

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in the Civic Space, Council Offices, 16 Church Street, Dumbarton on Wednesday, 5 December 2018 at 10.00 a.m.

Present: Councillors Jim Brown, Jonathan McColl, Marie McNair, John Mooney and Brian Walker.

Attending: Raymond Lynch, Section Head (Licensing); Martin Keeley*, Environmental Health Manager; Robert Mackie, Senior Officer (Licensing Services), Lawrence Knighton, Licensing Standards Officer and Nuala Borthwick, Committee Officer.

* Arrived later in the meeting.

Also Attending: Constables Alison Simpson and Kelly Houston, Police Scotland.

Apologies: Apologies for absence were intimated on behalf of Councillors Ian Dickson, Jim Finn and Lawrence O'Neill.

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in any of the items of business on the agenda at this point in the meeting.

MINUTES OF PREVIOUS MEETINGS

- (1) The Minutes of Meeting of the Licensing Committee held on Wednesday, 10 October 2018 were submitted and approved as a correct record; and
- (2) the Minutes of Special Meeting of the Licensing Committee held on 9 November 2018 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 A TEMPORARY TAXI/PRIVATE
HIRE CAR DRIVER'S LICENCE**

Name and Address of Applicant

Date Applied

Mr. William Buchanan
26 Myrtle Road
Dalmuir
Clydebank
G81 4NR

31 October 2018

A report was submitted by the Strategic Lead – Regulatory concerning an Application for Grant of a Temporary Taxi 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 Constable of Police Scotland on 16 November 2018 submitting comment in relation to the application;
- (b) that in view of the letter from Police Scotland, the applicant and a representative of Police Scotland had been invited to attend the meeting of the Committee in order that a hearing could take place; and
- (c) that the applicant, Mr William Buchanan and Constables Simpson and Houston, Police Scotland, were in attendance at the meeting.

The Committee heard from Constable Simpson in relation to the letter from Police Scotland. Mr Buchanan was then heard in support of his application and in answer to questions from Members.

DECIDED:-

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

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982 REVIEW OF TAXI FARES
AND CHARGES CLYDEBANK TAXI LICENSING ZONE**

A report was submitted by the Strategic Lead – Regulatory seeking consideration of a proposed review of fares and charges applicable to taxis operating within the Clydebank Taxi Licensing Zone.

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

- (a) that at a meeting of the Licensing Committee held on 16 August 2017, Members agreed to extend future consultations to all taxi drivers and taxi licence holders and to report on the findings separately;

- (b) that following agreement on the format, questionnaires were issued to 91 taxi operators which represent the 159 taxi licences issued in the Clydebank zone of West Dunbartonshire and also to a further 173 taxi drivers operating within the same zone;
- (c) that the questionnaire was first issued on 31 July 2018 allowing until 31 August 2018 for submission then, having received information that some responses submitted to the Council's One Stop Shop and by post had not been received, it was decided to re-issue the questionnaire to all operators and drivers who had not submitted a response, following the first issuing of the questionnaire allowing until 31 October 2018 for submission; and
- (d) that the 6 questions and subsequent responses pertaining to the taxi fare review were detailed in paragraph 4.5 of the report.

At the Chair's invitation, the Committee then heard from Mr Allan MacLeod in relation to his concerns with the proposals for scales for taxi fares and related charges and in relation to his own proposals that the taxi fare chart for the Dumbarton and Vale of Leven Taxi Licensing Zone should be replicated in the Clydebank Taxi Licensing Zone.

