

Agenda



Meeting of Licensing Committee

Date: Wednesday, 18 August 2021

Time: 14:00

Format: Zoom Video Conference

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

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: 05 August 2021

LICENSING COMMITTEE

WEDNESDAY, 18 AUGUST 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 - 22

Submit for approval as a correct record:-

- (a) Minutes of Meeting of the Licensing Committee held on 5 May 2021 2021;
- (b) Minutes of Special Meeting of the Licensing Committee held on 15 June 2021;
- (c) Minutes of Special Meeting of the Licensing Committee held on 29 June 2021; and
- (d) Minutes of Special Meeting of the Licensing Committee held on 28 July 2021.

5 OPEN FORUM

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

6 APPLICATION FOR GRANT OF LATE HOURS CATERING LICENCE 23 - 25

Submit report 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.

7 APPLICATION FOR GRANT OF A TEMPORARY PUBLIC ENTERTAINMENT LICENCE 27 - 30

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

8 REVIEW OF TAXI FARES AND CHARGES – CLYDEBANK TAXI LICENSING ZONE 31 - 44

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

9 EXCLUSION OF PRESS AND PUBLIC 45 - 46

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.”

10 HEARING REGARDING POSSIBLE SUSPENSION OR REVOCATION OF A TAXI DRIVER’S/PRIVATE HIRE CAR DRIVER’S LICENCE 47 - 50

Submit report 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.

MINUTES OF MEETING LICENSING COMMITTEE

At a Meeting of the Licensing Committee held by video conference on Wednesday, 5 May 2021 at 10.00 a.m.

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

Attending: Raymond Lynch, Section Head (Licensing) and Nuala Borthwick, Committee Officer.

Also attending: Police Constable Raymond Borland, Police Scotland.

Apology: An apology for absence was intimated on behalf of Councillor Marie McNair.

Councillor Jim Finn in the Chair

CHAIR'S REMARKS

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. Accordingly, the Chair advised that a process/procedure 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

- (a) The Minutes of Special Meeting of the Licensing Committee held on 17 March 2021 were submitted and approved as a correct record; and
- (b) the Minutes of Meeting of the Licensing Committee held on 31 March 2021 were submitted and approved as a correct record subject to the inclusion of the word "immediately" in front of the phrase 'prior to the meeting' in the third paragraph under the heading 'Chair's Remarks'.

OPEN FORUM

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

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

<u>Name and Address of Applicant</u>	<u>Date Applied</u>
Kevin Comerford 17 Beeches Avenue Duntocher Clydebank G81 6HX	21 August 2020

With reference to the Minutes of Meeting of the Licensing Committee held on 31 March 2021, a report was submitted by the Chief Officer – Regulatory and Regeneration concerning an Application for Renewal of a Taxi/Private Hire Car Driver's Licence for 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 19 September 2020 submitting a representation in relation to the application and that copies of the letter had been circulated to Members in advance of the meeting;
- (b) that in view of the letter received from Police Scotland, the applicant and a representative of Police Scotland had been invited to attend the meeting in order that a hearing could take place; and
- (c) that both the applicant and Constable Borland, Police Scotland were in attendance.

The Committee then heard from Constable Borland in relation to the letter from Police Scotland.

Thereafter, Mr Comerford was given an opportunity to address the Committee in support of the application and was heard in answer to Members' questions.

DECIDED:-

After consideration, it was agreed that the application be granted for a period of one year and that Mr Comerford's next application for renewal of licence would be referred to the Committee for consideration and determination.

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

<u>Name and Address of Applicant</u>	<u>Date Applied</u>
John Hepburn 173 Pappert Bonhill Alexandria G83 9LG	2 March 2021

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

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

- (a) that at a meeting of the Licensing Committee held on 4 December 2019, having considered an objection received from the Chief Constable, the applicant, Mr Hepburn had been granted a Taxi/Private Hire Car Driver's Licence. Members had decided to grant the licence for a period of 1 year but had requested that, if Mr Hepburn were to re-apply for renewal of the Taxi/Private Hire Car Driver's Licence, then the matter be referred back to Committee for consideration and determination;
- (b) that there were no Police objections or representations in relation to the application; and
- (c) that Mr Hepburn was in attendance at the meeting.

DECIDED:

The Committee agreed that the application be granted.

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.”

APPLICATION FOR GRANT OF AN EMPLOYEE’S STREET TRADER’S LICENCE

<u>Name and Address of Applicant</u>	<u>Date Applied</u>
Connor MacLeod 431 Alderman Road Knightswood Glasgow G13 4HF	5 January 2021

A report was submitted by the Chief Officer – Regulatory and Regeneration concerning an Application for Grant of an Employee’s Street Trader’s Licence for 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 the Police authority making an objection with respect to the application;
- (b) that in view of the objection which had been received from the Police, the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place;
- (c) that the letter from the Chief Constable making an objection in relation to the application, had been received on 18 March 2021. In terms of the relevant legislation, an objection with respect to an application should be submitted within 28 days of receipt of the application. As Mr MacLeod’s application was submitted on 5 January 2021, any objection should have been submitted by 2 February 2021. There was, however, provision in the legislation for the Licensing Authority to entertain a late objection which had been received before a final decision had been made on the application if the Licensing Authority was satisfied that there had been sufficient reason why the objection had not been made in the time required;
- (d) that it was a matter for the Committee to decide initially whether the late objection from the Police should be taken into consideration;
- (e) that there was sufficient reason to allow the terms of the late letter from Police Scotland and that this would be made known to the Committee as appropriate; and
- (f) that Mr MacLeod had previously held an Employee Street Trader’s Licence continuously between 21 April 2016 until 20 April 2020 but had not submitted an application for renewal at that time.

The Committee agreed that the Police objection would be taken into consideration. A copy of the letter from the Police was accordingly shared on screen with Members of the Committee.

