

LICENSING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 30 January 2008

Chair:

Councillor Mary McNeill

Councillors Present:

Eileen Baxendale, Andy Carmichael, Pam Clearie, Jim Docherty, Barry Douglas, Beith Forrest, Eileen Logan, 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), David Watson

Councillors' Apologies:

Anne Higgins, Archie Manson, Edward McAvoy

Attending:

Corporate Resources

J Donnelly, Solicitor; C Lyon, Administration Officer; A Shiells, Senior Registrar/Area Team Leader

1 Declaration of Interests

The following interests were declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Baxendale and Thomson	Civic Government (Scotland) Act 1982 - Applications for Grant of a Private Hire Car Operator's Licence and a Private Hire Car Driver's Licence - G Brown, 71 Harlequin Court, Hamilton	Family contact and employee of Hastie Cars respectively

2 Minutes of Previous Meetings

The minutes of the meetings of the Licensing Committee held on 29 August and 7 November 2007 were submitted for approval as a correct record.

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

3 Civic Government (Scotland) Act 1982 - Application for Grant of a Private Hire Car Driver's Licence - S Draz, 127 Arden Craig Drive, Glasgow

A report dated 11 January 2008 by the Executive Director (Corporate Resources) was submitted on an application for a private hire car driver's licence in the Rutherglen and Cambuslang zone in terms of the Civic Government (Scotland) Act 1982.

The Committee decided: that the application by S Draz, 127 Arden Craig Drive, Glasgow for a private hire car driver's licence in the Rutherglen and Cambuslang zone be refused.

4 Civic Government (Scotland) Act 1982 - Application for Grant of a Private Hire Car Driver's Licence - K Creaney, 18 Burns Way, Newarthill

A report dated 11 January 2008 by the Executive Director (Corporate Resources) was submitted on an application for a private hire car driver's licence in the Hamilton zone in terms of the Civic Government (Scotland) Act 1982.

The Committee decided: that the application by K Creaney, 18 Burns Way, Newarthill for a private hire car driver's licence in the Hamilton zone be refused.

5 Civic Government (Scotland) Act 1982 - Application for Grant of a Private Hire Car Driver's Licence - T Moffat, Flat 1/1, 15 Prospecthill Place, Glasgow

A report dated 11 January 2008 by the Executive Director (Corporate Resources) was submitted on an application for a private hire car driver's licence in the Rutherglen and Cambuslang zone in terms of the Civic Government (Scotland) Act 1982.

The Committee decided: that the application by T Moffat, Flat 1/1, 15 Prospecthill Place, Glasgow for a private hire car driver's licence in the Rutherglen and Cambuslang zone be refused.

6 Urgent Business

There were no items of urgent business.

7 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(s) of business on the grounds that it was likely that there would be disclosure of exempt information in terms of Paragraph(s) 6 of Part I of Schedule 7A of the Act.

8 Civic Government (Scotland) Act 1982 - Application for Grant of a Window Cleaner's Licence - J Boyle, 20 Ansdell Avenue, Blantyre - Spent Convictions

A report dated 11 January 2008 by the Executive Director (Corporate Resources) was submitted on an application for a window cleaner's licence in terms of the Civic Government (Scotland) Act 1982.

In the interests of justice, spent convictions might require to be taken into account in dealing with any application for a licence. After consideration of the number, nature and age of the applicant's spent convictions, it was proposed that consideration of the application be continued to allow further information on the spent convictions of the applicant to be obtained.

The Committee decided: that further information be requested on the spent convictions of J Boyle, 20 Ansdell Avenue, Blantyre before his application for a window cleaner's licence for the Hamilton zone was considered.

9 Civic Government (Scotland) Act 1982 - Application for Grant of a Street Trader's Licence - N Pacheco, 11 Cuthbert Street, Uddingston

A report dated 11 January 2008 by the Executive Director (Corporate Resources) was submitted on an application for the grant of a street trader'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. The applicant was heard in support of her application. Objections from C McColl, local resident and the Executive Director (Enterprise Resources) in respect of Roads and Transportation Services were heard. The objection from the Executive Director (Education Resources) in respect of Education Support Services had been withdrawn. An observation from the Executive Director (Enterprise Resources) in respect of Planning and Building Standards Services was also considered.

Councillor Watson, seconded by Councillor McNamee, moved that the application be refused. Councillor Docherty, seconded by Councillor Carmichael, moved as an amendment that the application be granted subject to the location being the old petrol station; planning permission being obtained and consent being obtained from the owner of the site. On a vote being taken by a show of hands, 5 members voted for the motion and 14 for the amendment which was declared carried.

The Committee decided: that the application by N Pacheco, 11 Cuthbert Street, Uddingston for the grant of a street trader's licence in the Rutherglen and Cambuslang zone be granted subject to:-

- ◆ the location of the site being that of the old petrol station
- ◆ planning permission being obtained
- ◆ consent being obtained from the owner of the site

10 Civic Government (Scotland) Act 1982 - Application for Grant of a Taxi Driver's Licence - L Keir, 4 Cairns Court, 67 Hamilton Road, Cambuslang

A report dated 11 January 2008 by the Executive Director (Corporate Resources) was submitted on an application for a taxi 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. The applicant and his representative, H Hay, were heard in support of the application. An objection by Strathclyde Police was also heard.

Councillor Forrest, seconded by Councillor Stewart, moved that the application be granted for a limited period of time. Councillor McLachlan, seconded by Councillor Douglas, having moved as an amendment that the application be granted in full, Councillors Forrest and Stewart formally withdrew their original motion.

The Committee decided: that the application by L Keir, 4 Cairns Court, 67 Hamilton Road, Cambuslang for a taxi driver's licence in the Rutherglen and Cambuslang zone be granted.

Councillor McNamee, as the mover of an amendment which failed to find a seconder, asked that his dissent be recorded

Councillor McColl was present at the meeting for this item only

Councillor Douglas left the meeting after this item of business

11 Civic Government (Scotland) Act 1982 - Application for Grant of a Private Hire Car Operator's Licence - G Brown, 71 Harlequin Court, Hamilton

A report dated 11 January 2008 by the Executive Director (Corporate Resources) was submitted on an application for a private hire car operator'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 heard in support of his application.

The Committee decided: that the application by G Brown, 71 Harlequin Court, Hamilton for a private hire car operator's licence in the Hamilton zone be approved.

12 Civic Government (Scotland) Act 1982 - Application for Grant of a Private Hire Car Driver's Licence - G Brown, 71 Harlequin Court, Hamilton

A report dated 11 January 2008 by the Executive Director (Corporate Resources) was submitted on an application for a taxi 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 and all information presented in relation to the previous application was considered in relation to this application.

The Committee decided: that the application by G Brown, 71 Harlequin Court, Hamilton for a private hire car driver's licence in the Hamilton zone be granted.

Councillors Baxendale and Thomson, having declared an interest in the above 2 items, withdrew from the meeting during their consideration