

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank on Tuesday, 2 February 2010 at 12.00 noon.

Present: Councillors Jim Brown, Jim Finn, Douglas McAllister, Jonathan McColl, Ronnie McColl and Willie McLaughlin.

Attending: Nigel Ettles, Principal Solicitor; Tony Cairns, Team Leader, Trading Standards; Robert Mackie, Senior Licensing Officer; and Scott Kelly, Committee Officer, Legal, Administrative and Regulatory Services.

Councillor Jim Finn in the Chair

DECLARATIONS OF INTEREST

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

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Licensing Committee held on 1 December 2009 were submitted and approved as a correct record.

WHEELCHAIR ACCESSIBLE TAXIS – DUMBARTON AND VALE OF LEVEN TAXI LICENSING ZONE

With reference to the Minutes of Meeting of the Committee held on 1 December 2009 (Pages XX refer), a report was submitted by the Head of Legal, Administrative and Regulatory Services concerning the possibility of first preference being given to taxi operators who have wheelchair accessible taxis when bids for Council contracts are being considered.

Following discussion and having heard the Principal Solicitor in further explanation and in answer to Members' questions, the Committee agreed:-

- (1) that the Head of Legal, Administrative and Regulatory Services should continue to seek ways of encouraging an increase in the number of wheelchair accessible taxis;

- (2) that a report should be submitted to a future meeting of the Committee providing an update on the number of wheelchair accessible taxis in the Dumbarton and Vale of Leven Taxi Licensing Zone in six months time; and
- (3) otherwise to note the contents of the report.

AGE LIMIT OF VEHICLES OPERATING AS TAXIS

With reference to the Minutes of Meeting of the Committee held on 1 December 2009 (Page XX refers), a report was submitted by the Head of Legal, Administrative and Regulatory Services concerning a representation submitted by Clydebank taxi operators, Mr John Strain and Mr John Green, requesting that consideration be given to extending the age limit of vehicles which have been adapted to carry wheelchair passengers from 10 years to 14 years.

The Committee heard the Principal Solicitor in further explanation and the Senior Licensing Officer in answer to Members' questions.

It was noted that Mr Green was in attendance and he was given the opportunity to address the Committee in support of his representation.

Following discussion, the Committee agreed to increase the age limit of the E7 and other vehicles which have been adapted to carry wheelchair passengers from 10 years to 14 years.

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

A report was submitted by the Head of Legal, Administrative and Regulatory Services concerning a proposed review of fares and charges applicable to taxis operating within the Clydebank Taxi Licensing Zone and the Dumbarton and Vale of Leven Taxi Licensing Zone.

Having heard the Principal Solicitor in further explanation, the Committee agreed:-

- (1) to authorise officers to arrange for the advertisement of the proposed status quo in the fares and charges;
- (2) to note that if representations or objections to the proposal were to be received, a further report on the matter would be considered at a future meeting of the Committee; and
- (3) that should no objections or representations be received in relation to the proposal, to delegate authority to the Head of Legal, Administrative and Regulatory Services, 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.

APPLICATION FOR RENEWAL OF SECOND HAND DEALER'S LICENCE

Name and Address of Applicant

Date Applied

Omer Dagli
11 Levenbank Terrace
Jamestown
Alexandria
G83 9HB

31 August 2009

With reference to the Minutes of Meeting of the Committee held on 1 December 2009 (Pages XX refer), a further report was submitted by the Head of Legal, Administrative and Regulatory Services concerning an application for renewal of a Second Hand Dealer's Licence by the above named person.