The Committee then heard from Constable Borland in relation to the objection and in answer to Members' questions. Mr MacLeod was then given the opportunity to address the Committee in support of the application and in connection with the circumstances relating to the matters detailed in the Police letter.

DECIDED:-

After discussion and having heard the Section Head (Licensing) in further explanation of the report and in answer to Members' questions, the Committee agreed that the application be continued to a future meeting of the Committee once the pending court proceedings had been determined .

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

Name and Address of Applicant

Date Applied

Stephen Campbell
8F Bryson Street
Clydebank
G81 5HG

15 February 2021

With reference to the Minutes of Meeting of the Licensing Committee held on 31 March 2021, a report was submitted 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.

ADJOURNMENT

Having heard the Section Head (Licensing), it was noted that the applicant was not in attendance at the meeting. Thereafter, the Committee agreed to hold a short adjournment to enable officers to provide a copy of the letter sent to Mr Campbell dated 16 April 2021 following his failure to attend or notify officers that he would not be present at the meeting of the Committee held on 31 March 2021. It was noted that the letter had emphasised the importance of attending this meeting at which his application would be further considered by the Committee.

The Committee reconvened at 10.40 a.m. with all Members listed in the sederunt in attendance.

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

- (a) that a letter dated 15 March 2021 had been received from the Chief Constable of Police Scotland submitting an objection in relation to the

application and that copies of the letter had been circulated to Members in advance of the meeting;

- (b) that a separate letter had been submitted detailing the applicant's previous convictions which were considered "protected" in terms of the Rehabilitation of Offenders Act 1974; and
- (c) that a representative of the Police authority, Constable Borland, was in attendance at the meeting.

Having heard the Section Head (Licensing) with regard to the age, degree of seriousness and relevance of the protected convictions, the Committee agreed that the letter from Police Scotland detailing the protected convictions should be shared with the Committee and be taken into account. The letter containing the protected convictions was accordingly shared electronically with Members of the Committee.

The Committee then heard from Constable Borland in relation to both letters from Police Scotland and in answer to Members' questions.

DECIDED:-

Following discussion and having heard further from the Section Head (Licensing), it was agreed that the application be refused on the grounds that the applicant was not a fit and proper person to be the holder of a Taxi Driver/Private Hire Car Driver's Licence.

The meeting closed at 10.52 a.m.

LICENSING COMMITTEE

At a Meeting of the Special Licensing Committee held by video conference on Tuesday, 15 June 2021 at 2.00 p.m.

Present: Councillors Karen Conaghan, Ian Dickson, Jim Finn, Caroline McAllister, Jonathan McColl and Brian Walker.

Attending: Raymond Lynch, Section Head (Licensing); Robert Mackie, Senior Officer (Licensing Services) and Lynn Straker, Committee Officer.

Also attending: Police Sergeant Wendy Maginnis, Police Scotland.

Councillor Jim Finn in the Chair

CHAIR'S REMARKS

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.

Accordingly, the Chair advised that a process/procedure 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

Councillor McColl declared an interest in 'Item 6 - Hearing regarding Possible Suspension or Revocation of a Taxi Driver's/Private Hire Car Driver's Licence' being acquainted to a person involved in the incident being discussed. Councillor McColl indicated he would leave the meeting during discussion of this item.

OPEN FORUM

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

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.”

Note: Councillor McColl left the meeting at this point.

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 (Licensing), it was noted:-

- (a) that a letter had been received from the Chief Constable of Police Scotland on 19 May 2021 requesting the immediate suspension of a Taxi Driver's/Private Hire Car Driver's Licence under Paragraph 11(1) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the grounds that the carrying on of the activity to which the licence related was likely to cause a serious threat to public safety;
- (b) that in view of the request for suspension of the licence from Police Scotland, the licence holder and a representative of Police Scotland had been invited to attend the meeting in order that a hearing may take place;
- (c) that copies of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting;
- (d) that the matters which the Committee were required to consider in relation to paragraph in report 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 Taxi Driver's/Private Hire Car Driver's 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 or revoked;
 - (iv) if the Committee was satisfied that the licence should be suspended, the Committee must give the licence holder the opportunity to be heard on the

length of the suspension and the date from which the suspension should commence;

- (v) the Committee must then consider what length of suspension would be appropriate and whether the circumstances of the case would justify immediate suspension; and
- (vi) that if the Committee was satisfied that the circumstances of the case justified revocation, the Committee must then consider whether this revocation should be immediate.

It was noted that the licence holder and his representative, Eugene Boyle, Solicitor, were in attendance. It was also noted that Sergeant Maginnis was in attendance on behalf of Police Scotland.

The Committee then heard from Sergeant Maginnis in relation to the letter from Police Scotland and thereafter both Sergeant Maginnis and the Section Head (Licensing) were heard in answer to Members' questions.

Thereafter, both Sergeant Maginnis and the licence holder answered questions from Members. The licence holder was given an opportunity to address the Committee on the circumstances detailed in the letter from the Police authority and both he, his Solicitor, Eugene Boyle, and Sergeant Maginnis were again heard in answer to questions from Members.

ADJOURNMENT

Having heard the Chair, Councillor Finn, the Committee agreed to adjourn for a short period to allow the licence holder and his representative to confer.

The meeting reconvened at 2.55 p.m. with all those noted in the sederunt present, with the exception of the licence holder.

Mr Boyle advised that he would represent the licence holder in his absence.

After consideration and having heard the Senior Officer (Licensing Services) and Mr Boyle in answer to questions from Members, Councillor Dickson, seconded by Councillor Walker, moved:-

that the alleged misconduct had been established due to the licence holder having paid a Fixed Penalty fine and that the licence holder was no longer a fit and proper person to hold a Taxi Driver's/Private Hire Car Driver's Licence and the Licence should be suspended for a period of 4 weeks. The licence holder should attend additional driving skills classes to improve his standard of driving within this 4 week period. The Licence would then be granted after 4 weeks suspension, subject to satisfactory condition being met and no further misconduct recorded.

