



Council Offices, Almada Street
Hamilton, ML3 0AA

Wednesday, 28 March 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, 30 January 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, Robert Brown, Stephanie Callaghan, Andy Carmichael, Poppy Corbett, Mary Donnelly, Geri Gray, 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 12 December 2017 submitted for approval as a correct record. (Copy attached)
- 3 Minutes of Special Meeting** 9 - 12
Minutes of the special meeting of the Licensing Committee held on 16 January 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 items of business on the grounds that it was likely that there would 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 to Vary the Terms of Indoor Sports Entertainment Licence No 007**
 - 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 to Vary the Terms of Indoor Sports Entertainment Licence No 003**
 - Exempt information in terms of Paragraph 6 of Part I of Schedule 7A of the Act
- 8 Civic Government (Scotland) Act 1982 (As Amended) - Application to Vary the Terms of Public Entertainment Licence No 136**
 - Exempt information in terms of Paragraph 6 of Part I of Schedule 7A of the Act
- 9 Civic Government (Scotland) Act 1982 (As Amended) - Application to Vary the Terms of Public Entertainment Licence No 006**
 - Exempt information in terms of Paragraph 6 of Part I of Schedule 7A of the Act

10 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

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

- Exempt information in terms of Paragraph 6 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 12 December 2017

Chair:

Councillor David Shearer

Councillors Present:

John Bradley, Robert Brown, Andy Carmichael, Poppy Corbett, Mary Donnelly, Lynsey Hamilton, Martin Grant Hose, Eileen Logan, Katy Loudon, Joe Lowe, Kenny McCreary, Mark McGeever, Jim McGuigan, Davie McLachlan, Julia Marrs (Depute), Gladys Miller, Collette Stevenson (*substitute for Councillor Horsham*), Bert Thomson, Jared Wark (*substitute for Councillor Lockhart*), Josh Wilson

Councillors' Apologies:

Stephanie Callaghan, Geri Gray, Mark Horsham, Martin Lennon, Richard Lockhart, Catherine McClymont, John Ross (ex officio)

Attending:

Finance and Corporate Resources

C McKee, Licensing and Registration Co-ordinator; J Muirhead, Administration Adviser; T Stone, Licensing and Registration Manager; L Wyllie, Administration Assistant

Order of Business

The Committee decided: that the items of business be dealt with in the order minuted below.

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Licensing Committee held on 28 November 2017 were submitted for approval as a correct record.

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

3 Urgent Business

There were no items of urgent business.

4 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 Paragraphs 6 and 14 of Part I of Schedule 7A of the Act.

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

A report dated 22 November 2017 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).

An objection had been received from Police Scotland.

The Committee decided: that the application by D Shearer, Flat 1/2, 3 Ballantay Road, Castlemilk, Glasgow for a private hire car driver's licence be refused.

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

A report dated 23 November 2017 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 her application.

Councillor Shearer, seconded by Councillor Marrs, moved that the licence be granted for a period of 1 year subject to the applicant undertaking 6 monthly health checks and submitting the results to the Licensing and Registration Service. Councillor Lowe, seconded by Councillor Carmichael, moved as an amendment that the application be refused. Councillor Wilson, seconded by Councillor McLachlan, moved as a second amendment, that the licence be granted for the full 3 year period, subject to the applicant undertaking 6 monthly health checks and submitting the results to the Licensing and Registration Service.

On a vote being taken by a show of hands between the second amendment (moved by Councillor Wilson and seconded by Councillor McLachlan) and the first amendment (moved by Councillor Lowe and seconded by Councillor Carmichael), 13 members voted for the second amendment and 4 for the first amendment. The second amendment was declared carried and placed against the motion. On a vote being taken by a show of hands, 11 members voted for the amendment and 8 voted for the motion. The amendment was declared carried.

The Committee decided: that the application by M Thomas, 45 Vere Road, Kirkmuirhill for a private hire car driver's licence in the Clydesdale zone be granted subject to the applicant undertaking 6 monthly health checks and submitting the results to the Licensing and Registration Service.

7 Civic Government (Scotland) Act 1982 (As Amended) - Application for a Late Hours Catering Licence

A report dated 23 November 2017 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a late hours catering 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. A representation had been received from Police Scotland and Sergeant Tomlinson was heard. L Nimmo from Police Scotland was also present.

Councillor McGuigan, seconded by Councillor McCreary, moved that the application be granted until 12 midnight Friday and Saturday only. Councillor Hamilton, seconded by Councillor Miller, moved as an amendment that the application be granted for the times requested. On a vote being taken by a show of hands, 15 members voted for the amendment and 6 for the motion. The amendment was declared carried.

