

**MINUTE**  
**of**  
**LICENSING COMMITTEE**

**Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock, on 7 November 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); Brian Kilpatrick, Civic Government Enforcement Officer; Jennifer Graham, Committee Services Officer; John Burke, Committee Services Officer; and Lesleyann Burns, Assistant Committee Services Officer.

**Also Attending:**

Chief Inspector Graeme Gallie and Sergeant Lisa Campbell, Police Scotland.

**Apology:**

Councillor Andrew Morrison.

**DECLARATIONS OF INTEREST**

**656.** There were no declarations of interest intimated.

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – McDONALD’S RESTAURANT, BOWERWALLS PLACE, BARRHEAD, GLASGOW G78 1BF – APPLICATION FOR LATE HOURS CATERING LICENCE**

**657.** Under reference to the Minute of the meeting of 5 September 2023 (Page 608, Item 555 refers), when it was agreed that consideration of the application for a Late Hours Catering Licence be deferred until a site visit could take place, the committee considered a report by the Chief Officer (Legal and Procurement) in relation to an application for the grant of a Late Hours Catering Licence in respect of the McDonald’s Restaurant, Bowerwalls Place, Barrhead (Item 4 refers).

670

The applicant Mr Jim McLean, JE Restaurants Limited, was present together with his Solicitor Mr Scott Flannigan.

Members attended a site visit on 15 September 2023, and they had some additional questions for the applicant prior to a final decision on the application being made. In response to questions, Mr McLean estimated that there may be no more than 20 people in the restaurant between midnight and 5am, with this number reducing to between 5 and 10 people from 2am until 5am. He added that night shift managers were well trained to deal with anti-social behaviour, which included contacting the police if someone was causing a disturbance which they were unable to deal with, or if someone was refusing to vacate the premises when asked to do so. He also spoke about the importance of being a good neighbour and that, if the licence was granted in full but there was a persistent problem, he could decide to close the restaurant during the night to reduce any further disturbance if that was deemed necessary. Thereafter, Sergeant Campbell confirmed that Police Scotland had not objected to the application and that there had been no evidence of increased anti-social behaviour at night in this area.

Mr Mahon provided legal advice to members in relation to the application, advising that, if the applicant was in violation of any of the conditions contained within the licence, it could be revoked by the committee at a later date. Mr Flannigan added that, if the licence was granted, it would be resubmitted for renewal in due course and any issues of concern could be reconsidered at that time.

Following a full discussion, in the course of which Members debated different ways in which the application could be dealt with, Councillor Edlin, seconded by Provost Montague, proposed that the application be granted. Councillor Macdonald proposed as an amendment that the application be refused. As there was no seconder, the amendment fell.

On a vote being taken, Councillor Edlin and Provost Montague voted for the application to be granted and Councillor Macdonald voted for the application to be refused.

The application for a Late Hours Catering Licence was granted for a period of one year, subject to standard conditions.

### **Resolution to Exclude Press and Public**

At this point in the meeting, on the motion of the Chair, the Committee unanimously 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 they 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 DRIVER'S LICENCE AND PRIVATE HIRE CAR OPERATOR'S LICENCE – REQUEST FOR IMMEDIATE SUSPENSION**

**658.** The committee considered a report by the Chief Officer – Legal & Procurement in relation to a request for suspension of a Private Hire Car Driver's Licence and a Private Hire Car Operator's Licence under Paragraph 11(1) of Schedule 1 of the Civic Government (Scotland) Act 1982 (Agenda Item 4 refers). The applicant, having been invited to the meeting, was not present.

Chief Inspector Gallie and Sergeant Campbell representing the Chief Constable, who had requested the suspension, were present. It was reported that the Chief Constable had requested the suspension on the grounds that the licence holder was no longer a fit and proper person to be the holder of these licences, and requested the immediate suspension of the

licences in terms of Paragraph 12(1) of the Schedule on the grounds that the carrying on of the activity to which the licences related was likely to cause a serious threat to public order or public safety.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the request by the Chief Constable and its relevance to the types of licence held.

Following discussion, the committee agreed to suspend both licences in terms of Paragraph 12(1) of Schedule 1 of the Civic Government (Scotland) Act 1982.

### **PRIVATE HIRE CAR OPERATOR'S LICENCE – APPLICATION FOR RENEWAL**

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

The licensee was present.

Chief Inspector Gallie and Sergeant Campbell, representing the Chief Constable, who had made an out of time objection to the application, were 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 out of time objection could be considered, the Committee agreed to consider the out of time objection and copies were circulated.

Sergeant Campbell was heard in respect of the objection submitted by the Chief Constable.

The applicant was then heard in respect of the application for renewal.

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

On reconvening, the Committee, having taken account of the submission made by the licensee, his previous conviction, its seriousness and relevance to the licence being applied for, and also having taken account of the objection by the Chief Constable, agreed that the application for renewal be refused on the grounds that the licensee was no longer a fit and proper person to be the holder of such a licence by virtue of his previous conviction.

CHAIR

