

LICENSING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 3 December 2019

Chair:

Councillor David Shearer

Councillors Present:

Councillor Stephanie Callaghan, Councillor Andy Carmichael, Councillor Margaret Cowie (*substitute for Councillor Martin Lennon*), Councillor Maureen Devlin (*substitute for Councillor Davie McLachlan*), Councillor Mary Donnelly, Councillor Grant Ferguson, Councillor George Greenshields, Councillor Lynsey Hamilton, Councillor Mark Horsham, Councillor Eileen Logan, Councillor Julia Marrs (Depute), Councillor Catherine McClymont, Councillor Mark McGeever, Councillor Gladys Miller, Councillor Bert Thomson, Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor Poppy Corbett, Councillor Geri Gray, Councillor Martin Grant Hose, Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Katy Loudon, Councillor Kenny McCreary, Councillor Jim McGuigan, Councillor Davie McLachlan, Councillor Richard Nelson, Councillor John Ross (ex officio)

Attending:

Finance and Corporate Resources

G Bow, Administration Manager; M Cooper, Standards and Development Officer; G Mays, Solicitor; 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 12 November 2019 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 – Review of Taxi Fares

A report dated 8 November 2019 by the Executive Director (Finance and Corporate Resources) was submitted on the progress of the fares review in the Cambuslang and Rutherglen, Clydesdale, East Kilbride and Hamilton zones of South Lanarkshire.

In terms of Section 17 of the Civic Government (Scotland) Act 1982 (as amended) by Section 174 of the Criminal Justice and Licensing (Scotland) Act 2010, there was a requirement for licensing authorities to review taxi fares in their area every 18 months.

At its meeting on 24 September 2019, this Committee agreed that, subject to any representations received, the fares review for the Cambuslang and Rutherglen, East Kilbride and Hamilton zones would take place on the basis that there would be no increase in the current tariffs. The current tariffs were shown in Appendix 1 to the report.

It was also agreed that, subject to any representations received, the fares review for the Clydesdale zone would take place on the basis that there would be an increase of 30 pence over the 2 mile hire. The current and proposed tariffs were shown in Appendix 2 to the report.

The proposed Cambuslang and Rutherglen, Clydesdale, East Kilbride and Hamilton fares review had been advertised in the press and on the Council's website in accordance with the legislation and no responses had been received.

Following discussion regarding the consultation process, members agreed that Community Councils should be consulted going forward. Given that Clydesdale was a rural area, it had been suggested that the consultation period be extended for a short period of time to allow Community Councils within that area the opportunity to comment on this proposed increase.

The Committee decided:

- (1) that, on the basis that no objections or representations had been received following the press and website adverts, that there be no increase in the fares tariffs for the Cambuslang and Rutherglen, East Kilbride and Hamilton zones;
- (2) that the implementation of the increase in the fares tariff in the Clydesdale zone be delayed to allow Community Councils in the Clydesdale area the opportunity to be consulted on the proposal; and
- (3) that Community Councils in South Lanarkshire be added to the list of consultees as part of future taxi fares reviews.

[Reference: Minutes of 24 September 2019 (Paragraph 3)]

4 Civic Government (Scotland) Act 1982 (As Amended) – Licensing of Taxis – Door Stickers

A report dated 8 November 2019 by the Executive Director (Finance and Corporate Resources) was submitted on requests from the Taxi Focus Group to enable taxi companies to advertise their company names on the stickers which were placed on the front doors of vehicles.

At its meeting on 8 February 1999, the then Administration and Licensing Committee had agreed that the existing door stickers could be displayed on the front doors of taxis as per Appendix 1 to the report.

At its meeting on 2 October 2018, this Committee had agreed that additional wording could be placed around the current private hire car door stickers.

Following a recent meeting of the Taxi Focus Group, a request had been received that taxi companies be permitted to advertise their company name and telephone numbers on the front door stickers. Taxi operators could currently place advertising on their vehicles, subject to approval by the Council.

It was proposed that the maximum size of the letters and numbers should not exceed 4.5cm, which was the size approved for the wording on private hire car doors stickers.

Police Scotland had been consulted and were in favour of the additional wording.

The Committee decided:

- (1) that the request by the Taxi Focus Group to enable taxi companies to include their company name and contact details on the stickers affixed to the front doors of vehicles be approved; and
- (2) that the Legal Services Manager, in consultation with the Chair/Depute Chair, be authorised to approve the sticker.

[Reference: Minutes of the Administration and Licensing Committee of 8 February 1999 (Paragraph 8) and Minutes of 2 October 2018 (Paragraph 3)]

5 Aerosol String

A report dated 4 November 2019 by the Executive Director (Finance and Corporate Resources) was submitted providing an update on the outcome of enquiries made into options available to impose licensing conditions to restrict the sale and/or use of aerosol string products.

Officers from Community and Enterprise Resources had advised that they had previously considered this issue following a complaint made after Landemer Day in 2015, however, no particular issues were highlighted in relation to the clean-up of aerosol string.

Police Scotland had clarified that this product was not covered by the ban on the sale of aerosol products to under 16s and that the act of spraying aerosol string was not considered to constitute an offence under Environmental Protection legislation.

It was considered that a bye-law would not likely attract the support of the Scottish Government or Police Scotland due to the limited scale of the issue and the issues around enforcement.

It was considered that the option of adding a condition to street traders' licences to prevent the sale of aerosol string would not be effective in addressing the problem as shops would not be covered. In addition, a licensing condition of this nature would be vulnerable to legal challenge as it would restrict traders' freedom to contract. Such conditions had been found by courts to be unenforceable.

The option of adding a condition to public entertainment licences to prevent the use of aerosol string at licensed events would have to be justified in terms of licensing purposes, for example, evidence relevant to prevention of crime and disorder, public safety or environmental protection would be required.

The enforceability of any licensing condition would also have to be considered and, to be effective, would require the support of Police Scotland.

Following discussion, members were advised that, although there was very little that could be done in terms of licensing conditions, they should continue to raise any concerns in relation to aerosol string with the appropriate bodies.

The Committee decided: that it be noted that there was currently no legal or factual basis for the imposition of a licensing condition prohibiting the sale and/or use of aerosol string products.

6 Urgent Business

There were no items of urgent business.

7 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.

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

A report dated 14 November 2019 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the 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 present and heard in support of his application. The Police advised that they had a late verbal objection to the application. The reason for the lateness of the objection was accepted and Sergeant Rankin was heard on behalf of Police Scotland.

The Committee decided: that the application by K Ogieriakhi, 56 Globe Court, Calderwood, East Kilbride for a private hire car driver's licence in the East Kilbride zone be refused.

9 Civic Government (Scotland) Act 1982 (As Amended) – Application for Grant of a Street Trader's Licence

A report dated 12 November 2019 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the grant of a street trader'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. A representation had been received from Police Scotland.

The Committee decided: that the application by K Barron, 60 Kelvin Road, East Kilbride for a street trader's licence in the East Kilbride zone be continued to a future meeting of this Committee to allow the applicant the opportunity to be present.