

## LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in the Council Chambers, Municipal Building, Station Road, Dumbarton on Wednesday, 6 September 2006 at 11.00 a.m.

**Present:** Provost Alistair Macdonald and Councillors Denis Agnew and Linda McColl.

**Attending:** Stephen Brown, Head of Legal and Administrative Services; Nigel Ettles, Principal Solicitor; Graham Pollock, Environmental Services Manager; and David Rooney, Senior Administrative Officer.

**Apologies:** Apologies for absence were intimated on behalf of Councillors Dennis Brogan, Douglas McAllister and Duncan McDonald.

### ELECTION OF CHAIRMAN

9921 In the absence of the Convener, Councillor McAllister, it was unanimously agreed that Councillor Agnew be elected to chair the meeting. Councillor Agnew accordingly took the Chair.

### MINUTES OF PREVIOUS MEETING

9922 The Minutes of Meeting of the Licensing Committee held on 7 June 2006 were submitted and approved as a correct record.

### ANIMAL BOARDING ESTABLISHMENTS ACT 1963 APPLICATION FOR LICENCE FOR RINGSTONES, COCHNO ROAD, HARDGATE, CLYDEBANK

9923 With reference to the Minutes of the Meeting of the Committee held on 7 June 2006 (Page 2483, paragraph 9193 refers) a report was submitted by the Director of Housing, Regeneration and Environmental Services providing an update on the application by Mr & Mrs Hughes for an Animal Boarding Establishment Licence for the boarding of dogs at Ringstones Kennels, Cochno Road, Hardgate, Clydebank.

9924 Having heard the Environmental Services Manager, it was noted that officers from the Environmental Health Section had revisited the premises on 4 September and had established that the one outstanding requirement referred to in the report had been attended to satisfactorily.

9925 The Committee agreed that the application for a licence be approved.

**DANGEROUS WILD ANIMALS ACT 1976  
APPLICATION FOR LICENCE TO KEEP DANGEROUS WILD ANIMALS AT  
17 WEST COCHNO HOLDINGS, HARDGATE, CLYDEBANK**

9926 With reference to the Minutes of the Meeting of the Committee held on 7 June 2006 (Page 2484, paragraph 9195 refers) a report was submitted by the Director of Housing, Regeneration and Environmental Services providing an update on the application by Mrs. Natalie Cox for a licence to keep Dangerous Wild Animals at 17 West Cochno Holdings, Hardgate, Clydebank under the provisions of the Dangerous Wild Animals Act 1976.

9927 Having heard the Environmental Services Manager, the Committee agreed to note:-

- (1) the endeavours of officers to determine the location of the two African Serval Cats and two Asian Leopard Cats; and
- (2) that a new application for a licence to keep two African Serval Cats at 17 West Cochno Holdings, Hardgate, Clydebank had been submitted by Mrs. Cox and would be referred to the Committee for consideration in due course.

**SURVEY OF DEMAND FOR TAXIS INCLUDING WHEELCHAIR  
ACCESSIBLE TAXIS**

9928 With reference to the Minutes of the Meeting of this Committee held on 7 June 2006 (Page 2486, paragraph 9210 refers) a further report was submitted by the Head of Legal and Administrative Services on the outcome of the survey of demand for taxis, including wheelchair accessible taxis, which had been undertaken by consultants on behalf of the Council.

9929 In addition, a paper by Mr. Tom McEntegart of Messrs Anderson Fyfe LLP, Solicitors, detailing the response by Dumbarton and Alexandria Taxi Trade Association to the West Dunbartonshire Taxi Study undertaken by the Transport Research Institute Taxi Studies Group of Napier University was submitted.

9930 Having heard the Principal Solicitor it was noted that Mr. McEntegart wished to address the Committee on behalf of the Trade Association. The Committee agreed to hear Mr. McEntegart.

