

MINUTE
of
LICENSING COMMITTEE

Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock, on 5 September 2023.

Present:

Councillor Paul Edlin (Chair)
Provost Mary Montague

Councillor David Macdonald (*)

Councillor Edlin in the Chair

(*) indicates remote attendance

Attending:

Gerry Mahon, Chief Officer - Legal and Procurement, Chief Executive's Office; Brian Kilpatrick, Civic Government Enforcement Officer; Colin Wright and John Burke, Committee Services Officers.

Also Attending:

Inspector Michelle Grant and Inspector Gareth Griffiths, Police Scotland.

Apologies:

Councillors Angela Convery (Vice-Chair) and Andrew Morrison.

DECLARATIONS OF INTEREST

553. There were no declarations of interest intimated from Members.

TAXI FARES REVIEW

554. The Committee considered a report by the Chief Officer – Legal and Procurement, to consider the next stage in the review of taxi fares. (Agenda item 3 refers).

The Civic Government (Scotland) Act 1982 (“the Act”) provided that the licensing authority must fix scales for the fares and other charges made in the connection with the hire of a taxi or with the arrangements for its hire and to thereafter review such scales periodically i.e. every 18 months.

The purpose of this report was to set out the proposed scales as detailed in Appendix 2, explain the effect of the scales, propose a date on which the proposed scales were to come

into effect, and invite representations in writing until the relevant date (as defined in Section 17 of the Act).

Following discussion, the Committee agreed that:

- a) The new scales, as per those proposed in Appendix 2, for the hire of taxis in East Renfrewshire and all other charges in connection with the hire of a taxi or with the arrangements for its hire (whether at altered rates or the same rates) be approved.
- (b) The Chief Officer (Legal and Procurement) be authorised to publish those proposed scales in a newspaper circulating within East Renfrewshire:
 - (i) setting out the proposed scales,
 - (ii) explaining the effect of the proposed scales,
 - (iii) proposing a date on which the proposed scales were to come into effect, and
 - (iv) inviting representations in writing until the relevant date (as defined in Section 17 of the Act).
- (c) The Chief Officer (Legal and Procurement) be authorised to prepare a further report on any such representations received by the Council for the consideration of the Licensing Committee or, in the absence of any such representations, to fix the scales and give further notice in accordance with the Act with delegation to set out, and explain the effect of, the scales as fixed and to set the date on which the scales as fixed were to come into effect.

LATE HOURS CATERING LICENCE – APPLICATION FOR GRANT

555. The Committee considered a report by the Chief Officer (Legal and Procurement) on an application for the grant of a Late Hours Catering Licence, received from Anderson Strathern as agent on behalf of JE Restaurants Limited (item 4 refers). The application was attached as Appendix 1 to this report (agenda item 4 refers).

In accordance with the Regulations, the application had been advertised and letters of objection had been received. Scott Flanigan was also present as Solicitor for and on behalf of Anderson Strathern, as agent for Jim McLean, JE Restaurants Limited, who was also present. Five objectors, having been invited to the meeting, were also present.

Mr Flannigan was heard regarding the application and in answer to the concerns raised by the objectors. He was also heard in answer to questions from the Committee and objectors

Kevin Hughes spoke on behalf of the objectors and he expanded on the objections raised, which related to concerns about antisocial behaviour, noise levels, signage lighting and food smells; They were also heard in answer to questions from the Committee and Mr Flannigan.

The Committee agreed to a short adjournment to consider the matter.

On reconvening, the Committee agreed to defer consideration of the application for Late Hours Catering Licence until a later date, after the Committee had arranged for a visit to view the site in question.

Resolution to Exclude Press and Public

RESOLVED that, in accordance with the provisions of Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the press and public be excluded from the

meeting for the remaining items of business on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraphs 6 and 14 of Part 1 of Schedule 7A to the Act.

PRIVATE HIRE DRIVERS LICENCE – APPLICATION FOR RENEWAL

556. The Committee considered a report by the Chief Officer (Legal and Procurement) in relation to an application for the renewal of a Private Hire Driver's Licence (agenda item 5 refers).

The licensee was present, along with his cousin, who acted as an interpreter.

Area Inspector Griffiths representing the Chief Constable, who had made an out of time objection, was also present.

The report explained that in determining the application it would be for the Committee to decide if it wished to consider the out of time objection submitted by the Chief Constable and, if so, what weight it wished to attach to the objection and its relevance to the type of licence being applied for.

Having heard the applicant agree that the late objection could be considered, and following a short adjournment, the Committee agreed to consider the out of time objection and copies were provided to Members.

Inspector Griffiths was heard in respect of the objection submitted by the Chief Constable.

The applicant was then heard in respect of the application.

The Committee agreed to a short adjournment to consider the matter.

On reconvening, the Committee, agreed to continue consideration of the application until after the applicant's trial date on 24th October 2023.

CHAIR

