



Council Offices, Almada Street
Hamilton, ML3 0AA

Tuesday, 19 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, 12 June 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 22 May 2018 submitted for approval as a correct record. (Copy attached)
- 3 **Minutes of Public Processions Panel** 9 - 10
Minutes of the meeting of the Public Processions Panel held on 31 May 2018 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

- 4 **Civic Government (Scotland) Act 1982 (As Amended) - Taxis/Private Hire Cars - Carriage of Assistance Dogs** 11 - 18
Report dated 15 May 2018 by the Executive Director (Finance and Corporate Resources). (Copy attached)
- 5 **Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Places of Public Entertainment** 19 - 22
Report dated 16 May 2018 by the Executive Director (Finance and Corporate Resources). (Copy attached)

Urgent Business

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

Exclusion of Press and Public

- 7 **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

- 8 **Civic Government (Scotland) Act 1982 (As Amended) - Application for a Skin Piercing and Tattoo Licence - Protected Convictions**
 - Exempt information in terms of Paragraph 14 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 022**
 - 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 to Vary the Terms of Indoor Sports Entertainment Licence No 001

- Exempt information in terms of Paragraph 6 of Part I of Schedule 7A of the Act

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

- Exempt information in terms of Paragraph 6 of Part I of Schedule 7A of the Act

12 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

For further information, please contact:-

Clerk Name: Carol Lyon

Clerk Telephone: 01698 455652

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

LICENSING COMMITTEE

2

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 22 May 2018

Chair:

Councillor David Shearer

Councillors Present:

Alex Allison (*substitute for Councillor McGeever*), John Bradley, Stephanie Callaghan, Andy Carmichael, Poppy Corbett, Geri Gray, George Greenshields, Lynsey Hamilton, Mark Horsham, Martin Grant Hose, Martin Lennon, Richard Lockhart, Eileen Logan, Katy Loudon, Joe Lowe, Catherine McClymont, Jim McGuigan, Julia Marrs (Depute), Gladys Miller, Richard Nelson (*substitute for Councillor McCreary*), Carol Nugent, Collette Stevenson (*substitute for Councillor Donnelly*), Bert Thomson, Josh Wilson

Councillors' Apologies:

Mary Donnelly, Kenny McCreary, Mark McGeever, 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

Chair's Opening Remarks

The Chair referred to the death of former councillor, Clare McColl, previously an elected member for Council Electoral Ward 13 (Cambuslang West). As a mark of respect, all present observed a minute's silence.

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Licensing Committee held on 8 May 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 Taxis - Review of Taxi Fares

A report dated 1 May 2018 by the Executive Director (Finance and Corporate Resources) was submitted on the progress of the fares review in all zones of South Lanarkshire.

In terms of Section 17 of the Civic Government (Scotland) Act 1982 (as amended), by Section 174 of the Criminal Justice and Licensing (Scotland) Act 2010, there was a requirement for licensing authorities to review taxi fares in their area every 18 months.

At its meeting on 27 June 2013, this Committee had given its approval for an agreed formula to be applied to calculate all future taxi fares increases.

East Kilbride taxi trade had indicated that it did not intend to request an increase to the current fares tariff this year and it was, therefore, proposed to progress the fares review on the basis that there would be no increase in the current fares tariff in the East Kilbride zone, as detailed in Appendix 1 to the report.

Operators within the Hamilton zone had been written to, however, only a few operators had responded, who had indicated that no fares increase was being requested. It was, therefore, proposed to progress the fares review on the basis that there would be no increase in the current fares tariff in the Hamilton zone, as detailed in Appendix 1 to the report.

Clydesdale operators had been written to twice and no responses had been received. Therefore, it was assumed that they were not requesting an increase in the current fares tariff at the current time. It was, therefore, proposed to progress the fares review on the basis that there would be no increase in the current fares tariff in the Clydesdale zone, as detailed in Appendix 1 to the report.

A few operators in the Cambuslang and Rutherglen zone had requested an increase in the fares tariff of varying amounts. A further report on those requests would be prepared for consideration when the appropriate figures were available.

The Committee decided:

- (1) that the review procedure for the Clydesdale, Hamilton and East Kilbride zones be commenced on the basis that there be no increase in the current fares tariff and the tariff should remain unchanged; and
- (2) that the current position of the taxi fares review in the Cambuslang and Rutherglen zone be noted.