9931 Mr. McEntegart addressed the Committee in relation to the Taxi Study Report and it was noted:-

- (i) that the Association acknowledged that the study had involved a comprehensive assessment of the demand for taxi services and accepted the conclusion contained in the report that there was no significant unmet demand for taxi services either in the Dumbarton & Vale of Leven or Clydebank Taxi Licensing Zones;

- (ii) that the Association also accepted that the Taxi Studies Group had carried out a detailed assessment to determine the number of fully accessible taxis required to meet the needs of taxi users in the Dumbarton & Vale of Leven Taxi Licensing Zone and accepted the conclusion that there was an immediate need for 23 fully accessible vehicles;
- (iii) that the Association contested the conclusion that a fully accessible fleet in the Dumbarton & Vale of Leven Taxi Licensing Zone would be a desirable long term goal and that the study supported the concept of a graduated introduction of accessible vehicles as being the most appropriate method of achieving a fully accessible fleet;
- (iv) that it was the contention of the Association that the approach taken by the Taxi Studies Group when commenting on the merits or otherwise of a fully accessible fleet was in marked contrast to the analytical approach taken in assessing the demand for taxi services for the public as a whole and for taxi users with ambulant impairments;
- (v) that the Association contended that the perceived benefits of having a fully accessible fleet which were detailed in the report were questionable, that the potential advantages and disadvantages had not been properly considered and that the study did not indicate that public opinion supported a move to a fully accessible fleet; and
- (vi) that in the opinion of the Association, very little consideration had been given to the economic impact which may be associated with a move to a fully accessible fleet.

9932 Mr. McEntegart concluded by confirming that the Association accepted the recommendations contained in the Taxi Study Report that there is no significant unmet demand for taxi services in West Dunbartonshire and that 23 fully accessible taxis are required in the Dumbarton & Vale of Leven Taxi Licensing Zone to meet the needs of taxi users with ambulant impairment, although further consideration would require to be given to how this number would be achieved and the timescale. With respect to the issue of moving to a fully accessible fleet, Mr. McEntegart indicated that the Association strongly urged the Committee to defer taking a decision to allow meaningful consultation with all interested parties and a detailed assessment of the potential advantages and disadvantages of introducing a fully accessible fleet to be undertaken.

9933 Thereafter Mr. McEntegart responded to questions from Members in relation to various points which he had made in his address.

9934 After discussion and having heard Councillor McColl, it was agreed that consideration of the matter be continued to allow relevant user groups to be consulted and a report on the outcome of that exercise to be submitted to the Committee.

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

<u>Name and Address of Applicant</u>	<u>Date Applied</u>
Mr. Brian Gourlay 85 Craigs Avenue Faifley Clydebank	30 May 2006
9935	A report was submitted by the Head of Legal and Administrative Services concerning an application for grant of a Taxi/Private Hire Car Driver's Licence by the above named person.
9936	Having heard the Principal Solicitor it was noted:- <ul style="list-style-type: none"> <li>(a) that a letter had been received from the Chief Superintendent of the Police authority making an observation in relation to the application on behalf of the Chief Constable; the observation being based on the fact that the applicant had been convicted at Dumbarton Sheriff Court on 18 January 2006 for Domestic Assault for which he was fined £500;</li> <li>(b) that that in view of the above the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place; and</li> <li>(c) that Chief Inspector MacDonald and Sergeant Jamieson were in attendance.</li> </ul>
9937	Chief Inspector MacDonald was heard in relation to the observation and provided background information with respect to the conviction referred to above. Thereafter the applicant was invited to come forward and addressed the Committee in support of his application.
9938	After consideration the Committee agreed that the application be granted.

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

<u>Name and Address of Applicant</u>	<u>Date Applied</u>
Mr. David Douglas 33 Queens Drive Alexandria	24 July 2006
9939	A report was submitted by the Head of Legal and Administrative Services concerning an application for grant of a Temporary Taxi/Private Hire Car Driver's Licence by the above named person.

