



Council Offices, Almada Street  
Hamilton, ML3 0AA

Monday, 12 August 2019

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, 20 August 2019**

**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), Stephanie Callaghan, Andy Carmichael, Poppy Corbett, Mary Donnelly, Geri Gray, George Greenshields, Lynsey Hamilton, Mark Horsham, Martin Grant Hose, Martin Lennon, Eileen Logan, Katy Loudon, Joe Lowe, Catherine McClymont, Kenny McCreary, Mark McGeever, Jim McGuigan, Davie McLachlan, Gladys Miller, Richard Nelson, Bert Thomson, Jim Wardhaugh

### **Substitutes**

Alex Allison, Jackie Burns, Janine Calikes, Margaret Cowie, Maureen Devlin, Ann Le Blond, Richard Lockhart, Ian McAllan, Carol Nugent, Mo Razzaq, Graham Scott, Collette Stevenson, Jared Wark

## BUSINESS

### 1 Declaration of Interests

### 2 Minutes of Previous Meeting

5 - 6

Minutes of the meeting of the Licensing Committee held on 25 June 2019 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 Taxis and Private Hire Cars

7 - 10

Report dated 10 July 2019 by the Executive Director (Finance and Corporate Resources). (Copy attached)

### 4 Civic Government (Scotland) Act 1982 (As Amended) - Sexual Entertainment Venues

11 - 14

Report dated 1 August 2019 by the Executive Director (Finance and Corporate Resources). (Copy attached)

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#### Urgent Business

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### 5 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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### 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 14 of Part I of Schedule 7A of the Act."

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#### Item(s) for Decision

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### 7 Civic Government (Scotland) Act 1982 (As Amended) - Application for Renewal of Private Hire Car Driver's Licence No 336

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

### 8 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Driver's Licence No 608

- 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 for Renewal of Private Hire Car Driver's Licence No 608**

- 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 25 June 2019

### **Chair:**

Councillor David Shearer

### **Councillors Present:**

Councillor Stephanie Callaghan, Councillor Andy Carmichael, Councillor Poppy Corbett, Councillor Mary Donnelly, Councillor Geri Gray, Councillor George Greenshields, Councillor Lynsey Hamilton, Councillor Mark Horsham, Councillor Eileen Logan, Councillor Katy Loudon, Councillor Joe Lowe, Councillor Catherine McClymont, Councillor Kenny McCreary, Councillor Mark McGeever, Councillor Davie McLachlan, Councillor Richard Nelson, Councillor Mo Razzaq, Councillor Graham Scott (*substitute for Councillor Martin Lennon*), Councillor Bert Thomson

### **Councillors' Apologies:**

Councillor Martin Grant Hose, Councillor Martin Lennon, Councillor Jim McGuigan, Councillor Julia Marrs (Depute), Councillor Gladys Miller, Councillor John Ross (ex officio), Councillor Jim Wardhaugh

### **Attending:**

#### **Finance and Corporate Resources**

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

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### **1 Declaration of Interests**

No interests were declared.

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### **2 Minutes of Previous Meetings**

The minutes of the meetings of the Licensing Committee held on 21 May and 4 June 2019 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**

There were no items of urgent business.

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### **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 Paragraph 14 of Part I of Schedule 7A of the Act.

*Councillor Gray entered the meeting during this item of business*

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## **5 Civic Government (Scotland) Act 1982 (As Amended) – Application for the Renewal of Taxi Driver’s Licence No 018**

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A report dated 6 June 2019 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the renewal of taxi driver’s licence No 018 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 Rankin was heard.

Councillor McClymont, seconded by Councillor Gray, moved that the application be granted. Councillor Scott, seconded by Councillor Carmichael, moved as an amendment that the application be refused. On a vote being taken by a show of hands, 6 members voted for the amendment and 14 for the motion which was declared carried.

**The Committee decided:** that the application by M McLoughlin, 87 Scalloway Road, Cambuslang for the renewal of taxi driver’s licence No 018 in the Cambuslang and Rutherglen zone be granted.

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## **6 Civic Government (Scotland) Act 1982 (As Amended) – Application for Grant of a Private Hire Car Driver’s Licence**

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A report dated 6 June 2019 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the grant of 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 his application. A representation had been received from Police Scotland and Sergeant Rankin was heard.

Councillor Razzaq, seconded by Councillor Donnelly, moved that the application be granted. Councillor Thomson, seconded by Councillor Carmichael, moved as an amendment that the application be granted for a period of 1 year. On a vote being taken by a show of hands, 10 members voted for the amendment and 9 for the motion. The amendment was declared carried.

**The Committee decided:** that the application by P McCann, 11 Viewfield Avenue, Blantyre for a private hire car driver’s licence in the Cambuslang and Rutherglen zone be granted for a period of 1 year.

# Report

3

Report to:	<b>Licensing Committee</b>
Date of Meeting:	<b>20 August 2019</b>
Report by:	<b>Executive Director (Finance and Corporate Resources)</b>

Subject:	<b>Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Taxis and Private Hire Cars</b>
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## 1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ request approval to instruct a survey:-
  - ◆ to assess whether or not there is an 'overprovision' of private hire cars in any of the zones of South Lanarkshire
  - ◆ to assess whether or not there is any significant unmet demand in respect of taxis in each of the zones of South Lanarkshire
  - ◆ to consider whether the current provision of wheelchair accessible vehicles in each zone of South Lanarkshire is sufficient

## 2. Recommendation(s)

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

- (1) that a survey be instructed to assess:-
- ◆ if there is any overprovision of private hire cars in each zone of South Lanarkshire
  - ◆ if there is any significant unmet demand in respect of taxis in each zone of South Lanarkshire
  - ◆ the sufficiency of Wheelchair Accessible Vehicles throughout the zones in South Lanarkshire

