

Agenda



Meeting of Licensing Committee

Date: Wednesday, 14 June 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 Diane Docherty (Vice Chair)
Councillor Jim Brown
Councillor Ian Dickson
Councillor Marie McNair
Councillor John Mooney
Councillor John Millar
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: 2 June 2017

LICENSING COMMITTEE

WEDNESDAY, 14 JUNE 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 CIVIC GOVERNMENT (SCOTLAND) ACT 1982 PART V – 9 - 11
PUBLIC PROCESSIONS – POLICE, PUBLIC ORDER AND
CRIMINAL JUSTICE (SCOTLAND) ACT 2006 – NOTICE OF
PROPOSAL TO HOLD A PUBLIC PROCESSION: DUMBARTON
ORANGE & PURPLE DISTRICT NO. 27**

Submit report by the Strategic Lead - Regulatory requesting that the Committee consider whether to depart from the Code of Conduct, which prohibits the playing of music before 9.00 a.m., to allow the playing of music at 8.45 a.m. as requested by the Dumbarton Orange & Purple District No. 27 within their notice of proposal to hold a Public Procession submitted on 22 May 2017.

**4 CONTINUED APPLICATION FOR GRANT OF A TAXI 13 - 14
DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE**

Name and Address of Applicant

Date Applied

Brian Stewart
Flat 4/12 Bonhill Road
Dumbarton
G82 2ER

16 March 2017

With reference to the Minutes of Meeting of the Licensing Committee held on 19 April 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.

5/

5 APPLICATIONS FOR GRANT OF A TAXI DRIVER'S/PRIVATE HIRE CAR DRIVER'S LICENCE 15 - 26

(a) Name and Address of Applicant Date Applied

Richard Kearney
14A Lussett View
Radnor Street
Clydebank
G81 3DA

27 March 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) Name and Address of Applicant Date Applied

Scott Brownlee
2/2, 62 Glasgow Road
Dumbarton
G82 1HQ

10 April 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) Name and Address of Applicant Date Applied

Graeme Ness
137 Cumbrae Crescent South
Castlehill
Dumbarton
G82 5AW

2 May 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) Name and Address of Applicant Date Applied

George McLeod
17 Dumbuie Avenue
Dumbarton
G82 2JH

26 April 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 APPLICATIONS FOR RENEWAL OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE 27 - 40

(a) Name and Address of Applicant Date Applied

William McLeod
2 Barwood Hill
Bellsmyre,
Dumbarton
G82 3DX
19 March 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) Name and Address of Applicant Date Applied

Alan McDade
Flat 2/1, 2 Trafalgar Street
Clydebank
G81 4EB
15 March 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) Name and Address of Applicant Date Applied

Dean McPhee
17 Old Mill Walk
Balloch
Alexandria
G83 8PT
13 April 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.

(d) Name and Address of Applicant Date Applied

David Mills
257 Pappert Estate
Bonhill, Alexandria
G83 9LQ
10 April 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.

(e)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Garry Cosgrove c/o Flat 2/2, 17 Burns Street Clydebank G81 4BW	5 February 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.	

(f)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Paul Monaghan 33 Alclutha Avenue Dumbarton G82 2NX	11 May 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.	

7 APPLICATIONS FOR GRANT OF A TEMPORARY TAXI/ PRIVATE HIRE CAR DRIVER’S LICENCE 41 - 48

(a)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Joseph Elvin 70 Carleith Avenue Duntocher Clydebank G81 6JA	17 March 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)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Darren Gallacher 10 Briar Drive Parkhall Clydebank G81 3HX	19 April 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.	

(c) Name and Address of Applicant Date Applied

Dylan Howie
13C Park Court
Littleholm Place
Clydebank
G81 4PH

20 April 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.

(d) Name and Address of Applicant Date Applied

Bryan Kale
35 Barrs Road
Cardross
Dumbarton
G82 5PR

23 May 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.

8 HEARING REGARDING POSSIBLE SUSPENSION OF TAXI DRIVER’S/PRIVATE HIRE CAR DRIVER’S LICENCE 49 - 51

Submit report by the Strategic Lead – Regulatory requesting consideration of the possible suspension of a Taxi Driver’s/Private Hire Car Driver’s Licence following a complaint which has been submitted by Police Scotland.

9 EXCLUSION OF PRESS AND PUBLIC 53

The Committee is asked to pass 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.”

10 HEARING REGARDING POSSIBLE SUSPENSION OF TAXI DRIVER’S/PRIVATE HIRE CAR DRIVER’S LICENCE 55 - 57

Submit report by the Strategic Lead – Regulatory requesting consideration of the possible suspension of a Taxi Driver’s/Private Hire Car Driver’s Licence following a complaint which has been submitted by Police Scotland.

11 MANAGEMENT RULES FOR THE ADMINISTRATION OF SHOPPING CENTRES

59 - 72

Submit report by the Strategic Lead – Regulatory:-

- (a) advising of proposed amendments to Management Rules for Administration of Shopping Centres following a review which has recently been undertaken; and
 - (b) seeking approval to advertise the Management Rules for the Administration of Shopping Centres, as required under Section 112 of the Civic Government (Scotland) Act 1982.
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WEST DUNBARTONSHIRE COUNCIL
Report by the Strategic Lead - Regulatory Services
Licensing Committee – 14 June 2017

Subject: Civic Government (Scotland) Act 1982
Part V – Public Processions
Police, Public Order and Criminal Justice (Scotland) Act 2006
Notice of Proposal to hold a Public Procession:
Dumbarton Orange & Purple District No. 27

1. Purpose

- 1.1** The purpose of this report is to assist the Committee in considering whether to depart from the code of conduct, which prohibits the playing of music before 9 am, to allow the playing of music at 8.45 am as requested by the Dumbarton Orange & Purple District No. 27 within their notice of proposal to hold a Public Procession submitted on 22 May 2017.

2. Recommendations

- 2.1** It is recommended that Members consider the request from Mr. William Giffen to allow the accompanying band, The Pride of the Rock Flute Band, to play music at 8.45 am as the Dumbarton Orange & Purple District No. 27 procession passes through Alexandria on the morning of Saturday 1 July 2017.

3. Background

- 3.1** The notice of proposal to hold a public procession and risk assessment was submitted by Mr. William Giffen on behalf of the Dumbarton Orange & Purple District No. 27 on 22 May 2017. The reason for the procession, stated on the notice of proposal, is for the Annual Boyne Celebration. The notice of proposal was subsequently advertised on the Council's website on 23 May 2017.
- 3.2** A precursory meeting was held on 26 May 2017 with the applicant and Police Scotland. No issues other than the request to deviate from the Council's code of conduct were raised.
- 3.3** Similar applications have been brought before the Licensing Committee in previous years and Members have decided to grant the request from Dumbarton Orange and Purple No. 27 to allow the playing of music from 8.45 am.

4. Main Issues

- 4.1** The Council's code of conduct states:-

'Unless specifically stipulated in the notification, no band shall play or music

shall be played before 9.00 am and after 9.00 pm.'

4.2 The purpose of the restriction on times when music should not be played is to minimise disruption to local communities.

4.3 At the point of submission of the report no adverse comments had been received from Dumbarton East & Central Community Council or from any Member of the Licensing Committee.

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 The Committee, in considering whether or not to depart from the code of conduct by allowing music to be played at 8.45 am should consider the risk of disruption to the community.

8. Equalities, Health & Humans Rights Impact Assessment

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 Details of the procession were posted on the Council's website on 23 May 2017. No objections have been received.

9.2 Dumbarton East & Central Community Council were invited to comment by email on 23 May 2017. No comments were received at the time of writing the report.

9.3 The Council's Roads Department were sent a copy of the Notice of proposal on 23 May 2017. No comments were received at the time of writing this report.

9.4 The Members of the Licensing Committee who had been appointed at the time were contacted and advised of the details of the procession by email on 23 May 2017. Those Members appointed to the Licensing Committee thereafter were contacted on 26 May 2017. No comments were received at the time of writing the report.

