

LICENSING COMMITTEE

Minutes of meeting held via Confero and in Committee Room 1, Council Offices, Almada Street, Hamilton on 19 March 2024

Chair:

Councillor Andy Carmichael

Councillors Present:

Councillor Poppy Corbett, Councillor Margaret Cowie, Councillor Mary Donnelly (*substitute for Councillor Helen Toner*), Councillor Julia Marrs, Councillor Mark McGeever, Councillor David Shearer

Councillors' Apologies:

Councillor Joe Fagan (ex officio), Councillor Monique McAdams, Councillor Bert Thomson (Depute), Councillor Helen Toner

Attending:

Finance and Corporate Resources

M Gordon, Administration Assistant (Items 1 to 7 only); C Lyon, Administration Officer; C McKee, Licensing and Registration Co-ordinator; D McLardy, Legal Services' 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 27 February 2024 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 21 February 2024 by the Chief Executive was submitted on the review of standards for taxis and private hire cars in terms of the Civic Government (Scotland) Act 1982 (as amended).

At present, the upper age limit for licensed saloon-type vehicles (ie, non purpose built vehicles) was 10 years and there was also the requirement for a fire extinguisher to be fitted in the vehicle.

Requests had been received from the trade for the upper age of vehicles registered as taxis and private hire cars to be increased from 10 years to 12 years. This was due to the current cost of living crisis and the lack of availability of suitable second-hand cars.

Trade representatives had expressed at 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.

The trade also advised that, in terms of a fire extinguisher being fitted in vehicles, this gave the impression to customers that drivers would tackle a fire in a vehicle. This was not the advice given by the Scottish Fire and Rescue Service and the trade considered that there should be no requirement to have a fire extinguisher in the vehicle.

No other amendments to the vehicle standards were proposed at this time. The effect of the proposed amendments would, therefore, be that the upper age limit a vehicle could be licensed would increase to 12 years. All vehicles which were more than 5 years old would continue to be subject to random 6-monthly inspections. There would be no requirement for a fire extinguisher to be fitted in the vehicle.

The amended standards were detailed in Appendix 1 of the report.

Following discussions in terms of a fire extinguisher being fitted in vehicles, members agreed that fire extinguishers should not be mandatory, but it would be good practice for drivers to have one in the vehicle.

The Committee decided:

- (1) that Clause 2 of the Standards for taxis and private hire cars be amended to provide that the upper age limit for any licensed saloon-type vehicle (ie non purpose built vehicles) be increased from 10 years to 12 years; and
- (2) that Clause 8 relating to the requirement for a fire extinguisher to be fitted in the vehicle be amended to "Whilst it is not mandatory, it is good practice, for a fire extinguisher to be fitted in the vehicle."

4 Urgent Business

There were no items of urgent business.

5 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 Paragraphs 6 and 14 of Part I of Schedule 7A of the Act. |
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6 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Driver's Licence No 232

A report dated 19 February 2024 by the Chief Executive 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 Chief Executive, in consultation with the Chair and an ex officio member, to order the immediate suspension of private hire car driver's licence No 232, with effect from 19 February 2024
- ♦ proposing that consideration be given to whether private hire car driver's licence No 232 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 Chief Executive, in consultation with the Chair and an ex officio member, to suspend private hire car driver's licence No 232, with effect from 19 February 2024, for a maximum period of 6 weeks, be noted; and
- (2) that private hire car driver's licence No 232 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 Short Term Let Licence

A report dated 29 February 2024 by the Chief Executive was submitted on an application for a short term let 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 and accompanied by Mrs Luckman. Objections had been received from J Blunt, A Lyall and N Cameron. J Blunt and N Cameron were present and heard. Letters of support had been received from C McCusker and D Cryans, local residents.

The Committee decided: that the application for a short term let licence be granted subject to the conditions specified by the Executive Director (Finance and Corporate Resources):-

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| Applicant: | A Luckman |
| Type of Licence: | Short term let |
| Premises: | Home2Home Meadow Close, 6 Meadow Close, East Kilbride |
| Category: | Home sharing and letting |
| Occupancy: | 3 to 6 persons |

In terms of Standing Order No 14, the Chair adjourned the meeting at 12.19pm and reconvened at 12.29pm. Councillors Marrs and McGeever were not present when the meeting reconvened

8 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Street Trader's Licence No 007

A report dated 29 February 2024 by the Chief Executive was submitted proposing that consideration be given to whether street trader's licence No 007 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 heard in support of retaining his licence. A letter of complaint had been received from Police Scotland and Sergeant Brown was heard.

The Committee decided: that street trader's licence No 007 in the Cambuslang and Rutherglen zone be suspended with immediate effect for the remainder of the period of licence.

9 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Driver's Licence No 803

A report dated 5 March 2024 by the Chief Executive 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 Chief Executive, in consultation with the Chair and an ex officio member, to order the immediate suspension of private hire car driver's licence No 803, with effect from 5 March 2024
- ♦ proposing that consideration be given to whether private hire car driver's licence No 803 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 Chief Executive, in consultation with the Chair and an ex officio member, to suspend private hire car driver's licence No 803, with effect from 5 March 2024, for a maximum period of 6 weeks, be noted; and
- (2) that private hire car driver's licence No 803 for the Cambuslang and Rutherglen zone be suspended with immediate effect for the remainder of the period of licence.