

LICENSING COMMITTEE

Minutes of meeting held via Confero and in Committee Room 1, Council Offices, Almada Street, Hamilton on 15 August 2023

Chair:

Councillor Andy Carmichael

Councillors Present:

Councillor Mary Donnelly, Councillor Julia Marrs, Councillor Mark McGeever, Councillor David Shearer, Councillor Bert Thomson (Depute), Councillor Helen Toner

Councillors' Apologies:

Councillor Poppy Corbett, Councillor Joe Fagan (ex officio), Councillor Monique McAdams

Attending:

Finance and Corporate Resources

G Hunter, Licensing and Registration Assistant; G Mays, Legal Services' Adviser; P MacRae, Administration Adviser; 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 20 June 2023 were submitted for approval as a correct record.

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

3 Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Taxis and Private Hire Cars – Review of Standards for Taxis and Private Hire Cars

A report dated 28 July 2023 by the Executive Director (Finance and Corporate Resources) was submitted on the review of Standards for taxis and private hire cars.

Requests had been received from the trade that vehicles first registered as taxis and private hire cars be under 7 years old, instead of the current requirement that they be under 5 years old.

The trade had advised that this was due to the current cost of living crisis and the lack of availability of suitable second-hand cars.

It was of the view of trade representatives, as expressed in meetings of the Taxi and Private Hire Focus Groups, that this had resulted in a reduction in their ability to provide a sufficient level of service to meet the needs of the travelling public.

No other amendments to the vehicle standards were proposed at this time. The effect of the proposed amendment would, therefore, be that the maximum age at which a vehicle could be licensed would remain at 10 years. All vehicles which were more than 5 years old would continue to be subject to 6-monthly inspections.

The amended Standards were detailed in Appendix 1 to the report.

The Committee decided:

that Clause 1 of the Standards for taxis and private hire cars be amended to provide that vehicles first registered as a licensed taxi or private hire car be under 7 years old.

4 Urgent Business

There were no items of urgent business.

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.

6 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Operator's Licence No 2063 and Private Hire Car Driver's Licence No 510

A report dated 5 July 2023 by the Executive Director (Finance and Corporate Resources) was submitted:-

- ♦ advising on action taken, in terms of Standing Order No 37(c), in view of the timescales involved and a serious threat to public order or safety, by the Executive Director (Finance and Corporate Resources), in consultation with the Chair and an ex officio member, to order the immediate suspension of private hire car operator's licence No 2063 and private hire car driver's licence No 510, with effect from 5 July 2023
- ♦ proposing that consideration be given to whether private hire car operator's licence No 2063 and private hire car driver's licence No 510 be suspended or revoked

In terms of the Civic Government (Scotland) Act 1982 (as amended), the opportunity of a hearing had been offered to the licence holder who was not present or represented. A complaint had been received from Police Scotland.

The Committee decided:

- (1) that the action taken, in terms of Standing Order No 37(c), by the Executive Director (Finance and Corporate Resources), in consultation with the Chair and an ex officio member, to suspend private hire car operator's licence No 2063 and private hire car driver's licence No 510, with effect from 5 July 2023, for a maximum period of 6 weeks, be noted; and
- (2) that private hire car operator's licence No 2063 and private hire car driver's licence No 510 for the Cambuslang and Rutherglen zone be suspended with immediate effect for the remainder of the period of licence.

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

A report dated 27 July 2023 by the Executive Director (Finance and Corporate Resources) was submitted on an application for 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 not present or represented. An objection had been received from Police Scotland.

At its meeting on 30 May 2023, this Committee had decided to continue consideration of this application to a future meeting of the Committee to allow the applicant the opportunity to be present.

The Legal Services' Adviser intimated that the applicant had advised that he was unable to attend Committee and had requested that the application be decided in his absence.

The Committee decided: that the application by S Black, 180 Muirfauld, Drive, Cambuslang for the grant of a private hire car driver's licence in the Cambuslang and Rutherglen zone be refused.

8 Civic Government (Scotland) Act 1982 (As Amended) – Consideration of Request to Lift Suspension of Private Hire Car Driver's Licence No 190

A report dated 27 July 2023 by the Executive Director (Finance and Corporate Resources) was submitted proposing that consideration be given to whether the suspension of private hire car driver's licence No 190 be lifted.

On 14 March 2023, the Committee had suspended private hire car driver's licence No 190 with immediate effect for the remainder of the period of licence.

In terms of the Civic Government (Scotland) Act 1982 (as amended), the opportunity of a hearing had been offered to the licence holder who was present and represented by D Lingard, Solicitor.

Comments had been received from the licence holder's solicitor.

The Committee having considered the matter and following a discussion with the licence holder's solicitor, it was confirmed that the terms of the proposed variation of the licence were agreeable to the licence holder and the solicitor.

The Committee decided: that the suspension be recalled with effect from 15 August 2023 and the terms of the licence be varied with effect from 15 August 2023 to provide that the duration of the licence be one year from 15 August 2023.

[Reference: Minutes of 14 March 2023 (Paragraph 6)]

9 Civic Government (Scotland) Act 1982 (As Amended) – Consideration of Suspension of Revocation of Private Hire Car Driver's Licence No 871

A report dated 27 July 2023 by the Executive Director (Finance and Corporate Resources) was submitted proposing that consideration be given to whether private hire car driver's licence No 871 should be suspended or revoked.

In terms of the Civic Government (Scotland) Act 1982 (as amended), the opportunity of a hearing had been offered to the licence holder who was present and accompanied by Mr Rizwan. A letter of complaint had been received from Police Scotland and Sergeant Brown was heard.

Comments had also been received from the licence holder.

The Committee decided: that private hire car driver's licence No 871 for the Cambuslang and Rutherglen zone be suspended with immediate effect for a period of 4 months.