



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 24 January 2022

Dear Councillor

Licensing Committee

The Members listed below are requested to attend a meeting of the above Committee to be held as follows:-

Date: Tuesday, 01 February 2022
Time: 10:00
Venue: By Microsoft Teams,

The business to be considered at the meeting is listed overleaf.

Yours sincerely

Cleland Sneddon
Chief Executive

Members

David Shearer (Chair), Julia Marrs (Depute Chair), John Ross (ex officio), John Bradley, Andy Carmichael, Poppy Corbett, Mary Donnelly, Grant Ferguson, Alistair Fulton, Geri Gray, George Greenshields, Lynsey Hamilton, Mark Horsham, Martin Grant Hose, Martin Lennon, Richard Lockhart, Eileen Logan, Catherine McClymont, Kenny McCreary, Colin McGavigan, Mark McGeever, Jim McGuigan, Davie McLachlan, Gladys Miller, Bert Thomson, Jim Wardhaugh

Substitutes

Alex Allison, Robert Brown, Jackie Burns, Janine Calikes, Stephanie Callaghan, Margaret Cowie, Maureen Devlin, Ann Le Blond, Lynne Nailon, Carol Nugent, Mo Razzaq, Graham Scott, Collette Stevenson, Jared Wark

BUSINESS

- 1 Declaration of Interests**
- 2 Minutes of Previous Meeting** 3 - 6
Minutes of the meeting of the Licensing Committee held on 7 December 2021 submitted for approval as a correct record. (Copy attached)
- 3 Minutes of Special Meetings** 7 - 12
Minutes of the special meetings of the Licensing Committee held on 13 December 2021 and 18 January 2022 submitted for approval as a correct record. (Copies attached)

Urgent Business

- 4 Urgent Business**
Any other items of business which the Chair decides are urgent.

Exclusion of Press and Public

- 5 Exclusion of Press and Public**
It is recommended that the Committee makes the following resolution:-

"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(s) of business on the grounds that it is likely that there will be disclosure of exempt information in terms of Paragraphs 6 and 14 of Part I of Schedule 7A of the Act."

Item(s) for Decision

- 6 Civic Government (Scotland) Act 1982 (As Amended) - Application for Renewal of Private Hire Car Driver's Licence No 327**
 - Exempt information in terms of Paragraph 6 of Part I of Schedule 7A of the Act
- 7 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Window Cleaner's Licence No 046**
 - Exempt information in terms of Paragraph 14 of Part I of Schedule 7A of the Act
- 8 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Taxi Driver's Licence No 149**
 - Exempt information in terms of Paragraph 14 of Part I of Schedule 7A of the Act

For further information, please contact:-

Clerk Name:	Carol Lyon
Clerk Telephone:	01698 455652
Clerk Email:	carol.lyon@southlanarkshire.gov.uk

LICENSING COMMITTEE

2

Minutes of meeting held via Microsoft Teams on 7 December 2021

Chair:

Councillor David Shearer

Councillors Present:

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 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 John Bradley, Councillor Poppy Corbett, Councillor George Greenshields, Councillor Julia Marrs (Depute), Councillor Mark McGeever, 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

Chair's Opening Remarks

The Chair intimated that Sergeant Rankin, Police Scotland would be retiring at the end of the year and, along with Committee members, extended his best wishes and thanked him for the service he had provided to this Committee.

Order of Business

The Committee decided: that the items of business be dealt with in the order minuted below.

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Licensing Committee held on 23 November 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 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 Grant of Private Hire Car Driver's Licence

A report dated 18 November 2021 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 Legal Services' Adviser intimated that the applicant was unable to attend today's hearing. He advised the Committee that it could either deal with the application today or continue the application to a future meeting.

Following discussion, it was agreed to continue with the hearing in the applicant's absence.

The Committee decided: that the application by A Symington, 58 Garrowhill Drive, Glasgow for the grant of a private hire car driver's licence in the Cambuslang and Rutherglen zone be refused.

In terms of Standing Order No 13, the Chair adjourned the meeting at 10.40am and reconvened at 10.51am. Councillor Donnelly was not present when the meeting reconvened

6 Civic Government (Scotland) Act 1982 (As Amended) - Application for Renewal of Taxi Driver's Licence No 057

A report dated 18 November 2021 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the renewal of taxi driver's licence No 057 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 heard in support of his application. A representation had been received from Police Scotland and Sergeant Gill was heard.

At its meeting on 24 August 2021, the Committee agreed to continue this item of business to a future meeting to allow the applicant the opportunity to be present.

Following discussion, Councillor Gray, seconded by Councillor McGuigan moved that the application be granted for a period of one year. By way of amendment, Councillor Wardhaugh, seconded by Councillor McGavigan, moved that the application be granted.

Following further discussion, Councillor McGuigan advised that he was content to agree the full grant and wished to withdraw his support for the motion. Councillor Gray advised that she was also in agreement with this and withdrew her motion.

The Committee decided: that the application for the renewal of taxi driver's licence No 057 in the East Kilbride zone be granted.