## 3. Background

- 3.1. Section 10(3) of the Civic Government (Scotland) Act 1982 provides that a Licensing Authority may refuse the grant of a taxi licence for the purpose of limiting the number of taxis in respect of which licences are granted by it, but only if it is satisfied that there is no significant unmet demand for the services of taxis in its area.
- 3.2. This provision did not apply to applications for private hire car licences. However, amendments made to the Act by the Air Weapons and Licensing (Scotland) Act 2015, which came into effect on 15 May 2017 introduced the concept of refusing applications for private hire cars on the basis of overprovision.
- 3.3. Sections 10 (3A), (3B) and (3C) of the Civic Government (Scotland) Act 1982 allow a Licensing Authority to refuse to grant an application for a private hire car licence on the grounds that it is satisfied that there already exists, or would exist if the licence was granted, an overprovision of private hire cars in the locality or localities in which the private hire car is to operate.

- 3.4. There is currently no statutory guidance available, however, the Scottish Government are in the process of drafting appropriate guidance.
- 3.5. In considering whether there is, or would be, an overprovision of private hire cars in the locality, Section 10(3C) provides that a Licensing Authority must have regard to the number of private hire car licences operating and the demand for private hire car services in the locality. Currently there is no evidence upon which the Licensing Authority could base a conclusion of unmet demand in any of its localities and the survey is proposed to address this.
- 3.6. An independent survey has not been carried out in respect of taxis for a number of years. Therefore, it is appropriate that this survey also look at the use and demand of taxis in each zone to determine if there is “any significant unmet demand” in respect of taxis.
- 3.7. There have always been questions raised as to the sufficiency of Wheelchair Accessible Vehicles throughout South Lanarkshire’s area. It would therefore be appropriate to include this question in any survey to be carried out to assess the provision, use and demand of both taxis and private hire cars.
- 4. Employee Implications**
- 4.1. There are no implications for employees arising from this report.
- 5. Financial Implications**
- 5.1. The cost of the survey would require to be met from the existing Licensing budget.
- 6. Other Implications**
- 6.1. The risk to the Council is that it fails to fulfil its duty to protect the public.
- 6.2. There are no apparent implications in terms of sustainable development.
- 7. Equality Impact Assessment and Consultation Arrangements**
- 7.1. There is no requirement to carry out an impact assessment in terms of the proposals contained within this report.
- 7.2. The survey when it is being carried out will take into account views from, for example the trade, local residents, community councils and organisations representing disabled residents.

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

10 July 2019

**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:-

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# Report

4

Report to:	<b>Licensing Committee</b>
Date of Meeting:	<b>20 August 2019</b>
Report by:	<b>Executive Director (Finance and Corporate Resources)</b>

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

1.1. The purpose of the report is to:-

- ◆ advise the Committee of the introduction of the licensing of sexual entertainment venues as a defined activity under the Civic Government (Scotland) Act 1982 (as amended)

## 2. Recommendation(s)

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

- (1) that a consultation exercise being carried out prior to a decision being made as to whether or not sexual entertainment venues should be licensed.

## 3. Background

3.1. The Civic Government (Scotland) Act 1982 has been amended by Section 76 of the Air Weapons and Licensing (Scotland) Act 2015. This section came into force on 29 April 2019. The licensing of sexual entertainment venues has been introduced as an optional activity which means that it is a matter for the licensing authority to decide whether or not it wishes to include such venues in the licensing regime. If the licensing authority decide to licence sexual entertainment venues then they will require to pass a resolution in order for this activity to be licensed in South Lanarkshire.

## 4. Present Position

4.1. Currently, as far as we are aware, there are no sexual entertainment venues within South Lanarkshire. However, the Committee may wish to consider whether they will wish to control these activities, even if no such premises are currently in operation in the Council area. If the licensing authority decides not to license the activity, then no licence will be required to operate a sexual entertainment venue within South Lanarkshire Council area in the future. This would mean that sexual entertainment venues would remain largely unregulated. If such a resolution is passed, any existing or new venues would require to be licensed.

4.2. The definition of a sexual entertainment venue is contained in the legislation. This defines the type of entertainment which is covered as well as other criteria for bringing premises within the ambit of the legislation.

- 4.3. Prior to considering whether or not to introduce a resolution, the licensing authority should carry out a consultation exercise. Such a consultation exercise would include members of the public, local businesses, Council Resources and Police Scotland (although this list is not exhaustive).
- 4.4. If the licensing authority decides to introduce a licensing regime for sexual entertainment venues, they must then determine the appropriate number of sexual entertainment venues for their area or relevant locality which can in fact be nil. Once the resolution has been passed the licensing authority can refuse the application on the grounds that at the time the application is determined the number of sexual entertainment venues in the local authority's area or relevant locality is equal to or exceeds the number that the authority considers appropriate for their area or that locality.

## **5. Employee Implications**

- 5.1. None.

## **6. Financial Implications**

- 6.1. If, after the consultation exercise is completed, the licensing authority agree to introduce licensing controls in respect of this activity, then a fee will be charged for each application.

## **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 which will be put in place should the Committee decide to introduce above licensing controls.
- 7.2. There will be implications for potential operators of sexual entertainment venues if licensing controls are introduced.
- 7.3. There are no apparent implications in terms of sustainable development.

## **8. Equality Impact Assessment and Consultation Arrangements**

- 8.1. The recommendation at 2.1 above is to commence a consultation exercise throughout South Lanarkshire.

**Paul Manning**

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

1 August 2019

## **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:-

Margaret Mary Cairns, Legal Services Manager

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