

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 16 August 2017 at 2.00 p.m.

Present: Councillors Jim Brown, Ian Dickson, Jim Finn, Jonathan McColl, Marie McNair and John Mooney.

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

Also Attending: Sergeant Angela Walker, Police Scotland.

Apologies: Apologies for absence were intimated on behalf of Councillors Lawrence O'Neill and Brian Walker.

Councillor Jim Finn in the Chair

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in any of the items of business on the agenda.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Licensing Committee held on 14 June 2017 were submitted and approved as a correct record.

APPLICATIONS FOR GRANT OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE

(a)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	Kevin Maxwell 138 Lennox Drive Faifley Clydebank G81 5DT	19 June 2017

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

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

- (a) that a letter had been received from the Chief Superintendent of the Police authority advising that the Chief Constable had a representation to make in relation to the application;
- (b) that in view of the representation, the applicant and a representative of the Police authority had been invited to attend the meeting of the Committee in order that a hearing could take place;
- (c) that the applicant and a representative of the Police authority, Sergeant Walker, were in attendance.

The Committee then heard from Sergeant Walker in relation to the letter of representation from the Police authority.

Mr Maxwell, having heard the Police representation, was then given the opportunity to address the Committee in support of the application. Thereafter, Mr Maxwell answered questions from Members.

DECIDED:-

After consideration, the Committee agreed that the application be granted for a period of 1 year and that Mr Maxwell's first application for renewal of the licence be referred to the Committee for consideration and determination.

Note: Councillor Dickson entered the meeting during consideration of the above application.

(b) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
Alan Ritchie 6 Empire Road Rhu Helensburgh G84 8LT	10 July 2017

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

Having heard the Section Head (Licensing), it was noted that the applicant had intimated in advance of the meeting that he would be unable to attend the

meeting and had requested that the application be continued until the next meeting of the Committee.

DECIDED:-

It was agreed that consideration of the application be continued to the next meeting of the Licensing Committee.

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

<u>Name and Address of Applicant</u>	<u>Date Applied</u>
Paul Monaghan 33 Alclutha Avenue Dumbarton G82 2NX	11 May 2017

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

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

- (a) that a letter had been received from the Chief Superintendent of the Police authority advising that the Chief Constable had a representation to make in relation to the application;
- (b) that at the meeting of the Licensing Committee held on 14 June 2017, the applicant was not present and it was agreed that the application be continued to the next meeting in order that the applicant be given a further opportunity to appear before the Committee;
- (c) that in view of the representation, the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing could take place and that Mr Monaghan was not present at the meeting;
- (d) that Members may wish to consider the application in his absence or continue to the next meeting to give Mr Monaghan a further opportunity to attend.

Having agreed to hear the application in Mr Monaghan's absence, the Committee then heard from Sergeant Walker in relation to the letter of representation from the Police authority. Thereafter, the legal officer was heard in answer to Members' questions.

DECIDED:-

Following consideration, the Committee agreed:-

- (1) ¹that the application be refused on the grounds that the applicant was not a fit and proper person to be the holder of a Taxi Driver's/Private Hire Car Driver's Licence; and
- (2) the applicant had twice failed to attend meetings of the Committee at which the application was to be determined.

APPLICATIONS FOR GRANT OF A TEMPORARY TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE

(a) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
Joseph Elvin 70 Carleith Avenue Duntocher Clydebank G81 6JA	17 March 2017

A report was submitted 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.

It was noted that a letter had been received from the Chief Superintendent of the Police Authority submitting comments in relation to the application. It was further noted that that the applicant and a representative of the Police authority had been invited to the meeting and that Mr Elvin was not present at the meeting.

DECIDED:

That it was not necessary to hear from the representative of the Police authority and that the application be refused on the grounds that the applicant had twice failed to attend the meetings of the Committee at which the application was to be determined.

(b) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
Darren Gallagher 10 Briar Drive Parkhall Clydebank G81 3HX	19 April 2017

A report was submitted 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.

¹ As corrected by the Licensing Committee at its meeting on 11 October 2017.

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

- (a) that a letter had been received from the Chief Superintendent of the Police authority advising that the Chief Constable had an objection to make in relation to the application;
- (b) that in view of the objection, the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place;
- (c) that copies of the letter of objection from the Police authority had been issued to Members of the Committee in advance of the meeting;

It was noted that the applicant and a representative of the Police authority, Sergeant Walker, were in attendance.

