

Agenda

Meeting of Licensing Committee

Date: Wednesday, 1 December 2021

Time: 10:00

Format: Hybrid Meeting

Contact: Lynn Straker, Committee Officer
Email: lynn.straker@west-dunbarton.gov.uk

Dear Member

Please attend a meeting of **Licensing Committee** as detailed above.

The Convener has directed that the powers contained in Section 43 of the Local Government in Scotland Act 2003 will be used and Members and parties to the proceedings will have the option to attend the meeting remotely or in person at the Civic Space, 16 Church Street, Dumbarton, G82 1QL.

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: 17 November 2021

LICENSING COMMITTEE

WEDNESDAY, 1 DECEMBER 2021

AGENDA

1 STATEMENT BY THE CHAIR – HYBRID MEETING

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 RECORDING OF VOTES

The Committee is asked to agree that all votes taken during the meeting will be done by roll call vote to ensure an accurate record.

5 MINUTES OF PREVIOUS MEETINGS

5 - 8

Submit for approval, as a correct records, the Minutes of Meeting of the Licensing Committee held on 26 October 2021.

6 OPEN FORUM

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

7/

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

9 - 10

Name and Address of Applicant

Date Applied

Mr Michael Meechan
Flat 3/2 3 Cronin Street
Dumbarton
G82 1AR

30 September 2021

Submit report by the Chief Officer – Regulatory and Regeneration concerning an Application for Grant of a Taxi/Private Hire Car Driver's Licence for the above named person.

8 EXCLUSION OF PRESS AND PUBLIC

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.”

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

Submit report by the Chief Officer – Regulatory and Regeneration concerning an Application for Renewal of a Taxi/Private Hire Car Driver's Licence.

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

Submit report by the Chief Officer – Regulatory and Regeneration concerning an Application for Grant of a Temporary Taxi/Private Hire Car Driver's Licence.

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

Submit report by the Chief Officer – Regulatory and Regeneration concerning a letter received from Chief Constable, Police Scotland proposing a Suspension or revocation of a Taxi/Private Hire Car Driver's Licence.

LICENSING COMMITTEE

At a Hybrid Meeting of the Licensing Committee held in the Civic Space, Council Offices, 16 Church Street, Dumbarton on Tuesday, 26 October 2021 at 10.01 a.m.

Present: Councillors Ian Dickson, Caroline McAllister, Jonathan McColl, and Brian Walker.

Attending: Raymond Lynch, Section Head (Licensing); Robert Mackie, Senior Officer (Licensing Services); Lawrence Knighton, Licensing Standards Officer and Christine McCaffary, Senior Democratic Services Officer.

Apologies: Apologies for absence were intimated on behalf of Councillors Karen Conaghan and Jim Finn.

Councillor Jonathan McColl in the Chair

STATEMENT BY CHAIR

Councillor McColl, Vice Chair, welcomed all those present to the meeting which was being held in hybrid format.

DECLARATIONS OF INTEREST

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

RECORDING OF VOTES

The Committee agreed that all votes taken during the meeting would be done by roll call vote to ensure an accurate record.

MINUTES OF PREVIOUS MEETINGS

The Minutes of Meetings of the Licensing Committee held on 2 June 2021 (ordinary meeting); 9 September 2021 (special meeting); and 22 September 2021 (ordinary meeting) were submitted and approved as correct records.

OPEN FORUM

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

VARIATION IN THE ORDER OF BUSINESS

Having heard the Chair, Councillor McColl, the Committee agreed to vary the order of business as hereinafter minuted.

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

Name and Address of Applicant	Date Applied
John Paul Hunter Ladyton Estate Bonhill Alexandria G83 9DJ	26 August 2021

A report was submitted by the Chief Officer – Regulatory and Regeneration concerning an Application for Grant of a Temporary Taxi/Private Hire Car Driver's Licence for the above named person.

The Committee noted that the applicant had attended in person and was present in the Civic Space.

Councillor McColl advised that Police Scotland were unable to be present due to resource issues connected with COP26, and accordingly he was moving that consideration of the application be continued to the next meeting of the Licensing Committee to be held on 1 December 2021 to allow a representative of Police Scotland to be in attendance.

DECIDED:-

The Committee agreed that the application be continued to the Licensing Committee meeting to be held on 1 December 2021 to allow Police Scotland to attend.