DECIDED:-

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

- (1) that the current level of fares and charges applicable to the Clydebank Taxi Licensing Zone be amended by increasing the flagfall on all tariffs by 20p;
- (2) to include within Extra Charges a clear wording advising that an extra charge of £3.00 will be applied where passengers are either dropped off or picked up at Glasgow Airport and that any subsequent changes to the extra charges imposed by Glasgow Airport will be applied;
- (3) that the charge for waiting time be set to the rate currently applicable in Dumbarton and Vale of Leven Zone, that being 10p for each period of 20 seconds (£18.00 per hour);
- (4) that the extra fees for extra passengers in the Clydebank Zone would be set at the same rate currently applicable in Dumbarton and Vale of Leven Zone;
- (5) that officers arrange for the advertisement of the fares and charges agreed by the Committee;
- (6) that authority be delegated to the Strategic Lead - Regulatory, 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; and

- (7) that officers would provide a detailed report to a future meeting providing information on the possible amalgamation of the Clydebank and Dumbarton and Vale of Leven Taxi Licensing Zones to form one West Dunbartonshire Taxi Licensing Zone following consultation with the licensed trade.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 REVIEW OF TAXI FARES AND CHARGES DUMBARTON AND VALE OF LEVEN TAXI LICENSING ZONE

A report was submitted by the Strategic Lead – Regulatory seeking consideration of a proposed review of fares and charges applicable to taxis operating within the Dumbarton and Vale of Leven Taxi Licensing Zone.

DECIDED:-

Having heard the Senior Officer (Licensing Services) in further explanation of the report, the Committee agreed:-

- (1) to retain the current level of fares and charges applicable to the Dumbarton and Vale of Leven Taxi Licensing Zone;
- (2) that officers would arrange for the advertisement of the current fares and charges agreed by the Committee; and
- (3) that authority be delegated to the Strategic Lead - Regulatory, 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 that no objections or representations are received in relation to the proposal.

AGE LIMIT OF WHEELCHAIR ACCESSIBLE VEHICLES

A report was submitted by the Strategic Lead – Regulatory seeking consideration of a request from Mr James Aird that the age rules applicable to purpose built vehicles be similarly applied to adapted Wheelchair Accessible Vehicles (WAVs).

Having heard the Licensing Standards Officer, it was noted:-

- (a) that Mr Aird, the holder of a Taxi Licence operating in the Clydebank zone, had requested that the 14 year age limit applicable to adapted WAVs be removed;
- (b) that Mr Aird's submission was that the reason to allow use of any vehicle should be its suitability as a WAV and its continued use should be set by the vehicle's ability to pass regular vehicle inspections;

- (c) that local authorities had wide discretion when considering the setting of an age limit in relation to licensing taxi and private hire vehicles; and
- (d) that West Dunbartonshire Council requires vehicles over 8 years old to be tested at a minimum period of every 6 months and that if a vehicle of this age fails a vehicle examination on what is considered as a major failure item, the frequency of inspection increases to every 4 months.

The Committee then heard from Mr Aird in support of his request that the age rules applicable to purpose built vehicles be similarly applied to adapted WAVs.

DECIDED:-

After discussion, the Committee agreed that the age rules applicable to adapted WAVs be removed and that the indefinite age limit applied to purpose built WAVs would be applied.

EXCLUSION OF PRESS AND PUBLIC

The Committee passed 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 items of business on the grounds that they may involve the likely disclosure of exempt information as defined in Paragraph 14 of Part 1 of Schedule 7A of the Act.”

ADJOURNMENT

Having heard the Chair, Councillor McColl, it was agreed to adjourn for a short period.

The Committee reconvened at 11.02 a.m. with all Members listed in the sederunt in attendance.

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

Name and Address of Applicant

Date Applied

Farhan Farhan
16 Balloch Road
Alexandria
G83 8SR

13 June 2018

With reference to the Minutes of Meeting of the Licensing Committee held on 10 October 2018, 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:-

- (a) that a letter had been received from the Chief Constable on 7 September 2018 submitting an objection in relation to the application;
- (b) that at the meeting of the Licensing Committee held on 10 October 2018, Mr Farhan had given advanced notice that he was unable to attend and therefore it was agreed that consideration of the application would be continued to the next meeting in order that the applicant be given a further opportunity to attend;
- (c) that Mr Farhan was in attendance at the meeting and was represented by Mr David Gallagher, Solicitor, Jonathan Paul Solicitors; and
- (d) that representatives of Police Scotland, Constable Alison Simpson and Constable Kelly Houston were in attendance;

DECIDED:-

The Committee then heard from Mr Gallagher, on behalf of Mr Farhan, who advised that the pending case had still to be marked by the Procurator Fiscal and therefore requested that the application be continued to a future meeting.

