

LICENSING COMMITTEE

Minutes of meeting held via Microsoft Teams on 28 September 2021

Chair:

Councillor Julia Marrs (Depute)

Councillors Present:

Councillor John Bradley, Councillor Andy Carmichael, Councillor Poppy Corbett, Councillor Maureen Devlin (*substitute for Councillor Eileen Logan*), Councillor Grant Ferguson, Councillor Alistair Fulton, Councillor Lynsey Hamilton, Councillor Mark Horsham, Councillor Martin Grant Hose, Councillor Martin Lennon, Councillor Catherine McClymont, Councillor Mark McGeever, Councillor Jim McGuigan, Councillor Davie McLachlan, Councillor Gladys Miller, Councillor Lynne Nailon (*substitute for Councillor Kenny McCreary*), Councillor Bert Thomson, Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor Mary Donnelly, Councillor Geri Gray, Councillor George Greenshields, Councillor Richard Lockhart, Councillor Eileen Logan, Councillor Kenny McCreary, Councillor Richard Nelson, Councillor John Ross (ex officio), Councillor David Shearer (Chair)

Attending:

Finance and Corporate Resources

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

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Licensing Committee held on 14 September 2021 were submitted for approval as a correct record.

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

Councillors Carmichael and Nailon joined the meeting following this item of business

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 Taxi Driver's Licence

A report dated 9 September 2021 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).

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 late representation had been received from Police Scotland. The reason for the lateness of the representation was accepted and Sergeant Rankin was heard on behalf of Police Scotland.

Following discussion, Councillor Wardhaugh, seconded by Councillor Miller, moved that the application be granted. Councillor McLachlan, seconded by Councillor Carmichael, moved as an amendment that the application be refused.

Councillor McClymont moved as a further amendment that the application be granted for a period of 1 year. Councillor Miller advised that, as she agreed with Councillor McClymont's point of view, she wished to withdraw her support for the motion and would second Councillor McClymont's amendment. Councillor Wardhaugh, having advised that he also supported the view of Councillor McClymont, withdrew his motion.

As the original motion by Councillor Wardhaugh had been withdrawn, the amendment by Councillor McLachlan became the motion.

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

Motion

Andy Carmichael, Poppy Corbett, Lynsey Hamilton, Martin Grant Hose, Martin Lennon, Mark McGeever, Davie McLachlan, Lynne Nailon, Bert Thomson

Amendment

John Bradley, Maureen Devlin, Grant Ferguson, Alastair Fulton, Mark Horsham, Catherine McClymont, Jim McGuigan, Julia Marrs, Gladys Miller, Jim Wardhaugh

10 members voted for the amendment and 9 for the motion. The amendment was declared carried.

The Committee decided:

that the application by W Collins, 46 Christie Place, Cambuslang for a private hire car driver's licence in the Cambuslang and Rutherglen zone be granted for a period of 1 year.

In terms of Standing Order No 13, the Chair adjourned the meeting at 11.06am following consideration of this item of business. The meeting reconvened at 11.12am without the attendance of Councillor McGeever

6 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Driver's Licence No 910

A report dated 25 August 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 910, with effect from 24 August 2021
- ♦ proposing that consideration be given to whether private hire car driver's licence No 910 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.

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 910, with effect from 24 August 2021, for a maximum period of 6 weeks, be noted; and
- (2) that private hire car driver's licence No 910 for the Cambuslang and Rutherglen zone be suspended with immediate effect for the remainder of the period of licence.

7 Civic Government (Scotland) Act 1982 (As Amended) - Application for Renewal of Private Hire Car Operator's Licence No 1459

A report dated 31 August 2021 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the renewal of private hire car operator's licence No 1459 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 late objection had been received from Police Scotland. The reason for the lateness of the objection was accepted and Sergeant Rankin was heard on behalf of Police Scotland.

The Committee decided:

that the application by J Irons, 108 Devondale Avenue, Blantyre for the renewal of private hire car operator's licence No 1459 in the Cambuslang and Rutherglen zone be refused.

In terms of Standing Order No 13, the Chair adjourned the meeting at 12.23pm during consideration of this item of business. The meeting reconvened at 12.28pm without the attendance of Councillors Lennon and Miller