[Reference: Minutes of 24 August 2021 (Paragraph 6)]

LICENSING COMMITTEE

3

Minutes of special meeting held via Microsoft Teams on 13 December 2021

Chair:

Councillor David Shearer

Councillors Present:

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

Councillors' Apologies:

Councillor Alistair Fulton, Councillor Geri Gray, Councillor George Greenshields, Councillor Lynsey Hamilton, Councillor Catherine McClymont, Councillor Mark McGeever, Councillor John Ross (ex officio), Councillor Bert Thomson

Attending:

Community and Enterprise Resources

K Wratten, Resilience Adviser

Finance and Corporate Resources

C Lyon, Administration Officer; G McCann, Head of Administration and Legal Services; G Mays, Legal Services' Adviser; L Robertson, Licensing and Registration Team Leader; L Steele, Licensing and Registration Assistant; T Little, Head of Communications and Strategy; L Wyllie, Administration Assistant

1 Declaration of Interests

The following interest was declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Thomson	Civic Government (Scotland) Act 1982 (As Amended) – Application for a Temporary Public Entertainment Licence	Expressed views prior to Committee

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 item of business on the grounds that it was likely that there would be disclosure of exempt information in terms of Paragraph 6 of Part I of Schedule 7A of the Act.

4 Civic Government (Scotland) Act 1982 (As Amended) – Application for a Temporary Public Entertainment Licence

A report dated 26 November 2021 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a temporary public entertainment 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 present and heard, along with A Stewart, in support of the application.

A representation had been received from the Chair of the Events Safety Advisory Group and K Wratten was heard.

A representation had been received from Scottish Gas Networks and C Lawrie, Stakeholder and Community Manager and J Findlay, Network Planning Manager were heard.

A representation had been received from Scottish Fire and Rescue Services and J Divers and A Kenna were heard.

A representation had been received from Police Scotland and Inspector Campbell and Superintendent Higgins were heard.

Letters of support had been received from Councillors Allison, Holford and McAllan who were heard in support of the application.

A letter of support had also been received from A Stewart, Biggar Community Council.

Various letters of support had been received from members of the public and local businesses.

Following detailed discussion, Councillor Wardhaugh, seconded by Councillor Lennon moved that the application be granted. By way of amendment, Councillor Lockhart, seconded by Councillor McGavigan moved that the application be granted with conditions.

Following further discussion, Councillor Lennon advised that he was happy to support the grant with conditions. Councillor Wardhaugh advised that he was also in agreement and withdrew his motion.

The Committee decided:

that the application by Biggar Community Council and L Craise for a temporary public entertainment licence at Corn Exchange, High Street, Biggar be granted with the following conditions:-

- ♦ access to be made available in advance for SGN to undertake trial holes to confirm the true depth of the pipe(s) in the immediate vicinity of the proposed location and to confirm that its integrity remained sound
- ♦ SGN to perform a gas detection inspection within the immediate area (to confirm there were no existing gas escapes)
- ♦ that the 12” to 15” foundation of gravel confirmed as established in previous years, be again put in place as the foundation of the bonfire prior to construction
- ♦ that a minimum distance of 5m be established from the location of all SGN pipes to the boundary of the bonfire

- ◆ that SGN be allowed to inspect the bonfire on the day of the event to confirm those mitigations had been established
- ◆ the maximum dimensions of the bonfire be 5m x 5m
- ◆ the applicant to appoint a properly qualified Fire Marshall who would be responsible for the bonfire throughout its construction and the period it was burning
- ◆ the bonfire be extinguished on the morning of 1 January 2022

In terms of Standing Order No 13, the Chair adjourned the meeting at 3.44pm and reconvened at 3.50pm. Councillor Corbett was not present when the meeting reconvened. The Chair adjourned the meeting again at 5.05pm and reconvened at 5.10pm. Councillor Horsham was not present when the meeting reconvened.

Councillor McLachlan, as the mover of a motion which failed to find a seconder, asked that his dissent be recorded. Councillor Thomson, having declared an interest in this item of business was not present at the meeting

LICENSING COMMITTEE

3

Minutes of special meeting held via Microsoft Teams on 18 January 2022

Chair:

Councillor David Shearer

Councillors Present:

Councillor John Bradley, Councillor Andy Carmichael, Councillor Poppy Corbett, Councillor Mary Donnelly, Councillor Grant Ferguson, Councillor Alistair Fulton, Councillor Geri Gray, Councillor George Greenshields, Councillor Lynsey Hamilton, Councillor Mark Horsham, 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

Councillors' Apologies:

Councillor Martin Grant Hose, Councillor Martin Lennon, Councillor Mark McGeever, Councillor John Ross (ex officio), Councillor Jim Wardhaugh

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 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 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.

4 Civic Government (Scotland) Act 1982 (As Amended) – Consideration of Suspension or Revocation of Private Hire Car Driver's Licence No 437

A report dated 16 December 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 437, with effect from 9 December 2021

- ♦ proposing that consideration be given to whether private hire car driver's licence No 437 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 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 private hire car driver's licence No 437, with effect from 9 December 2021, for a maximum period of 6 weeks, be noted; and
- (2) that private hire car driver's licence No 437 for the Cambuslang and Rutherglen zone be suspended with immediate effect for the remainder of the period of licence.