

## LICENSING COMMITTEE

At a meeting of the Licensing Committee held in the Council Chamber, Council Offices, Rosebery Place, Clydebank on Wednesday 3 December 2003 at 11.00 a.m.

**Present:** Provost Alistair Macdonald and Councillors Dennis Brogan, Duncan McDonald and Connie O'Sullivan.

**Attending:** Nigel Ettles, Principal Solicitor and Nuala Borthwick, Administrative Assistant.

**Apologies:** Apologies for absence were intimated on behalf of Councillors Denis Agnew, Jack Duffy and Linda McColl.

## APPOINTMENT OF CHAIR

1343 In the absence of the Convener, Councillor Duffy, it was agreed that the Meeting would be chaired by Provost Macdonald.

## MINUTES OF PREVIOUS MEETING

1344 The Minutes of the Meeting of the Committee held on 1 October 2003 were submitted and noted.

## NOTE OF VISITATION

1345 A Note of Visitation carried out on 3 November 2003, a copy of which is appended hereto, was submitted and noted.

## APPLICATIONS FOR GRANT OF STREET TRADERS' LICENCES

	<b>(a) <u>Name and Address of Applicant</u></b>	<b><u>Date Applied</u></b>
--	---	----------------------------

	Alan McDevitt 18 Colquhoun Road Milton Dumbarton	7 August 2003
--	---	---------------

1346 With reference to the Minutes of Meeting of the Committee held on 1 October 2003 (pages 314/6, paragraphs 865-870 refer), a further report was submitted by the Head of Legal and Administrative Services concerning an application for grant of a Street Trader's Licence by the above named person.

1347 The licence was required for trading in hot and cold snacks from a mobile snack van which would be located at Main Street, Alexandria.

1348 Having heard the Principal Solicitor it was noted:-

- (i) that only one of the objectors to the application, Mr Terry Lanagan, Head Teacher, Vale of Leven Academy, was present at the meeting; and
- (ii) that only Members of the Licensing Committee who were not in attendance at the meeting of the Committee on 1 October 2003, should take part in deliberation and determination of the application. Accordingly, it was agreed that Councillor Brogan would not take part in the proceedings.

1349 Mr Lanagan was then invited to address the Committee with respect to his objection, following which the applicant's representative, Mr Tony Dance, addressed the Committee with questions for Mr Lanagan which Mr Lanagan duly answered.

1350 At this point in proceedings, Provost Macdonald intimated that one of the other objectors to this application, Mr Ralph Colaluca, was on route to the meeting and wished to be heard. It was agreed to adjourn the meeting to allow Mr Colaluca sufficient time to attend. The meeting was adjourned at 11.13 a.m. and reconvened at 11.28 a.m. with the same Members and officers present as listed in the sederunt.

1351 Following resumption of the meeting, Mr Colaluca was invited to come forward and made his views on the application known.

1352 The applicant and his representative, Mr Dance, were then invited to address the Committee in support of the application. In this regard a copy of a submission by the applicant was circulated to Members and Mr Dance was heard in elaboration thereof.

1353 After consideration it was agreed that the application be refused because granting the application would have had a detrimental effect on road safety due to the proposed location of the mobile snack van.

<b>(b)</b>	<b><u>Name and Address of Applicant</u></b>	<b><u>Date Applied</u></b>
	Eamonn Cairns 7 Delhi Avenue Dalmuir Clydebank	2 October 2003

1354 A report was submitted by the Head of Legal and Administrative Services concerning an application for grant of a Street Trader's Licence by the above named person.

- 1355 It was noted that a representation in relation to the application had been submitted on behalf of the Chief Constable and that the applicant and a representative of the local Police authority had been invited to attend the meeting in order that a hearing may take place.
- 1356 The applicant, together with his representative, Mr McIlwham, and the representative of the Police, Sergeant Jeffrey, who were in attendance, were invited to come forward.
- 1357 The applicant's representative was given the opportunity to address the Committee in support of the application.
- 1358 Sergeant Jeffrey was then given the opportunity to address the Committee in relation to the representation which had been submitted on behalf of the Chief Constable. It was noted that the Chief Constable did not object to the application, but suggested that the Committee might wish to consider whether or not the applicant was a fit and proper person to hold a Street Trader's Licence in the light of the information provided by the Police.
- 1359 After consideration it was agreed that the application be granted.

