



Council Offices, Almada Street  
Hamilton, ML3 0AA

Monday, 15 November 2021

Dear Councillor

## **Licensing Committee**

The Members listed below are requested to attend a meeting of the above Committee to be held as follows:-

**Date:** Tuesday, 23 November 2021  
**Time:** 10:00  
**Venue:** By Microsoft Teams,

The business to be considered at the meeting is listed overleaf.

Yours sincerely

**Cleland Sneddon**  
**Chief Executive**

### **Members**

David Shearer (Chair), Julia Marrs (Depute Chair), John Ross (ex officio), John Bradley, Andy Carmichael, Poppy Corbett, Mary Donnelly, Grant Ferguson, Alistair Fulton, Geri Gray, George Greenshields, Lynsey Hamilton, Mark Horsham, Martin Grant Hose, Martin Lennon, Richard Lockhart, Eileen Logan, Catherine McClymont, Kenny McCreary, Colin McGavigan, Mark McGeever, Jim McGuigan, Davie McLachlan, Gladys Miller, Bert Thomson, Jim Wardhaugh

### **Substitutes**

Alex Allison, Robert Brown, Jackie Burns, Janine Calikes, Stephanie Callaghan, Margaret Cowie, Maureen Devlin, Ann Le Blond, Lynne Nailon, Carol Nugent, Mo Razzaq, Graham Scott, Collette Stevenson, Jared Wark

## BUSINESS

### 1 Declaration of Interests

### 2 Minutes of Previous Meeting

5 - 6

Minutes of the meeting of the Licensing Committee held on 2 November 2021 submitted for approval as a correct record. (Copy attached)

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### Urgent Business

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### 3 Urgent Business

Any other items of business which the Chair decides are urgent.

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### Exclusion of Press and Public

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### 4 Exclusion of Press and Public

It is recommended that the Committee makes the following resolution:-

"That, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, the press and public be excluded from the meeting for the following item(s) of business on the grounds that it is likely that there will be disclosure of exempt information in terms of Paragraphs 6 and 14 of Part I of Schedule 7A of the Act."

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### Item(s) for Decision

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### 5 Civic Government (Scotland) Act 1982 (As Amended) - Application for Late Hours Catering Licence

- Exempt information in terms of Paragraph 6 of Part I of Schedule 7A of the Act

### 6 Civic Government (Scotland) Act 1982 (As Amended) - Application for Late Hours Catering Licence

- Exempt information in terms of Paragraph 6 of Part I of Schedule 7A of the Act

### 7 Civic Government (Scotland) Act 1982 (As Amended) - Application for Late Hours Catering Licence

- Exempt information in terms of Paragraph 6 of Part I of Schedule 7A of the Act

### 8 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Driver's Licence No 170

- Exempt information in terms of Paragraph 14 of Part I of Schedule 7A of the Act

### 9 Civic Government (Scotland) Act 1982 (As Amended) - Application for Grant of Taxi Driver's Licence

- Exempt information in terms of Paragraph 14 of Part I of Schedule 7A of the Act

**10 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Driver Licence Number 383**

- Exempt information in terms of Paragraph 14 of Part I of Schedule 7A of the Act

***For further information, please contact:-***

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## LICENSING COMMITTEE

2

Minutes of meeting held via Microsoft Teams on 2 November 2021

### **Chair:**

Councillor David Shearer

### **Councillors Present:**

Councillor John Bradley, Councillor Andy Carmichael, Councillor Poppy Corbett, Councillor Margaret Cowie (*substitute for Councillor Catherine McClymont*), Councillor Maureen Devlin (*substitute for Councillor Bert Thomson*), Councillor Mary Donnelly, Councillor Grant Ferguson, Councillor Alistair Fulton, Councillor Geri Gray, Councillor Lynsey Hamilton, Councillor Mark Horsham, Councillor Martin Grant Hose, Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Eileen Logan, Councillor Julia Marrs (Depute), Councillor Kenny McCreary, Councillor Jim McGuigan, Councillor Davie McLachlan, Councillor Gladys Miller, Councillor Jim Wardhaugh

### **Councillors' Apologies:**

Councillor George Greenshields, Councillor Catherine McClymont, Councillor Mark McGeever, Councillor Richard Nelson, Councillor John Ross (ex officio), Councillor Bert Thomson

### **Attending:**

#### **Finance and Corporate Resources**

P MacRae, Administration Officer; G Mays, Legal Services' Adviser; C McKee, Licensing and Registration Co-ordinator; L Wyllie, Administration Assistant

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### **1 Declaration of Interests**

No interests were declared.

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### **2 Minutes of Previous Meeting**

The minutes of the meeting of the Licensing Committee held on 28 September 2021 were submitted for approval as a correct record.

**The Committee decided:** that the minutes be approved as a correct record.

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### **3 Urgent Business**

There were no items of urgent business.

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### **4 Exclusion of Press and Public**

**The Committee decided:** that, in terms of 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 was likely that there would be disclosure of exempt information in terms of Paragraph 14 of Part I of Schedule 7A of the Act.

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## **5 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Driver Licence No 383**

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A report dated 13 October 2021 by the Executive Director (Finance and Corporate Resources) was submitted:-

- ♦ advising on action taken, in terms of Standing Order No 36(c), in view of the timescales involved and a serious threat to public order or safety, by the Executive Director (Finance and Corporate Resources), in consultation with the Chair and an ex officio member, to order the immediate suspension of private hire car driver's licence No 383, with effect from 13 October 2021
- ♦ proposing that consideration be given to whether private hire car driver's licence No 383 should be suspended or revoked

In terms of the Civic Government (Scotland) Act 1982 (as amended), the opportunity of a hearing had been offered to the licence holder who was present. A complaint had been received from Police Scotland and Sergeant Rankin was heard.

The licence holder advised that he had engaged a solicitor but that his solicitor was not present to represent him. The Legal Services' Adviser having intimated that there was no record of any legal representation on behalf of the licence holder, the Chair agreed a short adjournment to allow the Legal Services' Adviser to attempt to contact the solicitor to clarify the position. Following the adjournment, the Legal Services' Adviser confirmed that he had been unable to contact the licence holder's solicitor.

Following discussion, it was proposed that this item of business be continued to the next meeting of the Committee to allow the licence holder the opportunity to arrange for his solicitor to be present.

### **The Committee decided:**

- (1) that the action taken, in terms of Standing Order No 36(c), by the Executive Director (Finance and Corporate Resources), in consultation with the Chair and an ex officio member, to suspend private hire car driver's licence No 383, with effect from 13 October 2021, for a maximum period of 6 weeks, be noted; and
- (2) that consideration of whether private hire car driver's licence No 383 should be suspended or revoked be continued to the meeting of the Licensing Committee to be held on 23 November 2021 to allow the licence holder's solicitor to be present and that, in the meantime, suspension of private hire car driver's licence No 383 for the Cambuslang and Rutherglen zone remain in place.

*In terms of Standing Order No 13, the Chair adjourned the meeting at 10.27am and reconvened at 10.37am*