



Council Offices, Almada Street
Hamilton, ML3 0AA

10 April 2008

Dear Councillor

Licensing Committee

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

Date: Wednesday 16 April 2008

Time: 10:00am

Venue: Committee Room 1, Council Offices, Almada Street, Hamilton

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

Please note that an elected members' Awareness Session on the Journey of an application under the Civic Government (Scotland) Act 1982 will be held at 9.30am in Committee Room 1 immediately prior to the Licensing Committee.

Yours sincerely

Archibald Strang
Chief Executive

Members

Eileen Baxendale, Andy Carmichael, Pam Clearie, Jim Docherty, Barry Douglas, Beith Forrest, Anne Higgins, Eileen Logan, Archie Manson, Edward McAvoy, Brian McCaig, Clare McColl, Jean McKeown, Davie McLachlan, John McNamee, Mary McNeill, Alice Marie Mitchell, Patrick Ross-Taylor, Graham Scott, David Shearer, Hamish Stewart, Bert Thomson, Richard Tullett, David Watson

BUSINESS

1 Declaration of Interests

2 Minutes of Previous Meeting

Minute of meeting of the Licensing Committee held on 30 January 2008 submitted for approval as a correct record. (Copy attached) Pages 1 to 4

Item(s) for Decision

3 Civic Government (Scotland) Act 1982 - Licensing of Taxis - Review of Taxi Fares

Report dated 25 March 2008 by the Executive Director (Corporate Resources). (Copy attached) Pages 5 and 6

4 Civic Government (Scotland) Act 1982 - Application for Variation of Street Trader's Licence - D Anderson, 34 King Street, Hamilton

Report dated 25 March 2008 by the Executive Director (Corporate Resources). (Copy attached) Pages 7 to 9

5 Civic Government (Scotland) Act 1982 - Application for Grant of a Private Hire Car Driver's Licence - G Moon, 143 Drygate Street, Larkhall

Report dated 25 March 2008 by Executive Director (Corporate Resources). (Copy attached) Pages 11 to 13

Exclusion of Press and Public

6 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 Paragraph(s) 6 of Part I of Schedule 7A of the Act."

Item(s) for Decision

7 Civic Government (Scotland) Act 1982 - Application for Grant of a Window Cleaner's Licence - J Boyle, 20 Ansdell Avenue, Blantyre

Report dated 25 March 2008 by the Executive Director (Corporate Resources). (Copy attached) Pages 15 to 28

8 Civic Government (Scotland) Act 1982 - Application for Grant of a Private Hire Car Driver's Licence - A Redmond, 32 Rona Terrace, Cambuslang

Report dated 26 March 2008 by the Executive Director (Corporate Resources). (Copy attached) Pages 29 to 41

9 Civic Government (Scotland) Act 1982 - Reconsideration of Suspension of Private Hire Car Driver's Licence - S Gardiner, 45 MacArthur Wynd, Halfway, Cambuslang

Report dated 9 April 2008 by the Executive Director (Corporate Resources).
(Copy attached) Pages 42 to 47

Urgent Business

10 Urgent Business

Any other items of business which the Chair decides are urgent.

For further information, please

contact:-

Carol Lyon on 01698 455652

carol.lyon@southlanarkshire.gov.uk

LICENSING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 30 January 2008

Chair:

Councillor Mary McNeill

Councillors Present:

Eileen Baxendale, Andy Carmichael, Pam Clearie, Jim Docherty, Barry Douglas, Beith Forrest, Eileen Logan, Brian McCaig, Clare McColl, Jean McKeown, Davie McLachlan, John McNamee, Alice Marie Mitchell, Patrick Ross-Taylor, Graham Scott, David Shearer, Hamish Stewart, Bert Thomson (Depute), David Watson

Councillors' Apologies:

Anne Higgins, Archie Manson, Edward McAvoy

Attending:

Corporate Resources

J Donnelly, Solicitor; C Lyon, Administration Officer; A Shiells, Senior Registrar/Area Team Leader

1 Declaration of Interests

The following interests were declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Baxendale and Thomson	Civic Government (Scotland) Act 1982 - Applications for Grant of a Private Hire Car Operator's Licence and a Private Hire Car Driver's Licence - G Brown, 71 Harlequin Court, Hamilton	Family contact and employee of Hastie Cars respectively

2 Minutes of Previous Meetings

The minutes of the meetings of the Licensing Committee held on 29 August and 7 November 2007 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 - Application for Grant of a Private Hire Car Driver's Licence - S Draz, 127 Arden Craig Drive, Glasgow

A report dated 11 January 2008 by the Executive Director (Corporate Resources) was submitted on an application for a private hire car driver's licence in the Rutherglen and Cambuslang zone in terms of the Civic Government (Scotland) Act 1982.