As an amendment Councillor McAllister, seconded by Councillor Conaghan moved:-

that although the alleged misconduct had been established due to the licence holder having paid a Fixed Penalty fine, it was felt that the licence holder was a fit and proper person to hold a Taxi Driver's/Private Hire Car Driver's Licence and the Licence should continue until the next renewal date and any further incidents of driver misconduct would be presented to the Committee by Police Scotland for further consideration.

An addendum to the amendment was proposed by Councillor Finn and agreed by Councillor McAllister stating:-

Councillor Finn asked if Councillor McAllister would accept the following addendum to her amendment:-

That a warning letter be sent to the licence holder and he should also attend driving skills class to improve his knowledge and driver skills as a licence holder.

Councillor McAllister agreed to accept Councillor Finn's addendum.

DECIDED:-

On a roll call vote being carried out 3 Members voted for the amendment, namely Councillors Conaghan, Finn and McAllister and 2 Members voted for the motion, namely Councillors Dickson and Walker. The amendment with addendum was accordingly declared carried.

Note: Councillor McColl re-entered the meeting at this point.

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 (Licensing), it was noted:-

- (a) that a letter had been received from the Chief Constable of Police Scotland on 19 May 2021 requesting the immediate suspension of a Taxi Driver's/Private Hire Car Driver's Licence under Paragraph 11(1) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the grounds that the carrying on of the activity to which the licence related was likely to cause a serious threat to public safety;
- (b) that in view of the request for suspension of the licence from Police Scotland, the licence holder and a representative of Police Scotland had been invited to attend the meeting in order that a hearing may take place;

- (c) that copies of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting;
- (d) that the matters which the Committee were required to consider in relation to paragraph in report 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 Taxi Driver's/Private Hire Car Driver's 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 or revoked;
 - (iv) if the Committee was satisfied that the licence should be suspended, the Committee must give the licence holder the opportunity to be heard on the length of the suspension and the date from which the suspension should commence;
 - (v) the Committee must then consider what length of suspension would be appropriate and whether the circumstances of the case would justify immediate suspension; and
 - (vi) that if the Committee was satisfied that the circumstances of the case justified revocation, the Committee must then consider whether this revocation should be immediate.

It was noted that the licence holder was in attendance at the meeting with his representative, Stephen Quinn from Wrights Taxis. It was also noted that Sergeant Maginnis was in attendance on behalf of Police Scotland.

The Committee then heard from Sergeant Maginnis in relation to the letter from Police Scotland and thereafter both Sergeant Maginnis and the Section Head (Licensing) were heard in answer to Members questions.

Thereafter, both Sergeant Maginnis and the licence holder answered questions from Members. The licence holder was given an opportunity to address the Committee on the circumstances detailed in the letter from the Police authority and both he and Sergeant Maginnis were again heard in answer to questions from Members.

DECIDED:-

Councillor McColl then moved:-

that the alleged misconduct had not been established and was pending a court trial. The proposal to suspend or revoke the licence should be returned

to the Committee by Police Scotland once the outcome of the trial was known, if required.

The Committee unanimously agreed and the motion was declared carried.

The meeting closed at 4.05 p.m.

DRAFT

LICENSING COMMITTEE

At a Special Meeting of the Licensing Committee held by video conference on Wednesday, 29 June 2021 at 10.00 a.m.

Present: Councillors Karen Conaghan, Ian Dickson and Jim Finn.

Attending: Raymond Lynch, Section Head (Licensing); Robert Mackie, Senior Officer (Licensing Services); Christine McCaffary, Senior Democratic Services Officer and Ashley MacIntyre, Committee Officer.

Also attending: Constable Raymond Borland, Police Scotland.

Apologies: Apologies for absence was intimated on behalf of Councillors Jonathan McColl and Brian Walker.

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 the item of business on the agenda.

OPEN FORUM

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

EXCLUSION OF PRESS AND PUBLIC

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 (Licensing), it was noted:-

- (a) that a letter had been received from the Chief Constable of Police Scotland on 8 June 2021 requesting the immediate suspension of a Taxi Driver's/Private Hire Car Driver's Licence under Paragraph 12(1) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the grounds that the carrying on of the activity to which the licence related was likely to cause a serious threat to public order and public safety;
- (b) that having consulted with the Vice Chair of the Licensing Committee it had been decided that, due to the content of the letter received from the Police, that the Taxi Driver's/Private Hire Car Driver's Licence held by the licence holder should be suspended with immediate effect under Paragraph 12 of Schedule 1 to the Act;
- (c) that in view of the request for suspension of the licence from Police Scotland, the licence holder and a representative of Police Scotland had been invited to attend the meeting in order that a hearing may take place;
- (d) that a copy of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting;
- (e) that the licence holder's current Taxi Driver's/Private Hire Car Driver's Licence had an expiry date of 27 November 2022;
- (f) that the matters which the Committee 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 Taxi Driver's/Private Hire Car Driver's Licence and also whether the carrying

on of the activity to which the licence relates was likely to cause a serious threat to public order or safety;

- (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 or revoked;
- (iv) if the Committee was satisfied that the licence should be suspended, the Committee must give the licence holder the opportunity to be heard on the length of the suspension and the date from which the suspension should commence;
- (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
- (vi) that if the Committee was satisfied that the circumstances of the case justified revocation, the Committee must then consider whether the revocation should be immediate.

It was noted that the licence holder was present and that Constable Borland was in attendance on behalf of Police Scotland.

The Section Head (Licensing) then outlined the procedure that was to be followed.

At this point in the meeting the licence holder advised that his intention was to surrender his licence and that he did not wish to continue with the hearing.

Having heard the Section Head (Licensing) further, the Chair agreed to adjourn the meeting until 10.25 a.m. to allow the Senior Officer (Licensing Services) to seek further clarification of the position from the licence holder and attempt to resolve some technical difficulties he was experiencing.

