

# LICENSING COMMITTEE

Minutes of meeting held via Microsoft Teams on 9 March 2021

## Chair:

Councillor David Shearer

## Councillors Present:

Councillor John Bradley (*substitute for Councillor Jim McGuigan*), Councillor Stephanie Callaghan, Councillor Andy Carmichael, Councillor Poppy Corbett, Councillor Mary Donnelly, Councillor Grant Ferguson, Councillor Geri Gray, Councillor Lynsey Hamilton, Councillor Mark Horsham, Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Eileen Logan, Councillor Katy Loudon, Councillor Julia Marrs (Depute), Councillor Catherine McClymont, Councillor Kenny McCreary, Councillor Mark McGeever, Councillor Davie McLachlan, Councillor Gladys Miller, Councillor Lynne Nailon (*substitute for Councillor Martin Grant Hose*), Councillor Bert Thomson, Councillor Jim Wardhaugh, Councillor Jared Wark (*substitute for Councillor Richard Nelson*)

## Councillors' Apologies:

Councillor George Greenshields, Councillor Martin Grant Hose, Councillor Jim McGuigan, Councillor Richard Nelson, Councillor John Ross (ex officio)

## Attending:

### Finance and Corporate Resources

M M Cairns, Legal Services Manager (Items 5 and 6 only); C Lyon, Administration Officer; C McKee, Licensing and Registration Co-ordinator; G Mays, Legal Services' Adviser; 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 16 February 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 items 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's Licence No 918**

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A report dated 10 February 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 918, with effect from 10 February 2021
- ♦ proposing that consideration be given to whether private hire car driver's licence No 918 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 and heard in support of retaining his licence. A complaint had been received from Police Scotland and Sergeant Rankin was heard.

Councillor McLachlan, seconded by Councillor Thomson, moved that the licence be not suspended or revoked but that a written warning be attached to the licence holder's file for failing to advise the licensing authority of his convictions. Councillor McClymont, seconded by Councillor Shearer, moved as an amendment that the licence be not suspended or revoked.

On a vote being taken by roll call, members voted as follows:-

### **Motion**

John Bradley, Stephanie Callaghan, Andy Carmichael, Poppy Corbett, Mary Donnelly, Grant Ferguson, Geri Gray, Lynsey Hamilton, Mark Horsham, Richard Lockhart, Eileen Logan, Katy Loudon, Kenny McCreary, Mark McGeever, Davie McLachlan, Julia Marrs, Gladys Miller, Lynne Nailon, Bert Thomson, Jim Wardhaugh, Jared Wark

### **Amendment**

Catherine McClymont, David Shearer

21 members voted for the motion and 2 members for the amendment. The motion was declared carried.

### **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 918, with effect from 10 February 2021, for a maximum period of 6 weeks, be noted; and
- (2) that private hire car driver's licence No 918 for the Cambuslang and Rutherglen zone be not suspended or revoked but that a written warning be attached to the licence holder's file for failing to advise the licensing authority of his convictions.

*Councillor Lennon left the meeting during this item of business*

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## **6 Civic Government (Scotland) Act 1982 (As Amended) – Application for Renewal of Private Hire Car Driver's Licence No 918**

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A report dated 18 February 2021 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the renewal of private hire car driver's licence No 918 in terms of the Civic Government (Scotland) Act 1982 (as amended).

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 and heard in support of his application. A complaint had been received from Police Scotland and Sergeant Rankin was heard.

Councillor McLachlan, seconded by Councillor Thomson, moved that the application be granted. Councillor McClymont, seconded by Councillor Shearer, moved as an amendment that the licence be granted for a period of 1 year.

On a vote being taken by roll call, members voted as follows:-

**Motion**

John Bradley, Stephanie Callaghan, Andy Carmichael, Poppy Corbett, Mary Donnelly, Grant Ferguson, Geri Gray, Lynsey Hamilton, Mark Horsham, Richard Lockhart, Eileen Logan, Katy Loudon, Kenny McCreary, Mark McGeever, Davie McLachlan, Julia Marrs, Gladys Miller, Lynne Nailon, Bert Thomson, Jim Wardhaugh, Jared Wark

**Amendment**

Catherine McClymont, David Shearer

21 members voted for the motion and 2 members for the amendment. The motion was declared carried.

**The Committee decided:** that the application for the renewal of private hire car driver's licence No 918 in the Cambuslang and Rutherglen zone be granted.

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## **7 Civic Government (Scotland) Act 1982 (As Amended) – Application for a Private Hire Car Driver's Licence**

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A report dated 18 February 2021 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a private hire car driver's licence in terms of the Civic Government (Scotland) Act 1982 (as amended).

In terms of the Civic Government (Scotland) Act 1982 (as amended), the opportunity of a hearing had been offered to the applicant who was present and heard in support of his application. A representation had been received from Police Scotland and Sergeant Rankin was heard.

Councillor Logan, seconded by Councillor Miller, moved that the application be granted for a period of 1 year. Councillor McGeever, seconded by Councillor Corbett, moved as an amendment that the licence be refused.

On a vote being taken by roll call, members voted as follows:-

**Motion**

Eileen Logan, Catherine McClymont, Gladys Miller

**Amendment**

John Bradley, Stephanie Callaghan, Andy Carmichael, Poppy Corbett, Mary Donnelly, Grant Ferguson, Geri Gray, Lynsey Hamilton, Mark Horsham, Richard Lockhart, Katy Loudon, Kenny McCreary, Mark McGeever, Davie McLachlan, Julia Marrs, Lynne Nailon, David Shearer, Bert Thomson, Jim Wardhaugh, Jared Wark

3 members voted for the motion and 20 members voted for the amendment which was declared carried.

**The Committee decided:**

that the application by D Abraham, 17 Wellbrae Road, Hamilton for a private hire car driver's licence in the Hamilton zone be refused.