After hearing the Principal Solicitor, it was noted:-

- (a) that a letter dated 8 October 2009 had been received from the Chief Superintendent of the Police authority making a representation in relation to the application;
- (b) that an email dated 14 September 2009 had been received from the Trading Standards Department of West Dunbartonshire Council in relation to the activities of the applicant during the course of his business as a Second Hand Dealer;
- (c) that in view of the above, the applicant had been invited to attend the meeting of the Committee that had been held on 1 December 2009;
- (d) that at the meeting on 1 December 2009, the Committee had noted that a letter dated 25 November 2009 had been received from a solicitor acting on behalf of the applicant requesting that this matter be continued to a future meeting of the Committee as the solicitor was unable to attend on 1 December 2009;
- (e) that after consideration and having heard the Principal Solicitor in answer to Members' questions, the Committee had agreed to continue this matter to the next meeting of the Committee;

- (f) that the letter of 8 October 2009 from the Chief Superintendent, making the representation in relation to the application, had been received on 12 October 2009. The email from the Trading Standards Department had been received on 14 September 2009. In terms of the relevant legislation, a representation with respect to an application should have been submitted within 21 days of receipt of the application. As Mr Dagli's application had been received on 31 August 2009, any representation should have been submitted by 21 September 2009. There was, however, provision in the legislation for the Licensing Authority to entertain a late representation which had been received before a final decision had been made on an application if the Licensing Authority was satisfied that there had been sufficient reason why the representation had not been made in the time required;
- (g) that in view of the representations which had been received from the Police and the Trading Standards Department, the applicant, a representative of the Police authority and a representative of the Trading Standards Department had been invited to attend the meeting in order that a hearing may take place;
- (h) that it would be a matter for the Committee to decide initially whether the late representation from the Police should be entertained; and
- (i) that the terms of the letter from the Police and the submission from the Trading Standards Department would be made known to the Committee as appropriate.

It was noted that the applicant, the representative of the Police authority, Inspector Neeson, and the representative of the Trading Standards Department, Mr Tony Cairns were in attendance.

The Committee heard Inspector Neeson, who explained why the Police representation had been submitted outwith the statutory period.

It was noted that the applicant was accompanied by his solicitor, a Mr Wolfe, and Mr Wolfe was given the opportunity to comment on Inspector Neeson's explanation for the late submission of the Police representation.

The Committee agreed that the Police representation would be taken into consideration. Copies of the letter from the Police were accordingly circulated to Members of the Committee and to Mr Wolfe. Copies of the email from the Trading Standards Department were also circulated to Members of the Committee and to Mr Wolfe.

The Committee heard Inspector Neeson in relation to the representation.

The Team Leader, Trading Standards, was then invited to comment on the nature of the representation that had been made by the Trading Standards Department and he and Inspector Neeson were heard in answer to Members' questions.

Mr Wolfe was then given the opportunity to address the Committee in support of Mr Dagli's application and answered questions from Members.

After consideration and having heard the Principal Solicitor in answer to Members' questions, the Committee agreed that the application be granted for a period of three years and agreed that, should the applicant's pending case result in a conviction, consideration of the possible suspension of the applicant's licence would be referred to a meeting of the Committee and the applicant would be invited to attend that meeting.

APPLICATIONS FOR GRANT OF WINDOW CLEANER'S LICENCE

(a) <u>Name and Address of Applicant</u>	<u>Date Applied</u>
Simon Marment 2C Carmona Drive Balloch G83 8AL	4 November 2009

With reference to the Minutes of Meeting of the Committee held on 4 August 2009 (Pages 2099/2100 refer), a report was submitted by the Head of Legal, Administrative and Regulatory Services concerning an application for grant of a Window Cleaner's Licence by the above named person.

After hearing the Principal Solicitor, it was noted:-

- (a) that a letter had been received from the Chief Superintendent of the Police authority making a representation in relation to the application;
- (b) that Mr Marment had previously submitted an application for grant of a Temporary Window Cleaner's Licence to the Council on 26 May 2009. This application had subsequently been granted for a six week period at the Licensing Committee on 4 August 2009 with an expiry date of 14 September 2009;
- (c) that in view of the representation which had been received from the Police, the applicant and a representative of the Police authority had been invited to attend the meeting in order that a hearing may take place; and
- (d) that copies of the letter from the Police authority had been issued to Members of the Committee in advance of the meeting.

It was noted that the applicant and the representative of the Police authority, Inspector Neeson, were in attendance.