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

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

Having heard the Section Head (Licensing) and the Senior Officer (Licensing Services), it was noted:-

- (a) that in terms of the Civic Government (Scotland) Act, 1982, Licensing Authorities must fix scales for taxi fares and related charges within 18 months from the date on which the scales last came into effect;
- (b) that the fares and charges which were currently applicable to taxis operating within the Clydebank Taxi Licensing Zone had been in effect since 27 February 2020 and were detailed in Appendix 1 to the report;
- (c) that the Scottish Development Department Circular 25/1986 directed Councils to seek evidence to determine whether taxi operators were receiving a fair return for their investment having taken into account the various expenses incurred by the trade;
- (d) that following publication of the proposed fare chart in the Clydebank Post on 25 August 2021 two representations had been received, namely one from Mr Kenneth McSheaffrey, acting on behalf of the Clydebank Taxi Trade Group, and another from Mr Allan MacLeod; and
- (e) that Mr McSheaffrey and Mr MacLeod were in attendance, having joined the meeting remotely.

The Committee then heard from Mr McSheaffrey in further explanation of the representation he had submitted on behalf of the Clydebank Taxi Trade Group.

Thereafter the Committee heard from Mr MacLeod in connection with his representation.

Councillor McColl thanked both parties for their submissions and he and the Section Head (Licensing) were heard refute some of the points raised by Mr MacLeod, and confirming that full and proper consultation had been carried out as detailed in the Scottish Development Department Circular 25/1986.

Councillor McColl then moved:-

That the Committee agrees:-

- (i) that 30p be added to the flagfall for Tariffs 1, 2 and 3;
- (ii) that there be no change to the running mile rate;
- (iii) that there be no change to the fares for waiting;
- (iv) that Tariff 2 will be applicable from 9 p.m. each day;
- (v) that the proposed change to Tariff 2 on 24th and 31st December be rejected; and
- (vi) that the soiling fee be increased to £60

Councillor Caroline McAllister asked if Councillor McColl would accept an addendum to his motion and increase the fares for waiting to £15.

Following consideration, Councillor McColl advised that he was unable to accept the addendum and Councillor Caroline McAllister then moved the following amendment:-

That the Committee agrees:-

- (i) that 30p be added to the flagfall for Tariffs 1, 2 and 3;
- (ii) that there be no change to the running mile rate;
- (iii) that the fare for waiting be increased to £15;
- (iv) that Tariff 2 will be applicable from 9 p.m. each day;
- (v) that the proposed change to Tariff 2 on 24th and 31st December be rejected; and
- (vi) that the soiling fee be increased to £60

Councillor McColl's motion was then seconded by Councillor Walker and Councillor Caroline McAllister's amendment was seconded by Councillor Dickson.

On a roll call vote being taken 2 Members voted for the amendment, namely Councillors Caroline McAllister and Dickson, and 2 voted for the motion, namely Councillors McColl and Walker.

There being an equality of votes Councillor McColl, Chair, used his casting vote in favour of the motion which was accordingly declared carried.

DECIDED:-

The Committee agreed Councillor McColl's motion:-

- (i) that 30p be added to the flagfall for Tariffs 1, 2 and 3;
- (ii) that there be no change to the running mile rate;
- (iii) that there be no change to the fares for waiting;
- (iv) that Tariff 2 will be applicable from 9 p.m. each day;
- (v) that the proposed change to Tariff 2 on 24th and 31st December be rejected; and
- (vi) that the soiling fee be increased to £60

The meeting closed at 11.10 a.m.

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer – Regulatory & Regeneration

Licensing Committee – 1 December 2021

Subject: Application for grant of a Taxi/Private Hire Car Driver's Licence

1. Purpose

- 1.1** To consider an application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Michael Meechan, Flat 3/2 3 Cronin Street, Dumbarton G82 1AR.

2. Recommendations

- 2.1** It is recommended that the application be considered and determined by the Committee.

3. Background

- 3.1** Mr. Meechan submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 30 September 2021.
- 3.2** A letter was received from the Chief Constable of the Police authority on 21 October 2021 submitting an objection in relation to the application.

4. Main Issues

- 4.1** In view of the submission received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 1 December 2021.
- 4.2** The terms of the letter from the Police will be made known to the Committee at the meeting as appropriate.

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 Police Scotland were consulted in relation to the application.

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.

Report by Chief Officer – Regulatory & Regeneration

Date 15 November 2021

Person to Contact: Robert Mackie,
Senior Officer (Licensing Services),
Licensing Team,
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College Street,
Dumbarton,
G82 1NR.

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Appendices: N/A.

Background Papers:

1. Application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Michael Meechan, Flat 3/2 3 Cronin Street, Dumbarton G82 1AR.
2. Letter dated 21 October 2021 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton G82 3PT.
3. Letter to Mr. Meechan dated 16 November 2021.

Wards Affected: N/A.



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 INFORMATION
AND PAGES HAVE BEEN REMOVED**