

LICENSING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 21 September 2011

Chair:

Councillor Maureen Devlin

Councillors Present:

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

Councillors' Apologies:

Edward McAvoy, Clare McColl, Archie Manson, David Shearer

Attending:**Finance and Corporate Resources**

F Carroll and M Clinton, Licensing Standards Officers (for item 8 only); C Lyon, Administration Officer; C McKee, Licensing Co-ordinator; L Robertson, Team Leader/Registrar; T Stone, Licensing and Registration Manager; L Wyllie, Administration Assistant

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Licensing Committee held on 24 August 2011 were submitted for approval as a correct record.

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

3 Minutes of Public Processions Panel

The minutes of the meeting of the Public Processions Panel held on 19 August 2011 were submitted for approval as a correct record.

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

4 Civic Government (Scotland) Act 1982 - Licensing of Places of Public Entertainment

A report dated 5 September 2011 by the Executive Director (Finance and Corporate Resources) was submitted on an amendment to the existing Resolution for the Licensing of Places of Public Entertainment to take account of changes to the Civic Government (Scotland) Act 1982 which had been introduced by the Criminal Justice and Licensing (Scotland) Act 2010.

The Gambling Act 2005 now regulated establishments which were formerly regulated by way of a Public Entertainment Licence. Consequently, there was no longer any requirement for certain activities such as amusement arcades to be included in the Council's Public Entertainment Resolution. It was, therefore, proposed to delete any reference to those from the current Resolution.

The Criminal Justice and Licensing (Scotland) Act amended the current provision so that the words "on payment of money or money's worth" were deleted. The result of this amendment would be that all forms of public entertainment referred to in the Resolution must hold a Public Entertainment Licence before the event could take place. It was proposed, however, to amend the Resolution to specifically exclude "fetes and other events which were run purely for charitable purposes for which there was no charge for entry".

The amendments to the Civic Government (Scotland) Act 1982 would come into force on 1 April 2012.

In terms of Section 9 of the Civic Government (Scotland) Act 1982, appropriate notice for a statutory period of 28 days would require to be given in the press. On completion of that process, a further report requesting approval of the Final Resolution on Licensing of Places of Public Entertainment would be submitted to this Committee.

The Committee decided:

- (1) that the amendments to the Civic Government (Scotland) Act 1982 be noted; and
- (2) 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 7 November 2007 (Paragraph 3)]

5 Civic Government (Scotland) Act 1982 - Licensing of Taxis - Review of Taxi Fares

A report dated 5 September 2011 by the Executive Director (Finance and Corporate Resources) was submitted advising on action taken, in terms of Standing Order No 36(c) in view of the requirement to progress the fares review in the Rutherglen and Cambuslang zone within the required timescales, by the Executive Director (Corporate Resources), in consultation with the Chair and an ex officio member, to amend the fares increase in the Rutherglen and Cambuslang zone to £4.80 for a 2 mile hire.

On 24 August 2011, the Licensing Committee had agreed that the fares review in the Rutherglen and Cambuslang zone be progressed in line with the proposals detailed in an appendix to the report. However, in view of the fact that the wrong figure had been reported, the Chair, in terms of Standing Order No 17, had agreed that further consideration be given to the matter.

The increased fare over the 2 mile hire for the Rutherglen and Cambuslang zone was now £4.80 and not £4.60 as previously reported.

The Committee decided: 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 agree that the fares review be progressed in the Rutherglen and Cambuslang zone based on a 2 mile hire of £4.80, be noted.

[Reference: Minutes of 24 August 2011 (Paragraph 6)]

6 Urgent Business

There were no items of urgent business.

7 Exclusion of Press and Public

The Committee decided: that, in terms of Section 50(A)(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 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.

8 Civic Government (Scotland) Act 1982 - Application for a Private Hire Car Driver's Licence - P Aiton, 79 Mill Road, Fairhill, Hamilton

A report dated 5 September 2011 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.

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

The Committee decided: that the application by P Aiton, 79 Mill Road, Fairhill, Hamilton for a private hire car driver's licence in the Hamilton zone be refused.