The meeting reconvened at 10.25 a.m. with all those listed in the sederunt present, with the exception of the licence holder and Constable Borland.

Having heard the Section Head (Licensing), the Chair agreed to a further adjournment until 11 a.m. to provide the licence holder with time to submit the surrender of the licence in writing. Constable Borland was readmitted to the meeting and updated of the position by the Section Head (Licensing). It was noted that the licence holder had been advised by the Senior Officer (Licensing Services) by telephone that the meeting would reconvene at 11 a.m., but had decided not to re-join.

The meeting reconvened at 11 a.m. with all those listed in the sederunt present, with the exception of the licence holder.

The Section Head (Licensing) advised the Committee that during the recess the licence holder had submitted an email surrendering his licence with immediate effect. The content of the email was then shared with members of the Committee.

DECIDED:-

The Committee agreed:-

- (1) to note that in view of the licence holder confirming in writing the surrender of the licence with immediate effect, that there was no longer a requirement to consider the suspension or revocation of the licence; and
- (2) that should the licence holder apply for a taxi driver's licence in the future, that the matter would be brought before the Committee for consideration.

The meeting closed at 11.04 a.m.

DRAFT

LICENSING COMMITTEE

At a Special Meeting of the Licensing Committee held by video conference on Wednesday, 28 July 2021 at 10.00 a.m.

Present: Councillors Karen Conaghan, Ian Dickson, Jim Finn and Jonathan McColl.

Attending: Raymond Lynch, Section Head (Licensing); Robert Mackie, Senior Officer (Licensing Services); Lynn Straker and Ashley MacIntyre, Committee Officers.

Also attending: Sergeant Wendy Maginnis, Police Scotland.

Apologies: Apologies for absence were intimated on behalf of Councillors Brian Walker and Lawrence O'Neill.

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 the item of business on the agenda.

OPEN FORUM

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

EXCLUSION OF PRESS AND PUBLIC

The Committee, having heard from the Clerk to 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.

Sergeant Maginnis, Police Scotland, was heard regarding the request for suspension.

The Taxi Licence holder then advised the Committee that he wished to surrender his taxi driver's/private hire car driver's licence with immediate effect and confirmed this, in writing, by email to the Senior Officer (Licensing Services) during an adjournment of the meeting.

DECIDED:

The Committee agreed to note that the licence had been surrendered and accordingly the suspension request was withdrawn by Police Scotland and no suspension hearing was required.

The meeting closed at 10.35 a.m.

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer – Regulatory and Regeneration

Licensing Committee – 18 August 2021

Subject: Application for grant of Late Hours Catering Licence

1. Purpose

- 1.1** To consider an application for grant of a Late Hours Catering Licence, submitted by Blue Lagoon Fish & Chip Shops Limited, 208 Argyle Street, Glasgow G2 8HA.

2. Recommendations

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

3. Background

- 3.1** Blue Lagoon Fish & Chip Shops Limited submitted an application for grant of a Late Hours Catering Licence to West Dunbartonshire Council on 26 March 2021.

- 3.2** In previous years, applications for late hours catering licences have been granted by the Committee subject to the operating hours being restricted to co-relate to the closing hours of the nearest licensed premises, i.e. the late hours catering premises being allowed to operate until 30 minutes after the closing time of the nearest public house or nightclub. The nearest licensed premises in relation to the proposed location at Blue Lagoon (formally Palombo's of Balloch), 40 Balloch Road, Balloch G83 8LE are detailed as follows in order of proximity:-

Corries, Balloch Road

Sunday to Thursday – 11 am to 11 pm and

Friday and Saturday – 11 am to 1 am

The Doghouse, Balloch Road

Sunday to Thursday – 11 am to 11 pm and

Friday and Saturday – 11 am to 1 am

Waterhouse Inn, Balloch Road

Sunday to Thursday – 11 am to 11 pm and

Friday and Saturday – 11 am to 1 am

Balloch House Hotel, Balloch Road

Sunday to Thursday – 11 am to 11 pm and

Friday and Saturday – 11 am to 1 am

The Tullie Inn, Balloch Road
*Sunday to Thursday – 11 am to 11 pm and
Friday and Saturday – 11 am to 1 am*

The Pier, Balloch Road
Monday to Sunday – 11 am to 1 am

Desires, Balloch Road
*Monday to Wednesday – 11 am to 1 am the following day
Thursday to Saturday – 11 am to 3 am the following day
Sunday – 12.30 pm to 3 am the following day*

Lomond Park Hotel Complex (2 pubs and nightclub), Balloch Road
*Pub/bars;
Monday to Saturday - 10 am to 12 Midnight
Friday and Saturday - 10 am to 1 am the following day
Sunday - 11 am to 12 midnight*

*Nightclub;
Monday to Wednesday - 11 pm to 1 am the following day
Thursday to Sunday - 11 pm to 3 am the following day*

- 3.3** A comparable Late Hours Catering Licence is held by Chillies, 55 Balloch Road which allows them to operate each day until 1.00am and this is the closest similar premises to the applicant's premises, both of which are located in a residential area of Balloch.

4. Main Issues

- 4.1** Blue Lagoon Fish & Chip Shops Limited. are seeking a Late Hours Catering Licence to open the premises at 40 Balloch Road, Balloch G83 8LE each day from 11.00 pm until 1.00 am for the sale of food.
- 4.2** No objections or representations were received from Police Scotland or any other consultee. The Clerk to the Committee only has a delegation to consider applications until 12:30 a.m. and accordingly, this application has been brought by Officers to the Committee for its consideration.

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 following were consulted in relation to this application:-

Police Scotland;
Scottish Fire and Rescue Service;
Loch Lomond & The Trossachs National Park Planning Authority;
West Dunbartonshire Council - Environmental Health Section;

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 – Regulatory and Regeneration

Date: 29 July 2021

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

Tel. No. (Direct line) 01389 738742.
robert.mackie@west-dunbarton.gov.uk

Appendices: N/A.