9.5 Police Scotland were sent a copy of the Notice of proposal on 23 May 2017.

10. Strategic Assessment

10.1 There are no strategic implications.

Strategic Lead - Regulatory

Date: 26 May 2017

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

Tel. No. (Direct line) 0141 9517986
robert.mackie@west-dunbarton.gov.uk

Appendices: None

Background Papers:

1. Notice of Proposal to hold a Public Procession submitted 22 May 2017.
2. Email to Licensing Committee Members dated 23 May 2017.
3. Email to Dumbarton East & Central Community Council dated 23 May 2017.

Wards Affected: Dumbarton and Leven Wards

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead – Regulatory
Licensing Committee – 14 June 2017

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

1. Purpose

- 1.1 To consider an application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Brian Stewart, Flat 4/12 Bonhill Road, Dumbarton, G82 2ER.

2. Recommendations

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

3. Background

- 3.1 Mr. Stewart submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 16 March 2017.
- 3.2 A letter was received from the Chief Superintendent of the Police authority on 27 March 2017 advising that the Chief Constable has a representation to make in relation to the application.
- 3.3 At the meeting on 19 April 2017, it was noted that the applicant had advised in advance that he would not be present. It was agreed that consideration of the application be continued to the next meeting in order that the applicant may be given a further opportunity to appear before the Committee.

4. Main Issues

- 4.1 In view of the representation 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 14 June 2017.
- 4.2 The terms of the letter from the Police will be made known to the Committee at the meeting as appropriate.

5. People Implications

- 5.1 There are no personnel issues.

6. Financial Implications

- 6.1 There are no financial implications

7. Risk Analysis

7.1 There is no increased risk to the Council associated with the contents of this report.

8. Equalities Impact Assessment (EIA)

8.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

9.1 Police Scotland were consulted in relation to the application.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 8 May 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 renewal of Taxi/Private Hire Car Driver's Licence from Mr. Brian Stewart, Flat 4/12 Bonhill Road, Dumbarton, G82 2ER.
- 2.** Letter dated 27 March 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Stewart dated 10 May 2017.
- 4.** Email to Chief Constable dated 29 May 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead – Regulatory
Licensing Committee – 14 June 2017

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

1. Purpose

- 1.1 To consider an application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Richard Kearney, 14A Lusset View, Radnor Street, Clydebank, G81 3DA.

2. Recommendations

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

3. Background

- 3.1 Mr. Kearney submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 27 March 2017.
- 3.2 A letter was received from the Chief Constable of the Police authority on 5 April 2017 submitting an objection in relation to the application.
- 3.3 A further letter received from the Chief Constable of the Police authority on 5 April 2017 details alternatives to prosecution which are 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 14 June 2017.
- 4.2 It will also be a matter for the Committee to decide whether the applicant's spent alternatives 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 letters 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 10 May 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. Richard Kearney, 14A Lusset View, Radnor Street, Clydebank, G81 3DA.
- 2.** Letters dated 5 April 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Kearney dated 10 May 2017.

4. Email to Chief Constable dated 29 May 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead – Regulatory
Licensing Committee – 14 June 2017

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

1. Purpose

- 1.1** To consider an application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Scott Brownlie, 2/2, 62 Glasgow Road, Dumbarton, G82 1HQ.

2. Recommendations

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

3. Background

- 3.1** Mr. Brownlie submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 10 April 2017.
- 3.2** A letter was received from the Chief Constable of the Police authority on 24 April 2017 submitting an objection in relation to the application.
- 3.3** Mr. Brownlie previously attended a meeting of the Licensing Committee on 1 March 2017 where a hearing was held to determine an application for the grant of a temporary Taxi Driver's/Private Hire Car Driver's Licence having received an objection from Police Scotland. Having heard from the Police and having taken into consideration a letter received from the Criminal Justice Social Work section, Members decided to grant the application for a six week period.

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 14 June 2017.
- 4.2** The terms of the letter from the Police will be made known to the Committee at the meeting as appropriate.

5. People Implications

- 5.1** There are no personnel issues.

6. Financial Implications

- 6.1** There are no financial implications

7. Risk Analysis

7.1 There is no increased risk to the Council associated with the contents of this report.

8. Equalities Impact Assessment (EIA)

8.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

9.1 Police Scotland were consulted in relation to the application.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 10 May 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. Scott Brownlie, 2/2, 62 Glasgow Road, Dumbarton, G82 1HQ.
- 2.** Letter dated 24 April 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Brownlie dated 11 May 2017.
- 4.** Email to Chief Constable dated 29 May 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead - Regulatory
Licensing Committee – 14 June 2017

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

1. Purpose

- 1.1** To consider an application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Graeme Ness, 137 Cumbrae Crescent South, Castlehill, Dumbarton, G82 5AW.

2. Recommendations

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

3. Background

- 3.1** Mr. Ness submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 2 May 2017.
- 3.2** A letter was received from the Chief Superintendent of the Police authority on 10 May 2017 advising that the Chief Constable has a representation to make in relation to the application.
- 3.3** At a meeting of the Licensing Committee held on 22 April 2015, Mr. Ness was granted a Taxi/Private Hire Car Driver's Licence following an objection being received from the Chief Constable. Members decided to grant the licence for 1 year but requested that if Mr. Ness were to re-apply for the renewal of the Taxi/Private Hire Car Driver's Licence, then the matter should be brought back before the Committee.
- 3.4** During the period in which this licence was held, a letter was received from the Chief Constable dated 12 November 2015 requesting the immediate suspension of the Taxi/Private Hire Car Driver's Licence held by Mr. Ness. Following a hearing which took place on 2 December 2015, Members decided to suspend the Taxi/Private Hire Car Driver's Licence held by Mr. Ness for the unexpired portion of the duration of the licence. Members also decided that any request for a recall of the suspension by the licence holder would be referred to the Committee for consideration.
- 3.5** A request to recall the suspension was made by Mr. Ness and a hearing was arranged to be held at a meeting of the Licensing Committee on 24 February 2016. Mr. Ness subsequently requested, in advance of the meeting, that the matter be continued to the next meeting of the Licensing Committee due to be held on 20 April 2016 and his request was agreed by Members.

3.6 At the meeting of the Licensing Committee held on 20 April 2016 it was noted that Mr. Ness was not in attendance. Members agreed to continue the Hearing regarding possible recall of the suspension until such time as the applicant could provide suitable medical information. However as the Taxi/Private Hire Car Driver's Licence held by Mr. Ness had an expiry date of 21 April 2016, and no application for the renewal of the Taxi/Private Hire Car Driver's Licence had been submitted, the period of time in which the original suspension of the licence was imposed would shortly elapse.

3.7 Members should be made aware that the matters referred to in the letter submitted by the Chief Constable in relation to the current application for the Grant of a Taxi/Private Hire Car Driver's Licence have already been before the Licensing Committee.

4. Main Issues

4.1 In view of the representation that has been 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 14 June 2017.

4.2 The terms of the letter from the Police will be made known to the Committee at the meeting as appropriate.

4.3 Mr. Ness has provided a letter from his Consultant Physician providing information on his medical condition which provides an opinion that Mr. Ness is physically fit to resume occupational driving.

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 12/5/2017

Person to Contact: Robert Mackie,
Senior Officer (Licensing Services),
Licensing Team,
Rosebery Place,
Clydebank,
G81 1TG.

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

Appendices: N/A.

Background Papers:

1. Application for grant of a Taxi Driver's Licence from Mr. Graeme Ness, 137 Cumbrae Crescent South, Castlehill, Dumbarton, G82 5AW.
2. Letter dated 10 May 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letter to Mr. Ness dated 15 May 2017.
4. Email to the Chief Constable dated 29 May 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead – Regulatory
Licensing Committee – 14 June 2017

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

1. Purpose

1.1 To consider an application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. George McLeod, 17 Dumbuie Avenue, Dumbarton, G82 2JH.

