

LICENSING COMMITTEE

Minutes of special meeting held via Microsoft Teams on 8 March 2022

Chair:

Councillor David Shearer

Councillors Present:

Councillor Andy Carmichael, Councillor Poppy Corbett, Councillor Margaret Cowie (*substitute for Councillor Eileen Logan*), Councillor Mary Donnelly, Councillor Grant Ferguson, Councillor Lynsey Hamilton, Councillor Mark Horsham, Councillor Richard Lockhart, Councillor Julia Marrs (Depute), Councillor Catherine McClymont, Councillor Kenny McCreary, Councillor Colin McGavigan, Councillor Jim McGuigan, Councillor Davie McLachlan, Councillor Gladys Miller, Councillor Mo Razzaq (*substitute for Councillor Martin Lennon*), Councillor Bert Thomson, Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor John Bradley, Councillor Alistair Fulton, Councillor Geri Gray, Councillor George Greenshields, Councillor Martin Grant Hose, Councillor Martin Lennon, Councillor Eileen Logan, Councillor Mark McGeever, Councillor John Ross (ex officio)

Attending:

Finance and Corporate Resources

M Cooper, Standards and Development Officer; C Lyon, Administration Officer; P MacRae, Administration Adviser; G Mays, Legal Services' Adviser; L Wyllie, Administration Assistant

1 Declaration of Interests

No interests were declared.

2 Urgent Business

There were no items of urgent business.

3 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.

4 Civic Government (Scotland) Act 1982 (As Amended) - Application for Private Hire Car Driver's Licence - Consideration of Late Report from Police Scotland

A report dated 14 February 2022 by the Executive Director (Finance and Corporate Resources) was submitted on the reason for the lateness of an objection from Police Scotland to an application for a private hire car driver's licence in terms of the Civic Government (Scotland) Act 1982 (as amended).

Where an application was received under the Civic Government (Scotland) Act 1982, there was a statutory objection period of 28 days from the date of application.

A letter of objection had been received from Police Scotland outwith the 28 day objection period. The reason for the lateness of the objection was given by Police Scotland.

The Committee decided: that the reason for the lateness of the objection from Police Scotland be accepted to allow full consideration of the application.

5 Civic Government (Scotland) Act 1982 (As Amended) - Application to Vary the Terms of Market Operator Licence No 004

A report dated 17 February 2022 by the Executive Director (Finance and Corporate Resources) was submitted on an application to vary the terms of market operator licence No 004 in terms of the Civic Government (Scotland) Act 1982 (as amended).

The Committee decided: that the following application to vary the terms of market operator licence No 004 be granted subject to the conditions specified by the Executive Director (Finance and Corporate Resources):-

Applicant:	G Conrathe
Type of Licence:	Market operator
Premises:	Chatelherault Country Park, Ferniegair, Hamilton
Current Days and Hours:	4, 5, 11 and 12 December 2021, last Sunday of March 2022 and thereafter on 2 nd and 4 th Sundays of each subsequent month. The first 3 Saturdays in December each year and 14 May 2022, 28 August 2022, 13 May 2023 and 27 August 2023. The market would not operate more than 28 days in each given year
Days/Hours Requested:	10.00am to 5.00pm Every Saturday and Sunday (except 25 December 2022) and every bank or public holiday
Days/Hours Granted:	10.00am to 5.00pm Every Saturday and Sunday (except 25 December 2022) and every bank or public holiday

Councillor Razzaq joined the meeting after this item of business

6 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Taxi Driver's Licence No 194

A report dated 17 February 2022 by the Executive Director (Finance and Corporate Resources) was submitted proposing that consideration be given to whether taxi driver's licence No 194 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 letter of complaint had been received from Police Scotland and Sergeant Gill was heard.

Following discussion, Councillor Shearer, seconded by Councillor Donnelly, moved that the licence be suspended with immediate effect for a period of 2 weeks. Councillor Carmichael, seconded by Councillor McCreary, moved as an amendment that the licence be suspended with immediate effect for the remainder of the period of licence.

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

Motion

Margaret Cowie, Mary Donnelly, Lynsey Hamilton, Mark Horsham, Catherine McClymont, Colin McGavigan, Jim McGuigan, Davie McLachlan, Julia Marrs, Gladys Miller, David Shearer, Jim Wardhaugh

Amendment

Andy Carmichael, Poppy Corbett, Grant Ferguson, Richard Lockhart, Kenny McCreary, Mo Razzaq, Bert Thomson

7 members voted for the amendment and 12 for the motion which was declared carried.

The Committee decided: that taxi driver's licence No 194 for the Hamilton zone be suspended with immediate effect for a period of 2 weeks.

In terms of Standing Order No 13, the Chair adjourned the meeting at 11.22am and reconvened at 11.30am. Following conclusion of the above item, the Chair adjourned the meeting again at 11.58am and reconvened at 12.05pm. Councillor McLachlan was not present when the meeting reconvened following the second adjournment

7 Civic Government (Scotland) Act 1982 (As Amended) - Application for Grant of Private Hire Car Driver's Licence

A report dated 17 February 2022 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the grant of a private hire car 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 not present or represented. An objection had been received from Police Scotland.

The Committee noted that the applicant had been given notice of the hearing and, having been advised of the efforts made to contact the applicant, the Committee was satisfied that it was appropriate to proceed to consider the application in the applicant's absence.

The Committee decided: that the application by H Karimi, Flat 9E, 10 Broomhill Lane, Glasgow for the grant of a private hire car driver's licence in the Cambuslang and Rutherglen zone be refused.