

Licensing Committee  
Wednesday, 10 January 2018

**Present**

Ronnie McNicol, Robert Barr, Scott Gallacher, Jean McClung, Davina McTiernan, Donald L. Reid and Angela Stephen.

**In Attendance**

A. Craig, Senior Manager Legal Services, W. O'Brien, Solicitor (Licensing), C. Pollock, Licensing Administration Officer, D. Robertson, Enforcement Officer, A. Toal, Administrative Assistant, and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

**Also In Attendance**

Sergeant Dougan and D. Hastings, Licensing Administrator (Police Scotland).

**Chair**

Councillor McNicol in the Chair.

**Apologies for Absence**

John Easdale and Todd Ferguson.

**1 Declarations of Interest**

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Barr, as an acquaintance of the applicant, declared an interest in Hearing 2 (McGuire) under Agenda Item 3 (Civic Government (Scotland) Act: Licensing Matters), left the meeting for that item of business and took no part in the decision thereon.

**2 Minutes**

The accuracy of the Minutes of the meeting of the Committee held on 29 November 2017 was confirmed, and the Minutes were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3 Exclusion of the Public**

"The Committee resolved, under Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting, the press and the public, for Agenda Item 3 (Civic Government (Scotland) Act 1982: Licensing Matters) on the grounds that they involved the likely disclosure of exempt information as defined in Section 50J of, and Schedule 7A to, the Local Government Act 1973. The 'Exempt Information' concerned is that described in Section 7A, Paragraph 6

("Information relating to the financial or business affairs of any particular person (other than the authority)", Paragraph 14 ("Any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime") and Paragraph 15 ("The identity of a Protected Informant" - where "Protected Informant" is defined in Part III as a person who informs the Local Authority about a past, present or future crime, breach of statutory duty, breach of planning control, or nuisance)."

#### **4 Civic Government (Scotland) Act 1982 and other Licensing statutes: Licensing Matters**

Submitted report by the Chief Executive on hearings to be determined and applications for the grant or renewal of licences and permits, in terms of the Civic Government (Scotland) Act 1982.

##### **PART A: Hearings**

##### **4.1 Taxi Driver's Licence: TDL/00792 (Renewal) - George Williams**

The Committee, at its meeting held on 29 November 2017, agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicant, having been duly cited to attend, was present.

The representatives of Police Scotland addressed the Committee on a letter setting out an observation in respect of the application and a further letter containing an observation.

Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

##### **Decision**

Councillor Gallacher, seconded by Councillor Donald L. Reid, moved that the application be granted in terms of Schedule 5(1)(a) of Schedule 1 of the Civic Government (Scotland) 1982 for a period of one year. There being no amendment, the motion was declared carried.

##### **4.2 Taxi Driver's Licence: TDL/02068 (New) - Douglas McGuire**

The Committee, at its meeting held on 29 November 2017, agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicant, having been duly cited to attend, was present.

The Solicitor (Licensing) addressed the Committee on the background to the hearing as previously intimated in writing to the applicant. Thereafter, the

applicant addressed the Committee on the issues raised and responded to questions.

The applicant and representatives of Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

### **Decision**

Councillor McClung, seconded by Councillor Donald L. Reid, moved that the application be granted in terms of Schedule 5(1)(a) of Schedule 1 of the Civic Government (Scotland) 1982 for a period of one year. There being no amendment, the motion was declared carried.

#### **4.3 Taxi Driver's Licence: TDL/02062 (New) - Craig Moffat**

The Committee, at its meeting held on 29 November 2017, agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicant, having been duly cited to attend, was present.

The Solicitor (Licensing) addressed the Committee on the background to the hearing. As previously intimated in writing to the applicant. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

### **Decision**

Councillor Barr, seconded by Councillor Donald L. Reid, moved that the application be granted in terms of Schedule 5(1)(a) of Schedule 1 of the Civic Government (Scotland) 1982 for a period of one year. There being no amendment, the motion was declared carried.

#### **4.4 Late Hours Catering Licence: LHCL/116 (Renewal) - Mascot Ltd**

The Committee, at its meeting held on 29 November 2017, agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicant, having been duly cited to attend, was represented by Mahmood Saleem, Director, accompanied by a Solicitor.