[Reference: Minutes of 11 April 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 Paragraphs 6 and 14 of Part I of Schedule 7A of the Act.
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6 Civic Government (Scotland) Act 1982 (As Amended) - Application for Renewal of Taxi Driver's Licence No 172

A report dated 24 April 2018 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the renewal of taxi driver's licence No 172 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.

The Committee decided: that the application for the renewal of taxi driver's licence No 172 in the Clydesdale zone be granted subject to the applicant providing an annual update on his medical condition to the Licensing and Registration Service.

7 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Driver's Licence No 671

A report dated 25 April 2018 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 671, with effect from 25 April 2018
- ♦ proposing that consideration be given to whether private hire car driver's licence No 671 should be suspended or revoked

The Licensing and Registration Manager advised that the applicant's solicitor had requested that the application be continued to a future meeting of this Committee.

The Committee decided:

- (1) that the action taken, in terms of Standing Order No 36(c), by the Executive Director (Finance and Corporate Resources), in consultation with the Chair and an ex officio member, to suspend private hire car driver's licence No 671, with effect from 25 April 2018, for a period of 6 weeks, be noted; and
- (2) that consideration as to whether private hire car licence No 671 should be suspended or revoked be continued to a future meeting of this Committee subject to the licence remaining suspended in the interim period.

PUBLIC PROCESSIONS PANEL

Minutes of meeting held in Committee Room 2, Council Offices, Almada Street, Hamilton on 31 May 2018

Chair:

Councillor David Shearer

Councillors Present:

Eileen Logan, Jim McGuigan

Attending:**Finance and Corporate Resources**

G Bow, Administration Manager; T Little, Head of Communications and Strategy; C Lyon, Administration Officer; G Mays, Solicitor; J Roebuck, Licensing and Registration Team Leader

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 Panel 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 6 of Part I of Schedule 7A of the Act.

4 Notification of Intention to Hold a Public Procession in Larkhall on 1 June 2018 - Larkhall Purple Heroes Flute Band

In relation to a notification to hold a public procession on 1 June 2018 in Larkhall submitted by Larkhall Purple Heroes Flute Band, the Panel:-

- ◆ heard W Moore, J MacLean and W Ramage, representing Larkhall Purple Heroes Flute Band
- ◆ considered written representations from Police Scotland who were represented by Inspector S McGovern and Constable M Murphy

The submission from Larkhall Purple Heroes Flute Band included the following undertakings to:-

- ◆ increase the number of stewards in attendance at the parade
- ◆ increase the number of toilet facilities available for both those people in the parade and members of the public viewing the parade
- ◆ emphasise, through social media, the requirement to behave in an acceptable manner during the parade

- ◆ hold specific steward briefings to focus on key locations during the parade
- ◆ contact local residents to make them fully aware of the arrangements prior to the parade taking place in future years

The representatives of the organisation and representatives of Police Scotland withdrew from the meeting and, following discussion, the Panel decided that no order be made to prohibit the public procession from taking place subject to the agreed undertakings being adhered to by the organisation.

The representatives of the organisation, representatives of Police Scotland and objectors re-entered the meeting and were advised of the Panel's decision.

The organisers of the procession were also reminded of the importance of dealing with any future issues raised at debrief meetings. An undertaking was given by the Council to try to accommodate debrief meetings at a time more suitable to the organisers.

The Panel decided:

- (1) that no order be made to prohibit the public procession from taking place on 1 June 2018 in Larkhall subject to the agreed undertakings being adhered to by the organisation; and
- (2) that the public procession permit be issued with the standard conditions.

Report

Report to:	Licensing Committee
Date of Meeting:	12 June 2018
Report by:	Executive Director (Finance and Corporate Resources)

Subject:	Civic Government (Scotland) Act 1982 (As Amended) – Taxis/Private Hire Cars - Carriage of Assistance Dogs
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ♦ consider the adoption of a policy in relation to the carriage of assistance dogs in taxis and private hire cars

2. Recommendation(s)

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

- (1) that the policy attached submitted by the Guide Dogs for the Blind organisation be approved subject to the modifications detailed in Paragraph 4.3 of the report;
- (2) the said policy should come into force on 1 January 2019;
- (3) that the current training undergone by taxi drivers be extended to new private hire car drivers; and
- (4) that the training be introduced for all new private hire car driver applications required after 1 January 2019.