The Committee then heard from Sergeant Walker in relation to the objection submitted by the Police authority.

The applicant was then given an opportunity to address the Committee in support of his application.

DECIDED:-

Following consideration, the Committee agreed that the application be refused on the grounds that the applicant was not a fit and proper person to be the holder of a Temporary Taxi Driver/Private Hire Car Driver's Licence.

(c) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
George Spence 59 Main Street Alexandria G83 0PD	29 June 2017

A report was submitted 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.

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

- (a) that a letter had been received from the Chief Constable of the Police authority on 25 July 2017 submitting comments in relation to the application;
- (b) that copies of the letter from the Police authority dated 25 July 2017, had been issued to Members of the Committee in advance of the meeting; and

- (c) that the licence holder and a representative of the Police authority, Sergeant Walker, were in attendance.

The Committee then heard from Sergeant Walker in relation to the letter from the Police authority and in answer to Members' questions.

Thereafter, the licence holder was given the opportunity to address the Committee in support of his application and in connection with the circumstances relating to matters detailed in the Police letter. The licence holder was also heard in answer to Members' questions.

DECIDED:-

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

**HEARING REGARDING POSSIBLE SUSPENSION OF TAXI DRIVER'S/
PRIVATE HIRE CAR DRIVER'S LICENCE**

A report was submitted by the Strategic Lead – Regulatory requesting consideration of the possible suspension of a Taxi Driver's/Private Hire Car Driver's Licence held by Mr Daniel Adams following a complaint which has been submitted by Police Scotland.

Having heard the Section Head (Licensing), it was noted that Police Scotland had withdrawn their complaint and accordingly, there was no longer a requirement to hold a Suspension Hearing.

EXCLUSION OF PRESS AND PUBLIC

Having heard the Section Head (Licensing) in relation to outstanding convictions of the licence holder, the Committee agreed to pass the following resolution:-

"That by virtue of Paragraph 14 of Part 1 of Schedule 7A 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 any action taken or to be taken in connection with the prevention, investigation or prosecution of crime".

**HEARING REGARDING POSSIBLE SUSPENSION OF TAXI DRIVER'S/PRIVATE
HIRE CAR DRIVER'S LICENCE**

A report was submitted 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.

Following discussion and having heard the Section Head (Licensing), it was noted:-

- (a) that a letter had been received from the Chief Constable of Police Scotland on 7 July 2017 requesting the suspension of a Taxi Driver's/Private Hire Car Driver's Licence under Paragraph 11(1) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the grounds that the carrying on of the activity to which the licence relates is likely to cause a threat to public safety;
- (b) that in view of the request for suspension of the licence received from the Police, the licence holder and a representative of Police Scotland had been invited to attend the meeting in order that a hearing may take place;
- (c) that copies of the letter from Police Scotland had been issued to Members of the Committee in advance of the meeting;
- (d) that the matters which the Committee was required to consider were as follows:-
 - (i) whether the misconduct had been established;
 - (ii) if the Committee was satisfied that the alleged misconduct had been established, whether, having regard to the misconduct, the licence holder was no longer a fit and proper person to hold a taxi driver's licence;
 - (iii) if the Committee was of the opinion that the licence holder was no longer a fit and proper person, then the Committee must consider whether his licence should be suspended;
 - (iv) if the Committee was satisfied that the licence should be suspended, the Committee must give the licence holder an opportunity to be heard on the length of the suspension and the date from which the suspension should commence; and
 - (v) the Committee must then consider what length of suspension would be appropriate and whether the circumstances of the case would justify immediate suspension.

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

The Committee then heard from Sergeant Walker in relation to the letter from Police Scotland.

Thereafter, the licence holder was given an opportunity to address the Committee on the circumstances detailed in the letter from the Police authority and answered questions from Members.

DECIDED:-

After consideration, it was agreed:-

- (1) that the alleged misconduct had been established; and
- (2) that the licence holder remained a fit and proper person to hold a taxi/private hire car driver's licence.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 REVIEW OF TAXI FARES AND CHARGES CLYDEBANK TAXI LICENSING ZONE

A report was submitted by the Strategic Lead – Regulatory seeking consideration of a proposed review of fares and charges applicable to taxis operating within the Clydebank Taxi Licensing Zone.

