



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 18 June 2018

Dear Councillor

Licensing Committee

The Members listed below are requested to attend a meeting of the above Committee to be held as follows:-

Date: Tuesday, 08 May 2018

Time: 10:00

Venue: Committee Room 1, Council Offices, Almada Street, Hamilton, ML3 0AA

The business to be considered at the meeting is listed overleaf.

Members are reminded to bring their fully charged tablets to the meeting

Yours sincerely

Lindsay Freeland
Chief Executive

Members

David Shearer (Chair), Julia Marrs (Depute Chair), John Ross (ex officio), John Bradley, Stephanie Callaghan, Andy Carmichael, Poppy Corbett, Mary Donnelly, Geri Gray, George Greenshields, Lynsey Hamilton, Mark Horsham, Martin Grant Hose, Martin Lennon, Richard Lockhart, Eileen Logan, Katy Loudon, Joe Lowe, Catherine McClymont, Kenny McCreary, Mark McGeever, Jim McGuigan, Davie McLachlan, Gladys Miller, Bert Thomson, Josh Wilson

Substitutes

Alex Allison, Walter Brogan, Jackie Burns, Janine Calikes, Margaret Cowie, Maureen Devlin, Joe Fagan, Ann Le Blond, Ian McAllan, Richard Nelson, Carol Nugent, Collette Stevenson, Jared Wark

BUSINESS

- 1 Declaration of Interests**
- 2 Minutes of Previous Meeting** 5 - 8
Minutes of the meeting of the Licensing Committee held on 27 March 2018 submitted for approval as a correct record. (Copy attached)
- 3 Minutes of Special Meeting** 9 - 10
Minutes of the special meeting of the Licensing Committee held on 19 March 2018 submitted for approval as a correct record. (Copy attached)

Urgent Business

- 4 Urgent Business**
Any other items of business which the Chair decides are urgent.

Exclusion of Press and Public

- 5 Exclusion of Press and Public**
It is recommended that the Committee makes the following resolution:-

"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(s) of business on the grounds that it is likely that there will be disclosure of exempt information in terms of Paragraphs 6 and 14 of Part I of Schedule 7A of the Act."

Item(s) for Decision

- 6 Civic Government (Scotland) Act 1982 (As Amended) - Application for a Private Hire Car Driver's Licence**
 - Exempt information in terms of Paragraph 6 of Part I of Schedule 7A of the Act
- 7 Civic Government (Scotland) Act 1982 (As Amended) - Application for a Private Hire Car Driver's Licence**
 - Exempt information in terms of Paragraph 14 of Part I of Schedule 7A of the Act
- 8 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Taxi Driver's Licence No 181**
 - Exempt information in terms of Paragraph 14 of Part I of Schedule 7A of the Act

For further information, please contact:-

Clerk Name: Carol Lyon

Clerk Telephone: 01698 455652

Clerk Email: carol.lyon@southlanarkshire.gov.uk

LICENSING COMMITTEE

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Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 27 March 2018

Chair:

Councillor David Shearer

Councillors Present:

John Bradley, Stephanie Callaghan, Andy Carmichael, Poppy Corbett, Maureen Devlin (*substitute for Councillor McLachlan*), Mary Donnelly, George Greenshields, Lynsey Hamilton, Mark Horsham, Martin Grant Hose, Martin Lennon, Richard Lockhart, Eileen Logan, Joe Lowe, Catherine McClymont, Kenny McCreary, Mark McGeever, Jim McGuigan, Julia Marrs (Depute), Gladys Miller, Bert Thomson, Josh Wilson

Councillors' Apologies:

Geri Gray, Katy Loudon, Davie McLachlan, John Ross (ex officio)

Attending:

Finance and Corporate Resources

M Cooper, Standards and Development Officer; C Lyon, Administration Officer; T Stone, Licensing and Registration Manager; 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 6 March 2018 were submitted for approval as a correct record.

The Committee decided: that the minutes be approved as a correct record.

3 Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Places of Public Entertainment

A report dated 15 February 2018 by the Executive Director (Finance and Corporate Resources) was submitted on a proposal to amend the existing Public Entertainment Resolution.

In response to a routine consultation carried out with Police Scotland and Community and Enterprise Resources, a request had been received for the Council to consider including trampoline parks and dog agility shows in the draft Resolution. Police Scotland had also requested that soft play areas be included in the draft Resolution. Due to concerns raised about bonfires in certain areas, it was also proposed that bonfires would now be included in the draft Resolution.

At its meeting on 1 March 2017, the Committee approved the draft Public Entertainment Resolution. The final Resolution had been considered by Committee on 21 June 2017, at which time clarification on certain activities to be included in the scope of the Resolution had been requested.

As the terms of the final Resolution had been altered with the addition of a new provision in relation to bonfires and/or firework displays, the process required the Committee to consider a new draft Resolution at this stage.

If the draft Resolution was agreed and made final, this would mean any trampoline park, internal or external, or any facility with trampolines, soft play areas, dog agility shows, bonfires and/or fireworks displays would require to apply for a public entertainment licence. For clarification, temporary soft play areas/trampolines set up by toddler groups or other play groups were excluded from the definition.

In terms of the Civic Government (Scotland) Act 1982 (as amended), appropriate notice of the proposed amended Resolution would require to be given in the local press of the statutory period of 28 days in which to lodge any objections or observations. When that process had been completed, a further report requesting approval of the Final Resolution on Licensing of Places of Public Entertainment would be submitted to Committee.

The Committee decided: that the draft Resolution for the Licensing of Places of Public Entertainment, as detailed in the appendix to the report, be approved.

