

LICENSING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 7 November 2007

Chair:

Councillor Mary McNeill

Councillors Present:

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

Councillors' Apologies:

Archie Manson, Edward McAvoy, Hamish Stewart

Attending:

Community Resources

G Devine, Environmental Services Manager

Corporate Resources

M Cooper, Assistant District Court and Licensing Co-ordinator; C Lyon, Administration Officer; T Stone, District Court, Licensing and Registration Manager

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meetings

The minutes of the special meetings of the Licensing Committee held on 18 September, 26 September and 1 October 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 - Amendment of Public Entertainment Licence Resolution - Deletion of Amusement Arcades

A report dated 16 October 2007 by the Executive Director (Corporate Resources) was submitted on an amendment to the existing Public Entertainment Licence Resolution. Following the implementation of the Gambling Act 2005, it was no longer necessary for an amusement arcade or similar premises to be included in the categories of activity that required a Public Entertainment Licence.

On the basis that those premises were now covered by the Gambling Act 2005, it was proposed that the reference to "An amusement arcade or similar premises having machines for entertainment or amusement including video machines" be deleted from the current Resolution.

In terms of the Civic Government (Scotland) Act 1982, appropriate notice of the 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. In the event that no objections or observations were received, it was proposed that the District Court, Licensing and Registration Manager be authorised to approve the final Resolution and carry out the necessary statutory procedures.

The Committee decided:

- (1) that the reference to “An amusement arcade or similar premises having machines for entertainment or amusement including video machines” be deleted from the current Resolution for licensing of categories of public entertainment and that the draft Resolution be approved as follows:-

“South Lanarkshire Council, under the powers of Section 9 of the Civic Government (Scotland) Act 1982, resolve that as from a date not less than 9 months from the date of this Resolution, the following categories of Public Entertainment, provision for the licensing and regulation of which is made under Section 41 of the said Act, shall require to be licensed and regulated in accordance with those provisions:-

- ◆ a theatre, concert hall or music hall
- ◆ a dance hall or discotheque
- ◆ a skating rink
- ◆ a circus
- ◆ an exhibition of persons or performing animals
- ◆ a fairground or pleasure park. (For the purposes of clarification, this specifically excludes gala days with a maximum of 2 children’s rides)
- ◆ a billiard, snooker or pool room
- ◆ a swimming pool
- ◆ outdoor concerts or events within the whole area of South Lanarkshire (including without prejudice to the foregoing generality Christmas grotto type events)
- ◆ sports centres
- ◆ sports barns
- ◆ bungee jumping
- ◆ sauna and/or sunbed establishments

South Lanarkshire Council, under the powers of Section 9 of the Civic Government (Scotland) Act 1982, resolve that as from a date not less than 9 months from the date of the making of this Resolution, that all Resolutions relating to Public Entertainment previously made are hereby revoked and that the above Resolution shall be in force throughout the South Lanarkshire Area”; and

- (2) that, in the event that there were no objections or representations to the draft Resolution, the District Court, Licensing and Registration Manager be authorised to approve the final Resolution and carry out the necessary statutory procedures.

[Reference: Minutes of 21 January 2004 (Paragraph 3)]

4 Civic Government (Scotland) Act 1982 - Licensing of Taxi Drivers - Disability Awareness Training

A report dated 19 October 2007 by the Executive Director (Corporate Resources) was submitted on the introduction of disability awareness training as a condition attached to a taxi driver’s licence.

In March 2003, it had been agreed to introduce disability awareness training for all taxi drivers. Following an assessment of the pilot training course run by Insite, it had been agreed that the Corporate Resources' Training Team would provide future training courses. A training course had been held in 2005 and was attended by 11 taxi drivers from the 4 licensing zones. Further training had been held since but attendance levels had remained low. To ensure that all taxi drivers undertook training in this area, it was now proposed to include this as a condition of a taxi driver's licence.

The cost of providing the training would be recovered from licensing fees, which would require to be increased by no more than £10.

The Committee decided: that the completion of disability awareness training be made a condition of a taxi drivers licence for all new taxi drivers and existing drivers on renewal of their licence.

[Reference: Minutes of 12 March 2003 (Paragraph 2)]

5 Civic Government (Scotland) Act 1982 - Licensing of Private Hire Cars - Approval of Vehicle

A report dated 19 October 2007 by the Executive Director (Corporate Resources) was submitted on the inclusion of the Ford Transit 350 LWB Minibus on the list of approved vehicles for use as a private hire car.

The current criteria for private hire cars stated that "The vehicle shall not have its specification altered from the original manufacturers equipment". A request had been received for the Ford Transit 350 LWB Minibus, which had been adapted to enable it to carry 5 passengers and 3 wheelchairs, to be added to the list of approved vehicles for private hire cars.

The Committee decided: that the Ford Transit 350 LWB Minibus be added to the list of approved vehicles for use as a private hire car.

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 - Renewal of Second-Hand Dealer's Licence - Arnold Clark Automobiles Limited, 241 Glasgow Road, Rutherglen

A report dated 19 October 2007 by the Executive Director (Corporate Resources) was submitted on an application for the grant of a second-hand dealer's licence in terms of the Civic Government (Scotland) Act 1982.

An observation had been received from the Executive Director (Enterprise Resources) in respect of Roads and Transportation Services to the effect that no cars should be stored or displayed on the public road network or surrounding footways.

The Committee decided:

that the application by Arnold Clark Automobiles Limited, 241 Glasgow Road, Rutherglen for a second-hand dealer's licence for the sale of second-hand vehicles for premises at 241 Glasgow Road, Rutherglen be granted subject to:-

- ◆ the conditions specified by the Executive Director (Corporate Resources)
- ◆ an additional condition specifying that no cars were to be stored or displayed on the public road network or surrounding footways

9 Civic Government (Scotland) Act 1982 - Licensing of Skin Piercing and Tattooing - H Hamilton, 139 Union Street, Larkhall

A report dated 15 October 2007 by the Executive Director (Community Resources) was submitted on an application by H Hamilton, 9 Earn Gardens, Larkhall for the grant of a licence in terms of the Civic Government (Scotland) Act 1982 to carry out the business of tattooing from premises at 139 Union Street, Larkhall.

In terms of the Civic Government (Scotland) Act 1982, the opportunity of a hearing had been offered to the applicant who was present and represented by R Carty, Solicitor. An objection by Strathclyde Police was heard.

Councillor McLachlan, seconded by Councillor Shearer, moved that consideration of the application be continued until all pending cases against Mr Hamilton had been heard. By way of amendment, Councillor Docherty, seconded by Councillor McNeill, moved that the application be dealt with at this meeting. On a vote being taken by a show of hands, 2 members voted for the motion and 19 for the amendment which was declared carried.

The Committee decided:

that the application by H Hamilton, 9 Earn Gardens, Larkhall for a licence to carry out the business of tattooing from premises at 139 Union Street, Larkhall be granted for a period of 1 year subject to the conditions of licence being fully met prior to the commencement of business.