3. Background

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

3.2. In terms of the Taxi Drivers' Licences (Carrying of Guide Dogs) (Scotland) Regulations 2003 and the Private Hire Car Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2004, all taxi and private hire car drivers must carry an assistance dog unless they have received an exemption from the licensing authority.

4. Present Position

4.1. Currently across South Lanarkshire we have issued seven exemptions on the carriage of assistance dogs. Exemptions consist of an embossed certificate.

4.2. A request was received from Guide Dogs for the Blind that the Council adopts the attached policy. However, on close examination of the policy, some areas of the policy required to be amended to ensure it is in line with current Scottish legislation and is capable of being enforced.

4.3. The suggested amendments are as follows:-

4.3.1. On page two of the policy under the heading of “Enforcement Policy” the following changes would be recommended. It is recommended that the following paragraph be altered.

“A zero tolerance policy to access refusals investigating all reported violations of the act with a view to pursuing a conviction.”

It is recommended that the alteration be as follows:-

“Have a zero tolerance policy to access refusals investigating all reported violations of the Act with a view to bringing the perpetrator before the Licensing Committee to consider whether or not it is appropriate to suspend or revoke his or her licence.”

4.3.2. Delete the following paragraph:-

“Undertake periodic test purchasing with assistance dog owners on licensed vehicles to ensure that licensing requirements are being complied with.”

The licensing authority would not have the ability to do this. It is suggested that if such action was appropriate, this is something which the Guide Dog Association could carry out themselves and then pass on any relevant information to the licensing authority.

4.3.3. The following paragraph:-

“Make it a condition of taxi and private hire car vehicle drivers licences that they have undertaken disability equality training which includes information regarding the carriage of assistance dogs.”

This training is currently available to taxi drivers and if this policy were approved the training would require to be extended to private hire car drivers.

4.3.4. Under the heading “Medical Exemption Certificate” the following paragraph “Only issue an exemption certificate when it is authorised by a medical practitioner and is accompanied by medical evidence, for example, a blood test, a skin prick test or a clinical history.

It is recommended that the word “authorised” is deleted and replaced with the word “supported” and the words “and is.... to clinical history” be deleted.

It is suggested that a letter from a medical practitioner certifying that the licenceholder suffers from a medical condition which is aggravated by exposure to dogs should be sufficient for the issue of an exemption certificate. This is the current Council position.

5. Employee Implications

5.1. None.

6. Financial Implications

6.1. None.

7. Other Implications

7.1. The risk to the Council is that it fails to fulfil its duty to protect the public. This is mitigated by the application process.

7.2. There are no apparent implications in terms of sustainable development.

8. Equality Impact Assessment and Consultation Arrangements

8.1. A consultation has taken place with the Guide Dogs for the Blind Association as they have requested that the Council implement such a policy.

Paul Manning

Executive Director (Finance and Corporate Resources)

15 May 2018

Link(s) to Council Values/Ambitions/Objectives

♦ Make communities safer, stronger and sustainable.

