

LICENSING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 24 March 2010

Chair:

Councillor Mary McNeill

Councillors Present:

Eileen Baxendale, Andy Carmichael, Barry Douglas, Anne Higgins, Bill Holman, Eileen Logan, Archie Manson, Brian McCaig, Clare McColl, Jean McKeown, Davie McLachlan, John McNamee, Alice Marie Mitchell, Patrick Ross-Taylor, Graham Scott, David Shearer, Hamish Stewart, Bert Thomson (Depute), Richard Tullett, David Watson

Councillors' Apologies:

Jim Docherty, Beith Forrest, Edward McAvoy

Attending:

Corporate Resources

C Lyon, Administration Officer; C McKee, Licensing Co-ordinator; M F O'Neill, Solicitor; T Stone, Licensing and Registration Manager

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Licensing Committee held on 24 February 2010 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(s) 6 and 14 of Part I of Schedule 7A of the Act.

5 Civic Government (Scotland) Act 1982 - Application for Grant of a Street Trader's Licence - T Dempsie, 10 Burnside Walk, Coatbridge

A report dated 24 February 2010 by the Executive Director (Corporate Resources) was submitted on an application for a street trader's licence in terms of the Civic Government (Scotland) Act 1982.

In terms of Section 39(4) of the Civic Government (Scotland) Act 1982, it was noted that, as no certificate of compliance had been submitted with the application for the vehicle from which the food was to be sold, the only option open to the Committee was to refuse the application.

The Committee decided: that the application by T Dempsie, 10 Burnside Walk, Coatbridge for the grant of a street trader's licence for the sale of hot and cold snacks at the north side of Technology Avenue, between the roundabouts at Bell Drive and Watt Place, Hamilton Technology Park be refused.

Councillors McLachlan and Tullett entered the meeting after the above item of business

6 Civic Government (Scotland) Act 1982 - Application for Grant of a Private Hire Car Driver's Licence - F Duffy, 1/1 32 Corlaich Avenue, Toryglen, Glasgow

A report dated 24 February 2010 by the Executive Director (Corporate Resources) was submitted on an application for a private hire car driver's licence in terms of the Civic Government (Scotland) Act 1982.

In terms of the Act, the opportunity of a hearing had been offered to the applicant who was present and heard in support of his application. A late representation had been received from Strathclyde Police. The reason for the lateness of the representation was accepted and Superintendent Campbell was heard on behalf of Strathclyde Police.

Councillor Logan, seconded by Councillor Stewart, moved that the application be granted. Councillor Shearer, seconded by Councillor McNeill, moved as an amendment that the application be granted for a period of 1 year. On a vote being taken by a show of hands, 5 members voted for the amendment and 14 for the motion which was declared carried.

The Committee decided: that the application by F Duffy, 1/1 32 Corlaich Avenue, Toryglen, Glasgow for a private hire car driver's licence in the Rutherglen and Cambuslang zone be granted.

7 Civic Government (Scotland) Act 1982 - Licensing of Taxi Drivers - Suspension of Taxi Driver's Licence

A report dated 4 March 2010 by the Executive Director (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 (Corporate Resources), in consultation with the Chair and an ex officio member, to order the immediate suspension of taxi driver's licence No 28 with effect from 3 March 2010
- ♦ proposing that consideration be given to whether taxi driver's licence No 28 should remain suspended

In terms of the Civic Government (Scotland) Act 1982, 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 from Strathclyde Police had been received and Superintendent Campbell was heard.

The Committee decided:

- (1)** that the action taken, in terms of Standing Order No 36(c), by the Executive Director (Corporate Resources), in consultation with the Chair and an ex officio member, to suspend taxi driver's licence No 28 with immediate effect, be noted; and
- (2)** that taxi driver's licence No 28 for the Hamilton zone remain suspended for the remainder of the period of licence.