9940 Having heard the Principal Solicitor it was noted:-

- (a) that a letter had been received from the Chief Superintendent of the Police authority making an observation in relation to the application on behalf of the Chief Constable; the observation being based on the fact that the applicant had been convicted at Dumbarton Sheriff Court on 5 July 2006 on two charges of Assault for which he was fined £300 and £200 respectively;
- (b) that that in view of the above the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place; and
- (c) that Chief Inspector MacDonald and Sergeant Jamieson were in attendance.

9941 Chief Inspector MacDonald was heard in relation to the observation and provided background information with respect to the convictions referred to above.

9942 Thereafter the applicant was invited to come forward. It was noted that Mr. Douglas was represented by Mr. David McKee of Messrs. Levy & McRae, Solicitors. Mr. McKee addressed the Committee on behalf of his client and explained the background to the offences which had led to the convictions against Mr. Douglas referred to above. With the consent of the Convener, Mr. McKee submitted 14 letters of reference from various individuals vouching for the character of the applicant, copies of which were circulated to Members.

9943 After consideration the Committee agreed that the application be granted.

#### **APPLICATIONS FOR GRANT OF TEMPORARY STREET TRADERS LICENCE (EMPLOYEE) AND STREET TRADERS LICENCE (EMPLOYEE)**

<u><b>Name and Address of Applicant</b></u>	<u><b>Date Applied</b></u>
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Ms Sadie Cook 6 Clarendon Street, Flat 2/3 Maryhill Glasgow	21 June 2006
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9944 A report was submitted by the Head of Legal and Administrative Services concerning applications for grant of a Temporary Street Trader's Licence (Employee) and a Street Trader's Licence (Employee) by the above named person.

9945 Having heard the Principal Solicitor it was noted that a letter had been received from the Chief Superintendent of the Police authority advising that the applicant had failed to disclose two convictions in her application form and that in view of this the applicant had been invited to attend the meeting.

9946 The applicant was invited to come forward and she addressed the Committee in support of her application, explaining the background to the convictions against her referred to above.

9947 After consideration it was agreed:-

- (1) that the application for grant of a Temporary Street Trader's Licence (Employee) be granted; and
- (2) that, in view of the two undisclosed convictions, the application for grant of a Street Trader's Licence (Employee) be granted for a period of six months instead of one year so that the applicant's conduct as a licence holder could be assessed over an appropriate period of time.

9948 It was noted that the two licences would run concurrently.

#### **APPLICATION FOR GRANT OF SECOND HAND DEALER'S LICENCE**

**Name and Address of Applicant**

**Date Applied**

Mr. Omer Dagli  
2/1, 14 Park Street  
Dumbarton

19 June 2006

9949 A report was submitted by the Head of Legal and Administrative Services concerning an application for grant of a Second Hand Dealer's Licence by the above named person.

9950 Having heard the Principal Solicitor it was noted:-

- (a) that the applicant was seeking a licence to allow him to trade in second hand mobile phones, games and games-consoles from premises at Unit 33 – 35, Clyde Shopping Hall 1, Clydebank;
- (b) that at the previous meeting of the Committee a broadly similar application from a Mr. Nurettin Safak relating to the same premises had been refused on the grounds that the applicant was not a fit and proper person to hold a Second Hand Dealer's licence;
- (c) that it was suggested that the Committee may wish to be satisfied that the proposed licensed activity would not be carried on for the benefit of another person who would be refused the grant of a licence if he made the application himself, namely Mr. Safak; and
- (d) that in view of the background to the application, the applicant had been invited to attend the meeting in order that the application may be determined.

- 9951 The applicant was invited to come forward and he addressed the Committee in support of his application. Mr. Dagli assured the Committee that his business was completely separate from that of Mr. Safak, who had vacated the unit at Clyde Shopping Hall 1 following the refusal of his application for a licence, and, to his knowledge, was now operating from premises in Glasgow.
- 9952 After consideration it was agreed that the application be granted, it having been noted that if there was any evidence of Mr. Safak being involved in the business, appropriate proceedings would be instigated.

The meeting closed at 12.12 pm.