Previous References

♦ None

List of Background Papers

♦ None

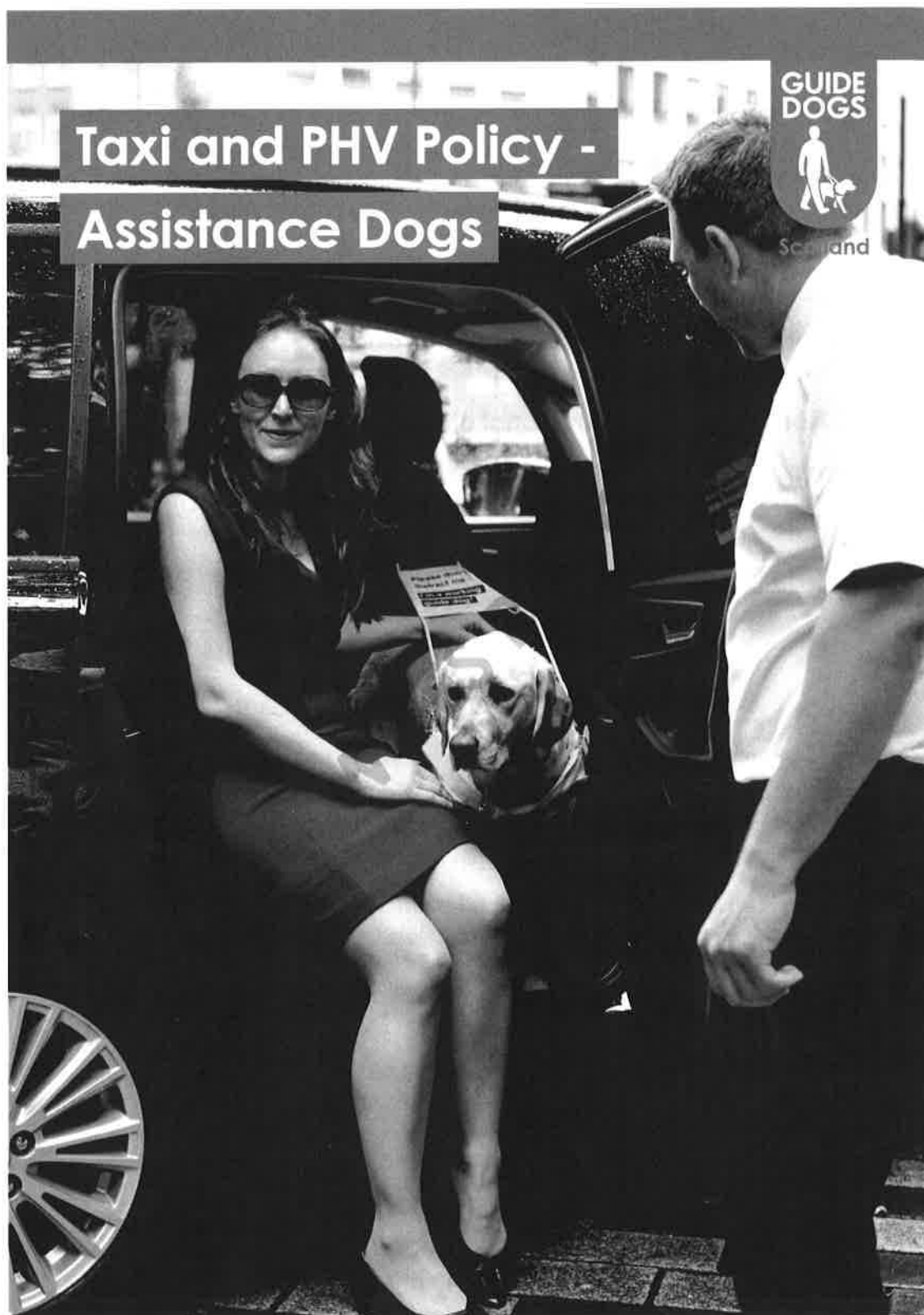
Contact for Further Information

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

Teresa Stone, Licensing and Registration Manager

Ext: 4806 (Tel: 01698 454806)

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



Under the Equality Act 2010, licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge.

When carrying such passengers, drivers have a duty to:

- a) Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and**
- b) Not to make any additional charge for doing so.**

This is also a legal duty under the Taxi Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2003 and the Private Hire Car Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2004.

Enforcement Policy

Under the Equality Act 2010, it is an offence for any operator or driver to refuse to carry assistance dogs or to charge more for the fare or booking. On conviction for such an offence, drivers can be fined up to £1,000 and have their licence removed.

This fine is also highlighted in the Scottish Government's Taxi and Private Hire Car Licensing: Best Practice for Licensing Authorities.

To ensure that the Equality Act 2010 is upheld, the Licensing Authority will:

- Have a zero tolerance policy to access refusals - investigating all reported violations of the Act with a view to pursuing a conviction.
- Undertake periodic test purchasing with assistance dog owners on licenced vehicles to ensure that licensing requirements are being complied with.

- 
- Make it a condition of taxi and private hire vehicle drivers licences that they have undertaken disability equality training, which includes information regarding the carriage of assistance dogs.

Medical Exemption Certificates

Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the council for exemption from the duty on medical grounds. If no exemption has been applied for and subsequently granted, then drivers are still required to carry assistance dogs.