After consideration and having heard from the Section Head (Licensing), Constable Simpson and Mr Gallagher in answer to Members' questions, it was agreed that the application be continued to a future meeting.

**HEARING REGARDING REQUEST FOR SUSPENSION OF A
TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE**

With reference to the Minutes of Meeting of the Licensing Committee held on 10 October 2018, a report was submitted by the Strategic Lead – Regulatory 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 (Licensing), it was noted that the licence holder was not in attendance but was represented at the meeting by Mr David Gallagher, Jonathan Paul Solicitors. Thereafter Mr Gallagher requested that the Hearing be continued until the outcome of the pending criminal proceedings against his client.

DECIDED:-

After consideration, the Committee agreed that the application be continued to a future meeting following the outcome of the criminal proceedings pending against the applicant.

**HEARING REGARDING REQUEST FOR POSSIBLE SUSPENSION
OF A LATE HOUR CATERING LICENCE**

A report was submitted by the Strategic Lead – Regulatory concerning a request from the Chief Constable of Police Scotland for the suspension of a Late Hours Catering Licence.

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

- (a) that a letter dated 29 October 2018 had been received from the Chief Constable of Police Scotland requesting the suspension of a Late Hours Catering Licence under Paragraph 11(1) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the grounds that the licence holder was no longer a fit and proper person to hold a licence;
- (b) that copies of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting;
- (c) that the matters which the Committee was required to consider were as follows:-
 - (i) whether the alleged misconduct had been established;
 - (ii) if the Committee was satisfied that the alleged misconduct had been established, whether, having regard to the misconduct, the licence holder was no longer a fit and proper person to hold a late hours catering licence;
 - (iii) if the Committee was of the opinion that the licence holder was no longer a fit and proper person, then the Committee must consider whether the licence should be suspended;
 - (iv) if the Committee was satisfied that the licence holder should be suspended, the Committee must give the licence holder an opportunity to be heard on the length of suspension and the date from which the suspension should commence; and

- (v) that the Committee must then consider what length of suspension would be appropriate and whether the circumstances of the case would justify immediate suspension; and
- (d) that the licence holder and representatives of Police Scotland, Constable Simpson and Constable Houston, were in attendance at the meeting.

The Committee then heard from Constable Simpson in relation to the letter from Police Scotland and in answer to questions from Members. It was noted that the criminal case pending against the applicant was still pending with the Procurator Fiscal's office.

Thereafter, the licence holder addressed the Committee on the circumstances detailed in the letter from Police Scotland and was heard in answer to questions from Members.

ADJOURNMENT

Having heard the Chair, Councillor McColl, it was agreed to adjourn for a short period.

The meeting resumed at 11.30 a.m. with all Members and officers in attendance with the inclusion of Mr Martin Keeley, Environmental Health Manager.

Thereafter, the Committee heard from the Environmental Health Manager in relation to the circumstances which led to the alleged unlawful disconnection and reconnection of gas supply at the premises.

DECIDED:-

After discussion and having heard the Section Head (Licensing) in clarification of the proceedings and in answer to Members questions, the Committee agreed:-

- (1) to note that the licence holder's licence was currently suspended;
- (2) that the alleged misconduct by the licence holder had been established;
- (3) that the licence holder was no longer a fit and proper person to hold a Late Hours Catering Licence; and
- (4) that the licence be revoked on the grounds of public safety.

The meeting closed at 12.06 p.m.