2. Recommendations

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

3. Background

3.1 Mr. McLeod submitted an application for grant of a Taxi/Private Hire Car Driver's Licence to the Council on 26 April 2017.

3.2 A letter was received from the Chief Constable of the Police authority on 23 May 2017 submitting comments in relation to the application.

4. Main Issues

4.1 In view of the submission received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 14 June 2017.

4.2 The terms of the letter from the Police will be made known to the Committee at the meeting as appropriate.

5. People Implications

5.1 There are no personnel issues.

6. Financial Implications

6.1 There are no financial implications

7. Risk Analysis

7.1 There is no increased risk to the Council associated with the contents of this report.

8. Equalities Impact Assessment (EIA)

8.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

9.1 Police Scotland were consulted in relation to the application.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 23 May 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. George McLeod, 17 Dumbuie Avenue, Dumbarton, G82 2JH.
2. Letter dated 23 May 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letter to Mr. McLeod dated 23 May 2017.
4. Email to Chief Constable dated 29 May 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead – Regulatory
Licensing Committee – 14 June 2017

Subject: Application for renewal of Taxi/Private Hire Car Driver’s Licence

1. Purpose

1.1 To consider an application for renewal of a Taxi/Private Hire Car Driver’s Licence submitted by Mr. William McLeod, 2 Barwood Hill, Bellsmyre, Dumbarton, G82 3DX.

2. Recommendations

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

3. Background

3.1 Mr. McLeod submitted an application for renewal of a Taxi/Private Hire Car Driver’s Licence to the Council on 19 March 2017.

3.2 A letter was received from the Chief Constable of the Police authority on 5 April 2017 submitting a representation in relation to the application.

4. Main Issues

4.1 In view of the submission received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 14 June 2017.

4.2 The terms of the letter from the Police will be made known to the Committee at the meeting as appropriate.

5. People Implications

5.1 There are no personnel issues.

6. Financial Implications

6.1 There are no financial implications

7. Risk Analysis

7.1 There is no increased risk to the Council associated with the contents of this report.

8. Equalities Impact Assessment (EIA)

8.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

9.1 Police Scotland were consulted in relation to the application.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 10 May 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 renewal of Taxi/Private Hire Car Driver's Licence from Mr. William McLeod, 2 Barwood Hill, Bellsmyre, Dumbarton, G82 3DX.
- 2.** Letter dated 5 April 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. McLeod dated 10 May 2017.
- 4.** Email to Chief Constable dated 29 May 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead – Regulatory
Licensing Committee – 14 June 2017

Subject: Application for renewal of Taxi/Private Hire Car Driver’s Licence

1. Purpose

- 1.1 To consider an application for renewal of a Taxi/Private Hire Car Driver’s Licence submitted by Mr. Alan McDade, Flat 2/1, 2 Trafalgar Street, Clydebank, G81 4EB.

2. Recommendations

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

3. Background

- 3.1 Mr. McDade submitted an application for renewal of a Taxi/Private Hire Car Driver’s Licence to the Council on 15 March 2017.
- 3.2 A letter was received from the Chief Constable of the Police authority on 10 April 2017 submitting a representation in relation to the application.

4. Main Issues

- 4.1 In view of the submission received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 14 June 2017.
- 4.2 The terms of the letter from the Police will be made known to the Committee at the meeting as appropriate.

5. People Implications

- 5.1 There are no personnel issues.

6. Financial Implications

- 6.1 There are no financial implications

7. Risk Analysis

- 7.1 There is no increased risk to the Council associated with the contents of this report.

8. Equalities Impact Assessment (EIA)

8.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

9.1 Police Scotland were consulted in relation to the application.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 10 May 2017

Person to Contact: Robert Mackie,
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Dumbarton,
G82 3PU.

Tel. No. (Direct line) 01389 738742.
robert.mackie@wdc.gcsx.gov.uk

Appendices: N/A.

Background Papers:

- 1.** Application for renewal of Taxi/Private Hire Car Driver's Licence from Mr. Alan McDade, Flat 2/1, 2 Trafalgar Street, Clydebank, G81 4EB.
- 2.** Letter dated 10 April 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. McDade dated 10 May 2017.
- 4.** Email to Chief Constable dated 29 May 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead – Regulatory
Licensing Committee – 14 June 2017

Subject: Application for renewal of Taxi/Private Hire Car Driver’s Licence

1. Purpose

- 1.1** To consider an application for renewal of a Taxi/Private Hire Car Driver’s Licence submitted by Mr. Dean McPhee, 17 Old Mill Walk, Balloch, Alexandria, G83 8PT.

2. Recommendations

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

3. Background

- 3.1** Mr. McPhee submitted an application for renewal of a Taxi/Private Hire Car Driver’s Licence to the Council on 13 April 2017.
- 3.2** A letter was received from the Chief Constable of the Police authority on 26 April 2017 submitting a representation in relation to the application.

4. Main Issues

- 4.1** In view of the submission received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 14 June 2017.
- 4.2** The terms of the letter from the Police will be made known to the Committee at the meeting as appropriate.

5. People Implications

- 5.1** There are no personnel issues.

6. Financial Implications

- 6.1** There are no financial implications

7. Risk Analysis

- 7.1** There is no increased risk to the Council associated with the contents of this report.

8. Equalities Impact Assessment (EIA)

8.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

9.1 Police Scotland were consulted in relation to the application.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 10 May 2017

Person to Contact: Robert Mackie,
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Appendices: N/A.

Background Papers:

- 1.** Application for renewal of Taxi/Private Hire Car Driver's Licence from Mr. Dean McPhee, 17 Old Mill Walk, Balloch, Alexandria, G83 8PT.
- 2.** Letter dated 26 April 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. McPhee dated 10 May 2017.
- 4.** Email to Chief Constable dated 29 May 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead – Regulatory
Licensing Committee – 14 June 2017

Subject: Application for renewal of Taxi/Private Hire Car Driver’s Licence

1. Purpose

- 1.1** To consider an application for renewal of a Taxi/Private Hire Car Driver’s Licence submitted by Mr. David Mills, 257 Pappert Estate, Bonhill, Alexandria, G83 9LQ.

2. Recommendations

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

3. Background

- 3.1** Mr. Mills submitted an application for renewal of a Taxi/Private Hire Car Driver’s Licence to the Council on 10 April 2017.
- 3.2** A letter was received from the Chief Constable of the Police authority on 25 April 2017 submitting a representation in relation to the application.

4. Main Issues

- 4.1** In view of the submission received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 14 June 2017.
- 4.2** The terms of the letter from the Police will be made known to the Committee at the meeting as appropriate.

5. People Implications

- 5.1** There are no personnel issues.

6. Financial Implications

- 6.1** There are no financial implications

7. Risk Analysis

- 7.1** There is no increased risk to the Council associated with the contents of this report.

8. Equalities Impact Assessment (EIA)

8.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

9.1 Police Scotland were consulted in relation to the application.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 10 May 2017

Person to Contact: Robert Mackie,
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Appendices: N/A.

Background Papers:

- 1.** Application for renewal of Taxi/Private Hire Car Driver's Licence from Mr. David Mills, 257 Pappert Estate, Bonhill, Alexandria, G83 9LQ.
- 2.** Letter dated 25 April 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Mills dated 10 May 2017.
- 4.** Email to Chief Constable dated 29 May 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL**Report by Strategic Lead – Regulatory****Licensing Committee – 14 June 2017**

Subject: Application for renewal of Taxi/Private Hire Car Driver's Licence**1. Purpose**

- 1.1** To consider an application for renewal of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Garry Cosgrove, c/o Flat 2/2, 17 Burns Street, Clydebank, G81 4BW.