#### **DECLARATION OF NON-PECUNIARY INTEREST**

- 1360 Provost Macdonald declared a non-pecuniary interest in relation to the application by Mr. Stephen Durand detailed in the undernoted item and took no part in the Committee's deliberation and determination in relation thereto.

<b>(c)</b>	<b><u>Name and Address of Applicant</u></b>	<b><u>Date Applied</u></b>
	Stephen Durand 28 Birch Road Parkhall Clydebank	2 October 2003

- 1361 A report was submitted by the Head of Legal and Administrative Services concerning an application for grant of a Street Trader's Licence (Employee) by the above named person.
- 1362 It was noted that a representation in relation to the application had been submitted on behalf of the Chief Constable and that the applicant and a representative of the local Police authority had been invited to attend the meeting in order that a hearing may take place.
- 1363 The applicant together with his representative, Mr McIlwham, and the representative of the Police, Sergeant Jeffrey, who were in attendance, were invited to come forward.

1364 The Committee heard Mr McIlwham in support of the application. Thereafter Sergeant Jeffrey addressed the Committee in further explanation of the matters referred to in the representation from the Police as detailed in the report.

1365 Following discussion the Committee agreed to grant the application and agreed that, if pending criminal proceedings against Mr Durand resulted in a conviction, the matter would be reported to the Committee.

#### **APPLICATIONS FOR RENEWAL OF TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE**

(a)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Francis Meehan 22 Davidson Street Whitcroft Clydebank	25 July 2003

1366 With reference to the Minutes of Meeting of the Committee held on 1 October 2003 (page 317, paragraph 879 refers) a further report was submitted by the Head of Legal and Administrative Services concerning an application for renewal of a Taxi/Private Hire Car Driver's Licence by the above named person.

1367 It was noted that an objection to the application had been submitted on behalf of the Chief Constable and that the applicant and a representative of the local Police authority had been invited to attend the meeting in order that a hearing may take place.

1368 The applicant and the representative of the Police, Sergeant Jeffrey, who were in attendance, were invited to come forward.

1369 The applicant was invited to address the Committee in support of his application.

1370 Sergeant Jeffrey was then given the opportunity to address the Committee in support of the objection which had been submitted. It was noted that the objection was on the grounds that the applicant was not a fit and proper person to hold a licence for the reasons detailed in the report.

1371 After consideration it was agreed that the application be granted and that, if pending criminal proceedings against Mr Meehan resulted in a conviction, the matter would be reported to the Committee.

<b>(b)</b>	<b><u>Name and Address of Applicant</u></b>	<b><u>Date Applied</u></b>
	George Macduff 3 Francis Hendry Walk Garelochhead	27 October 2003
1372	A report was submitted by the Head of Legal and Administrative Services concerning an application for renewal of a Taxi/Private Hire Car Driver's Licence by the above named person.	
1373	It was noted that a representation in relation to the application had been submitted on behalf of the Chief Constable and that the applicant and a representative of the local Police authority had been invited to attend the meeting in order that a hearing may take place.	
1374	The applicant together with his representative, Mr Crozier, and the representative of the Police, Sergeant Jeffrey, who were in attendance, were invited to come forward.	
1375	The applicant's representative addressed the Committee in support of the application.	
1376	Sergeant Jeffrey was then given the opportunity to address the Committee in support of the representation which had been submitted.	
1377	After consideration the Committee agreed to grant the application and agreed that, if pending criminal proceedings against Mr Macduff resulted in a conviction, the matter would be reported to the Committee.	

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

	<b><u>Name and Address of Applicant</u></b>	<b><u>Date Applied</u></b>
	Darren Meechan 1d Sunderland Avenue Dumbarton	3 October 2003
1378	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.	
1379	It was noted that a representation in relation to the application had been submitted on behalf of the Chief Constable and that the applicant and a representative of the local Police authority had been invited to attend the meeting in order that a hearing may take place.	

1380 The applicant together with his representative, Mr Billy Neeson (Taxi Owners Association), and the representative of the Police, Sergeant Jeffrey, who were in attendance, were invited to come forward.

1381 The applicant and his representative were both heard by the Committee in support of the application.

1382 Sergeant Jeffrey was then heard and it was noted that the Chief Constable did not object to the granting of the licence, but would wish the applicant's conduct to be monitored.

1383 After consideration the Committee agreed to grant the application.

The meeting closed at 12.40 p.m.