

LICENSING COMMITTEE

Minutes of meeting held via Microsoft Teams on 14 September 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 Mary Donnelly, Councillor Grant Ferguson, Councillor Alistair Fulton, Councillor George Greenshields, Councillor Lynsey Hamilton, Councillor Mark Horsham, Councillor Martin Grant Hose, Councillor Martin Lennon, Councillor Eileen Logan, Councillor Julia Marrs (Depute), Councillor Kenny McCreary, Councillor Jim McGuigan, Councillor Davie McLachlan, Councillor Lynne Nailon (*substitute for Councillor Richard Nelson*), Councillor Carol Nugent (*substitute for Councillor Gladys Miller*), Councillor Bert Thomson, Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor Geri Gray, Councillor Richard Lockhart, Councillor Catherine McClymont, Councillor Mark McGeever, Councillor Gladys Miller, Councillor Richard Nelson, Councillor John Ross (*ex officio*)

Attending:

Finance and Corporate Resources

P MacRae, Administration Adviser; 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 24 August 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) - Consideration of Suspension or Revocation of Private Hire Car Operator's Licence No 1159

A report dated 11 August 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 operator's licence No 1159, with effect from 11 August 2021 for a maximum period of 6 weeks
- ◆ proposing that consideration be given to whether private hire car operator's licence No 1159 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 not present or represented. A complaint had been received from Police Scotland and Sergeant Rankin 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 operator's licence No 1159, with effect from 11 August 2021, for a maximum period of 6 weeks, be noted; and
- (2) that private hire car operator's licence No 1159 for the Cambuslang and Rutherglen zone be suspended with immediate effect for the remainder of the period of licence.

6 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Driver's Licence No 638

A report dated 11 August 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 638, with effect from 11 August 2021 for a maximum period of 6 weeks
- ◆ proposing that consideration be given to whether private hire car driver's licence No 638 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 not present or represented. A complaint had been received from Police Scotland and Sergeant Rankin 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 638, with effect from 11 August 2021, for a maximum period of 6 weeks, be noted; and

- (2) that private hire car driver's licence No 638 for the Cambuslang and Rutherglen zone be suspended with immediate effect for the remainder of the period of licence.

In terms of Standing Order No 13, the Chair adjourned the meeting at 10.45am following consideration of this item of business. The meeting reconvened at 11.00am without the attendance of Councillor Thomson

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

A report dated 26 August 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 present and heard in support of his application. A late objection had been received from Police Scotland. The reason for the lateness of the objection was accepted and Sergeant Rankin was heard on behalf of Police Scotland.

Councillor McLachlan, seconded by Councillor Corbett, moved that the application be refused. Councillor McGuigan, seconded by Councillor Donnelly, moved as an amendment that the application be granted for a period of 1 year.

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

Motion

Poppy Corbett, George Greenshields, Martin Grant Hose, Martin Lennon, Kenny McCreary, Davie McLachlan, Lynne Nailon, David Shearer

Amendment

John Bradley, Andy Carmichael, Margaret Cowie, Mary Donnelly, Grant Ferguson, Alastair Fulton, Lynsey Hamilton, Mark Horsham, Eileen Logan, Jim McGuigan, Julia Marris, Carol Nugent, Jim Wardhaugh

13 members voted for the amendment and 8 for the motion. The amendment was declared carried.

The Committee decided: that the application by G Morris, 12 Hope Road, Kirkmuirhill for a private hire car driver's licence in the Clydesdale zone be granted for a period of 1 year.