The Committee decided: that the following application for a late hours catering licence be granted subject to the conditions specified by the Executive Director (Finance and Corporate Resources):-

Applicant:	Amran Tandoori (Bothwell) Limited and M Hakeem
Type of Licence:	Late hours catering
Premises:	87 Main Street, Bothwell
Days/Hours Requested:	Sunday to Thursday from 11.00pm to 12 midnight Friday and Saturday from 11.00pm to 12.30am
Days/Hours Granted:	Sunday to Thursday from 11.00pm to 12 midnight Friday and Saturday from 11.00pm to 12.30am

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

A report dated 22 November 2017 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a taxi 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. A representation had been received from Police Scotland and Sergeant Tomlinson was heard. L Nimmo from Police Scotland was also present.

The Committee decided: that the application by R McEwan, 180 Stobo, Calderwood, East Kilbride for a taxi driver's licence in the East Kilbride zone be granted.

Councillors Carmichael, Logan and Lowe left the meeting during this item of business

Chair's Closing Remarks

The Chair extended the compliments of the season to all members and officials present.

LICENSING COMMITTEE

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Minutes of special meeting held in the Council Chamber, Council Offices, Almada Street, Hamilton on 16 January 2018

Chair:

Councillor David Shearer

Councillors Present:

John Bradley, Robert Brown, Poppy Corbett, Maureen Devlin (*substitute for Councillor Carmichael*), Mary Donnelly, Geri Gray, Lynsey Hamilton, Mark Horsham, Martin Grant Hose, Martin Lennon, Richard Lockhart, Eileen Logan, Katy Loudon, Joe Lowe, Catherine McClymont, Kenny McCreary, Mark McGeever, Davie McLachlan, Julia Marrs (Depute), Gladys Miller, Carol Nugent (*substitute for Councillor McGuigan*), Bert Thomson

Councillors' Apologies:

Stephanie Callaghan, Andy Carmichael, Jim McGuigan, John Ross (ex officio), Josh Wilson

Attending:

Finance and Corporate Resources

C Lyon, Administration Officer; C McKee, Licensing and Registration Co-ordinator; T Stone, Licensing and Registration Manager; L Wyllie, Administration Assistant

1 Declaration of Interests

No interests were declared.

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 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.

4 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Driver's Licence No 647

A report dated 13 December 2017 by the Executive Director (Finance and Corporate Resources) was submitted:-

- ♦ advising on action taken, in terms of Standing Order No 36(c), in view of the timescales involved and a serious threat to public order or safety, by the Executive Director (Finance and Corporate Resources), in consultation with the Chair and an ex officio member, to order the immediate suspension of private hire car driver's licence No 647, with effect from 13 December 2017

- ♦ proposing that consideration be given to whether private hire car driver's licence No 647 should be suspended or revoked

In terms of the Civic Government (Scotland) Act 1982 (as amended), the opportunity of a hearing had been offered to the licence holder who was not present or represented. A complaint had been received from Police Scotland.

The Committee decided: that private hire car driver's licence No 647 for the Cambuslang and Rutherglen zone be suspended with immediate effect for the remainder of the period of the licence.

5 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Operator's Licence No 829

A report dated 6 December 2017 by the Executive Director (Finance and Corporate Resources) was submitted:-

- ♦ advising on action taken, in terms of Standing Order No 36(c), in view of the timescales involved and a serious threat to public order or safety, by the Executive Director (Finance and Corporate Resources), in consultation with the Chair and an ex officio member, to order the immediate suspension of private hire car operator's licence No 829, with effect from 6 December 2017
- ♦ proposing that consideration be given to whether private hire car operator's licence No 829 should be suspended or revoked

In terms of the Civic Government (Scotland) Act 1982 (as amended), the opportunity of a hearing had been offered to the licence holder who was present and represented by E Johnston. A complaint had been received from Police Scotland and Sergeant McGovern was heard.

Councillor McLachlan, seconded by Councillor Miller, moved that the licence be not suspended. Councillor Shearer, seconded by Councillor Lennon, moved as an amendment that the licence be suspended with immediate effect for the remainder of the period of the licence. On a vote being taken by a show of hands, 6 members voted for the amendment and 17 for the motion which was declared carried.

The Committee decided: that private hire car operator's licence No 829 for the Hamilton zone be not suspended.

6 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Driver's Licence No 450

A report dated 6 December 2017 by the Executive Director (Finance and Corporate Resources) was submitted:-

- ♦ advising on action taken, in terms of Standing Order No 36(c), in view of the timescales involved and a serious threat to public order or safety, by the Executive Director (Finance and Corporate Resources), in consultation with the Chair and an ex officio member, to order the immediate suspension of private hire car driver's licence No 450, with effect from 6 December 2017
- ♦ proposing that consideration be given to whether private hire car driver's licence No 450 should be suspended or revoked

In terms of the Civic Government (Scotland) Act 1982 (as amended), the opportunity of a hearing had been offered to the licence holder who was present and represented by E Johnston. A complaint had been received from Police Scotland and Sergeant McGovern was heard.

The Committee decided: that private hire car driver's licence No 450 for the Hamilton zone be suspended with immediate effect for the remainder of the period of the licence.

