

LICENSING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 12 May 2010

Chair:

Councillor Mary McNeill

Councillors Present:

Eileen Baxendale, Andy Carmichael, Jim Docherty, Barry Douglas, Lynn Filshie (Depute), Anne Higgins, Bill Holman, Eileen Logan, Clare McColl, Jean McKeown, Davie McLachlan, John McNamee, Alice Marie Mitchell, Patrick Ross-Taylor, Graham Scott, David Shearer, Hamish Stewart, Bert Thomson, Richard Tullett, David Watson

Councillors' Apologies:

Beith Forrest, Archie Manson, Edward McAvoy

Attending:

Corporate Resources

M Cooper, Standards and Development Officer/Chief Registrar; C Lyon, Administration Officer; G Mays, Solicitor; C McKee, Licensing Co-ordinator; M F O'Neill, Solicitor; T Stone, Licensing and Registration Manager

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Licensing Committee held on 24 March 2010 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 - Licensing of Taxis - Review of Taxi Fares

A report dated 23 April 2010 by the Executive Director (Corporate Resources) was submitted on the requirement, in terms of Section 17 of the Civic Government (Scotland) Act 1982, to undertake a taxi fares review within each of the 4 zones of South Lanarkshire.

In previous years, the fares review had been based on an agreed formula. However, following the outcome of an appeal which had been lodged with the Traffic Commissioner in relation to the 2008 fares review, a full review of the agreed formula would be undertaken in advance of the next fares review. For this review, however, views from the trade had been invited on what increases there should be, if any, in the fares tariff.

In light of the responses received, it was proposed that there be:-

- ◆ no change to the current fares tariff within the Clydesdale and Rutherglen and Cambuslang zones
- ◆ an increase in the 2 mile hire from £4.00 to £4.40 in the Hamilton zone
- ◆ an increase in the 2 mile hire from £5.00 to £5.20 in the East Kilbride zone

In addition, it was proposed that the Licensing and Registration Manager, in consultation with the Chair and Depute Chair, be authorised to progress the fares review, in line with the proposals contained within the report, with a view to achieving implementation as soon as possible subject to:-

- ♦ there being no objections in the course of the consultation process
- ♦ agreement being reached for the East Kilbride zone on how the increase was to be shown on the fares card

The Committee decided:

- (1) that the Licensing and Registration Manager, in consultation with the Chair and Depute Chair, be authorised to progress the fares review in line with the proposals detailed in the report;
- (2) that there be no change to the current fares tariff in the Clydesdale and Rutherglen and Cambuslang zones and that the required process be followed to achieve implementation as soon as possible subject to there being no objections;
- (3) that the taxi fares review process be progressed in the Hamilton and East Kilbride zones; and
- (4) that, in the event of objections being received to the fares review in the course of the consultation process, the matter be referred to a future meeting of this Committee for further consideration.

[Reference: Minutes of 10 September 2008 (Paragraph 3)]

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(s) 6 and 14 of Part I of Schedule 7A of the Act.

6 Civic Government (Scotland) Act 1982 - Application for Grant of a Public Entertainment Licence - Fitness First Clubs Limited and G Lawrence, Law Place, East Kilbride

A report dated 20 April 2010 by the Executive Director (Corporate Resources) was submitted on an application for a public entertainment licence in terms of the Civic Government (Scotland) Act 1982.

The Committee decided: that the following application be granted subject to the conditions specified by the Executive Director (Corporate Resources):-

Applicant: Fitness First Clubs Limited and G Lawrence
Type of Licence: Public entertainment licence for sunbeds
Days/Hours: Monday to Thursday from 6.30am to 10.30pm
Friday from 6.30am to 9.00pm
Saturday and Sunday from 9.00am to 7.00pm
Location: Fitness First, Law Place, East Kilbride

7 Civic Government (Scotland) Act 1982 - Application for Grant of a Private Hire Car Driver's Licence - R Cummings, 39 Buchanan Crescent, Hamilton

A report dated 20 April 2010 by the Executive Director (Corporate Resources) was submitted on an application for a private hire car driver's licence in terms of the Civic Government (Scotland) Act 1982.

The Committee decided: that the application by R Cummings, 39 Buchanan Crescent, Hamilton for a private hire car driver's licence in the Hamilton zone be refused.

8 Civic Government (Scotland) Act 1982 - Application for Variation of Market Operator's Licence - W Young, Overton Farm, Crossford

A report dated 14 April 2010 by the Executive Director (Corporate Resources) was submitted on an application for the variation of market operator's licence No 1 previously granted by the Council under the Civic Government (Scotland) Act 1982.

The applicant had requested that the maximum number of stalls operated at Overton Farm, Crossford be increased from 150 to 200.

In terms of the Act, the opportunity of a hearing had been offered to the applicant who was not present but represented by J Young who was heard in support of the application. Comments from Roads and Transportation Services were also heard.

The Committee decided: that the application by W Young to vary the terms of market operator's licence No 1 to increase the number of stalls operated at Overton Farm, Crossford from 150 to 200 be granted.

9 Civic Government (Scotland) Act 1982 - Application for a Private Hire Car Driver's Licence - S Titi, 21 Kirkcudbright Place, Brancumhall, East Kilbride

A report dated 20 April 2010 by the Executive Director (Corporate Resources) was submitted on an application for a private hire car driver's licence in terms of the Civic Government (Scotland) Act 1982.

At its meeting on 29 April 2009, the Committee had suspended the application held by the applicant at that time. This decision had been appealed and it was still being dealt with by the court.

In terms of the Act, the opportunity of a hearing had been offered to the applicant who was present and heard in support of his application.

A late representation had been received from Strathclyde Police. The reason for the lateness of the representation was accepted and Chief Inspector Kerr was heard on behalf of Strathclyde Police.

A medical report had been requested from the applicant's doctor but this had not been received.

The Committee decided: that the application by S Titi, 21 Kirkcudbright Place, Brancumhall, East Kilbride for a private hire car driver's licence in the East Kilbride zone be refused.

[Reference: Minutes of 29 April 2009 (Paragraph 10)]

Councillor Docherty left the meeting after this item of business

10 Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009 - Application for Grant of a Booking Office Licence - Cadzow Cars, 212 Low Waters Road, Hamilton

A report dated 20 April 2010 by the Executive Director (Corporate Resources) was submitted on an application for a booking office licence in terms of the Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009.

In terms of the Act, the opportunity of a hearing had been offered to the applicant who was not present but represented by M Morgan who was heard in support of the application. An objection had been received from J Holton, a local resident, who was present and also heard.

The Committee decided: that the application by J Morgan for a booking office licence in respect of Cadzow Cars, 212 Low Waters Road, Hamilton be granted.

In terms of Standing Order No 13, the Chair adjourned the meeting after this item of business at 12.10pm. Councillors Douglas, Holman, McColl and Watson were not present when the meeting re-convened at 12.20pm

11 Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009 - Application for Grant of a Booking Office Licence - Strathclyde Radio Cars, 15 Kyle Square, Rutherglen

A report dated 20 April 2010 by the Executive Director (Corporate Resources) was submitted on an application for a booking office licence in terms of the Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009.

In terms of the Act, the opportunity of a hearing had been offered to the applicant who was not present but was represented by G Robertson, Advocate and H Lobjuie who were heard in support of the application.

A late objection had been received from Strathclyde Police. The reason for the lateness of the objection was accepted and Inspector Ross was heard on behalf of Strathclyde Police. An observation was also heard from Roads and Transportation Services.

The Committee decided: that the application by G Campbell for a booking office licence in respect of Strathclyde Cars, 15 Kyle Square, Rutherglen be refused.