

## LICENSING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 9 June 2010

**Chair:**

Councillor Mary McNeill

**Councillors Present:**

Eileen Baxendale, Andy Carmichael, Jim Docherty, Barry Douglas, Lynn Filshie (Depute), Beith Forrest, Bill Holman, Eileen Logan, Archie Manson, Clare McColl, Jean McKeown, Davie McLachlan, John McNamee, Alice Marie Mitchell, Patrick Ross-Taylor, Graham Scott, David Shearer, Hamish Stewart, Bert Thomson, Richard Tullett, David Watson

**Councillors' Apologies:**

Anne Higgins, Edward McAvoy

**Attending:**

**Corporate Resources**

C Lyon, Administration Officer; G Mays, Solicitor; C McKee, Licensing Co-ordinator; M F O'Neill, Solicitor; T Stone, Licensing and Registration Manager

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### 1 Declaration of Interests

The following interest was declared:-

<b><i>Councillor(s)</i></b>	<b><i>Item(s)</i></b>	<b><i>Nature of Interest(s)</i></b>
Watson	Civic Government (Scotland) Act 1982 – Licensing of Private Hire Cars and Taxi Drivers – Suspension of Licences	Acquaintance of applicant

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### 2 Minutes of Previous Meeting

The minutes of the meeting of the Licensing Committee held on 12 May 2010 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 Civic Government (Scotland) Act 1982 - Licensing of Taxis - Review of Taxi Fares - East Kilbride Zone

A report dated 19 May 2010 by the Executive Director (Corporate Resources) was submitted on a request from East Kilbride Taxi Operators' Association for additional items to be included in the fares review.

Proposals in respect of the current review had been approved by this Committee at its meeting on 12 May 2010 subject to no objections being received.

Additional amendments to the fares card had since been requested by East Kilbride Taxi Operators' Association. Those involved:-

- ◆ a change to the fares card to indicate that fares beyond the area of East Kilbride zone may be subject to a surcharge of 1/3 of the normal metered fare as opposed to the current position where this would be subject to special agreement in advance with the hirer
- ◆ the charge for when a hired car was called but not used increasing to £2.50
- ◆ removal of the surcharge of 10 pence for each passenger beyond 2

**The Committee decided:** that the additional amendments to the fares card requested by East Kilbride Taxi Operators' Association be approved and the fares review be progressed in line with the previous decision of the Committee.

*[Reference: Minutes of 12 May 2010 (Paragraph 3)]*

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

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#### **4 Cinemas Act 1985 - Application for a Cinema Licence - Blantyre Miners' Community Resource Centre, 3 Calder Street, Blantyre**

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A report dated 21 May 2010 by the Executive Director (Corporate Resources) was submitted on an application for a cinema licence in terms of the Cinemas Act 1985.

**The Committee decided:** that the application by J McNab for a cinema licence in respect of Blantyre Miners' Community Resource Centre, 3 Calder Street, Blantyre be granted subject to:-

- ◆ the conditions specified by the Executive Director (Corporate Resources)
- ◆ an additional condition that an inspection of the emergency lighting installation be carried out by a qualified electrician

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#### **5 Urgent Business**

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There were no items of urgent business.

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#### **6 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 Paragraph(s) 6 and 14 of Part I of Schedule 7A of the Act.

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## **7 Civic Government (Scotland) Act 1982 - Application for Variation of a Street Trader's Licence - G McGinness, 143b Brownside Road, Cambuslang**

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A report dated 20 May 2010 by the Executive Director (Corporate Resources) was submitted on an application for a variation of street trader's licence No 25 previously granted by the Council under the Civic Government (Scotland) Act 1982.

**The Committee decided:** that the following application for a variation of licence be granted subject to the conditions specified by the Executive Director (Corporate Resources):-

Applicant:	G McGinness, 143b Brownside Road, Cambuslang
Type of Licence:	Street trader for the sale of hot and cold food, snacks and non alcoholic refreshments
Existing Location:	Westburn Farm Road, Cambuslang
Existing Days/Hours:	Monday to Sunday from 6.30am to 6.00pm
Variation:	Reduce days/hours to Saturday and Sunday only from 6.30am to 6.00pm and include trading at Ashton Road, Quay Road Industrial Estate, Monday to Friday from 6.30am to 6.00pm

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## **8 Civic Government (Scotland) Act 1982 - Licensing of Private Hire Cars and Taxi Drivers - Suspension of Licences**

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A report dated 30 April 2010 by the Executive Director (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 (Corporate Resources), in consultation with the Chair and an ex officio member, to order the immediate suspension of private hire car licence No 033 and taxi driver's licence No 005 with effect from 29 April 2010
- ♦ proposing that consideration be given to whether private hire car licence No 033 and taxi driver's licence No 005 should remain suspended

In terms of the Civic Government (Scotland) Act 1982, the opportunity of a hearing had been offered to the applicant who was not present or represented. A letter from the applicant's solicitor was presented in support of the licence holder retaining his licences. A complaint had been received from Strathclyde Police and Chief Inspector Kerr was heard.

