

Agenda



Meeting of Licensing Committee

Date: Wednesday, 6 December 2017

Time: 10:00

Venue: Committee Room 3, Council Offices, Garshake Road, Dumbarton

Contact: Nuala Borthwick, Committee Officer
Tel: 01389 737594 nuala.borthwick@west-dunbarton.gov.uk

Dear Member

Please attend a meeting of the **Licensing Committee** as detailed above. The business is shown on the attached agenda.

Yours faithfully

JOYCE WHITE

Chief Executive

Distribution:

Councillor Jim Finn (Chair)
Councillor Jim Brown
Councillor Ian Dickson
Councillor Jonathan McColl (Vice Chair)
Councillor Marie McNair
Councillor John Mooney
Councillor Lawrence O'Neill
Councillor Brian Walker

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: 23 November 2017

LICENSING COMMITTEE

WEDNESDAY, 6 DECEMBER 2017

AGENDA

1 APOLOGIES

2 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.

3 MINUTES OF PREVIOUS MEETINGS 9 - 24

Submit for approval as correct records:-

- (a) Minutes of Ordinary Meeting of the Licensing Committee held on 11 October 2017; and
- (b) Minutes of Special Meeting of the Licensing Committee held on 2 November 2017.

**4 APPLICATION FOR GRANT OF A TEMPORARY TAXI/
PRIVATE HIRE CAR DRIVER'S LICENCE 25 - 29**

(a) Name and Address of Applicant Date Applied

Gerard Ross
2 Cunard Court
Clydebank
G81 1QD

28 September 2017

Submit report by the Strategic Lead – Regulatory concerning an application for Grant of a Temporary Taxi/Private Hire Car Driver's Licence by the above named person.

(b)/

(b)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Gary McArthur 66/1 Onslow Road Drumry Clydebank G81 2PN	2 October 2017

Submit report by the Strategic Lead – Regulatory concerning an application for Grant of a Temporary Taxi/Private Hire Car Driver’s Licence by the above named person.

5 APPLICATIONS FOR GRANT OF A TAXI/ PRIVATE HIRE CAR DRIVER’S LICENCE 31 - 40

(a)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Arron Mansfield 21 Sunderland Avenue Castlehill Dumbarton G82 5AB	4 October 2017

Submit report by the Strategic Lead – Regulatory concerning an application for Grant of a Taxi/Private Hire Car Driver’s Licence by the above named person.

(b)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	James McGowan 21/7 MacBride Way Renton Dumbarton G82 4QW	6 October 2017

Submit report by the Strategic Lead – Regulatory concerning an application for Grant of a Taxi/Private Hire Car Driver’s Licence by the above named person.

(c)/

(c)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Donna Sweeney 14B Stevenson Street Holytown Motherwell ML1 4RQ	12 October 2017

Submit report by the Strategic Lead – Regulatory concerning an application for Grant of a Taxi/Private Hire Car Driver’s Licence by the above named person.

(d)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	John Rice Flat 0/1 8 The Crescent Clydebank G81 4RH	19 October 2017

Submit report by the Strategic Lead – Regulatory concerning an application for Grant of a Taxi/Private Hire Car Driver’s Licence by the above named person.

6 APPLICATION FOR GRANT OF A PRIVATE HIRE CAR/TAXI 41 - 42
PARTNERSHIP LICENCE

<u>Name and Address of Applicant</u>	<u>Date Applied</u>
Mr & Mrs John & Patricia Rice Flat 0/1 8 The Crescent Clydebank G81 4RH	19 October 2017

Submit report by the Strategic Lead – Regulatory concerning an application for Grant of a Taxi Partnership Licence by the above named persons.

7 APPLICATIONS FOR RENEWAL OF A TAXI/ PRIVATE HIRE CAR DRIVER'S LICENCE 43 - 48

(a) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
Gavin Bonner 4 Erskine View Old Kilpatrick Glasgow G60 5JF	28 September 2017

Submit report by the Strategic Lead – Regulatory concerning an application for Renewal of a Taxi/Private Hire Car Driver's Licence by the above named person.

(b) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
Neil Brown 57 Lansbury Street Levensale Alexandria G83 0SA	9 October 2017

Submit report by the Strategic Lead – Regulatory concerning an application for Renewal of a Taxi/Private Hire Car Driver's Licence by the above named person.

(c) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
Peter McCrossan 34 Dumbuie Avenue Silverton Dumbarton G82 2JQ	15 September 2017

Submit report by the Strategic Lead – Regulatory concerning an application for Renewal of a Taxi/Private Hire Car Driver's Licence by the above named person.

8 HEARING REGARDING REQUEST FOR SUSPENSION OF A TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE 49 - 51

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.

**9 APPLICATION FOR GRANT OF A PRINCIPAL STREET
TRADER'S LICENCE**

53 - 54

Name and Address of Applicant

Date Applied

Alexander Elder
2 Harboury Place
Yoker
Glasgow
G14 0LH

17 October 2017

Submit report by the Strategic Lead – Regulatory concerning an application for Grant of a Principal Street Trader's Licence by the above named person.

