

LICENSING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 17 November 2010

Chair:

Councillor Maureen Devlin

Councillors Present:

Eileen Baxendale, Andy Carmichael, Jim Docherty, Lynn Filshie (Depute), Beith Forrest, Bill Holman, Eileen Logan, Clare McColl, Jean McKeown, Davie McLachlan, John McNamee, Alice Marie Mitchell, Patrick Ross-Taylor, Graham Scott, David Shearer, Hamish Stewart, Bert Thomson, Richard Tullett, David Watson

Councillors' Apologies:

Barry Douglas, Anne Higgins, Edward McAvoy, Archie Manson

Attending:

Corporate Resources

C Lyon, Administration Officer; C McKee, Licensing Co-ordinator; T Stone, Licensing and Registration Manager; L Wyllie, Administration Assistant

Enterprise Resources

A Forrest, Engineering Officer, Roads and Transportation Services (Hamilton); G Nisbet, Building Standards Surveyor (Hamilton)

1 Declaration of Interests

The following interest was declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Shearer	Civic Government (Scotland) Act 1982 – Licensing of Taxi Drivers – Suspension of Licence	Known to licence holder

2 Minutes of Previous Meeting

The minutes of the meeting of the Licensing Committee held on 6 October 2010 were submitted for approval as a correct record.

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

3 Minutes of Public Processions Panel

The minutes of the meeting of the Public Processions Panel held on 19 October 2010 were submitted for approval as a correct record.

The Committee decided: that the minutes 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 Paragraph(s) 6 and 14 of Part I of Schedule 7A of the Act.

6 Civic Government (Scotland) Act 1982 - Application for Variation of a Late Hours Catering Licence - Shell Portland, 45 to 47 Portland Place, Hamilton

The Chair advised that this application had been withdrawn at the request of the applicant.

The Committee decided: to note the position.

7 Civic Government (Scotland) Act 1982 - Application for Variation of a Late Hours Catering Licence - Shell Larkhall, 1 to 3 Machan Road, Larkhall

The Chair advised that this application had been withdrawn at the request of the applicant.

The Committee decided: to note the position.

8 Civic Government (Scotland) Act 1982 - Application for Variation of a Late Hours Catering Licence - Shell Stonelaw Tower, Stonelaw Road, Rutherglen

The Chair advised that this application had been withdrawn at the request of the applicant.

The Committee decided: to note the position.

9 Civic Government (Scotland) Act 1982 - Application for a Second-Hand Dealer's Licence - R Forrest, 17 Burnbank Road, Hamilton

A report dated 27 October 2010 by the Executive Director (Corporate Resources) was submitted on an application for the grant of a second-hand dealer'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. Observations from Planning and Building Standards Services and Roads and Transportation Services were heard.

The Committee decided: that the application by R Forrest, 17 Burnbank Road, Hamilton for a second-hand dealer's licence for the sale of second-hand vehicles at premises at 17 Burnbank Road, Hamilton be granted for a period of 1 year subject to:-

- ♦ the conditions specified in the Executive Director's report
- ♦ an additional condition that all vehicles must be parked within the curtilage of the property

Councillor Docherty left the meeting after consideration of this item of business

10 Civic Government (Scotland) Act 1982 - Licensing of Taxi Drivers - Suspension of Licence

A report dated 26 October 2010 by the Executive Director (Corporate Resources) was submitted proposing that consideration be given to whether taxi driver's licence No 30 should be suspended in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

In terms of the Civic Government (Scotland) Act 1982, the opportunity of a hearing had been offered to the licence holder. The licence holder was present and represented by J Robertson, Solicitor who was heard in support of the licence holder retaining his licence. A complaint from Strathclyde Police had been received and Inspector Anderson was heard.

Councillor Baxendale, seconded by Councillor A M Mitchell, moved that the licence be suspended with immediate effect. Councillor Watson, seconded by Councillor Stewart, moved as an amendment that the licence be not suspended. On a vote being taken by a show of hands, 4 members voted for the motion and 12 for the amendment which was declared carried.

The Committee decided: that taxi driver's licence No 30 for the Clydesdale zone be not suspended.

Councillor Shearer, having declared an interest in the above item, withdrew from the meeting during its consideration