

LICENSING COMMITTEE

Minutes of meeting held via Microsoft Teams on 1 February 2022

Chair:

Councillor David Shearer

Councillors Present:

Councillor John Bradley, Councillor Andy Carmichael, Councillor Mary Donnelly, Councillor Grant Ferguson, Councillor Alistair Fulton, Councillor Geri Gray, Councillor Lynsey Hamilton, Councillor Mark Horsham, Councillor Martin Grant Hose, Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Eileen Logan, Councillor Julia Marrs (Depute), Councillor Catherine McClymont, Councillor Kenny McCreary, Councillor Colin McGavigan, Councillor Jim McGuigan, Councillor Davie McLachlan, Councillor Gladys Miller, Councillor Bert Thomson, Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor Poppy Corbett, Councillor George Greenshields, Councillor Mark McGeever, Councillor John Ross (ex officio)

Attending:

Finance and Corporate Resources

C Lyon, Administration Officer; G Mays, Legal Services' Adviser; C McKee, Licensing and Registration Co-ordinator; 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 7 December 2021 were submitted for approval as a correct record.

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

3 Minutes of Special Meetings

The minutes of the special meetings of the Licensing Committee held on 13 December 2021 and 18 January 2022 were submitted for approval as a correct record.

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

4 Urgent Business

There were no items of urgent business.

5 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 Paragraphs 6 and 14 of Part I of Schedule 7A of the Act.

6 Civic Government (Scotland) Act 1982 (As Amended) - Application for Renewal of Private Hire Car Driver's Licence No 327

A report dated 17 January 2022 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the renewal of private hire car driver's licence No 327 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 accompanied by K Manaf. Both were heard in support of his application. Comments had also been received from the applicant's GP.

Following discussion, Councillor McClymont, seconded by Councillor Marrs, moved that the application be granted subject to the applicant attending a medical assessment and, should there be any adverse comments following the medical assessment, the application be brought back to Committee for consideration. Councillor McCreary, seconded by Councillor McLachlan, moved as an amendment that the application be granted and immediately suspended to allow the applicant to attend a medical assessment and the suspension could be reconsidered once the outcome of the assessment was available.

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

Motion

John Bradley, Andy Carmichael, Mary Donnelly, Grant Ferguson, Alistair Fulton, Geri Gray, Lynsey Hamilton, Mark Horsham, Martin Grant Hose, Richard Lockhart, Catherine McClymont, Colin McGavigan, Jim McGuigan, Julia Marrs, Gladys Miller, Jim Wardhaugh

Amendment

Martin Lennon, Eileen Logan, Kenny McCreary, Davie McLachlan, David Shearer, Bert Thomson

16 members voted for the motion and 6 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 327 in the East Kilbride zone be granted subject to a medical assessment being carried out and, should there be any adverse comments, the application be brought back to Committee for further consideration.

In terms of Standing Order No 13, the Chair adjourned the meeting at 11.20am and reconvened at 11.30am. Councillor Donnelly was not present when the meeting reconvened due to technical difficulties.

7 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Window Cleaner's Licence No 046

A report dated 6 January 2022 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 window cleaner's licence No 046, with effect from 6 January 2022
- ♦ proposing that consideration be given to whether window cleaner's licence No 046 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 complaint had been received from Police Scotland.

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 window cleaner's licence No 046, with effect from 6 January 2022, for a maximum period of 6 weeks, be noted; and
- (2) that window cleaner's licence No 046 for all zones within South Lanarkshire be suspended with immediate effect for the remainder of the period of licence.

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

A report dated 10 January 2022 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 taxi driver's licence No 149, with effect from 10 January 2022
- ♦ 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 present and heard in support of retaining his licence. A complaint had been received from Police Scotland and Sergeant Brown 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 taxi driver's licence No 149, with effect from 10 January 2022, for a maximum period of 6 weeks, be noted; and
- (2) that taxi driver's licence No 149 for the Clydesdale zone be suspended with immediate effect for the remainder of the period of licence.