

LICENSING COMMITTEE

Minutes of meeting held via Microsoft Teams on 2 November 2021

Chair:

Councillor David Shearer

Councillors Present:

Councillor John Bradley, Councillor Andy Carmichael, Councillor Poppy Corbett, Councillor Margaret Cowie (*substitute for Councillor Catherine McClymont*), Councillor Maureen Devlin (*substitute for Councillor Bert Thomson*), 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 Kenny McCreary, Councillor Jim McGuigan, Councillor Davie McLachlan, Councillor Gladys Miller, Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor George Greenshields, Councillor Catherine McClymont, Councillor Mark McGeever, Councillor Richard Nelson, Councillor John Ross (ex officio), Councillor Bert Thomson

Attending:

Finance and Corporate Resources

P MacRae, 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 28 September 2021 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 item 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) - Consideration of Suspension or Revocation of Private Hire Car Driver Licence No 383

A report dated 13 October 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 383, with effect from 13 October 2021
- ♦ proposing that consideration be given to whether private hire car driver's licence No 383 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. A complaint had been received from Police Scotland and Sergeant Rankin was heard.

The licence holder advised that he had engaged a solicitor but that his solicitor was not present to represent him. The Legal Services' Adviser having intimated that there was no record of any legal representation on behalf of the licence holder, the Chair agreed a short adjournment to allow the Legal Services' Adviser to attempt to contact the solicitor to clarify the position. Following the adjournment, the Legal Services' Adviser confirmed that he had been unable to contact the licence holder's solicitor.

Following discussion, it was proposed that this item of business be continued to the next meeting of the Committee to allow the licence holder the opportunity to arrange for his solicitor to be present.

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 383, with effect from 13 October 2021, for a maximum period of 6 weeks, be noted; and
- (2) that consideration of whether private hire car driver's licence No 383 should be suspended or revoked be continued to the meeting of the Licensing Committee to be held on 23 November 2021 to allow the licence holder's solicitor to be present and that, in the meantime, suspension of private hire car driver's licence No 383 for the Cambuslang and Rutherglen zone remain in place.

In terms of Standing Order No 13, the Chair adjourned the meeting at 10.27am and reconvened at 10.37am