The Committee decided: that the application by S Draz, 127 Arden Craig Drive, Glasgow for a private hire car driver's licence in the Rutherglen and Cambuslang zone be refused.

4 Civic Government (Scotland) Act 1982 - Application for Grant of a Private Hire Car Driver's Licence - K Creaney, 18 Burns Way, Newarthill

A report dated 11 January 2008 by the Executive Director (Corporate Resources) was submitted on an application for a private hire car driver's licence in the Hamilton zone in terms of the Civic Government (Scotland) Act 1982.

The Committee decided: that the application by K Creaney, 18 Burns Way, Newarthill for a private hire car driver's licence in the Hamilton zone be refused.

5 Civic Government (Scotland) Act 1982 - Application for Grant of a Private Hire Car Driver's Licence - T Moffat, Flat 1/1, 15 Prospecthill Place, Glasgow

A report dated 11 January 2008 by the Executive Director (Corporate Resources) was submitted on an application for a private hire car driver's licence in the Rutherglen and Cambuslang zone in terms of the Civic Government (Scotland) Act 1982.

The Committee decided: that the application by T Moffat, Flat 1/1, 15 Prospecthill Place, Glasgow for a private hire car driver's licence in the Rutherglen and Cambuslang zone be refused.

6 Urgent Business

There were no items of urgent business.

7 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(s) of business on the grounds that it was likely that there would be disclosure of exempt information in terms of Paragraph(s) 6 of Part I of Schedule 7A of the Act.

8 Civic Government (Scotland) Act 1982 - Application for Grant of a Window Cleaner's Licence - J Boyle, 20 Ansdell Avenue, Blantyre - Spent Convictions

A report dated 11 January 2008 by the Executive Director (Corporate Resources) was submitted on an application for a window cleaner's licence in terms of the Civic Government (Scotland) Act 1982.

In the interests of justice, spent 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 spent convictions, it was proposed that consideration of the application be continued to allow further information on the spent convictions of the applicant to be obtained.

The Committee decided: that further information be requested on the spent convictions of J Boyle, 20 Ansdell Avenue, Blantyre before

Licensing Committee
16 April 2008

his application for a window cleaner's licence for the Hamilton zone was considered.

9 Civic Government (Scotland) Act 1982 - Application for Grant of a Street Trader's Licence - N Pacheco, 11 Cuthbert Street, Uddingston

A report dated 11 January 2008 by the Executive Director (Corporate Resources) was submitted on an application for the grant of a street trader's licence in terms of the Civic Government (Scotland) Act 1982. In terms of the Act, the opportunity of a hearing had been offered to the applicant. The applicant was heard in support of her application. Objections from C McColl, local resident and the Executive Director (Enterprise Resources) in respect of Roads and Transportation Services were heard. The objection from the Executive Director (Education Resources) in respect of Education Support Services had been withdrawn. An observation from the Executive Director (Enterprise Resources) in respect of Planning and Building Standards Services was also considered.

Councillor Watson, seconded by Councillor McNamee, moved that the application be refused. Councillor Docherty, seconded by Councillor Carmichael, moved as an amendment that the application be granted subject to the location being the old petrol station; planning permission being obtained and consent being obtained from the owner of the site. On a vote being taken by a show of hands, 5 members voted for the motion and 14 for the amendment which was declared carried.

The Committee decided:

that the application by N Pacheco, 11 Cuthbert Street, Uddingston for the grant of a street trader's licence in the Rutherglen and Cambuslang zone be granted subject to:-

- ◆ the location of the site being that of the old petrol station
- ◆ planning permission being obtained
- ◆ consent being obtained from the owner of the site

10 Civic Government (Scotland) Act 1982 - Application for Grant of a Taxi Driver's Licence - L Keir, 4 Cairns Court, 67 Hamilton Road, Cambuslang

A report dated 11 January 2008 by the Executive Director (Corporate Resources) was submitted on an application for a taxi driver's licence in terms of the Civic Government (Scotland) Act 1982. In terms of the Act, the opportunity of a hearing had been offered to the applicant. The applicant and his representative, H Hay, were heard in support of the application. An objection by Strathclyde Police was also heard.

Councillor Forrest, seconded by Councillor Stewart, moved that the application be granted for a limited period of time. Councillor McLachlan, seconded by Councillor Douglas, having moved as an amendment that the application be granted in full, Councillors Forrest and Stewart formally withdrew their original motion.

The Committee decided:

that the application by L Keir, 4 Cairns Court, 67 Hamilton Road, Cambuslang for a taxi driver's licence in the Rutherglen and Cambuslang zone be granted.

