



Council Offices, Almada Street  
Hamilton, ML3 0AA

Tuesday, 10 April 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, 27 March 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.

<b>Members are reminded to bring their fully charged tablets to the meeting</b>
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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 6 March 2018 submitted for approval as a correct record. (Copy attached)

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### Item(s) for Decision

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### 3 Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Places of Public Entertainment

9 - 12

Report dated 15 February 2018 by the Executive Director (Finance and Corporate Resources). (Copy attached)

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### Urgent Business

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### 4 Urgent Business

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

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### Exclusion of Press and Public

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### 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 item(s) of business on the grounds that it is likely that there will be disclosure of exempt information in terms of Paragraph 14 of Part I of Schedule 7A of the Act."

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### Item(s) for Decision

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

- Exempt information in terms of Paragraph 14 of Part I of Schedule 7A of the Act

### 7 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

### 8 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](mailto:carol.lyon@southlanarkshire.gov.uk)



## LICENSING COMMITTEE

2

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 6 March 2018

### Chair:

Councillor David Shearer

### Councillors Present:

John Bradley, Stephanie Callaghan, Andy Carmichael, Poppy Corbett, Maureen Devlin (*substitute for Councillor McLachlan*), Mary Donnelly, 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, Julia Marrs (Depute), Bert Thomson, Josh Wilson

### Councillors' Apologies:

Geri Gray, Jim McGuigan, Davie McLachlan, Gladys Miller, John Ross (ex officio)

### Attending:

#### Finance and Corporate Resources

C Lyon, Administration Officer; C McKee, Licensing and Registration Co-ordinator; G Mays, Solicitor; L Wyllie, Administration Assistant

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## 1 Declaration of Interests

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The following interests were declared:-

<b>Councillor(s)</b>	<b>Item(s)</b>	<b>Nature of Interest(s)</b>
Carmichael and Shearer	Civic Government (Scotland) Act 1982 (as amended) Application for Second-Hand Dealer Licence	Known to late objector and known to the applicant respectively

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## 2 Minutes of Previous Meeting

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The minutes of the meeting of the Licensing Committee held on 20 February 2018 were submitted for approval as a correct record.

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

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## 3 Urgent Business

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There were no items of urgent business.

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#### **4 Exclusion of Press and Public**

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**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.

*Councillor Callaghan entered the meeting after this item of business*

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#### **5 Civic Government (Scotland) Act 1982 (As Amended) - Application for Second-Hand Dealer's Licence**

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A report dated 26 February 2018 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a second-hand dealer'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. The following had been received:-

- ◆ comments from Planning and Building Standards Services
- ◆ a report from the Civic Licensing Standards Officer
- ◆ objections from W Layden
- ◆ a late objection from R Frame and the reason for the lateness of the objection was heard

Councillor McClymont, seconded by Councillor Hamilton, moved that the reason for lateness of the objection be accepted. Councillor Wilson, seconded by Councillor Donnelly, moved as an amendment that the reason for the lateness of the objection be not accepted. On a vote being taken by a show of hands, 12 members voted for the amendment and 7 for the motion. The amendment was declared carried.

As the reason for the lateness of the objection was not accepted, R Frame left the meeting and his objection was not considered.

In terms of the Civic Government (Scotland) Act 1982 (as amended), the applicant was heard in support of his application. M Clinton, Civic Licensing Standards Officer was also heard.

**The Committee decided:** that the following application for a second-hand dealer licence in the Hamilton zone be granted subject to the conditions specified by the Executive Director (Finance and Corporate Resources):-

Applicant:	K O'Hara, Rosehill House, Ashgill
Type of Licence:	Second-hand dealer
Premises:	Rosehill House, Ashgill
Days/Hours Requested:	Monday to Sunday from 9.00am to 6.00pm
Days/Hours Granted:	Monday to Sunday from 9.00am to 6.00pm
Additional Condition:	A maximum of 2 cars allowed on premises for sale at any given time

*Councillor Shearer, having declared an interest in the above item of business, withdrew from the meeting during its consideration. Councillor Marrs took the Chair for this item only. Councillor Carmichael, being known to the late objector, declared an interest and left the meeting during consideration of the reason for the lateness of the objection. Following confirmation that the late objection would not be considered by the Committee, Councillor Carmichael re-entered the meeting*

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

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A report dated 15 February 2018 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. An observation had been received from Police Scotland and Inspector McGovern was heard.