Background Papers:

1. Application for grant of Late Hours Catering Licence from Blue Lagoon Fish & Chip Shops Limited
2. Letter to Blue Lagoon Fish & Chip Shops Limited dated 30 July 2021

Wards Affected: Lomond Ward.

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer – Regulatory & Regeneration

Special Meeting of the Licensing Committee – 18 August 2021

Subject: Application for grant of a temporary Public Entertainment Licence

1. Purpose

- 1.1** To consider an application for grant of a temporary Public Entertainment Licence submitted by Mr. Cameron Codona, 1 Crossbow Gardens, Stoneymeadow Road, High Blantyre, G72 9UR.

2. Recommendations

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

3. Background

- 3.1** Mr. Codona submitted an application for grant of a temporary Public Entertainment Licence to the Council on 30 June 2021.

- 3.2** Mr. Codona's application seeks permission to hold a funfair at Bank Street Car Park, Alexandria on the following dates and times:-

Friday 20 August 2021

5.00pm to 9.00 pm

Saturday 21 August 2021 to Sunday 22 August 2021

12.00 noon to 9.00pm

Monday 23 August 2021

5.00pm to 9.00pm

Thursday 26 August 2021 to Friday 27 August 2021

5.00pm to 9.00pm

Saturday 28 August 2021 to Sunday 29 August 2021

12.00 noon to 9.00pm

- 3.3** At a meeting of the Licensing Committee held on 7 August 2019 it was agreed:-

(1) to impose additional notification requirements on applicants requesting a temporary public entertainment licence for a commercial funfair, a firework event or a live amplified music event;

(2) to delegate authority to the Strategic Lead – Regulatory to decide the revised

procedure so that an applicant for a commercial funfair, firework event or live amplified music event would have to display a notice at or near to the site, and that the local Council would advertise the application in the relevant local newspaper at the applicant's cost. This cost would be reflected in an increased fee for an application for a commercial temporary public entertainment licence;

(3) that all relevant Community Councils, local ward Elected Members and Members of the Licensing Committee would be informed of such applications who would require to provide these additional notification requirements; and

(4) that the advertisement requirements for temporary public entertainment licences would be for a period of 14 days, and that any relevant representations/objections would be made to the Clerk to the Licensing Committee within 14 days of publication of such notifications. Thereafter, in the event that any relevant objections or representations were received, the Committee would determine such applications where the applicant had applied timeously which would require to be within three months of the proposed event.

- 3.4** A notice was placed in the 3 August 2021 edition of the Dumbarton Reporter advising of the proposed funfair.
- 3.5** All members of the Licensing Committee and local ward Elected Members were notified of the application on 26 July 2021. There is no active Community Council for this location.
- 3.6** A site notice was displayed near to the proposed site of the funfair on 29 July 2021.
- 3.7** Mr. Codona originally applied to hold a funfair on various dates between 29 July 2021 and 8 August 2021. Members of the Licensing Committee and Ward members were notified of the proposal and an advert was placed in the 13 July edition of the Dumbarton Reporter. Mr. Codona then requested a change of dates due to operational issues.
- 3.8** In normal circumstances applicants are advised to apply for a temporary Public Entertainment Licence to hold a funfair at least 3 months before the intended date of the event. Due to the ongoing Covid-19 pandemic, this was not possible therefore the application was accepted approximately 1 month prior to the proposed original date and notification of the proposed new dates were given on 23 July 2021.
- 3.9** The last date for objections or representations to be received is 17 August 2021.

4. Main Issues

- 4.1** At the time of writing this report, no objections or representations have been

received.

4.2 In the event that any objections or representations are received, these will be made known to the Committee at the meeting as appropriate.

4.3 At the time of writing, such events are permitted to operate from Level 2. On 26 August 2020 the Scottish Government issued non-statutory guidance for licensing authorities on travelling funfairs. This guidance remains valid and should be taken into account by the Committee and read in conjunction with the sectoral guidance for the tourism and hospitality industry.

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, Fire Scotland, Environmental Health, Planning, Licensing Committee Members and local Ward Members were consulted in relation to the application. An advert was placed in the 13 July 2021 edition of the Dumbarton Reporter. A further advert was placed in the 3 August 2021 edition of the Dumbarton Reporter and a site notice was displayed near to the proposed site on both occasions.

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 – Regulatory & Regeneration

Date 29 July 2021

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

Tel. No. 07721 466336
robert.mackie@west-dunbarton.gov.uk

Appendices: N/A.

Background Papers:

1. Application for grant of temporary Public Entertainment Licence submitted by Mr. Cameron Codona, 1 Crossbow Gardens, Stoney Meadow Road, High Blantyre, G72 9UR
2. Letter to Mr. Codona dated 30 July 2021.
3. Report to Licensing Committee on temporary Public Entertainment Licences for Commercial Fairs, Fireworks Events and Live Amplified Music Events – 7 August 2019.

Wards Affected: Ward 2 - Leven.

WEST DNBARTONSHIRE COUNCIL

Report by Chief Officer – Regulatory & Regeneration

Licensing Committee – 18 August 2021

**Subject: Civic Government (Scotland) Act 1982
Review of Taxi Fares and Charges
Clydebank Taxi Licensing Zone**

1. Purpose

- 1.1** To report to the Committee on the review of fares and charges applicable to taxis operating within the Clydebank Taxi Licensing Zone.

2. Recommendations

2.1 It is recommended:-

- (a) 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 30p.
- (b) that officers arrange for the advertisement of the fares and charges agreed by the Committee; and
- (c) 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.

