

Agenda



Meeting of Licensing Committee

Date: Wednesday, 21 October 2020

Time: 14:00

Format: By Zoom Video Call

Contact: Nuala Borthwick, Committee Officer,
Email: nuala.borthwick@west-dunbarton.gov.uk

Dear Member

The Convener has directed that by the powers contained in Section 18B of the Civic Government (Scotland) Act 1982 that the hearing cannot be held in person because of a reason relating to coronavirus will be used 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 Ian Dickson
Councillor Caroline McAllister
Councillor Jonathan McColl (Vice Chair)
Councillor Marie McNair
Councillor Lawrence O'Neill
Councillor Brian Walker
Vacancy

All other Councillors for information

Chief Executive
Strategic Director – Regeneration, Environment and Growth
Strategic Director – Transformation and Public Service Reform
Chief Officer of Health & Social Care Partnership

Date issued: 8 October 2020

LICENSING COMMITTEE

WEDNESDAY, 21 OCTOBER 2020

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 MEETING 5 - 8

Submit for approval as a correct record, Minutes of Meeting of the Licensing Committee held on 9 September 2020.

5 OPEN FORUM

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

6 EXCLUSION OF PRESS AND PUBLIC 9

The Committee is asked to consider passing the following resolution prior to consideration of the undernoted item 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.”

7/

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

11 - 14

Submit report 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.

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held by video conference on Wednesday, 9 September 2020 at 10.00 a.m.

Present: Councillors Ian Dickson, Caroline McAllister, Jonathan McColl, Marie McNair and Lawrence O'Neill.

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

Also Attending: Sergeant Wendy Maginnis, Licensing Sergeant and Constable Raymond Borland, Police Scotland.

Apology: Apologies for absence were intimated on behalf of Councillors Jim Finn and Brian Walker.

Councillor Jonathan McColl in the Chair

CHAIR'S REMARKS

Councillor McColl, 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 MEETING

The Minutes of Meeting of the Licensing Committee held on 19 August 2020 were submitted and approved as a correct record.

VARIATION IN THE ORDER OF BUSINESS

Having heard the Chair, Councillor McColl, the Committee agreed that the business of the meeting would be varied as hereinafter minuted.

OPEN FORUM

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

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

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

DECIDED:-

Having heard the Section Head (Licensing) in further explanation of the report, the Committee agreed:-

- (1) to consider only responses received from operators within the Dumbarton & Vale of Leven Taxi Licensing Zone;
- (2) to retain the current level of fares and charges applicable to the Dumbarton & Vale of Leven Taxi Licensing Zone at this current time, and that officers would revisit this within the next 18 months, as appropriate, taking into consideration the impact on the taxi trade due to the COVID-19 pandemic;
- (3) that officers arrange for the advertisement of the fares and charges agreed by the Committee; and
- (4) 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.

**TEMPORARY PUBLIC ENTERTAINMENT LICENCES
FOR COMMERCIAL FUNFAIRS, FIREWORK EVENTS
AND LIVE AMPLIFIED MUSIC EVENTS DURING THE COVID-19 PANDEMIC –
CONSIDERATION OF THE NON-STATUTORY SCOTTISH GOVERNMENT
GUIDANCE ON FUNFAIRS**

A report was submitted by the Strategic Lead – Regulatory:-

- (a) providing information on the current non statutory Scottish Government Guidance for Funfairs and the Council’s current procedure for notification requirements on receipt of applications for Temporary Public Entertainment Licences (PELs) for commercial funfairs, firework events and live amplified music events; and
- (b) seeking consideration of possible amendment of the current procedure for notification requirements for the duration of the COVID-19 pandemic.

Having heard the Section Head (Licensing) in further explanation of the report and in answer to Members’ questions, the Committee agreed:-

- (1) to alter the previously agreed notification requirements on applicants requesting a temporary public entertainment licence (PEL) for a commercial funfair, a fire work event or a live amplified music event that is legally permitted by the Government to occur;
- (2) to delegate authority to the Strategic Lead – Regulatory to determine the revised procedure to enable applicants for a commercial funfair, firework event or live amplified music event to be considered where practicable within the 21 day period suggested by the Scottish Government Guidance and to ensure that the applicant displays a site notice informing the public of any such proposed events;
- (3) that relevant Community Councils and local ward Elected Members are still informed of any such applications for temporary public entertainment licences; and
- (4) that in the event of any relevant representations/objections being made in respect of an application for a temporary PEL, authority would be delegated to the Strategic Lead – Regulatory, in consultation with the Chair of the Licensing Committee, who may determine such applications whilst the Coronavirus (Scotland) Act 2020 provisions were in place.

EXCLUSION OF PRESS AND PUBLIC

Having heard the Section Head (Licensing) in relation to the undernoted item 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 A TEMPORARY TAXI/
PRIVATE HIRE CAR DRIVER’S LICENCE**

Name and Address of Applicant

Date Applied

Connor McAleaney
14 McColl Avenue
Tullichewan
Alexandria
G83 0HY

12 June 2020

A report was submitted by the Strategic Lead – Regulatory concerning an Application for Grant of a Temporary 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 dated 10 July 2020 had been received from the Chief Constable of Police Scotland providing information 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 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 the applicant was in attendance at the meeting and that Sergeant Wendy Maginnis was in attendance on behalf of Police Scotland.

The Committee then heard from the Sergeant Maginnis in relation to the letter from Police Scotland and in answer to questions from Members of the Committee.

Thereafter, the Committee heard from Mr McAleaney in support of his application and in connection with the circumstances relating to matters detailed in the Police letter. Mr McAleaney was then heard in answer to questions from Members.

DECIDED:-

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

The meeting closed at 10.30 a.m.



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**

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