**The Committee decided:** that the application by S Taylor, 170 Kirktonholme Road, East Kilbride for a taxi driver's licence in the East Kilbride zone be granted.





# Report

3

Report to:	<b>Licensing Committee</b>
Date of Meeting:	<b>27 March 2018</b>
Report by:	<b>Executive Director (Finance and Corporate Resources)</b>

Subject:	<b>Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Places of Public Entertainment</b>
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## 1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ advise members of proposed amendments to the existing resolution for licensing of places of public entertainment to include certain activities raised through public consultation as summarised in paragraph 3.2

## 2. Recommendation(s)

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

- (1) that the draft resolution for the licensing of places of public entertainment, as detailed in Appendix 1, be approved.

## 3. Background

3.1. At present a public entertainment licence is required for activities included in the current resolution. Current activities are:-

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;
6. A fairground or pleasure park. For the purposes of clarification, this specifically excludes gala days with a maximum of two children's rides. 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. Outdoor concerts or events within the whole area of South Lanarkshire (including without prejudice to the foregoing generality Christmas grotto type events). For clarification events 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;
10. Sports centres;
11. Sports barns;
12. Bungee jumping; or
13. Sauna and/or sunbed establishments.

- 3.2. In response to a routine consultation carried out with Police Scotland and Community and Enterprise Resources it has been requested that trampoline parks be included in the resolution. Police Scotland have also requested that soft play areas be included in the resolution. Due to concerns raised about bonfires in certain areas it is proposed that bonfires are now included in the resolution.
- 3.3. At its meeting held on 1 March 2017 the Licensing Committee approved the draft resolution. The final resolution was considered by the Licensing Committee on 21 June 2017 at which time the Committee requested clarification on certain activities to be included in the scope of the resolution.
- 3.4. As the terms of the Resolution are being altered with the addition of a new provision in relation to bonfires and/or firework displays, the process requires the Committee to consider a draft Resolution at this stage.
- 3.5. If the draft resolution is agreed and eventually made final this will mean any trampoline park, internal or external, or any facility with trampolines, soft play areas, bonfires and/or fireworks displays will require to apply for a public entertainment licence. For clarification temporary soft play areas/trampolines set up by toddler groups or other play groups are excluded from the definition.
- 4. Present Position**
- 4.1. In terms of Section 9 of the Civic Government (Scotland) Act 1982 (as amended) appropriate notice of any amendments to the public entertainment resolution will require to be given in the press for a statutory period of 28 days. Once that process has been completed, a further report requesting approval for the final resolution will be submitted to Committee.
- 5. Employee Implications**
- 5.1. None.
- 6. Financial Implications**
- 6.1. Operators of trampoline parks, both internal and external, soft play areas and bonfire and/or firework displays will require to apply to the Council for a public entertainment licence.
- 6.2. Advertising costs will be met from existing budgets.
- 7. Other Implications**
- 7.1. The risk to the Council is that it fails to fulfil its duty to protect the public.
- 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 proposals contained within this report.
- 8.2. A consultation has taken place with Police Scotland and Community and Enterprise Resources.

**Paul Manning**  
**Executive Director (Finance and Corporate Resources)**

15 February 2018

**Link(s) to Council Values/Ambitions/Objectives**

- ◆ Make communities safer, stronger and sustainable

**Previous Reference**

- ◆ Licensing Committee, 1 March 2017 and 21 June 2017

**List of Background Papers**

- ◆ None

**Contact for Further Information**

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

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## 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 2018 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.

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