3. Background

- 3.1** 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 came into effect.
- 3.2** The fares and charges which are applicable to taxis operating within the Clydebank Taxi Licensing Zone have been in effect since 27 February 2020 and these are detailed in Appendix 1.
- 3.3** Officers carried out a pre-consultation by issuing a letter to 103 Clydebank Taxi Licence holders on 22 December 2020 seeking their views regarding the current fare chart to find out if they believed that they were receiving a fair return in relation to their earnings, taking into account the various expenses which they incur in running their business.
- 3.4** Four responses were received, all of which stated that they believed that they were not receiving a fair return, however no responses provided any financial details in relation to

their earnings or specific expenses incurred. 3 of the responses did however have a similar opinion that the current policy within the Clydebank zone of requiring all vehicles to be wheelchair accessible was proving to be a significant factor in terms of their lack of receiving a fair return and suggested that this policy be reconsidered by moving to a mixed fleet.

- 3.5** A meeting of the Taxi Forum was held via Zoom on 23 March 2021 where all Clydebank Taxi Licence holders who were named on 2 or more licences were asked to attend or alternatively nominate someone to attend on their behalf. 2 of the 15 invited attended. The principal aim of the discussion was to hear the views of the taxi trade and agree on the format of a questionnaire which would then be put out to all taxi operators. Having considered the views expressed, the format of the questionnaire was prepared in order to hear the views of taxi licence holders on the various aspects of the fare chart.
- 3.6** The questionnaire was subsequently issued to 103 taxi operators which represent the 159 taxi licences issued in the Clydebank zone of West Dunbartonshire Council. The questionnaire was issued on 28 May 2021 allowing until 18 June 2021 for submission.

4. Main Issues

- 4.1** Of the 103 taxi operators who were issued a questionnaire, 27 were returned.
- 4.2** The questionnaire asked 5 questions pertaining to the taxi fare review. The questions and subsequent responses to each question are detailed as follows:-

Q1 – Working Pattern.

As the holder of a taxi licence(s) please indicate when your vehicle(s) are most commonly available for hire.

Tariff 1 (6.00am – 10.00pm)

or

A combination of Tariff 1 and Tariff 2 (6.00am – 10.00pm and 10.00pm – 6.00am)

Taxi Operator's Response

Tariff 1 – 12 taxi operators

A combination of Tariff 1 and tariff 2 – 15 taxi operators

Q2. FLAGFALL

The current flagfall is set at:-

£2.70 on Tariff 1

£3.20 on Tariff 2

£4.20 on Tariff 3

For a distance not exceeding 5/11ths of a mile or for waiting time not exceeding 3 minutes 45 seconds or a combination of both.

Please indicate what changes, if any, you would wish to make on each tariff.

Taxi Operator's Response

Tariff 1

<u>Proposal</u>	<u>Responses</u>
No change	5
30p (or 10%)	17
50p (or 20%) or replace with Tariff 2	3
10p or 20p	1
No change to amount but change distance from 5/11ths of a mile to 1/2 a mile and remove the 3 minutes 45 seconds waiting time.	1

<u>Proposal</u>	<u>Responses</u>
No change	5
30p (or 10%)	17
50p or (20%) or replace with Tariff 2	3
10p or 20p	1
from 5/11ths of a mile to 1/2 a mile and remove the 3 minutes 45 seconds waiting time	1

Tariff 2

<u>Proposal</u>	<u>Responses</u>
No change	6
30p (or 10%)	17
50p or (20%)	2
20p	1
80p and change distance from 5/11ths of a mile to 1/2 a mile and remove the 3 minutes 45 seconds waiting time	1

Tariff 3

<u>Proposal</u>	<u>Responses</u>
No change	7
30p (or 10%)	17
50p or (20%)	1
20p	1
80p and change distance	

from 5/11ths of a mile to 1/2 a mile and
remove the 3 minutes 45 seconds waiting time 1

Q3. Running Mile

The current running mile is set at:-

£2.70 on Tariff 1

£3.20 on Tariff 2

£4.20 on Tariff 3

Please indicate what changes, if any, you would wish to make on each Tariff.

Taxi Operator's Response

Tariff 1

<u>Proposal</u>	<u>Responses</u>
No change	16
10p increase	2
20p increase	2
30p increase (or 10%)	6
£2.10 increase including the removal of 3 minutes 45 seconds waiting time	1

Tariff 2

<u>Proposal</u>	<u>Responses</u>
No change	16
10p increase	1
20p increase	3
30p increase (or 10%)	5
20% increase (60p)	1
£2.20 increase including the removal of 3 minutes 45 seconds waiting time	1

Tariff 3

<u>Proposal</u>	<u>Responses</u>
No change	17
10p increase	1
20p increase	2
30p increase (or 10%)	6
£2.40 increase including the removal of 3 minutes 45 seconds waiting time	1

Q4. Waiting Time

The current equivalent hourly rate for waiting time is £12.00 per hour on all 3 tariffs.

Please indicate what changes, if any, you would wish to make on each tariff.

Taxi Operator's Response

Tariff 1

<u>Proposal</u>	<u>Responses</u>
No change	17
No change but remove the 3 minutes 45 seconds waiting time.	1
10% (rounded to £13.00)	2
£14.00 or (20%)	3
£15.00	3
£18.00	1

Tariff 2

<u>Proposal</u>	<u>Responses</u>
No change	15
10% (rounded to £13.00)	1
£14.00	4
£15.00	3
£16.00	2
£18.00	1
£18.00 but remove the 3 minutes 45 seconds waiting time	1

Tariff 3

<u>Proposal</u>	<u>Responses</u>
No change	15
10% (rounded to £13.00)	2
20% (rounded to £14.00)	1
£15.00	1
£16.00	2
£18.00	4
£18.00 but remove the 3 minutes 45 seconds waiting time	1
Removal of waiting time on tariff 3	1

Q5 - Other

Are there any other changes or suggestions you would wish to make to the existing fare chart?

Taxi Operator's Response

20 of the 27 taxi operator's who responded submitted no proposed changes or

suggestions.

The 7 licence holders who did make a proposed change or suggestion commented as follows:-

Operator No. 1 - All taxi meters should be calendar controlled.

Operator No. 2 - In the past 12 years there have been 2 small fare increases while inflation has risen by 25.64% over the same period.