The Committee heard Inspector Neeson in relation to the representation which had been submitted and in answer to Members' questions. The applicant was then given the opportunity to address the Committee in support of his application and was heard in answer to questions from Members.

Councillor Finn, seconded by Councillor McAllister, moved:-

That the application be granted for a period of one year and that should there be any further misconduct on the part of Mr Marment, the first application for renewal of the licence would be referred to a meeting of the Committee for consideration and the applicant would be invited to attend that meeting.

As an amendment, Councillor J. McColl, seconded by Councillor Brown, moved:-

That the application be refused on the grounds that the applicant was not a fit and proper person to hold a Window Cleaner's Licence.

On a vote being taken, 3 Members voted for the amendment and 3 for the motion. There being an equality of votes, Councillor Finn used his casting vote in favour of the motion which was accordingly declared carried.

(b)	<u>Name and Address of Applicant</u>	<u>Date Applied</u>
	James Shaw 46 Caledonia Terrace Brucehill Dumbarton G82 4DZ	11 November 2009

A report was submitted by the Head of Legal, Administrative and Regulatory Services concerning an application for grant of a Window Cleaner's Licence by the above named person.

After hearing the Principal Solicitor, it was noted:-

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

The Committee agreed to continue consideration of the application to the next meeting as the applicant was not present.

APPLICATION FOR GRANT OF TEMPORARY EMPLOYEE STREET TRADER'S LICENCE

Name and Address of Applicant

Date Applied

Robert Docherty
1D Crescent Court
Dalmuir
Clydebank
G81 4AG

16 November 2009

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

After hearing the Principal Solicitor, it was noted:-

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

It was noted that the applicant and the representative of the Police authority, Inspector Neeson, were in attendance.

The Committee heard Inspector Neeson in relation to the representation which had been submitted and in answer to Members' questions. The applicant was then given the opportunity to address the Committee in support of his application and was heard in answer to questions from Members.

After consideration the Committee agreed that the application be granted for a period of six weeks and agreed that, should the applicant apply for a full licence, the application would be referred to a meeting of the Committee for consideration and the applicant would be invited to attend that meeting.

APPLICATION FOR GRANT OF TAXI LICENCE

Name and Address of Applicant

Date Applied

Mark Connelly
77 Broomhill Crescent
Alexandria
G83 9QT

9 November 2009

A report was submitted by the Head of Legal, Administrative and Regulatory Services concerning an application for grant of a Taxi Licence by the above named person.

After hearing the Principal Solicitor, it was noted:-

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

It was noted that the applicant and the representative of the Police authority, Inspector Neeson, were in attendance.

The Committee heard Inspector Neeson in relation to the representation which had been submitted.

The Committee agreed that the application be granted for a period of three years.

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

Name and Address of Applicant

Date Applied

John Neeson
20 Tullichewan Drive
Alexandria
G83 0JN

3 November 2009

With reference to the Minutes of Meeting of the Committee held on 4 November 2008, a report was submitted by the Head of Legal, Administrative and Regulatory Services concerning an application for renewal of a Taxi/Private Car Hire Driver's Licence by the above named person.

After hearing the Principal Solicitor, it was noted:-

- (a) that when Mr. Neeson applied for grant of his licence, a representation had been made by the Chief Superintendent of the Police authority in relation to the application. After a hearing at the meeting of the Committee on 4 November 2008, it had been agreed that the application be granted and that the applicant's first application for renewal of the licence be referred to the Committee for consideration and the applicant invited to appear before the Committee in this connection.

- (b) that in accordance with the decision of the Committee, the applicant had been invited to attend the meeting; and
- (c) that confirmation had been received from the Police authority that there was no Police objection or representation with respect to Mr Neeson's application for renewal of his licence.

It was noted that the applicant was not in attendance and that he had intimated in advance of the meeting that he would be unable to attend.

In the circumstances, the Committee agreed that the application be determined in the absence of the applicant.

After discussion, the Committee agreed that the application be granted for a period of one year.

The meeting closed at 1.05 p.m.