Councillor McNamee, as the mover of an amendment which failed to find a seconder, asked that his dissent be recorded

Councillor McColl was present at the meeting for this item only

Councillor Douglas left the meeting after this item of business

11 Civic Government (Scotland) Act 1982 - Application for Grant of a Private Hire Car Operator's Licence - G Brown, 71 Harlequin Court, Hamilton

A report dated 11 January 2008 by the Executive Director (Corporate Resources) was submitted on an application for a private hire car operator's licence in terms of the Civic Government (Scotland) Act 1982. In terms of the Act, the opportunity of a hearing had been offered to the applicant who was heard in support of his application.

The Committee decided: that the application by G Brown, 71 Harlequin Court, Hamilton for a private hire car operator's licence in the Hamilton zone be approved.

12 Civic Government (Scotland) Act 1982 - Application for Grant of a Private Hire Car Driver's Licence - G Brown, 71 Harlequin Court, Hamilton

A report dated 11 January 2008 by the Executive Director (Corporate Resources) was submitted on an application for a taxi driver's licence in terms of the Civic Government (Scotland) Act 1982. In terms of the Act, the opportunity of a hearing had been offered to the applicant and all information presented in relation to the previous application was considered in relation to this application.

The Committee decided: that the application by G Brown, 71 Harlequin Court, Hamilton for a private hire car driver's licence in the Hamilton zone be granted.

Councillors Baxendale and Thomson, having declared an interest in the above 2 items, withdrew from the meeting during their consideration

	Report	Agenda Item 3
---	---------------	--------------------------

Report to:	Licensing Committee
Date of Meeting:	16 April 2008
Report by:	Executive Director (Corporate Resources)

Subject:	Civic Government (Scotland) Act 1982 Licensing of Taxis – Review of Taxi Fares
----------	---

1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ highlight the requirement to undertake a taxi fares review for all zones of South Lanarkshire
- ◆ request approval for the process to be followed in undertaking the fares review

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the fares review be undertaken in line with the agreed formula;
- (2) that powers be delegated to the Executive Director (Corporate Resources), Head of Legal Services and District Court Licensing and Registration Manager in consultation with the Chair and Depute Chair of the Licensing Committee to progress the fares review on that basis after consultation; and
- (3) that, in the event of requests being received which are outwith the formula or if objections are received to the fares review, the matter be referred to Committee for decision.

--

3. Background

3.1. The Council previously agreed that fares would be increased in line with the formula agreed between the former Hamilton District Council and the Hamilton Taxi Trade.

4. Present Position

- 4.1. The last fares review came into force in March/April 2007 and there is a requirement to review taxi fares every 18 months in terms of the appropriate legislation. In view of the need for consultation with the Taxi Trades and the requirements for statutory advertisements to enable the fares review to be implemented during the statutory 18 month time limit, it is necessary to commence the consultation process now.
- 4.2. In the event of the fares reviews being agreed in principle after consultation on the basis of the existing formula, it is proposed that powers be delegated to the Executive Director (Corporate Resources), Head of Legal Services and District Court Licensing and Registration Manager in consultation with the Chair and Depute Chair of the Licensing Committee to progress the fares review.

Licensing Committee

16 April 2008

- 4.3 In the event of any requests being received which fall outwith the agreed formula or where objections are received, the fares review will be referred to Committee for decision.

5. Employee Implications

- 5.1. None

6. Financial Implications

- 6.1. None

7. Other Implications

- 7.1. None

8. Equality Impact Assessment and Consultation Arrangements

- 8.1. There is no requirement to carry out an impact assessment in terms of the proposals contained within this report.

- 8.2 All required consultation will be undertaken with the taxi trade.

Robert McIlwain

Executive Director (Corporate Resources)

25 March 2008

Link(s) to Council Objectives

- ◆ Improve Community Safety

Previous References

None

List of Background Papers

None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Teresa Stone, District Court, Licensing and Registration Manager

Ext: 4806 (Tel: 01698 454806)

E-mail: teresa.stone@southlanarkshire.gov.uk

Licensing Committee
16 April 2008



Report

Report to:	Licensing Committee
Date of Meeting:	16 April 2008
Report by:	Executive Director (Corporate Resources)

Subject:	Civic Government (Scotland) Act 1982 Application for Variation of Street Trader's Licence – D Anderson, 34 King Street, Hamilton
----------	---

1 Purpose of Report

1.1. The purpose of the report is to:-

- ♦ consider the application by D Anderson, 34 King Street, Hamilton for the variation of a Street Trader's licence in the Hamilton zone

2 Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the application be granted.