[Reference: Minutes of 21 June 2017 (Paragraph 2)]

4 Urgent Business

There were no items of urgent business.

5 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.

6 Civic Government (Scotland) Act 1982 (As Amended) - Application for a Private Hire Car Driver's Licence - Protected Convictions

A report dated 12 March 2018 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a private hire car driver's licence in terms of the Civic Government (Scotland) Act 1982 (as amended).

In the interests of justice, it was considered that protected convictions might require to be taken into account in dealing with any application for a licence. After consideration of the number, nature and age of the applicant's protected convictions, it was proposed that consideration of the application be continued to allow further information on the applicant's protected convictions to be obtained.

The Committee decided: that detailed information be requested on the protected convictions of the applicant to allow full consideration of the application for a private hire car driver's licence.

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

A report dated 7 March 2018 by the Executive Director (Finance and Corporate Resources) was submitted on an application for 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. An objection had been received from Police Scotland and Sergeant Gill was heard.

The Committee decided: that the application by A Majeed, Flat 0/2, 243 Hollybrook Street, Glasgow for a private hire car driver's licence in the Cambuslang and Rutherglen zone be refused.

8 Civic Government (Scotland) Act 1982 (As Amended) - Application for a Private Hire Car Driver's Licence

A report dated 5 March 2018 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a private hire car driver's licence in terms of the Civic Government (Scotland) Act 1982 (as amended).

The Licensing and Registration Manager advised that the conviction dated 2 November 2004 should not be taken into consideration as it was a protected conviction.

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. An objection had been received from Police Scotland and Sergeant Gill was heard.

Councillor Miller, seconded by Councillor McGuigan, moved that the application be granted for a period of 1 year. Councillor Shearer, seconded by Councillor Marrs, moved as an amendment that the application be refused. On a vote being taken by a show of hands, 13 members voted for the amendment and 9 for the motion. The amendment was declared carried.

The Committee decided: that the application by A Fraser, 8 Bank Road, Carmyle, Glasgow for a private hire car driver's licence in the Cambuslang and Rutherglen zone be refused.

LICENSING COMMITTEE

Minutes of special meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 19 March 2018

Chair:

Councillor David Shearer

Councillors Present:

Stephanie Callaghan, Andy Carmichael, Margaret Cowie (*substitute for Councillor McLachlan*), Mary Donnelly, George Greenshields, Mark Horsham, Martin Grant Hose, Martin Lennon, Richard Lockhart, Eileen Logan, Katy Loudon, Joe Lowe, Catherine McClymont, Kenny McCreary, Mark McGeever, Julia Marrs (Depute), Gladys Miller, Bert Thomson, Jared Wark (*substitute for Councillor Corbett*)

Councillors' Apologies:

John Bradley, Poppy Corbett, Geri Gray, Lynsey Hamilton, Jim McGuigan, Davie McLachlan, John Ross (ex officio), Josh Wilson

Attending:**Finance and Corporate Resources**

J Burke, Administration Assistant; T Dickie, Licensing and Registration Team Leader; C Lyon, Administration Officer; C McKee, Licensing Co-ordinator; G Mays, Solicitor

1 Declaration of Interests

The following interests were declared:-

<i>Councillor(s)</i>	<i>Item(s)</i>	<i>Nature of Interest(s)</i>
Marrs and Shearer	Civic Government (Scotland) Act 1982 (as amended) Application for a Temporary Public Entertainment Licence	Known to an objector

2 Urgent Business

There were no items of urgent business.

3 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 Paragraph 6 of Part I of Schedule 7A of the Act.

4 Civic Government (Scotland) Act 1982 (As Amended) - Application for a Temporary Public Entertainment Licence

In the absence of the Chair and Depute Chair for this item and, in terms of Standing Order No 32(b), Councillor Logan, seconded by Councillor McClymont, moved that Councillor Carmichael be appointed as Chair. Councillor Donnelly, seconded by Councillor Horsham, moved that Councillor Miller be appointed as Chair.

On a vote being taken by a show of hands, 5 members voted for Councillor Miller and 8 members voted for Councillor Carmichael. Councillor Carmichael was appointed as Chair for this item only.

A report dated 5 March 2018 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a temporary public entertainment 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 applicants who were present and represented by M McDougall, Solicitor, in support of their application.

The applicants' Solicitor advised that the dates applied for had been amended to 25 to 29 April 2018.

Comments opposing the application had been received from Councillor Corbett and local residents. J Allan, A Gibson and R Nelson were present and heard respectively.

Comments supporting the application had been received from local residents.

I Guild, Grounds Services and H O'Neill, Environmental Services were also present.

Councillor Carmichael, seconded by Councillor Lennon, moved that the application be granted. Councillor Hose, seconded by Councillor McCreary, moved as an amendment that the application be refused. On a vote being taken by a show of hands, 4 members voted for the amendment and 13 for the motion which was declared carried.

The Committee decided:

that the application by G Stirling of Stirling and Reader and L Paton, 160A Arden Craig Road, Glasgow for a temporary public entertainment licence at Crawforddyke Football Park, Eastfield Road, Carluke be granted subject to the conditions specified by the Executive Director (Finance and Corporate Resources) and the following additional conditions:-

- ◆ consent from the owners of the ground would be required before the licence was issued
- ◆ a named contact, with mobile phone, must be on site and available for contact should any situation arise requiring action to be taken. Details of the contact and mobile phone number would be forwarded to the Council's Out of Hours Service
- ◆ the ground must be reinstated to its original state following the event at the cost of the applicant

Councillors Marrs and Shearer, having declared an interest in the above item of business, withdrew from the meeting during its consideration