

LICENSING COMMITTEE

Minutes of meeting held via Microsoft Teams on 2 February 2021

Chair:

Councillor David Shearer

Councillors Present:

Councillor Stephanie Callaghan, Councillor Andy Carmichael, Councillor Poppy Corbett, Councillor Mary Donnelly, Councillor Grant Ferguson, Councillor Geri Gray, Councillor Lynsey Hamilton, Councillor Mark Horsham, Councillor Martin Grant Hose, Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Eileen Logan, Councillor Katy Loudon, Councillor Julia Marrs (Depute), Councillor Catherine McClymont, Councillor Kenny McCreary, Councillor Mark McGeever, Councillor Davie McLachlan, Councillor Gladys Miller, Councillor Collette Stevenson (*substitute for Councillor Jim McGuigan*), Councillor Bert Thomson, Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor George Greenshields, Councillor Jim McGuigan, Councillor Richard Nelson, Councillor John Ross (ex officio)

Attending:

Finance and Corporate Resources

M Cooper, Standards and Development Officer; C Lyon, Administration Officer; 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 15 December 2020 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 a Taxi Driver's Licence

A report dated 12 January 2021 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a taxi driver's licence in terms of the Civic Government (Scotland) Act 1982 (as amended).

At its meeting on 15 December 2020, the Committee had decided that further details be requested from Police Scotland in respect of the applicant's spent convictions to allow it to consider the application.

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 represented by M Gallen, Solicitor. An objection had been received from Police Scotland and Sergeant Rankin was heard. A further report detailing the applicant's spent convictions had been received from Police Scotland.

The Solicitor referred to information within his submission that was not in front of members of the Committee. The Chair agreed a 5 minute adjournment to allow the information to be circulated to members.

Councillor Carmichael, seconded by Councillor Lockhart, moved that the application be refused. Councillor Loudon, seconded by Councillor Donnelly, moved as an amendment that the application be granted for a period of 1 year. Councillor McLachlan, seconded by Councillor Lennon, moved as a second amendment that the application be granted.

On a vote being taken by roll call, between the second amendment (moved by Councillor McLachlan, seconded by Councillor Lennon), and the first amendment (moved by Councillor Loudon, seconded by Councillor Donnelly), members voted as follows:-

First Amendment

Stephanie Callaghan, Mary Donnelly, Grant Ferguson, Geri Gray, Lynsey Hamilton, Mark Horsham, Martin Lennon, Eileen Logan, Katy Loudon, Catherine McClymont, Mark McGeever, Julia Marrs, Gladys Miller, Collette Stevenson, Jim Wardhaugh

Second Amendment

Davie McLachlan

Abstained

Andy Carmichael, Poppy Corbett, Martin Grant Hose, Richard Lockhart, Kenny McCreary, David Shearer, Bert Thomson

1 member voted for the second amendment and 15 for the first amendment. The first amendment was declared carried and placed against the motion. On a vote being taken by roll call, members voted as follows:-

Motion

Andy Carmichael, Poppy Corbett, Martin Grant Hose, Richard Lockhart, Kenny McCreary, David Shearer, Bert Thomson

Amendment

Stephanie Callaghan, Mary Donnelly, Grant Ferguson, Geri Gray, Lynsey Hamilton, Mark Horsham, Martin Lennon, Eileen Logan, Katy Loudon, Catherine McClymont, Mark McGeever, Davie McLachlan, Julia Marrs, Gladys Miller, Collette Stevenson, Jim Wardhaugh

16 members voted for the amendment and 7 members voted for the motion. The amendment was declared carried.

The Committee decided: that the application by P McDougall, 88 Glenside Drive, Rutherglen for a taxi driver's licence in the Cambuslang and Rutherglen zone be granted for a period of 1 year.

[Reference: Minutes of 15 December 2020 (Paragraph 6)]

In terms of Standing Order No 13, the Chair adjourned the meeting during this item of business at 11.00am and reconvened at 11.05am

6 Civic Government (Scotland) Act 1982 (As Amended) – Application for a Private Hire Car Operator's Licence

A report dated 12 January 2021 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a private hire car operator's licence in terms of the Civic Government (Scotland) Act 1982 (as amended).

At its meeting on 15 December 2020, the Committee had decided that further details be requested from Police Scotland in respect of the applicant's spent convictions to allow it to consider the application.

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 represented by M Gallen, Solicitor. An objection had been received from Police Scotland and Sergeant Rankin was heard. A further report detailing the applicant's spent convictions had been received from Police Scotland.

Councillor Carmichael, seconded by Councillor Lockhart, moved that the application be refused. Councillor Loudon, seconded by Councillor Donnelly, moved as an amendment, that the application be granted for a period of 1 year. Councillor McLachlan, seconded by Councillor Lennon, moved as a second amendment that the application be granted.

On a vote being taken by roll call, between the second amendment (moved by Councillor McLachlan, seconded by Councillor Lennon), and the first amendment (moved by Councillor Loudon, seconded by Councillor Donnelly), members voted as follows:-

First Amendment

Stephanie Callaghan, Mary Donnelly, Grant Ferguson, Geri Gray, Lynsey Hamilton, Mark Horsham, Martin Lennon, Eileen Logan, Katy Loudon, Catherine McClymont, Mark McGeever, Julia Marrs, Gladys Miller, Collette Stevenson, Jim Wardhaugh

Second Amendment

Davie McLachlan

Abstain

Andy Carmichael, Poppy Corbett, Martin Grant Hose, Richard Lockhart, Kenny McCreary, David Shearer, Bert Thomson

1 member voted for the second amendment and 15 for the first amendment. The first amendment was declared carried and placed against the motion. On a vote being taken by roll call, members voted as follows:-

Motion

Andy Carmichael, Poppy Corbett, Martin Grant Hose, Richard Lockhart, Kenny McCreary, David Shearer, Bert Thomson

Amendment

Stephanie Callaghan, Mary Donnelly, Grant Ferguson, Geri Gray, Lynsey Hamilton, Mark Horsham, Martin Lennon, Eileen Logan, Katy Loudon, Catherine McClymont, Mark McGeever, Davie McLachlan, Julia Marrs, Gladys Miller, Collette Stevenson, Jim Wardhaugh

16 members voted for the amendment and 7 members voted for the motion. The amendment was declared carried.

The Committee decided: that the application by P McDougall, 88 Glenside Drive, Rutherglen for a private hire car operator's licence in the Cambuslang and Rutherglen zone be granted for a period of 1 year.

[Reference: Minutes of 15 December 2020 (Paragraph 6)]

7 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Driver's Licence No 087

A report dated 14 January 2021 by the Executive Director (Finance and Corporate Resources) was submitted proposing that consideration be given to whether private hire car driver's licence No 087 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 represented by K Railton, Solicitor. A letter of complaint had been received from Police Scotland and Sergeant Rankin was heard.

The Committee decided: that private hire car driver's licence No 087 in the East Kilbride zone be not suspended or revoked.