The Solicitor (Licensing) addressed the Committee on the background to the hearing as previously intimated in writing to the applicant. The applicant's solicitor addressed the Committee on the issues raised and responded to questions.

### **Decision**

The Committee unanimously agreed to grant the application, for the period 11.00 p.m. to 5.00 a.m., in terms of Paragraph 5(1)(a) of Schedule 1 to the Civic Government (Scotland) Act 1982, subject to conditions applied under Paragraph 5(2): (a) the Council's Standard Conditions and (b) a further condition, that no hot food be sold, or facilities for heating food used (whether by staff or customers), after 1.00 a.m.

#### **4.5 Taxi Licence and Taxi Driver's Licence: TL/194 & TDL/01355 - Michael Ferguson**

The Committee, at its meeting held on 1 November 2017, agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 11(7) of Schedule 1 of the Civic Government (Scotland) Act 1982. The licence holder, having been duly cited to attend that meeting, was unable to be present, and the Committee unanimously agreed to continue consideration of the matter to the next meeting to allow the licence holder to attend.

The licence holder, having been duly cited to attend, was present.

The Enforcement Officer addressed the Committee on the background to the matter. Thereafter, the licence holder addressed the Committee on the issues raised and responded to questions.

The licence holder then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

#### **Decision**

Councillor Barr, seconded by Councillor McTiernan, moved, in respect of Taxi Licence TL/194 and Taxi Driver's Licence/01355 held by Michael Ferguson, that the grounds of suspension (Civic Government (Scotland) Act 1982, Schedule 1, Paragraphs 11(2)(a) and (d)) should be held established, but that no Suspension should be imposed. There being no amendment, the Motion was declared carried.

The Committee considered that in the circumstances the licence-holder should be sent a written warning about his future conduct and be advised (a) that his failure to comply with a condition of his Taxi Licence on 19 August 2017 after a suspension hearing on 15 March 2017 relating to a failure to observe the same condition might be considered by the Committee when he later sought the grant or renewal of any Licence (whether or not that future Application concerned the two Licences which were the subject of the present hearing) and (b) that the circumstances considered on 10 January 2018 could be taken into account if the Committee dealt with any future Suspension proceedings involving the licence holder.

#### **PART B: Applications for Grant/Renewal of Licences**

#### **4.6 Street Trader Employee Licence: STL/E/116 (Renewal) - Angela Gilgannon**

The Committee unanimously agreed to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of three years.

#### **4.7 Tattooing Licence: SPTL/042 (New) - Reid & Reid (Hairdressers) Limited**

The Committee unanimously agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

#### **4.8 Taxi Driver's Licence: TDL/00462 (New) - Matthew Imrie**

The Committee unanimously agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

#### **4.9 Taxi Driver's Licence: TDL/00731 (Renewal) - Steven Kelly**

The Committee unanimously agreed to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of three years.

#### **4.10 Taxi Driver's Licence: TDL/01876 (Renewal) - Alessandro Gavazzeni**

The Committee unanimously agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

#### **4.11 Taxi Driver's Licence: TDL/02067 (New) - James Ross**

The Committee unanimously agreed to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year.

#### **4.12 Taxi Driver's Licence: TDL/02074 (New) - John McDowall**

The Committee unanimously agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

#### **4.13 Taxi Licence: TL/420 (New) - Andrew Brannan**

The Committee unanimously agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

**5 Licensing of Window Cleaners - Civic Government (Scotland) Act 1982, Section 43**

Submitted report by the Chief Executive on a representation from Police Scotland requesting that the Council consider requiring the licensing of window cleaners under the Civic Government (Scotland) Act 1982, Section 43.

The report set out the statutory procedure under Section 9 for making a Resolution and suggested a timetable for that procedure.

The Committee agreed to (a) propose to resolve, under Section 9 of the Civic Government (Scotland) Act 1982 that, from and after Sunday 23 December 2018, Section 43 of that Act shall apply, so that a Window Cleaner's Licence shall be required for carrying on the trade of, or being employed as, a window cleaner; and (b) adopt, for the statutory procedure, the timetable set out at Section 3.4 of the report.

The Meeting ended at 12.05 p.m