2. Recommendations

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

3. Background

- 3.1** Mr. Cosgrove submitted an application for renewal of a Taxi/Private Hire Car Driver's Licence to the Council on 5 February 2017. A letter was received from the Chief Constable of the Police authority on 18 April 2017 submitting an objection in relation to the application.
- 3.2** Mr. Cosgrove attended a meeting of the Licensing Committee on 22 June 2016 having been the subject of a suspension request submitted by the Police. At the meeting, Members decided that Mr. Cosgrove was no longer a fit and proper person to hold a Taxi Driver's Licence and suspended the licence for the unexpired portion that being 8 January 2017.
- 3.3** Mr. Cosgrove submitted an appeal to the Sheriff Court however, as the matter was continued at court until after the expiry date of the licence the appeal was subsequently dismissed.
- 3.4** As the suspension imposed by the Licensing Committee was for the unexpired portion of the licence, Mr. Cosgrove had his licence returned to him on the date that he submitted the application for renewal on 6 February 2017.

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 14 June 2017.
- 4.2** 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. Cosgrove's application was received on 6 February 2017, any objection should

have been submitted by 5 March 2017. There is, however, provision in the legislation for the Licensing Authority to entertain a late objection which has been received before a final decision has been made if the Licensing Authority is satisfied that there is sufficient reason why the objection had not been made in the time required.

4.2 The terms of the letter from the Police will be made known to the Committee at the meeting as appropriate.

5. People Implications

5.1 There are no personnel issues.

6. Financial Implications

6.1 There are no financial implications

7. Risk Analysis

7.1 There is no increased risk to the Council associated with the contents of this report.

8. Equalities Impact Assessment (EIA)

8.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

9.1 Police Scotland were consulted in relation to the application.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 11 May 2017

Person to Contact: Robert Mackie,
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G82 3PU.

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robert.mackie@wdc.gcsx.gov.uk

Appendices: N/A.

Background Papers:

1. Application for renewal of Taxi/Private Hire Car Driver's Licence from Mr. Garry Cosgrove, c/o Flat 2/2, 17 Burns Street, Clydebank, G81 4BW.
2. Letter dated 15 February 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letter to Mr. Cosgrove dated 11 May 2017.
4. Email to Chief Constable dated 29 May 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead – Regulatory
Licensing Committee – 14 June 2017

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

1. Purpose

- 1.1 To consider an application for renewal of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Paul Monaghan, 33 Alclutha Avenue, Dumbarton, G82 2NX.

2. Recommendations

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

3. Background

- 3.1 Mr. Monaghan submitted an application for renewal of a Taxi/Private Hire Car Driver's Licence to the Council on 11 May 2017.

- 3.2 A letter was received from the Chief Constable of the Police authority on 31 May 2017 submitting a representation in relation to the application.

4. Main Issues

- 4.1 In view of the submission received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 14 June 2017.

- 4.2 The terms of the letter from the Police will be made known to the Committee at the meeting as appropriate.

5. People Implications

- 5.1 There are no personnel issues.

6. Financial Implications

- 6.1 There are no financial implications

7. Risk Analysis

- 7.1 There is no increased risk to the Council associated with the contents of this report.

8. Equalities Impact Assessment (EIA)

8.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

9.1 Police Scotland were consulted in relation to the application.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 31 May 2017

Person to Contact: Robert Mackie,
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robert.mackie@wdc.gcsx.gov.uk

Appendices: N/A.

Background Papers:

- 1.** Application for renewal of Taxi/Private Hire Car Driver's Licence from Mr. Paul Monaghan, 33 Alclutha Avenue, Dumbarton, G82 2NX.
- 2.** Letter dated 31 May 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Monaghan dated 31 May 2017.
- 4.** Email to Chief Constable dated 31 May 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead – Regulatory
Licensing Committee – 14 June 2017

Subject: Application for grant of 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. Joseph Elvin, 70 Carleith Avenue, Duntocher, Clydebank, G81 6JA.

2. Recommendations

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

3. Background

- 3.1 Mr. Elvin submitted an application for grant of a temporary Taxi/Private Hire Car Driver's Licence to the Council on 17 March 2017.
- 3.2 A letter was received from the Chief Constable of the Police authority on 13 April 2017 submitting comments in relation to the application.

4. Main Issues

- 4.1 In view of the submission received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 14 June 2017.
- 4.2 The terms of the letter from the Police will be made known to the Committee at the meeting as appropriate.

5. People Implications

- 5.1 There are no personnel issues.

6. Financial Implications

- 6.1 There are no financial implications

7. Risk Analysis

- 7.1 There is no increased risk to the Council associated with the contents of this report.

8. Equalities Impact Assessment (EIA)

8.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

9.1 Police Scotland were consulted in relation to the application.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 10 May 2017

Person to Contact: Robert Mackie,
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Appendices: N/A.

Background Papers:

- 1.** Application for grant of temporary Taxi/Private Hire Car Driver's Licence from Mr. Joseph Elvin, 70 Carleith Avenue, Duntocher, Clydebank, G81 6JA.
- 2.** Letter dated 13 April 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Elvin dated 10 May 2017.
- 4.** Email to Chief Constable dated 29 May 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead – Regulatory
Licensing Committee – 14 June 2017

Subject: Application for grant of 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. Darren Gallacher, 10 Briar Drive, Parkhall, Clydebank, G81 3HX.

2. Recommendations

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

3. Background

- 3.1 Mr. Gallacher submitted an application for grant of a temporary Taxi/Private Hire Car Driver's Licence to the Council on 19 April 2017.
- 3.2 A letter was received from the Chief Constable of the Police authority on 5 May 2017 submitting comments in relation to the application.

4. Main Issues

- 4.1 In view of the submission received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 14 June 2017.
- 4.2 The terms of the letter from the Police will be made known to the Committee at the meeting as appropriate.

5. People Implications

- 5.1 There are no personnel issues.

6. Financial Implications

- 6.1 There are no financial implications

7. Risk Analysis

- 7.1 There is no increased risk to the Council associated with the contents of this report.

8. Equalities Impact Assessment (EIA)

8.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

9.1 Police Scotland were consulted in relation to the application.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 10 May 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 temporary Taxi/Private Hire Car Driver's Licence from Mr. Darren Gallacher, 10 Briar Drive, Parkhall, Clydebank, G81 3HX.
- 2.** Letter dated 5 May 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Gallacher dated 10 May 2017.
- 4.** Email to Chief Constable dated 29 May 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead – Regulatory
Licensing Committee – 14 June 2017

Subject: Application for grant of 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. Dylan Howie, 13C Park Court, Littleholm Place, Clydebank, G81 4PH.

2. Recommendations

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

3. Background

- 3.1 Mr. Howie submitted an application for grant of a temporary Taxi/Private Hire Car Driver's Licence to the Council on 20 April 2017.
- 3.2 A letter was received from the Chief Constable of the Police authority on 5 May 2017 submitting comments in relation to the application.

4. Main Issues

- 4.1 In view of the submission received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 14 June 2017.
- 4.2 The terms of the letter from the Police will be made known to the Committee at the meeting as appropriate.

5. People Implications

- 5.1 There are no personnel issues.

6. Financial Implications

- 6.1 There are no financial implications

7. Risk Analysis

- 7.1 There is no increased risk to the Council associated with the contents of this report.

8. Equalities Impact Assessment (EIA)

8.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

9.1 Police Scotland were consulted in relation to the application.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 10 May 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 temporary Taxi/Private Hire Car Driver's Licence from Mr. Dylan Howie, 13C Park Court, Littleholm Place, Clydebank, G81 4PH.
- 2.** Letter dated 5 May 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
- 3.** Letter to Mr. Howie dated 10 May 2017.
- 4.** Email to Chief Constable dated 29 May 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead – Regulatory
Licensing Committee – 14 June 2017

Subject: Application for grant of 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. Bryan Kale, 35 Barrs Road, Cardross, Dumbarton, G82 5PR.

2. Recommendations

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

3. Background

- 3.1 Mr. Kale submitted an application for grant of a temporary Taxi/Private Hire Car Driver's Licence to the Council on 23 May 2017.
- 3.2 A letter was received from the Chief Constable of the Police authority on 31 May 2017 submitting comments in relation to the application.