A driver who hires a taxi, after rental and fuel costs, earns less than the minimum wage.

Operators who also drive their own vehicles have seen road tax, garage bills, council fees and fuel costs all rising with no increase in income.

Operator No. 3 – Tariff 2 to be applicable from 9pm instead of 10pm and also applicable for the whole of 24 December instead of from 6pm.

Operator No. 4 - Tariff 2 to be applicable from 9pm instead of 10pm and also applicable for the whole of 24 December instead of from 6pm. Also increase soiling fee from £50 to £60 or £70.

Operator No. 5 - Tariff 2 to be applicable from 9pm instead of 10pm.

Tariff 2 to be applicable for the whole of 24 December and 31 December until 9pm.

Tariff 3 to be applicable from 9pm on 24 December to 6am on 26 December and 31 December to 6am on 2 January.

Tariff 2 to be applicable from 6 am on 26 December to 6am on 27 December and from 6 am on 2 January to 6 am on 3 January.

These changes would also remove the additional 50p extra charge applicable during the Tariff 3 period on the existing fare chart between 10pm and 6am.

Remove additional 10p charge for each passenger beyond 2 and instead charge the fare at Tariff 2 instead of Tariff 1 or charge the fare at Tariff 3 instead of Tariff 2.

Allow drivers to agree rates for hires out with the Clydebank zone which would include hires from Clydebank to Dumbarton & Vale of Leven zone.

Increase the soiling fee to £100 on Tariff 2 and Tariff 3 from £50.

Operator No. 6 - Tariff 2 to be applicable from 9pm instead of 10pm.

Operator No. 7 - Tariff 2 to be applicable from 9pm instead of 10pm.

Tariff 3 to begin at 6pm on 24 December and 31 December and end at 6 am on 27 December and 3 January respectively instead of midnight on 24 December and 31

December until midnight on 26 December and 2 January

- 4.3 Of the 103 questionnaires sent out, 27 were returned representing 26.2% of those consulted. A summary of the responses are outlined as follows:-

Q1 – Working Pattern

The questionnaire asked licence holders to declare their normal working pattern with the intention of discovering whether the views of those working solely on Tariff 1 had the same or different views to those working on both Tariff 1 and Tariff 2. Given the low return rate it was felt that this would not provide enough information to establish clear enough differences of opinion amongst those taxi licence holders who responded.

Q2 – Flagfall

Responses to question 2 in relation to the flagfall show that 63% of licence holders preferred the option of a 30p increase to the initial flagfall on all Tariffs. Those who selected an increase of 10% were included in these figures. 18.5% wished to see no change and 18.5 % also sought a different change to Tariff1 with either a higher or lower increase.

63% preferred the option of a 30p increase on Tariff 2 while 22.2% wished to see no change and 14.8% sought a different change to Tariff 2 with either a higher or lower increase.

Similarly 63% preferred the option of a 30p increase on Tariff 3 while 25.9% wished to see no change and 11.1% sought a different change to Tariff 3 with either a higher or lower increase one of which also wished to see the removal of waiting time from the tariff card.

Q3 – Running Mile

Responses to question 3 in relation to the running mile show that 59.3% of licence holders wished to see no change to the running mile on Tariff 1 or Tariff 2 while 63% wished to see no change to the running mile on Tariff 3. The remainder wished to see an increase ranging from 10p to 30p on Tariff 1, 10p to 60p on Tariff 2 and 10p to 30p on Tariff 3. One taxi licence holder's preference was to remove the waiting time from the tariff card and increase the running mile to £3.80 on Tariff1, £4.00 on Tariff 2 and £4.40 on Tariff 3.

Q4 – Waiting Time

Responses to question 4 in relation to waiting time show that 66.7% of taxi licence holders wished to see no change to the current rate on Tariff 1. 29.6% wished to see an increase from the existing £12.00 per hour to between £13.00 and £15.00 while 3.7% wished to see an increase to £18.00 per hour.

55.6% of taxi licence holders wished to see no change to the current rate on Tariff 2. 33.3% of taxi licence holders wished to see an increase from the existing £12.00 per hour

to between £13.00 and £16.00 while 11.1 % wished to see an increase to £18.00 per hour.

59.3% of taxi licence holders wished to see no change to the current rate on Tariff 3. 22.2% wished to see an increase from the existing £12.00 per hour to between £13.00 and £16.00 while 18.5% wished to see an increase to £18.00 per hour.

One taxi licence holder who wished to see waiting time remain at £12.00 per hour on Tariff 1 but increase to £18.00 per hour on Tariff 's 2 and 3 also wished to see the removal of the 3 minutes 45 second waiting time as part of the fare chart.

- 4.4** Having referred to the AA website which provides an average cost of fuel on a monthly basis for Scotland it shows that in February 2020 the average cost of unleaded fuel was 123.7p per litre and 127.4p per litre for diesel. Fuel costs then took a sharp fall due to the pandemic when travel was restricted.
- 4.5** The average cost of unleaded fuel in June 2021 in Scotland was 130.4p per litre and 132.9p per litre for diesel. This represents an increase of 5.4% for unleaded fuel and 4.3% for diesel based on the difference in the months February 2020 and June 2021. Given the fluctuation in fuel costs over this period it would not provide a true reflection of average fuel costs due to the effects of the pandemic.
- 4.6** Taxi licence holders will incur other vehicle costs including tyres, service and MOT, labour and replacement parts, road tax, insurance, capital costs, depreciation and licence fees.
- 4.7** The previous taxi fare review which has been effective since 27 February 2020 and was subject to an appeal to the Traffic Commissioner had the effect of increasing the initial flagfall by 20p. The first lockdown caused by the Covid-19 pandemic occurred almost immediately after the effective date and as a result the taxi trade as a whole have suffered economically.
- 4.8** Although the number of responses received only reflect the views of 26.2% of taxi licence holders it is clear that the majority favour an increase of 30p on the flagfall at this point in time although many other alternative views have been expressed suggesting changes to all aspects of the fare chart. Members should take all these factors into account before making a recommendation for any change to the existing fare chart.
- 4.9** In terms of the Section 17 of the Civic Government (Scotland) Act 1982, before fixing any scales or carrying out any review the Licensing Authority are required to consult with persons or organisations appearing to be representative of operators of taxis within the area.
- 4.10** Before fixing any scales or carrying out any review, in addition to consulting with persons or organisations appearing to be representative of operators of taxis within the area, the Licensing Authority is required:
 - (a) to publish the proposed scales in a newspaper circulating in the area setting out the proposed scales, explaining the effect of the proposed scales and

proposing a date on which the proposed scales are to come into effect;