**The Committee decided:**

- (1) that the action taken, in terms of Standing Order No 36(c), by the Executive Director (Corporate Resources), in consultation with the Chair and an ex officio member, to suspend private hire car licence No 033 and taxi driver's licence No 005 with immediate effect from 29 April 2010, be noted; and
- (2) that private hire car licence No 033 and taxi driver's licence No 005 for the East Kilbride zone remain suspended for the remainder of the period of licence.

*Councillor Watson, having declared an interest in the above item, withdrew from the meeting during its consideration*

*Councillor Docherty left the meeting after consideration of this item of business*

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## **9 Civic Government (Scotland) Act 1982 - Application for Grant of a Late Hours Catering Licence - New Taj, 196 Main Street, Cambuslang**

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A report dated 20 May 2010 by the Executive Director (Corporate Resources) was submitted on an application for a late hours catering licence in terms of the Civic Government (Scotland) Act 1982.

The Licensing and Registration Manager advised that the applicant had now amended the days/hours requested on his application form to read as follows:-

- ◆ Monday to Thursday from 11.00pm to 12.00 midnight
- ◆ Friday to Sunday from 11.00pm to 1.00am

Planning and Building Standards Services had advised that the applicant's planning consent only allowed him to trade Sunday to Thursday until 11.00pm and Friday and Saturday until 12.00 midnight.

In terms of the Act, the opportunity of a hearing had been offered to the applicant who was present and heard in support of the application.

**The Committee decided:** that the following application be granted subject to the conditions specified by the Executive Director (Corporate Resources) for the period of 1 year and the necessary planning consent being obtained:-

Applicant:	B Singh Mander, 2 Simpson Drive, East Kilbride
Type of Licence:	Late hours catering
Premises:	New Taj, 196 Main Street, Cambuslang
Days/Hours Granted:	Monday to Thursday from 11.00pm to 12.00 midnight Friday to Sunday from 11.00pm to 1.00am

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## **10 Civic Government (Scotland) Act 1982 - Application for Grant of a Late Hours Catering Licence - ROC UK Limited and B Ballantyne, 22 Orchard Gardens, Strathaven in respect of Kingsway Service Station, Kingsway, East Kilbride**

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A report dated 19 May 2010 by the Executive Director (Corporate Resources) was submitted on an application for a late hours catering licence in terms of the Civic Government (Scotland) Act 1982.

In terms of the Act, the opportunity of a hearing had been offered to the applicant who was not present but represented by C Loudon, Solicitor who was heard in support of the application.

Councillor McLachlan, seconded by Councillor McNeill, moved that the application be granted for a period of 1 year for the sale of hot drinks only. Councillor Scott, seconded by Councillor McNamee, moved as an amendment that the application be granted but only until 3.00am for the sale of hot drinks only. On a vote being taken by a show of hands, 5 members voted for the amendment and 15 for the motion which was declared carried.

**The Committee decided:** that the following application be granted subject to the conditions specified by the Executive Director (Corporate Resources):-

Applicant:	ROC UK Limited and B Ballantyne, 22 Orchard Gardens, Strathaven
Type of Licence:	Late hours catering
Premises:	Kingsway Service Station, Kingsway, East Kilbride
Days/Hours Requested:	Monday to Sunday from 11.00pm to 5.00am

Days/Hours Granted: Monday to Sunday from 11.00pm to 5.00am  
Additional Condition: Hot drinks only to be served

*Councillor Carmichael left the meeting after this item of business*

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**11 Civic Government (Scotland) Act 1982 - Application for Grant of a Private Hire Car Driver's Licence - K Fleming, 4 Avenue Street, Rutherglen**

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A report dated 20 May 2010 by the Executive Director (Corporate Resources) was submitted on an application for a private hire car driver's licence in terms of the Civic Government (Scotland) Act 1982.

In terms of the Act, the opportunity of a hearing had been offered to the applicant who was present and heard in support of the application. A representation had been received from Strathclyde Police and Chief Inspector Neill was heard.

**The Committee decided:** that the application by K Fleming, 4 Avenue Street, Rutherglen for a private hire car driver's licence in the Rutherglen and Cambuslang zone be refused.