

## LICENSING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 27 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, Joe Lowe, Catherine McClymont, Kenny McCreary, Mark McGeever, Jim McGuigan, Julia Marrs (Depute), Gladys Miller, Bert Thomson, Josh Wilson

**Councillors' Apologies:**

Geri Gray, Katy Loudon, 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

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### 1 Declaration of Interests

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No interests were declared.

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### 2 Minutes of Previous Meeting

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The minutes of the meeting of the Licensing Committee held on 6 March 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 Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Places of Public Entertainment

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A report dated 15 February 2018 by the Executive Director (Finance and Corporate Resources) was submitted on a proposal to amend the existing Public Entertainment Resolution.

In response to a routine consultation carried out with Police Scotland and Community and Enterprise Resources, a request had been received for the Council to consider including trampoline parks and dog agility shows in the draft Resolution. Police Scotland had also requested that soft play areas be included in the draft Resolution. Due to concerns raised about bonfires in certain areas, it was also proposed that bonfires would now be included in the draft Resolution.

At its meeting on 1 March 2017, the Committee approved the draft Public Entertainment Resolution. The final Resolution had been considered by Committee on 21 June 2017, at which time clarification on certain activities to be included in the scope of the Resolution had been requested.

As the terms of the final Resolution had been altered with the addition of a new provision in relation to bonfires and/or firework displays, the process required the Committee to consider a new draft Resolution at this stage.

If the draft Resolution was agreed and made final, this would mean any trampoline park, internal or external, or any facility with trampolines, soft play areas, dog agility shows, bonfires and/or fireworks displays would require to apply for a public entertainment licence. For clarification, temporary soft play areas/trampolines set up by toddler groups or other play groups were excluded from the definition.

In terms of the Civic Government (Scotland) Act 1982 (as amended), appropriate notice of the proposed amended Resolution would require to be given in the local press of the statutory period of 28 days in which to lodge any objections or observations. When that process had been completed, a further report requesting approval of the Final Resolution on Licensing of Places of Public Entertainment would be submitted to Committee.

**The Committee decided:** that the draft Resolution for the Licensing of Places of Public Entertainment, as detailed in the appendix to the report, be approved.

*[Reference: Minutes of 21 June 2017 (Paragraph 2)]*

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#### **4 Urgent Business**

There were no items of urgent business.

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

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

A report dated 12 March 2018 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a private hire car driver's licence in terms of the Civic Government (Scotland) Act 1982 (as amended).

In the interests of justice, it was considered that protected convictions might require to be taken into account in dealing with any application for a licence. After consideration of the number, nature and age of the applicant's protected convictions, it was proposed that consideration of the application be continued to allow further information on the applicant's protected convictions to be obtained.

**The Committee decided:** that detailed information be requested on the protected convictions of the applicant to allow full consideration of the application for a private hire car driver's licence.

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

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A report dated 7 March 2018 by the Executive Director (Finance and Corporate Resources) was submitted on an application for 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. An objection had been received from Police Scotland and Sergeant Gill was heard.

**The Committee decided:** that the application by A Majeed, Flat 0/2, 243 Hollybrook Street, Glasgow for a private hire car driver's licence in the Cambuslang and Rutherglen zone be refused.

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

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A report dated 5 March 2018 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a private hire car driver's licence in terms of the Civic Government (Scotland) Act 1982 (as amended).

The Licensing and Registration Manager advised that the conviction dated 2 November 2004 should not be taken into consideration as it was a protected conviction.

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 objection had been received from Police Scotland and Sergeant Gill was heard.

Councillor Miller, seconded by Councillor McGuigan, moved that the application be granted for a period of 1 year. Councillor Shearer, seconded by Councillor Marrs, moved as an amendment that the application be refused. On a vote being taken by a show of hands, 13 members voted for the amendment and 9 for the motion. The amendment was declared carried.

**The Committee decided:** that the application by A Fraser, 8 Bank Road, Carmyle, Glasgow for a private hire car driver's licence in the Cambuslang and Rutherglen zone be refused.