9 Civic Government (Scotland) Act 1982 - Application to Vary the Terms of a Late Hours Catering Licence - A Macera, 9 Clyde Street, Carluke

A report dated 5 September 2011 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a variation of 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 present and heard in support of his application.

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

Applicant:	A Macera
Type of Licence:	Late hours catering
Premises:	Alfie's Fish Bar and Pizzeria, 3 Clyde Street, Carluke
Days/Hours Requested:	Sunday to Thursday from 11.00pm to 11.30pm Friday and Saturday from 11.00pm to 1.30am
Days/Hours Granted:	Sunday to Thursday from 11.00pm to 11.30pm Friday and Saturday from 11.00pm to 1.30am

In terms of Standing Order No 13, the Chair adjourned the meeting after this item of business at 11.00am for a 10 minute period. Councillor Docherty was not present when the meeting recommenced

10 Civic Government (Scotland) Act 1982 - Licensing of Street Traders - Suspension of Licence

A report dated 5 September 2011 by the Executive Director (Finance and Corporate Resources) was submitted proposing that consideration be given to whether street trader's licence No 7 should be suspended in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

It was agreed that the petition contained within the agenda papers was not relevant and should not be considered.

In terms of the Act, the opportunity of a hearing had been offered to the licence holder who was present and represented by Mr Devine, Solicitor who was heard in support of the licence holder retaining his licence. A representation had been received from Strathclyde Police and Sergeant Anderson and Inspector Ritchie were heard.

Councillor Devlin, seconded by Councillor Filshie, moved that the licence be not suspended. Councillor McLachlan, seconded by Councillor Baxendale, moved as an amendment that the licence be not suspended but that it be amended to remove the location of Lauder Drive. On a vote being taken by a show of hands, 7 members voted for the amendment and 11 for the motion which was declared carried.

The Committee decided: that street trader's licence No 7 be not suspended.

[Reference: Minutes of 24 August 2011 (Paragraph 11)]

Councillors Baxendale and Holman left the meeting after consideration of this item of business

11 Civic Government (Scotland) Act 1982 - Application for Renewal of a Street Trader's Licence

A report dated 5 September 2011 by the Executive Director (Finance and Corporate Resources) was submitted on an application for renewal of street trader's licence No 7 in terms of the Civic Government (Scotland) Act 1982.

It was agreed that the petition contained within the agenda papers was not relevant and should not be considered.

In terms of the Act, the opportunity of a hearing had been offered to the applicant who was present and represented by Mr Devine, Solicitor who was heard in support of the application. A representation had been received from Strathclyde Police and Sergeant Anderson was heard.

The Committee decided: that the application for the renewal of street trader's licence No 7 be granted for a period of 1 year subject to the conditions specified by the Executive Director (Finance and Corporate Resources).

[Reference: Minutes of 24 August 2011 (Paragraph 12)]

Councillors Douglas, Tullett and Watson left the meeting after consideration of this item of business

12 Civic Government (Scotland) Act 1982 - Application for Grant of a Temporary Public Entertainment Licence by T Smith, 50 Saracen Street, Glasgow

A report dated 5 September 2011 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the grant of a temporary public entertainment 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 represented by Mr Currie, Solicitor who was heard in support of the application.

Comments from Roads and Transportation Services, Planning and Building Standards Services and Waste and Environmental Services were heard.

Councillor McLachlan, seconded by Councillor Higgins, moved that the licence be refused. Councillor Logan, seconded by Councillor A M Mitchell, moved as an amendment that the licence be granted. On a vote being taken by a show of hands, 3 members voted for the motion and 10 for the amendment which was declared carried.

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

Applicant:	T Smith, 50 Saracen Street, Glasgow
Type of Licence:	Temporary public entertainment
Premises:	Funfair at Top Tier, Town Square, Castle Street, Hamilton
Days/Hours Requested:	Friday 7 October 2011 to Sunday 16 October 2011 from 11.00am to 6.00pm daily
Days/Hours Granted:	Friday 7 October 2011 to Sunday 16 October 2011 from 11.00am to 6.00pm daily