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in Committee Room 3, Garshake Road, Dumbarton on Wednesday, 11 October 2017 at 10.10 a.m.

Present: Councillors Jim Brown, Ian Dickson, John Mooney, Marie McNair; Lawrence O'Neill and Brian Walker.

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

Also Attending: Constable Alison Simpson, Police Scotland.

Apology: Apologies for absence were intimated on behalf of Councillors Jim Finn and Jonathan McColl.

APPOINTMENT OF CHAIR

In the absence of the Chair, Councillor Finn, and the Vice-Chair, Councillor McColl, it was unanimously agreed that Councillor Brown would chair the meeting. Accordingly, Councillor Brown assumed the Chair.

Councillor Jim Brown in the Chair

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 2 August 2017 were submitted and approved as a correct record.
- (b) The Minutes of Ordinary Meeting of the Licensing Committee held on 16 August 2017 were submitted and approved as a correct record subject to the inclusion of the undernoted wording in the Application for Renewal of a Taxi Driver's/Private Hire Car Driver's Licence:-

The meeting closed at 11.18 a.m.

DRAFT

- (iv) if the Committee is satisfied that the licence should be suspended, the Committee must give the licence holder an opportunity of being heard on the length of the suspension and the date from which the suspension should commence; and
- (v) the Committee must then consider what length of suspension would be appropriate and whether the circumstances of the case would justify immediate suspension.

A copy of the email from the applicant's solicitor requesting a continuation of the hearing was circulated to Members for information.

The Committee then heard from Constable Simpson in relation to the request for suspension and in answer to Members' questions concerning the licence holder being held on remand.

DECIDED:-

Following consideration and having heard the Section Head (Licensing) in answer to Members' questions, the Committee agreed:-

- (1) that the alleged misconduct had been established and that the carrying on of the activity to which the licence relates was likely to cause a serious threat to public order or public safety;
- (2) that the Committee was of the opinion that the licence holder was no longer a fit and proper person to hold a taxi driver's licence; and
- (3) that the period of suspension would be the remainder of the duration of the licence.

**HEARING REGARDING REQUEST FOR SUSPENSION OF
A TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S 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 Taxi Driver's/Private Hire Car Driver's Licence.

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

- (a) that on 11 October 2017, a letter had been received from the Chief Constable of Police Scotland requesting the suspension of the 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 licence holder is no longer a fit and proper person to hold a licence;
- (b) that the licence holder's current Taxi Driver's/Private Hire Car Driver's Licence expired on 27 October 2018;

- (c) that in view of the request for suspension of the licence received 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 copies of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting; and
- (e) that the matters which the Committee was required to consider in relation to paragraph (e) above 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 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 his licence should be suspended;
 - (iv) if the Committee was satisfied that the licence should be suspended, the Committee must give the licence holder an opportunity of being heard on the length of the suspension and the date from which the suspension should commence; and
 - (v) the Committee must then consider what length of suspension would be appropriate and whether the circumstances of the case would justify immediate suspension.

It was noted that the licence holder and a representative of Police Scotland, Constable Simpson, were in attendance.

The Committee then heard from Constable Simpson who provided details of the offence allegedly committed by the licence holder in relation to the request for suspension of the licence and answered questions from Members. It was noted that the court case had now been continued until 8 November 2017.

The Committee then heard from the licence holder who provided details of the offence allegedly committed by the licence holder in relation to the request for suspension of the licence and answered questions from Members.

DECIDED:-

After consideration, the Committee agreed that the alleged misconduct had not been established and that the licence holder remained a fit and proper person to hold a taxi/private hire car driver's licence.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead – Regulatory

Licensing Committee – 6 December 2017

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

1. Purpose

1.1 To consider an application for grant of a temporary Taxi/Private Hire Car Driver's Licence submitted by Mr. Gerard Ross, 2 Cunard Court, Clydebank G81 1QD.

2. Recommendations

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

3. Background

3.1 Mr. Ross submitted an application for grant of a temporary Taxi/Private Hire Car Driver's Licence to the Council on 28 September 2017.

3.2 A letter was received from the Chief Constable of the Police authority on 12 October 2017 submitting a comment detailing an alternative to prosecution which is considered spent under the Rehabilitation of Offenders Act 1974.

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 6 December 2017.

4.2 It will be a matter for the Committee to decide whether the applicant's spent alternative to prosecution should be disclosed and taken into consideration. It should be noted that spent alternatives to prosecution cannot be considered unless there is no other way of doing justice.

4.3 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.

Strategic Lead - Regulatory

Date 19 October 2017

Person to Contact: Robert Mackie,
Senior Officer (Licensing Services),
Licensing Team,
Garshake Road,
Dumbarton,
G82 3PU.

Tel. No. (Direct line) 01389 738742.

robert.mackie@wdc.gcsx.gov.uk

Appendices: N/A.

Background Papers:

- 1.** Application for grant of Taxi/Private Hire Car Driver's Licence from Mr. Gerard Ross, 2 Cunard Court, Clydebank G81 1QD.
- 2.** Letter dated 12 October 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Ross dated 20 October 2017.
- 4.** Letter to Mr. Ross dated 17 November 2017.

Wards Affected: N/A.