4. Main Issues

- 4.1 In view of the submission received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 14 June 2017.
- 4.2 The terms of the letter from the Police will be made known to the Committee at the meeting as appropriate.

5. People Implications

- 5.1 There are no personnel issues.

6. Financial Implications

- 6.1 There are no financial implications

7. Risk Analysis

- 7.1 There is no increased risk to the Council associated with the contents of this report.

8. Equalities Impact Assessment (EIA)

8.1 No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

9.1 Police Scotland were consulted in relation to the application.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Strategic Lead - Regulatory

Date 31 May 2017

Person to Contact: Robert Mackie,
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robert.mackie@wdc.gcsx.gov.uk

Appendices: N/A.

Background Papers:

1. Application for grant of temporary Taxi/Private Hire Car Driver's Licence from Mr. Bryan Kale, 35 Barrs Road, Cardross, Dumbarton, G82 5PR.
2. Letter dated 31 May 2017 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letter to Mr. Kale dated 1 June 2017.
4. Email to Chief Constable dated 1 June 2017.

Wards Affected: N/A.

WEST DUNBARTONSHIRE COUNCIL
Report by the Strategic Lead - Regulatory
Licensing Committee – 14 June 2017

Subject: Hearing regarding possible suspension of a Taxi Driver's/Private Hire Car Driver's Licence

1. Purpose

1.1 To consider a request from the Chief Constable of Police Scotland for the suspension of a Taxi Driver's/Private Hire Car Driver's Licence held by Mr. John Slevin, 3 Allen Crescent, Alexandria, G83 0BJ.

2. Recommendations

2.1 The Committee are asked to consider the terms of this report, the terms of the letter from the Chief Constable and any evidence presented at the hearing and thereafter determine whether the licence should be suspended and, if so, the duration of the suspension and date of commencement thereof.

3. Background

3.1 On 17 May 2017, a letter was received from the Chief Constable of Police Scotland requesting the suspension of the Taxi Driver's/Private Hire Car Driver's Licence held by Mr. John Slevin 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 relates is likely to cause a threat to public safety.

3.2 The expiry date of Mr. Slevin's current Taxi Driver's/Private Hire Car Driver's Licence is 6 October 2017.

3.3 When Mr. Slevin submitted an application for the renewal of a Taxi/Private Hire Car Driver's Licence on 21 October 2016 an objection was received from the Chief Constable. A hearing took place on 7 December 2016 where it was decided that the matter be continued to the meeting of the Licensing Committee due to be held on 19 April 2017.

3.4 At the meeting of the Licensing Committee held on 19 April 2017 it was agreed that the application be granted and that any subsequent conviction in the pending case against Mr. Slevin be referred to the Committee for consideration. As the case has now been determined, the matter has been brought back before the Committee having received the request from the Chief Constable to suspend the Taxi Driver's/Private Hire Car Driver's Licence.

4. Main Issues

4.1 In his letter the Chief Constable requested a suspension of the licence under

Paragraph 11 of Schedule 1 to the 1982 Act. A licensing authority may order the suspension of a licence under Paragraph 11 if, in its opinion, the holder of the licence is not, or is no longer, a fit and proper person to hold the licence.

- 4.2 The period of suspension of a licence is the unexpired portion of the duration of the licence, or such shorter period as the licensing authority may fix.
- 4.3 Where a licensing authority decides to order the suspension of a licence, the suspension generally does not take effect until the expiry of the time within which the holder of the licence may appeal against the suspension (28 days from the date of the decision to suspend) or, if an appeal has been lodged, until the appeal has been abandoned or determined in favour of the suspension.
- 4.4 A licensing authority must, before deciding to suspend a licence under Paragraph 11, give the holder of the licence and the Chief Constable an opportunity of being heard.
- 4.5 The licence holder and a representative of the Police authority have been invited to attend the meeting of the Committee on 14 June 2017 in order that a hearing may take place with regard to the possible suspension of the licence.
- 4.6 In considering whether to suspend a licence the licensing authority may have regard to any misconduct on the part of the licence holder which in the opinion of the authority has a bearing on his fitness to hold a licence.
- 4.7 The matters which the Committee will require to consider in relation to paragraph 4.1 above are as follows:-
 - (a) Whether the alleged misconduct has been established.
 - (b) If the Committee is satisfied that the alleged misconduct has been established, whether, having regard to the misconduct, Mr. Slevin is no longer a fit and proper person to hold a taxi driver's licence.
 - (c) If the Committee is of the opinion that Mr. Slevin is no longer a fit and proper person, the Committee must consider whether his licence should be suspended.
 - (d) If the Committee is satisfied that the licence should be suspended, the Committee must give Mr. Slevin an opportunity of being heard on the length of the suspension and the date from which the suspension should commence.
 - (e) The Committee must then consider what length of suspension is appropriate and whether the circumstances of the case justify immediate suspension.

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 No consultation was required in relation to this request for suspension from Police Scotland.

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 17/5/2017

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Appendices: N/A.

Background Papers:

1. Letter dated 17 May 2017 from the Chief Constable, Police Scotland.
2. Letter to Mr. Slevin dated 17 May 2017.
3. Email to the Chief Constable, Police Scotland dated 29 May 2017.

Wards Affected: N/A.



NOT FOR PUBLICATION

**by virtue of Paragraph 14 of Part 1 of Schedule 7A of
the Local Government (Scotland) Act, 1973**

**ANY ACTION TAKEN OR TO BE TAKEN IN
CONNECTION WITH THE PREVENTION,
INVESTIGATION OR PROSECUTION OF CRIME**

Members are reminded that this document must be disposed of properly using a cross shredder or by returning the complete document to Members' Secretaries.

PLEASE NOTE THAT CONFIDENTIAL PAGES 55 - 58 HAVE BEEN REMOVED

WEST DUNBARTONSHIRE COUNCIL
Report by Strategic Lead – Regulatory
Licensing Committee – 14 June 2017

Subject: Management Rules for Administration of Shopping Centres

1. Purpose

- 1.1** The purpose of this report is to update the Committee on the position with regard to the Management Rules for Administration of Shopping Centres following a review which has recently been undertaken.

2. Recommendations

2.1 It is recommended:-

- (a) that the Committee approve the proposed amendments to the Management Rules for Administration of Shopping Centres and authorise Officers to advertise the Rules as required under Section 112 of the Civic Government (Scotland) Act 1982;
- (b) that it be noted that if objections to the proposed Management Rules for Administration of Shopping Centres are received, a further report on the matter would require to be considered by the Committee;
- (c) that should no objections be received in relation to the proposed amendments, authority be delegated to the Strategic Lead - Regulatory to execute the Management Rules for Administration of Shopping Centres without the requirement for the Committee to consider a further report on the matter.

3. Background

- 3.1** The existing Management Rules for Administration of Shopping Centres were executed on 1 February 2001 and can be referred to in Appendix 1.
- 3.2** The review of Management Rules for Administration of Shopping Centres is overdue and the proposed amendments took into account boundary changes to the specified areas covered by the management rules. The review also amends some of the language and terminology contained within the management rules and a reference to other legislation which requires to be updated. The amended version can be referred to in Appendix 2.

4. Main Issues

- 4.1** The purpose of management rules for administration of shopping centres is to

encourage good management and regulation of the areas under the Council's management or control. The rules outline the conduct expected from visitors and the restrictions placed on users of the areas to which the management rules apply. Permits are available on application to the Licensing Team to allow certain activities to take place which are prohibited under the management rules without written permission from the Council. These activities include busking, conducting religious services, the distribution of leaflets and canvassing or interviewing members of the public.