The Licencing Authority will:

- Make it a condition to the licence that the notice of exemption must be exhibited in the vehicle by fixing it in an easily accessible place, for example on the windscreen or in a prominent position on the dashboard.
- Seek to use tactile medical exemption certificates so that guide dog owners are able to identify the certificate, which should be presented to the guide dog owner upon request.
- Only issue an exemption certificate when it is authorised by a medical practitioner and is accompanied by medical evidence, for example a blood test, a skin prick test or clinical history.



Glasgow Mobility Team

Guide Dogs, Axis House, 12 Auchingramont Road, Hamilton,
ML3 6JT. Tel: 0345 1430206

Edinburgh Mobility Team,

Guide Dogs, Vantage Point, 24 St John's Road, Edinburgh,
EH12 6NZ. Tel: 0345 1430203



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A charity registered in England and Wales (209617) and Scotland (SC038979) 9001 02/18

Report

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Report to: **Licensing Committee**
 Date of Meeting: **12 June 2018**
 Report by: **Executive Director (Finance and Corporate Resources)**

Subject: **Civic Government (Scotland) Act 1982 (As Amended)
 - Licensing of Places of Public Entertainment**

1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ request approval for the final Resolution, as amended, for the Licensing of Places of Public Entertainment

2. Recommendation(s)

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

- (1) that, the final Resolution, as amended, for Licensing of Places of Public Entertainment, as detailed in Appendix 1, be approved.

3. Background

3.1. The draft Resolution was approved by the Licensing Committee at its meeting held on 27 March 2018.

4. Present Position

4.1. The draft Resolution was advertised in the press for the period from 11 April 2018 to 11 May 2018. No objections or representations were received in response to the said draft.

5. Employee Implications

5.1. None.

6. Financial Implications

6.1. Advertisement costs only.

7. Other Implications

7.1. The risk to the Council is that it fails to fulfil its duty to protect the public. However public safety will be addressed through conditions attached to the licence.

7.2. There are no apparent implications in terms of sustainable development.

8. Equality Impact Assessment and Consultation Arrangements

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

8.2. A consultation exercise was undertaken as detailed in paragraph 4.1 of the report.

Paul Manning
Executive Director (Finance and Corporate Resources)

16 May 2018

Link(s) to Council Values/Ambitions/Objectives

- ♦ Make communities safer, stronger and sustainable

Previous References

- ♦ Licensing Committee, 27 March 2018

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, Licensing and Registration Manager

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



CIVIC GOVERNMENT (SCOTLAND) ACT 1982 LICENSING OF PLACES OF PUBLIC ENTERTAINMENT

South Lanarkshire Council, by virtue of the powers conferred on them by Section 9 of the Civic Government (Scotland) Act 1982, RESOLVE and DO HEREBY RESOLVE to vary the following categories of Public Entertainment provision for the licensing and regulation of which is made in terms of Section 41 of the said Act, which from 12 March 2019 shall require to be licensed and regulated in accordance with those provisions:-

1. A theatre, concert hall or music hall;
2. A dance hall or discotheque;
3. A skating rink;
4. A circus;
5. An exhibition of persons or performing animals including without prejudice to the foregoing generality dog agility shows;
6. A fairground, pleasure park. For the purpose of clarification, this specifically excludes gala days with a maximum of two children's rides whether mechanical or inflatable. It also excludes fetes and events run purely for charitable purposes for which there is no charge for entry;
7. A billiard, snooker or pool room;
8. A swimming pool;
9. Bonfires and/or firework displays (for clarification this includes any bonfires and/or firework displays which members of the public may attend regardless of whether or not there is a charge for entry or run purely for the benefit of the community;
10. Outdoor concerts or events including without prejudice to the foregoing generality. Christmas grotto type events. For clarification events (excluding bonfires) run purely for the benefit of the community for which there is no charge for entry and no additional provision such as stalls, mechanical rides, bouncy castles etc are excluded from this resolution;
11. Sports Centres
12. Sports barns;
13. Bungee jumping;
14. Sauna and/or sunbed establishments;
15. Trampoline parks, both internal and external, which for clarification includes any permanent facility with trampolines; or
16. Permanent children's soft play areas set up by commercial organisations. For clarification temporary soft play areas set up by toddler groups or other play groups are excluded from the definition.

Geraldine McCann
Head of Administration and Legal Services
Floor 11, Council Offices
Almada Street
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ML3 0AA