Having heard the Section Head (Licensing) and the Senior Officer (Licensing Services), it was noted:-

- (a) that a representation was submitted from taxi operator Allan MacLeod on 16 June 2017 seeking further consideration of the proposals in relation to the proposals and suggesting that the review did not comply with the Civic Government (Scotland) Act 1982, making reference to circular number 25/1986 issued at the same time as guidance to local authorities by the Scottish Office on the subject of Licensing and Regulation of Taxi and Private Hire Cars; and
- (b) that Mr Allan MacLeod, Acting Secretary of Clydebank Public Hire Association and Mr John Gallacher, Multiple Taxi Plate Holder, were in attendance at the meeting;

The Committee then heard from Mr Allan MacLeod in relation to his representation and his proposals for scales for taxi fares and related charges.

The Committee also heard from Mr John Gallacher in relation to his concerns with proposals discussed at the meeting.

DECIDED:-

Following discussion and having heard officers in answer to Members' questions, the Committee agreed the undernoted motion by Councillor McColl:-

- (1) to fix taxi fares and related charges as detailed below:-
 - With regards Fares by Distance/Waiting Times, there be no change.
 - With regards Christmas Day and New Year tariffs, there be no change.
 - With regards Charges when Carrying Five or More Passengers, there be no change.
 - With regard Fares Where the Journey Terminates Outwith the West Dunbartonshire Area, there be no change.

- With regard the Soiling Fee we agree to the request from the trade to stipulate the £50 maximum charge.
 - With regard charges where the customer no longer requires a pickup but does not cancel, we agree to extend the £2.50 fee to hires booked on an App.
- (2) furthermore, while Committee agrees that previous consultations have been compliant with the relevant legislation, we are happy going forward to extend consultations to drivers, and we instruct officers to make suitable arrangements for this in future years; with consultation outcomes for drivers and operators being reported separately.

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

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

DECIDED:-

Following discussion and having heard the Senior Officer (Licensing Services), it was agreed:-

- (1) that officers be authorised to arrange for the advertisement of the proposed fares and charges;
- (2) that it be noted that if representations or objections to the proposal are received, a further report on the matter would require to be considered by the Committee;
- (3) that should no objections or representations be received in relation to the proposal, authority would be delegated to the Strategic Lead – Regulatory, in consultation with the Chair of the Licensing Committee, to conclude the review without the requirement for the Committee to consider a further report on the matter; and
- (4) to extend consultations to drivers, and thereby instruct officers to make suitable arrangements for this in future years; with consultation outcomes for drivers and operators being reported separately.

AGE LIMIT OF VEHICLES OPERATING AS TAXIS AND PRIVATE HIRE CARS

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

- (a) seeking consideration of a submission received from the holder of a Private Hire Car Licence requesting an increase in the age limit of saloon vehicles operating as private hire cars from 10 years to 14 years; and
- (b) if acceptable, to consider recommendations from officers for further changes to age limits on other types of vehicle.

The Committee then heard from Mr L Cameron in relation to the above request.

Following discussion, the Committee agreed:-

- (1) to increase the age limit of saloon vehicles from 10 years to 14 years for private hire cars and taxis operating in both the Clydebank zone and the Dumbarton and Vale of Leven zone ;
- (2) that saloon cars/multi-purpose vehicles (MPVs) be permitted to operate until 14 years old and must be licensed prior to being 8 years old;
- (3) that adapted Wheelchair accessible Vehicles (WAVs) be permitted to operate until 14 years old with no restriction on age at first use; and
- (4) that purpose built WAVs be permitted to operate indefinitely with no restriction on age at first use.

MEDICAL EXEMPTION FOR A TAXI/PRIVATE HIRE DRIVER UNDER THE PRIVATE HIRE CAR DRIVERS' LICENCES (CARRYING OF GUIDE DOGS AND HEARING DOGS) (SCOTLAND) REGULATIONS 2004 AS PART OF THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982

A report was submitted by the Strategic Lead – Regulatory seeking consideration of a request from Ms Ann Kinnard to determine whether a medical exemption from the duty to carry an assistance dog is suitable.

DECIDED:-

After consideration, the Committee agreed:-

- (1) that, given the unique circumstances of the request, to grant the exemption for a period of 6 months; and
- (2) that a further report reviewing the applicant's requirement to continue the medical exemption would be submitted to the Committee prior to the end of the 6 month period.

The meeting closed at 3.54 p.m.