- 4.2 The current version of the Management Rules for Administration of Shopping Centres is inaccurate in terms of the boundary descriptions for all the areas covered namely; Clyde Shopping Centre; Dalmuir Shopping Centre; Alexandria Town Centre and Dumbarton Town Centre.
- 4.3 Changes have been made to update references to legislative changes introduced since the current version of the Management Rules for Administration of Shopping Centres was agreed. This change is reflected in replacing the reference to the Licensing (Scotland) Act 1976 with the Licensing (Scotland) Act 2005.
- 4.4 In general terms, the existing Management Rules remain relevant however references have been updated to take into account the modernisation of terms to describe certain devices.

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 A copy of the amended Management Rules for Administration of Shopping Centres will be advertised in both the Dumbarton Reporter and the Clydebank Post. They will also be advertised using the Council's social media allowing objections to be made within one month of the advert being placed.

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 12 May 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: Appendix 1 – Existing Management Rules for Administration of Shopping Centres.

Appendix 2 – Proposed amended version of Management Rules for Administration of Shopping Centres including maps delineating the areas affected.

Background Papers: None

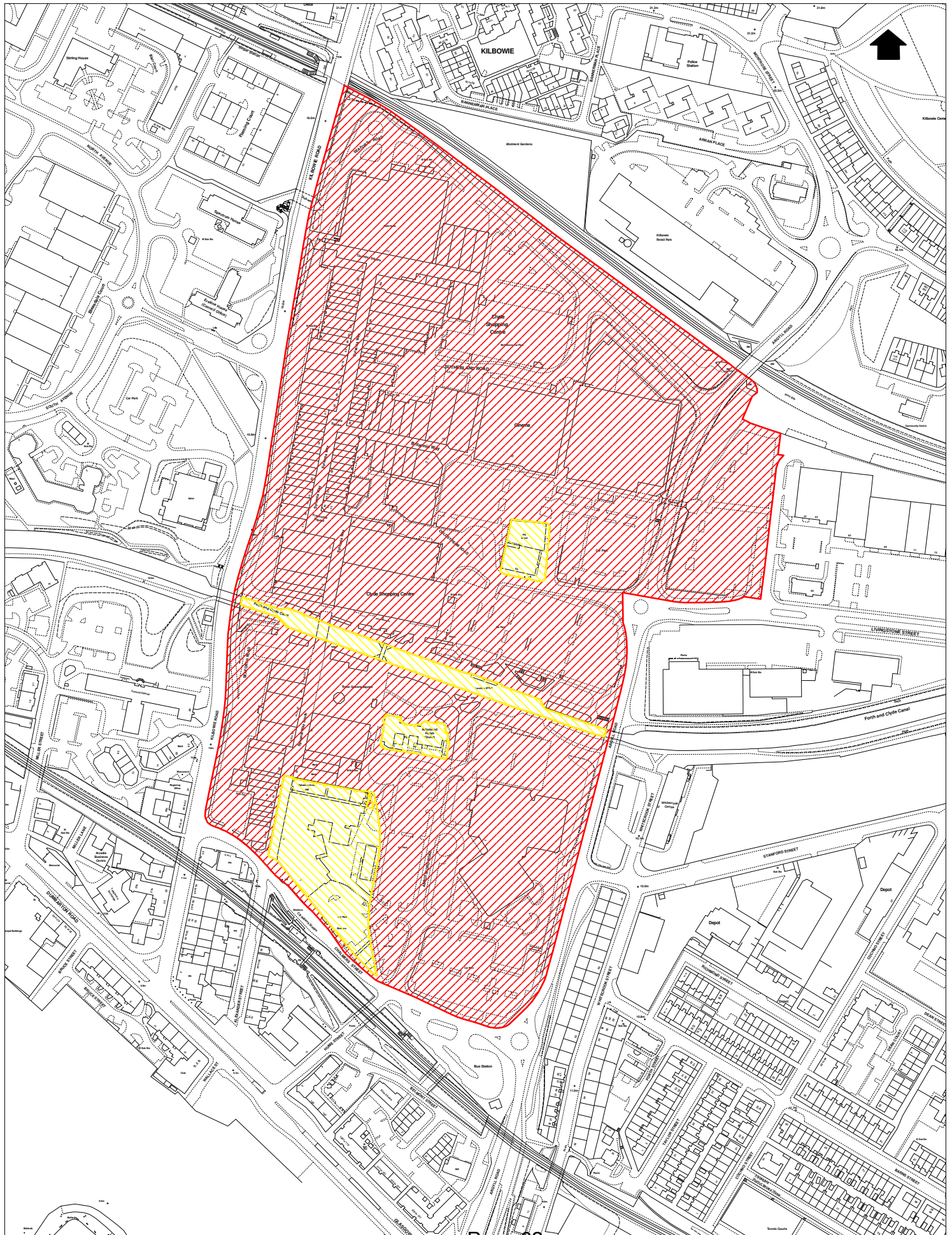
Wards Affected: N/A.

