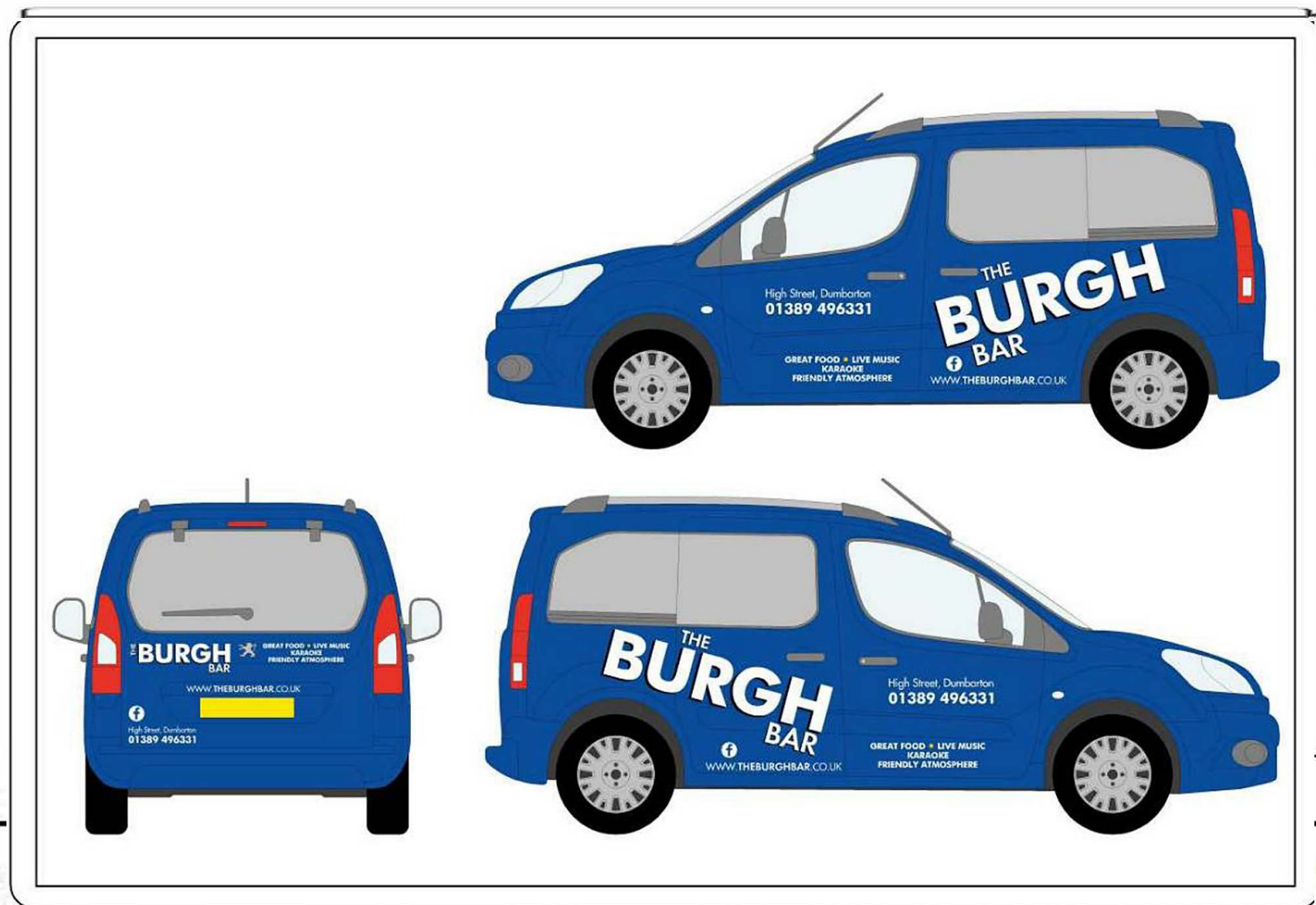
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Dumbarton,
G82 1NR.

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Appendices: Proposed Advert.

Background Papers:

- 1.** Email from Mr. Woodcock dated 9 July 2021.
- 2.** Email to Mr. Woodcock dated 8 September 2021.





NOT FOR PUBLICATION

**by virtue of Paragraph 14 of Part 1 of Schedule 7A of
the Local Government (Scotland) Act, 1973**

ANY ACTION TAKEN OR TO BE TAKEN IN
CONNECTION WITH THE PREVENTION,
INVESTIGATION OR PROSECUTION OF CRIME

PLEASE NOTE THAT CONFIDENTIAL PAGES HAVE
BEEN REMOVED