3 Background

3.1. Before a person can operate as a street trader, they require to apply to the Council for the appropriate licence.

3.2. In terms of the legislation "street trading" means doing any of the following things in a public place:-

- a) hawking, selling or offering or exposing for sale any article;
- b) offering to carry out or carrying out for money or money's worth any service to any person in a public place.

3.3. In terms of the Civic Government (Scotland) Act 1982, each application requires to be dealt with on its own individual merits.

4 Present Position

4.1. The applicant is a mobile street trader who has applied to vary the terms of his licence as detailed in the attached schedule.

5 Employee Implications

5.1. None

6 Financial Implications

6.1. None

Licensing Committee

16 April 2008

7 Other Implications

7.1. None

8 Equality Impact Assessment and Consultation Arrangements

8.1. There is no requirement to carry out an impact assessment in terms of the proposals contained within this report.

8.2. In all cases, when an application under the Civic Government (Scotland) Act 1982 is received, it is copied to Strathclyde Police, Planning, Trading Standards, Roads and Transportation Services, Environmental Services and Education Services (where the trading is near a school) for consultation.

Robert McIlwain

Executive Director (Corporate Resources)

25 March 2008

Link(s) to Council Objectives and Values

- ♦ Improve Community Safety

Previous References

None

List of Background Papers

- ♦ Consultation responses from standard consultees.

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Teresa Stone, District Court, Licensing and Registration Manager

Ext: 4806 (Tel: 01698 454806)

E-mail: teresa.stone@southlanarkshire.gov.uk

LICENSING COMMITTEE – 16 April 2008

LICENSING OF STREET TRADERS				
<u>Name & Address of Applicant</u>	<u>Area of Trade</u>	<u>Days and Hours</u>	<u>Comments</u>	<u>Recommendation</u>
Derek Anderson 34 King Street Hamilton	Udston Scheme, Russell Street, Thornton Avenue, Burnbank.	Monday to Sunday 11.30am to 10.00pm	Variation of Street Trader's Lic. No. 56 Current Licence includes sale of: Ice Cream, confectionery, cigarettes, minerals, bread and milk. Variation to include sale of: hot dogs	Grant

Licensing Committee
16 April 2008

Report

Report to:	Licensing Committee
Date of Meeting:	16 April 2008
Report by:	Executive Director (Corporate Resources)

Subject:	Civic Government (Scotland) Act 1982 Application for Grant of a Private Hire Car Driver's Licence – G Moon, 143 Drygate Street, Larkhall
----------	---

1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ consider the application by G Moon, 143 Drygate Street, Larkhall, for the grant of a private hire car driver's licence in the Hamilton zone.

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the application be refused.

3. Background

3.1. Before a person can drive a taxi or private hire car, they require to apply to the Council for the appropriate licence.

3.2. In terms of the Civic Government (Scotland) Act 1982, each application requires to be dealt with on its own merits.

4. Present Position

4.1 Letter of objection dated 17 December 2007 has been received from Strathclyde Police as detailed in the attached schedule.

4.2. Views have been received from applicant in relation to the objection from Strathclyde Police. However, it is considered that the Police objection is valid and that the application should, therefore, be refused.

5. Employee Implications

5.1. None

6. Financial Implications

6.1. None

7. Other Implications

7.1. None

Licensing Committee
16 April 2008

8. Equality Impact Assessment and Consultation Arrangements

- 8.1 There is no requirement to carry out an impact assessment in terms of the proposals contained within this report.
- 8.2 In all cases, when an application under the Civic Government (Scotland) Act 1982 is received, it is copied to Strathclyde Police for consultation.

Robert McIlwain
Executive Director (Corporate Resources)

25 March 2008

Link(s) to Council Objectives and Values

- ◆ Improve Community Safety

Previous References

None

List of Background Papers

- Consultation responses from standard consultees

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Teresa Stone, District Court, Licensing and Registration Manager

Ext: 4806 (Tel: 01698 454806)

E-mail: teresa.stone@southlanarkshire.gov.uk

LICENSING COMMITTEE – 16 APRIL 2008

LICENSING OF PRIVATE HIRE CAR DRIVERS			
<u>Name and Address of Applicant</u>	<u>Area of Trade</u>	<u>Comments</u>	<u>Recommendation</u>
Gordon George Moon 143 Drygate Street Larkhall	Hamilton zone	Grant of Private Hire Car Driver's Licence Objection received from Strathclyde Police 23/8/07 - Hamilton Sheriff Court – Contravention of the Misuse of Drugs Act 1972 S4(3)(B) – Fined £600 Views received from Applicant	Refuse on the grounds that the applicant is not a fit and proper person to be the holder of a private hire car driver's licence

Licensing Committee
16 April 2008