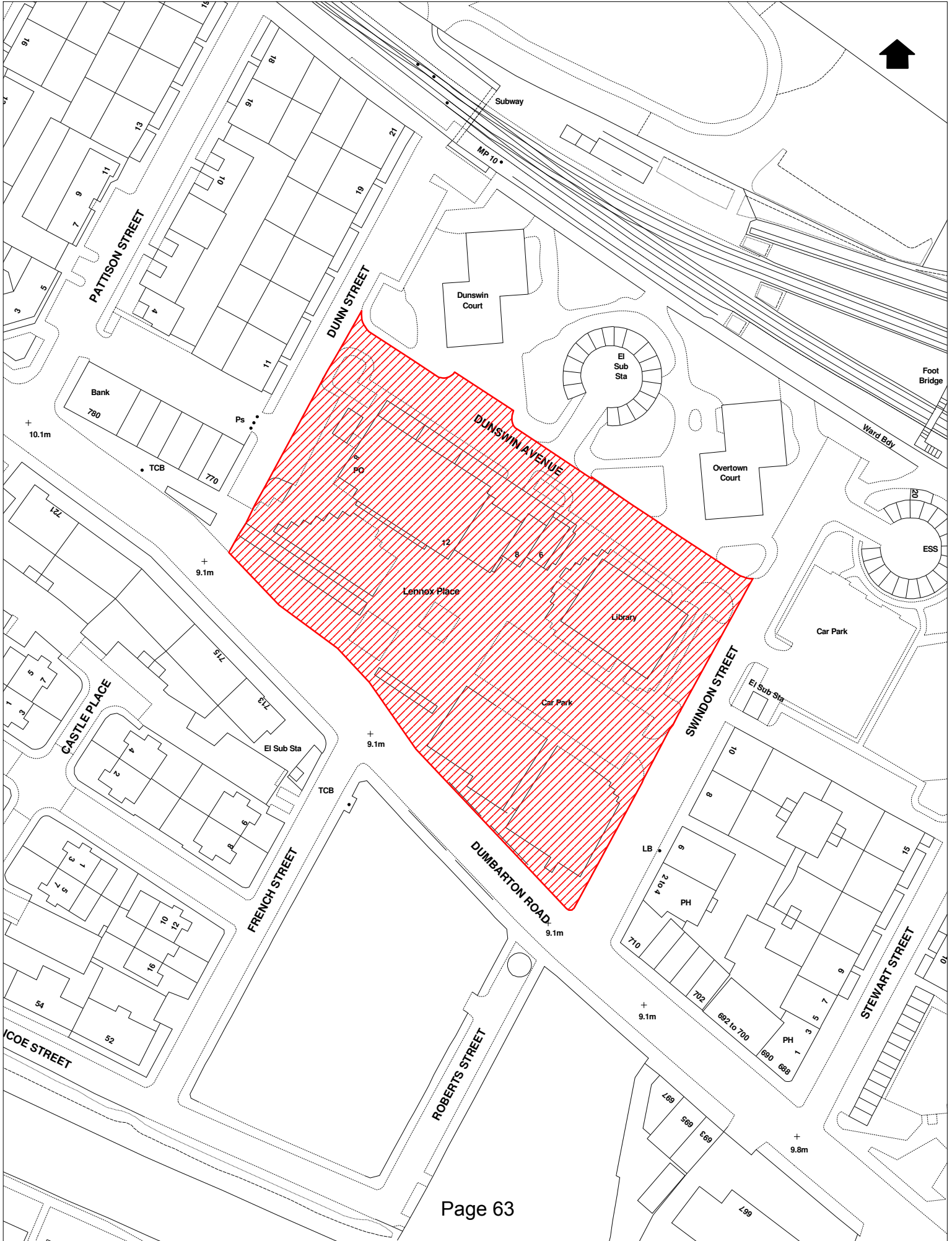
Title : Clyde Shopping Centre

Map No : AM162A Map Ref : NS4970

Date : 05/12/2016 Scale : 1:4000

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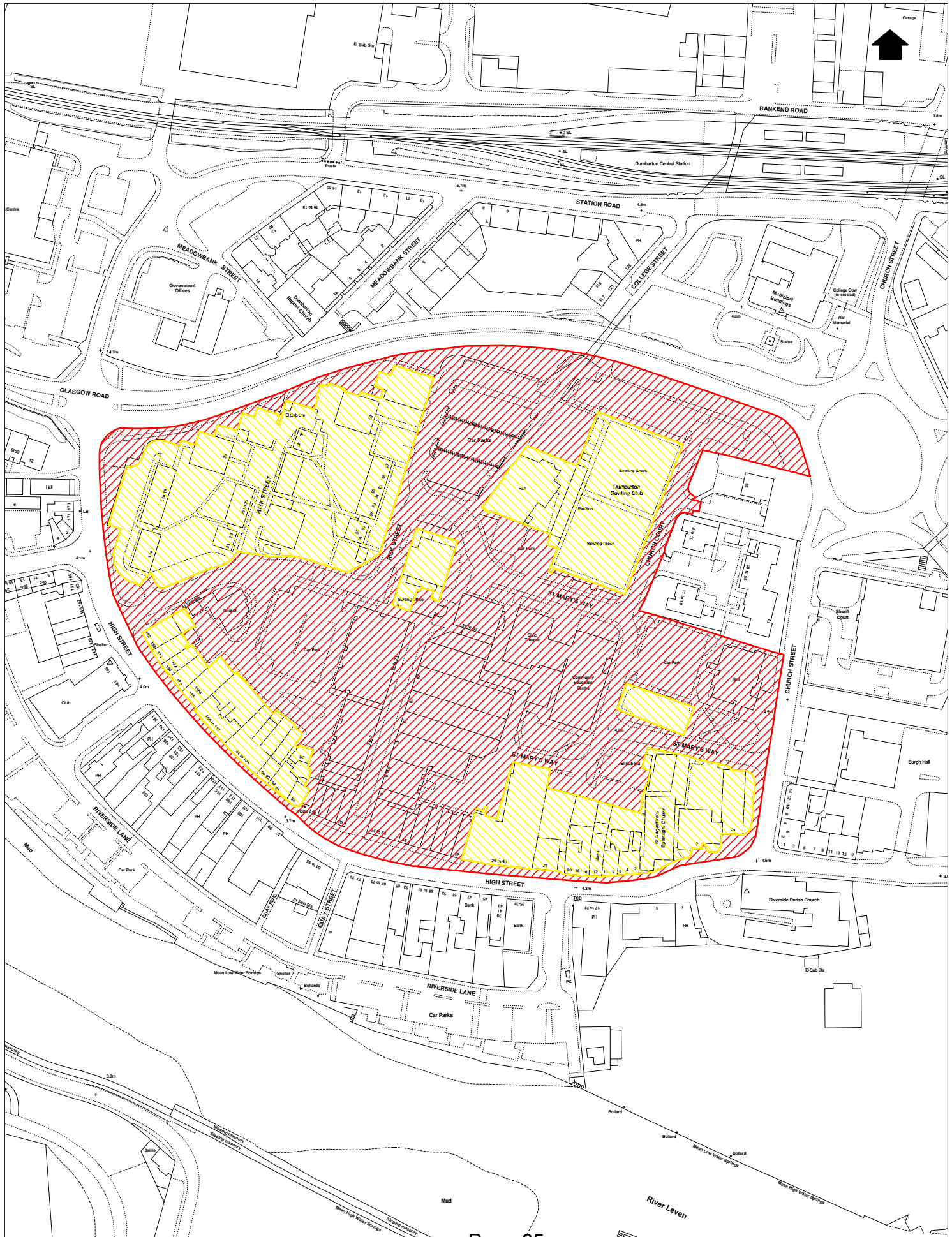
West Dunbartonshire Council

Title : Dumbarton Town Centre

Map No : AM157A Map Ref : NS3975SE

Date : 05/12/2016 Scale : 1:2500

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MANAGEMENT RULES FOR ADMINISTRATION OF SHOPPING CENTRES

West Dunbartonshire Council, incorporated under the Local Government etc (Scotland) Act 1994 and having its principal offices at Council Offices, Garshake Road, Dumbarton, by virtue of the powers contained in Sections 112 to 118 of the Civic Government (Scotland) Act 1982, do hereby make the following Management Rules for the good management and regulation of shopping centres within the boundaries of West Dunbartonshire, from time to time vested in or under the Council's management or control.

INTERPRETATION OF TERMS

1. Throughout these Management Rules:-
 - (a) "Council" means West Dunbartonshire Council, including the Proper Officer and Officers to whom its functions have been delegated.
 - (b) "Notice" means a duly authorised Notice posted on, at or near the place to which it refers.
 - (c) "The Management Company" means the company or other body responsible for the management of the shopping centre.
 - (d) "The Centre" means any part of the following shopping centres and town centres which are owned, occupied or managed by the Council.
 - (i) Clyde Shopping Centre as same is generally bounded by Seaforth Road, Argyll Road, incorporating the car parking area to the west of Argyll Road, Chalmers Street, and Kilbowie Road Clydebank.
 - (ii) Dalmuir Shopping Centre as same is generally bounded by Dunswin Avenue, Swindon Street, Dumbarton Road, and Dunn Street, Clydebank.
 - (iii) Alexandria Town Centre as same is generally bounded by Bank Street, Mitchell Way, to the rear of 2 Mitchell Way, Main Street, incorporating the car park situated to the north of the Leisure Centre, incorporating the car park to the rear of 146-168 Main Street and thereafter bounding Main Street Alexandria.
 - (iv) Dumbarton Town Centre as same is generally bounded by Glasgow Road, Church Court, Church Street and High Street, Dumbarton.

All of which shopping centres and town centres are delineated and hatched red on the plans attached hereto (excepting those areas coloured yellow). Unless the contrary intention is expressed these rules will not apply to public roads, within the meaning of the Roads (Scotland) Act 1984, or within the shops, offices and business premises contained within permanent buildings within the Centre. The Management Rules will, however, apply to all entrance ways abutting same.

- (e) "Proper Officer" means the Officer authorised, from time to time, by West Dunbartonshire Council in connection with these Management Rules or any other person appointed to assist the Proper Officer.

OPENING TIMES

2. The Centre shall be opened during such hours as may from time to time be intimated by Notice, subject always to the Council's right, at any time, to close the Centre or any part thereof. The Council may, for any special purpose, use the Centre or any part thereof, or grant the use of it or any part thereof to any person or persons for such a period as the Council considers fit. No unauthorised persons shall enter or remain in the Centre or any part thereof at any time when it is closed to the public. All visitors shall leave the Centre at closing time.

ACCESS AND EGRESS

3. No person shall enter or leave the Centre except by way of the designated entry and exit points.

INFANTS

4. All infants frequenting the Centre must be under the care and supervision of a responsible adult at all times.

ANIMALS

5. Subject to Management Rule Number 6 relating to dogs, no person shall bring or cause to be brought into the Centre any animal unless with the agreement of the Council.