- (b) to invite representations from any persons with respect to the proposals within a period of one month from the date of publication of the notice; and
- (c) to consider any such representations which have been duly lodged before a decision is taken on the matter.

4.11 It should be noted that if representations or objections to the proposals are received, a further report on the matter will require to be considered by the Committee. In addition, there is provision within the legislation for taxi operators within the area to appeal to the Traffic Commissioner against any decision of the licensing authority on the review of scales.

4.12 Should no objections or representations be received in relation to the proposals, in order to expedite matters it is suggested that authority be delegated to the Chief Officer - Regulatory and 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.

5. People Implications

5.1 There are no personnel issues for the Council arising from this report.

6. Financial Implications

6.1 There are no financial implications for the Council arising from this report.

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 All Clydebank Taxi Operators were consulted in relation to the Clydebank Fare Review.

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 – Regulatory and Regeneration

Date 27 July 2021

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

Tel. No. (Direct line) 01389 738742.
robert.mackie@west-dunbarton.gov.uk

Appendices:

1. Current Fare Chart for Clydebank Taxi Licensing Zone.
2. Taxi Operator's questionnaire.

Background Papers:

1. Letters to all taxi operators and drivers.
2. Returned questionnaires.

WEST DUNBARTONSHIRE COUNCIL

Appendix 1

Plate No. _____ Vehicle Registration Number _____

Civic Government (Scotland) Act 1982

Fare Chart (Effective from 27 February 2020)

CLYDEBANK ZONE

Tariff One For a distance not exceeding 5/11ths OF A MILE
6.00 a.m. to 10.00 p.m. daily or for waiting time not exceeding 3 minutes 45 seconds (or a combination of both).....£2.70
For each additional 1/17th OF A MILE...£0.10

Tariff Two For a distance not exceeding 5/11ths OF A MILE..... £3.20
10.00 p.m. to 6.00 a.m. daily For each additional 1/18th OF A MILE....£0.10
6.00 p.m. to 12 midnight on Christmas Eve and 31st December

Tariff Three For a distance not exceeding 5/11ths OF A MILE..... £4.20
Midnight on 24th December to For each additional 1/20th OF A MILE. ..£0.10
Midnight on 26th December and
Midnight on 31st December to
Midnight on 2nd January
Between 10.00 p.m. and 6.00 a.m. a 50p extra charge applies

Any hire terminating out with the West Dunbartonshire area will be at a rate to be agreed at the time of hire.

Fares for Waiting

The driver is, in addition to the above, entitled to charge for waiting whether in one stoppage or in several stoppages as follows:-
For each period of THIRTY SECONDS or part thereof...£0.10

Extra Charges

A charge of £2.70 shall be payable for a taxi called by telephone or via App and not cancelled before arrival.

An additional charge of 10p shall be payable for each passenger beyond two.

Taxi drivers may add on any charge incurred at Glasgow Airport when either dropping off or picking up passengers. Drivers must make passengers aware in advance that extra charges may be added to the fare.

Soiling Fee

A maximum fee of £50.00 is chargeable for any soiling which necessitates a taxi being removed from service for cleaning. Soiling in this context includes any soiling by means of food, drink, vomit, urine or excrement.

CLYDEBANK TAXI FARE REVIEW – PLATE NUMBER X

A copy of the current fare chart is enclosed for reference purposes

Q1. – WORKING PATTERN
As the holder of a taxi licence(s) please indicate when your vehicle(s) are most commonly available for hire.
Tariff 1 (6.00am – 10.00pm) <input type="checkbox"/>
A combination of Tariff 1 and Tariff 2 <input type="checkbox"/>

Q2. FLAGFALL
The current flagfall is set at :- £2.70 on Tariff 1 £3.20 on Tariff 2 £4.20 on Tariff 3 For a distance not exceeding 5/11ths of a mile or for waiting time not exceeding 3 minutes 45 seconds or a combination of both. Please indicate what changes, if any, you would wish to make on each Tariff. Please write 'None' if you wish to see no change to each Tariff.
Tariff 1:-
Tariff 2:-
Tariff 3:-

Q3. RUNNING MILE
The current running mile is set at:- £1.70 per mile on Tariff 1 £1.80 per mile on Tariff 2 £2.00 per mile on Tariff 3 Please indicate what changes, if any, you would wish to make on each Tariff. Please write 'None' if you wish to see no change to each Tariff.
Tariff 1:-
Tariff 2:-
Tariff 3:-

Q4. WAITING TIME

The current equivalent hourly rate for waiting time is £12.00 per hour on all 3 Tariffs.

Please indicate what changes, if any, you would wish to make on each Tariff. Please write 'None' if you wish to see no change to each Tariff.

Tariff 1:-

Tariff 2:-

Tariff 3:-

Q5. OTHER

Are there any other changes or suggestions you would wish to make to the existing fare chart? Please indicate in writing below.

The responses to this questionnaire will be collated and used to provide information to the Licensing Committee in order that they have the views of taxi licence holders when determining what changes, if any, they would recommend to the current fare chart.

Principal Licence Holder - XX

Signed _____

Dated _____



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**

**CONFIDENTIAL PAGES HAVE BEEN
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