

LICENSING COMMITTEE

Minutes of meeting held in the Council Chamber, Council Offices, Almada Street, Hamilton on 21 May 2019

Chair:

Councillor David Shearer

Councillors Present:

Councillor Andy Carmichael, Councillor George Greenshields, Councillor Lynsey Hamilton, Councillor Mark Horsham, Councillor Martin Lennon, Councillor Eileen Logan, Councillor Katy Loudon, Councillor Joe Lowe, Councillor Catherine McClymont, Councillor Kenny McCreary, Councillor Mark McGeever, Councillor Davie McLachlan, Councillor Gladys Miller, Councillor Richard Nelson, Councillor Carol Nugent (*substitute for Councillor Jim McGuigan*), Councillor Bert Thomson, Councillor Jim Wardhaugh, Councillor Jared Wark (*substitute for Councillor Poppy Corbett*)

Councillors' Apologies:

Councillor Stephanie Callaghan (Depute), Councillor Poppy Corbett, Councillor Mary Donnelly, Councillor Geri Gray, Councillor Martin Grant Hose, Councillor Julia Marrs (Depute), Councillor Jim McGuigan, Councillor Mo Razzaq, Councillor John Ross (ex officio)

Attending:

Finance and Corporate Resources

M M Cairns, Legal Services Manager; M Cooper, Standards and Development Officer; C Lyon, Administration Officer; G Mays, Solicitor; L Wyllie, Administration Assistant

Order of Business

The Committee decided: that the items of business be dealt with in the order minuted below.

1 Declaration of Interests

The following interests were declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
♦ Hamilton and Logan	Civic Government (Scotland) Act 1982 (as amended) Application for a Temporary Public Entertainment Licence	♦ Known to participants of fun day and parade
♦ Nelson		♦ President of Carluke Apprentice Boys of Derry
♦ Shearer		♦ Member of Carluke Development Trust

2 Minutes of Previous Meeting

The minutes of the meeting of the Licensing Committee held on 30 April 2019 were submitted for approval as a correct record.

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

3 Urgent Business

There were no items of urgent business.

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 Paragraphs 6 and 14 of Part I of Schedule 7A of the Act.

5 Civic Government (Scotland) Act 1982 (As Amended) – Application for a Temporary Public Entertainment Licence

In the absence of the Chair and Depute Chair for this item and, in terms of Standing Order No 32(b), Councillor Carmichael was appointed as Chair for this item only.

A report dated 1 May 2019 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a temporary public entertainment licence in terms of the Civic Government (Scotland) Act 1982 (as amended).

A notification for a public procession had been received for Hamilton Street and High Street which bound the area of Rankin Gait, Carlisle, where the event was due to take place. Permission for the public procession had been issued on 12 February 2019. The outward procession was due to start at 10.30am with the inward procession at 2.45pm.

The applicant had been made aware of the public procession at that time and had been advised of complaints received in the past regarding the procession and the fun day being held at the same time. The applicant did not amend any of his proposals.

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. Comments had been received from Roads and Transportation Services.

The Committee decided: that the application by W Anderson, 12 Riverside Gardens, Cronberry for a temporary public entertainment licence at Rankin Gait Precinct, Carlisle Town Centre, Hamilton Street, Carlisle be granted subject to the conditions specified by the Executive Director (Finance and Corporate Resources).

Councillors Hamilton, Logan, Nelson and Shearer, having declared and interest in the above item of business, withdrew from the meeting during its consideration

6 Civic Government (Scotland) Act 1982 (As Amended) – Application for a Second-Hand Dealer's Licence

A report dated 1 May 2019 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).

At its meetings on 5 March and 30 April 2019, the Committee agreed that this application be continued to a future meeting at the request of the applicant's solicitor.

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 represented by S Morrison, Solicitor, in support of his application. Comments had been received from Roads and Transportation Services and Planning and Economic Development. An objection had been received from Police Scotland and Sergeant Rankin was heard.

Councillor Lennon, seconded by Councillor Loudon, moved that the application be refused. Councillor Logan, seconded by Councillor McClymont, 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, 2 members voted for the amendment and 17 for the motion which was declared carried.

The Committee decided: that the application by TVS Glasgow Limited, Unit B, 40 Glenburn Road, East Kilbride and M Grimley for a second-hand dealer's licence in the East Kilbride zone be refused.

[Reference: Minutes of 30 April 2019 (Paragraph 5)]