DOGS

6. (a) No person shall cause or allow any dog belonging to him or in his charge, to enter or remain in any part of the Centre designated by the Council as a prohibited area for dogs, and specified as such by a notice or sign affixed or set up in a conspicuous position.
- (b) The foregoing paragraph of this Management Rule shall not apply to a guide dog which is accompanying a blind person, nor to a hearing dog which is accompanying a deaf person.
- (c) Without prejudice to the foregoing, no person shall cause or allow any dog belonging to him or in his charge to enter or remain in the Centre unless he/she ensures such dog is on a leash and under proper control. Further, no person shall cause or allow any dog belonging to him/her or in his charge to enter upon any grassed, cultivated or planted area and no person shall allow any dog to cause annoyance or worry to any other person, animal or bird in the Centre.
- (d) Without prejudice to the foregoing, any person who causes or allows any dog belonging to him/her or in his/her charge to enter or remain in the Centre shall require to remove any excrement which is deposited by that dog within any part of the Centre.

VEHICLES

7. No person shall, other than with the consent of the Proper Officer, at any time, otherwise than in the car parks and access and egress roads thereto:-
 - (a) wheel, drive or cause to be driven in the Centre any mechanised machinery or vehicle other than a mobility aid used for the assistance of a disabled person.
 - (b) cycle within the Centre except where authorised signs so permit.
 - (c) wheel, ride, drive or cause to be driven in the Centre any barrow, truck, bicycle, perambulator, mechanised machinery or other type of vehicle over any growing material in the Centre.
 - (d) at any time drive or propel any motor vehicle otherwise than in strict conformity with the directional signs for traffic displayed within the Centre.
 - (e) park or leave a vehicle within a car park or any other part of the Centre after a time indicated as the closing time for that car park or other part of the Centre.
 - (f) park or leave a vehicle within the Centre except within designated parking bays of the car park.

- (g) park or leave a vehicle, other than a taxi, in a taxi rank.
- (h) utilise the car parks contained within the Centre for any purpose other than visiting the Centre or collecting someone visiting the Centre.

This Management Rule **will not** apply to:-

- (i) Council Officers acting properly in the course of their duties.
- (ii) ambulances, Police cars and fire engines or other vehicles used by emergency services.
- (iii) Public utility vehicles or vehicles used by the Management Company for the cleaning or security of the Centre.
- (iv) persons using vehicles to deliver goods to or otherwise service the shops within the Centre, provided such delivery or servicing could not reasonably have been carried out other than in contravention of this Management Rule.

USE OF SHOPPERS' TROLLEYS

8. No person shall:-

- (a) take a trolley outside the Centre.
- (b) after using a trolley, leave or cause same to be left anywhere in the Centre otherwise than at the shop or store of origin, or within the trolley bays or collection points designated for that purpose within the car parks or other parts of the Centre.
- (c) propel a trolley so as to cause a nuisance or annoyance to any person or cause damage to any property.

PROTECTION OF PROPERTY AND PERSONS

9. In the Centre, no person shall:-

- (a) remove, deface, displace, injure or destroy any authorised board, plate or notice or any support fastening or fitting pertaining thereto.
- (b) remove, deface, displace, injure, destroy, soil or defile the ground or floor of the Centre or any wall, fence or gate in or enclosing the Centre or any shelter, barrier, railing, post, seat, monument, building or other erection, tree or shrub.
- (c) climb any building, wall, parapet, fence, gate, tree, barrier, railing, gatepost, monument, shelter or other erection.

- (d) remove, move or replace any sign, railing, barrier, gate, post or seat or any part of any erection or any implement provided for the carrying out of work at the Centre.
- (e) throw or deposit or cause to be thrown or deposited any paper, bottles, cans, glass, rubbish, refuse or anything whatsoever in such circumstances as to cause or contribute to, or tend to lead to, the defacement by litter of the Centre. All refuse to be collected from commercial premises shall be properly stored and located at the relevant refuse collection points.
- (f) throw or discharge any stone or other missile to the injury or danger of any person, light any fire or discharge or fire any fireworks or firearm.
- (g) pick, damage or destroy flowers or other growing material.
- (h) enter any building or area to which access to members of the public is excluded by notice marked "Private" or "Closed" or otherwise.
- (i) commit any nuisance or cause any obstruction or annoyance to any person using the Centre.
- (j) ride or cause to be ridden any roller shoes, roller-skates, skateboards or rollerblades.
- (k) consume or take any drugs, or inhale or take any substances liable to make him/her behave in a manner which causes offence or constitutes a danger to the general public and/or the Centre.
- (l) behave indecently or use any obscene, profane or insulting language.
- (m) consume alcoholic liquor as defined in the Licensing (Scotland) Act 2005 or enter or remain in the Centre whilst intoxicated.
- (n) engage in any ball game.
- (o) photograph any person with a view to sale of photographs without the consent of the Council.
- (p) bathe, wade or wash in any water (including any pond, stream or ornamental water).

FURTHER PROHIBITIONS

10. Within the Centre, no person shall, unless special permission has been granted by the Council, in writing,
 - (a) erect any notices, posters, flags, adverts, hoardings or affix same to any building, nor shall they leave any trailer or vehicle advertisements in the Centre.
 - (b) sing, deliver or utter any speech, lecture or address or hold or cause to be held or take part in any service, public discussion, procession, band, parade, demonstration or other public assembly.
 - (c) play on or make or cause to be made any sound with a musical instrument or give or take part in any performance or exhibition.
 - (d) play or cause to be played any device capable of playing audio and/or video or other instrument to the annoyance of any persons using the Centre and any such person shall comply with the instructions from the Proper Officer to lower the volume or cease to play such device or other instrument.
 - (e) solicit or collect money, gifts or subscriptions.
 - (f) distribute any bill, placard, notice or other printed paper or document, or place upon or affix to any of the buildings, notice boards, trees, walls or railings of or in the Centre, any placard, advertisement or notice.
 - (g) sell, offer or expose for sale, let or hire or offer or expose for letting or hire any commodity or article within the Centre. In the event that written permission is granted to an individual in respect of the above, that individual shall require to leave the area occupied by him/her in a neat and tidy condition and shall place all rubbish in plastic sacks or boxes in order that same may be collected and removed without difficulty by the Council.
 - (h) canvass or interview members of the public with a view to providing any service within or outwith the Centre, or offer the provision of a credit card service, the joining of any organisation or subscriptions for magazines, books, journals and catalogues.
 - (i) conduct surveys of or collect petitions from members of the public frequenting the Centre.

CONTRAVENTION OF THE RULES

11. No person shall interfere with or prevent the carrying on of any work in the Centre by persons authorised so to do.
12. Every person entering the Centre shall comply with any reasonable direction or request of the Council or the Proper Officer for the maintenance of order and regularity and for carrying these Management Rules into effect. Nothing in the foregoing Management Rules shall limit the powers of a Police Officer nor limit or interfere with the common law powers of the owners or lessees of the Centre.
13. The Council or the Proper Officer may direct that some or all of the Management Rules will not apply to certain persons during a specified period. Any such direction, which must be in writing, must be exhibited to the Proper Officer or any Police Officer upon demand.
14. The Proper Officer may, if he has reasonable grounds for believing that a person has contravened, is contravening or is about to contravene any of these Management Rules, expel that person and/or exclude that person from the Centre.
15. Any person who on being required to leave the Centre by the Proper Officer (who has reasonable grounds for believing that the person has contravened, is contravening or is about to contravene any Management Rule applying to the Centre) fails to leave, or having been excluded from the Centre, re-enters or attempts to re-enter the Centre, shall be guilty of an offence and liable on Summary Conviction to a fine not exceeding level 1 on the Standard Scale. Similarly, any person subject to an Exclusion Order under Section 117 of the Civic Government (Scotland) Act 1982 who enters or attempts to enter the Centre to which the Exclusion Order relates shall be guilty of an offence and liable as above.

Date: _____

Signed By: _____

Peter Hessett
Strategic Lead - Regulatory
West Dunbartonshire Council
Garshake Road
Dumbarton