

LICENSING COMMITTEE

Minutes of meeting held via Microsoft Teams on 23 November 2021

Chair:

Councillor David Shearer

Councillors Present:

Councillor John Bradley, Councillor Andy Carmichael, Councillor Poppy Corbett, Councillor Mary Donnelly, Councillor Grant Ferguson, Councillor Lynsey Hamilton, Councillor Mark Horsham, Councillor Martin Lennon, 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 Lynne Nailon (*substitute for Councillor Richard Lockhart*), Councillor Bert Thomson

Councillors' Apologies:

Councillor Alistair Fulton, Councillor Geri Gray, Councillor George Greenshields, Councillor Martin Grant Hose, Councillor Richard Lockhart, 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 Minutes of Previous Meeting

The minutes of the meeting of the Licensing Committee held on 2 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 item 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.

5 Civic Government (Scotland) Act 1982 (As Amended) - Application for Late Hours Catering Licence

A report dated 4 November 2021 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a late hours catering 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. Following discussion, it was agreed that there was sufficient information to proceed, without the need for the applicant to be present.

The Committee decided: that the following application for a late hours catering licence be granted subject to the conditions specified by the Executive Director (Finance and Corporate Resources):-

Applicant:	A G Restaurants Limited, The Wright Business Centre, Lonmay Road, Glasgow and L Stanners
Type of Licence:	Late hours catering
Premises:	McDonalds, 11 Queensway, East Kilbride
Days/Hours Requested:	Monday to Sunday from 11.00pm until 5.00am
Days/Hours Granted:	Monday to Sunday from 11.00pm until 5.00am

6 Civic Government (Scotland) Act 1982 (As Amended) - Application for Late Hours Catering Licence

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In terms of the Civic Government (Scotland) Act 1982 (as amended), the opportunity of a hearing had been offered to the applicant. Following discussion, it was agreed that there was sufficient information to proceed, without the need for the applicant to be present.

The Committee decided: that the following application for a late hours catering licence be granted subject to the conditions specified by the Executive Director (Finance and Corporate Resources):-

Applicant:	A G Restaurants Ltd, The Wright Business Centre, Lonmay Road, Glasgow and L Stanners
Type of Licence:	Late hours catering
Premises:	McDonalds, Lees Burn Court, Nerston, East Kilbride
Days/Hours Requested:	Monday to Sunday from 11.00pm until 5.00am
Days/Hours Granted:	Monday to Sunday from 11.00pm until 5.00am

7 Civic Government (Scotland) Act 1982 (As Amended) - Application for Late Hours Catering Licence

A report dated 4 November 2021 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a late hours catering 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. Following discussion, it was agreed that there was sufficient information to proceed, without the need for the applicant to be present.

The Committee decided: that the following application for a late hours catering licence be granted subject to the conditions specified by the Executive Director (Finance and Corporate Resources):-

Applicant:	A G Restaurants Ltd, The Wright Business Centre, Lonmay Road, Glasgow and P McCue
Type of Licence:	Late hours catering
Premises:	McDonalds, Dalmarnock Road, Rutherglen
Days/Hours Requested:	Monday to Sunday from 11.00pm until 5.00am
Days/Hours Granted:	Monday to Sunday from 11.00pm until 5.00am

8 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Driver's Licence No 170

A report dated 25 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 170, with effect from 25 October 2021
- ♦ proposing that consideration be given to whether private hire car driver's licence No 170 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 represented by Mr Farrell, Solicitor. A complaint had been received from Police Scotland and Sergeant Gill was heard.

Views had also been received from the applicant's solicitor.

Councillor Lennon, seconded by Councillor McGuigan, moved that the licence should not be suspended or revoked. Councillor McLachlan, seconded by Councillor Miller, 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

John Bradley, Lynsey Hamilton, Mark Horsham, Martin Lennon, Eileen Logan, Catherine McClymont, Colin McGavigan, Jim McGuigan

Amendment

Andy Carmichael, Poppy Corbett, Mary Donnelly, Grant Ferguson, Kenny McCreary, Davie McLachlan, Julia Marrs, Gladys Miller, Lynne Nailon, David Shearer, Bert Thomson

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

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 170, with effect from 25 October 2021, for a maximum period of 6 weeks, be noted; and
- (2) that private hire car driver's licence No 170 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 11.13am and reconvened at 11.20am

9 Civic Government (Scotland) Act 1982 (As Amended) - Application for Grant of Taxi Driver's Licence

A report dated 25 October 2021 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the grant of a taxi 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 represented by Mr Farrell, Solicitor. An objection had been received from Police Scotland and Sergeant Gill was heard.

Views had also been received from the applicant's solicitor.

Councillor Lennon, seconded by Councillor McGuigan, moved that the licence be granted for a period of 1 year. Councillor Miller, seconded by Councillor Carmichael, moved as an amendment that the licence be refused.

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

Motion

John Bradley, Lynsey Hamilton, Mark Horsham, Martin Lennon, Eileen Logan, Catherine McClymont, Colin McGavigan, Jim McGuigan

Amendment

Andy Carmichael, Poppy Corbett, Mary Donnelly, Grant Ferguson, Kenny McCreary, Davie McLachlan, Julia Marrs, Gladys Miller, Lynne Nailon, David Shearer, Bert Thomson

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

The Committee decided:

that the application by N Mekonen, 68 Robroyston Avenue, Glasgow for a taxi driver's licence in the Cambuslang and Rutherglen zone be refused.

In terms of Standing Order No 13, the Chair adjourned the meeting at 12.20pm and reconvened at 12.25pm. Councillors Ferguson, Lennon and Miller left the meeting after this item of business

10 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Driver Licence No 383

A report dated 5 November 2021 by the Executive Director (Finance and Corporate Resources) was submitted to consider the suspension or revocation of Private Hire Car Driver's licence No 383 in terms of the Civic Government (Scotland) Act 1982 (as amended).

At its meeting on 2 November 2021, the Committee agreed to continue this item of business to its meeting on 23 November 2021 to enable Mr Zarq's solicitor to attend.

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 accompanied by Mr Noman and represented by J Beltrami, Solicitor. A complaint had been received from Police Scotland and Sergeant Gill was heard.

The Committee decided: that Private Hire Car Driver's Licence No 383 in the Cambuslang and Rutherglen zone be suspended with immediate effect for the remainder of the period of licence.

[Reference: Minutes of 2 November 2021 (Paragraph 5)]