

LICENSING COMMITTEE

Minutes of meeting held via Confero and in Committee Room 1, Council Offices, Almada Street, Hamilton on 7 November 2023

Chair:

Councillor Andy Carmichael

Councillors Present:

Councillor Poppy Corbett, Councillor Margaret Cowie (*substitute for Councillor Monique McAdams*), Councillor Mary Donnelly, Councillor Julia Marrs, Councillor Mark McGeever, Councillor David Shearer, Councillor Bert Thomson (Depute)

Councillors' Apologies:

Councillor Joe Fagan (ex officio), Councillor Monique McAdams, Councillor Helen Toner

Attending:

Finance and Corporate Resources

S Christie, Solicitor; M Gordon, Administration Assistant; C Lyon, Administration Officer; G Mays, Legal Services' Adviser; C McKee, Licensing and Registration Co-ordinator; S O'Neill, Solicitor; L Wyllie, Administration Assistant

Order of Business

The Committee decided: that the items of business be dealt with in the order minuted below.

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Licensing Committee held on 10 October 2023 were submitted for approval as a correct record.

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

3 Urgent Business

There were no items of urgent business.

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.

5 Civic Government (Scotland) Act 1982 (As Amended) - Application for Grant of Private Hire Car Driver's Licence

A report dated 19 October 2023 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the grant of 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 Brown was heard.

The Committee decided: that the application by N Ahmed, 23 Bonnyholm Avenue, Glasgow for the grant of a private hire car driver's licence in the Cambuslang and Rutherglen zone be granted for a period of 1 year.

6 Civic Government (Scotland) Act 1982 (As Amended) - Application for Grant of Private Hire Car Operator's Licence

A report dated 19 October 2023 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the grant of a private hire car operator'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 Brown was heard.

The Committee decided: that the application by N Ahmed, 23 Bonnyholm Avenue, Glasgow for the grant of a private hire car operator's licence in the Cambuslang and Rutherglen zone be granted for a period of 1 year.

7 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Taxi Driver's Licence No 149

A report dated 19 October 2023 by the Executive Director (Finance and Corporate Resources) was submitted proposing that consideration be given to whether taxi driver's licence No 149 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 not present or represented. A letter of complaint had been received from Police Scotland.

As the licence holder was not present, the Legal Services' Adviser intimated that the hearing could be continued to a future meeting to allow the licence holder a further opportunity to be present or could be dealt with in the licence holder's absence.

Following discussion, the Committee agreed that the hearing should proceed without the licence holder present.

The Committee decided: that taxi driver's licence No 149 for the East Kilbride zone be suspended with immediate effect for the remainder of the period of licence.

Councillor Thomson left the meeting after this item of business

8 Civic Government (Scotland) Act 1982 (As Amended) – Application for Grant of Taxi Driver's Licence

A report dated 19 October 2023 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the grant of a taxi driver's licence in terms of the Civic Government (Scotland) Act 1982 (as amended).

The Legal Services' Adviser clarified that the application was for the grant of a taxi driver's licence and not a private hire car driver's licence as stated in the heading of the report.

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. An objection had been received from Police Scotland and Sergeant Brown was heard.

A letter of support had also been received from Councillor Falconer.

Councillor Corbett, seconded by Councillor Marrs, moved that the application be granted for a period of 1 year. Councillor Shearer, seconded by Councillor Donnelly, moved as an amendment that the application be refused.

On a vote being taken electronically, 4 members voted for the motion and 3 for the amendment. The motion which was declared carried.

The Committee decided: that the application by M McTaggart, 119 Hall Street, Hamilton for the grant of a taxi driver's licence in the Hamilton zone be granted for a period of 1 year.

9 Civic Government (Scotland) Act 1982 (As Amended) – Consideration of Request to Lift Suspension of Private Hire Car Driver's Licence No 475

A report dated 30 October 2023 by the Executive Director (Finance and Corporate Resources) was submitted proposing that consideration be given to whether the suspension of private hire car driver's licence No 475 be lifted.

On 20 September 2022, the Committee had suspended private hire car driver's licence No 475 with immediate effect for the remainder of the period of licence.

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 accompanied by Mr Telkom. An update on court action had been received from Police Scotland.

The applicant had also submitted a letter from his solicitor.

The Committee decided: that the suspension of private hire car driver's licence No 475 be recalled with effect from 7 November 2023.

[Reference: Minutes of 20 September 2022 (Paragraph 7)]

Chair's Closing Remarks

The Chair referred to Gerry Mays' resignation from his post as Legal Services' Adviser with the Council. He was thanked for his service to this Committee and wished all the very best in his future employment. Councillor Shearer also thanked him for his service during the time he was Chair of this Committee.

G Mays responded in suitable terms.