



Council Offices, Almada Street  
Hamilton, ML3 0AA

Friday, 28 September 2018

Dear Councillor

## **Licensing Committee**

The Members listed below are requested to attend a meeting of the above Committee to be held as follows:-

**Date:** Tuesday, 21 August 2018

**Time:** 10:00

**Venue:** Committee Room 1, Council Offices, Almada Street, Hamilton, ML3 0AA

The business to be considered at the meeting is listed overleaf.

<b>Members are reminded to bring their fully charged tablets to the meeting</b>
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Yours sincerely

**Lindsay Freeland**  
**Chief Executive**

### **Members**

David Shearer (Chair), Julia Marrs (Depute Chair), John Ross (ex officio), John Bradley, Stephanie Callaghan, Andy Carmichael, Poppy Corbett, Mary Donnelly, Geri Gray, George Greenshields, Lynsey Hamilton, Mark Horsham, Martin Grant Hose, Martin Lennon, Richard Lockhart, Eileen Logan, Katy Loudon, Joe Lowe, Catherine McClymont, Kenny McCreary, Mark McGeever, Jim McGuigan, Davie McLachlan, Gladys Miller, Bert Thomson, Josh Wilson

### **Substitutes**

Alex Allison, Walter Brogan, Jackie Burns, Janine Calikes, Margaret Cowie, Maureen Devlin, Joe Fagan, Ann Le Blond, Ian McAllan, Richard Nelson, Carol Nugent, Collette Stevenson, Jared Wark

## **BUSINESS**

### **1 Declaration of Interests**

### **2 Minutes of Previous Meeting** 5 - 8

Minutes of the meeting of the Licensing Committee held on 7 August 2018 submitted for approval as a correct record. (Copy attached)

### **3 Minutes of Public Processions Panel** 9 - 10

Minutes of the meeting of the Public Processions Panel held on 7 August 2018 submitted for approval as a correct record. (Copy attached)

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### **Item(s) for Decision**

### **4 Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Taxis - Review of Taxi Fares** 11 - 16

Report dated 1 August 2018 by the Executive Director (Finance and Corporate Resources). (Copy attached)

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### **Urgent Business**

### **5 Urgent Business**

Any other items of business which the Chair decides are urgent.

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### **Exclusion of Press and Public**

### **6 Exclusion of Press and Public**

It is recommended that the Committee makes the following resolution:-

"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 item(s) of business on the grounds that it is likely that there will be disclosure of exempt information in terms of Paragraph 14 of Part I of Schedule 7A of the Act."

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### **Item(s) for Decision**

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

- Exempt information in terms of Paragraph 14 of Part I of Schedule 7A of the Act

### **8 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Driver's Licence No 671**

- Exempt information in terms of Paragraph 14 of Part I of Schedule 7A of the Act

**9 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Driver's Licence No 673**

- Exempt information in terms of Paragraph 14 of Part I of Schedule 7A of the Act

***For further information, please contact:-***

Clerk Name: Carol Lyon

Clerk Telephone: 01698 455652

Clerk Email: [carol.lyon@southlanarkshire.gov.uk](mailto:carol.lyon@southlanarkshire.gov.uk)



**LICENSING COMMITTEE**

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 7 August 2018

**Chair:**

Councillor David Shearer

**Councillors Present:**

John Bradley, Stephanie Callaghan, Poppy Corbett, Mary Donnelly, Joe Fagan (*substitute for Councillor McClymont*), George Greenshields, Mark Horsham, Martin Lennon, Richard Lockhart, Katy Loudon, Kenny McCreary, Mark McGeever, Jim McGuigan, Gladys Miller, Bert Thomson, Josh Wilson

**Councillors' Apologies:**

Andy Carmichael, Geri Gray, Lynsey Hamilton, Martin Grant Hose, Eileen Logan, Joe Lowe, Catherine McClymont, Davie McLachlan, Julia Marrs (Depute), John Ross (ex officio)

**Attending:****Finance and Corporate Resources**

M Cooper, Standards and Development Officer; C Lyon, Administration Officer; G Mays, Solicitor; L Wyllie, Administration Assistant

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**1 Declaration of Interests**

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The following interest was declared.

<b><i>Councillor(s)</i></b>	<b><i>Item(s)</i></b>	<b><i>Nature of Interest(s)</i></b>
Lennon	Civic Government (Scotland) Act 1982 (as amended) – Application for a Skin Piercing and Tattooing Licence	Known to applicant

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**2 Minutes of Previous Meeting**

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The minutes of the meeting of the Licensing Committee held on 12 June 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 Taxis - Review of Taxi Fares**

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A report dated 18 July 2018 by the Executive Director (Finance and Corporate Resources) was submitted on the progress of the fares review in the Clydesdale 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 22 May 2018, this Committee agreed that, subject to any representations received, the fares review for the Clydesdale and Hamilton zones would commence on the basis that there would be no increase in the current tariff. The current tariff was detailed in Appendix 1 to the report.

The proposed fares review for the Clydesdale and Hamilton zones had been advertised in the press and in accordance with the legislation and no responses had been received.

**The Committee decided:** that, on the basis that no objections or representations had been received, there be no increase in fares for the Clydesdale and Hamilton zones.

*[Reference: Minutes of 22 May 2018 (Paragraph 3)]*

*Councillor Callaghan entered the meeting during this item of business*

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#### **4 Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Taxis - Taxi Operator Licences**

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A report dated 20 July 2018 by the Executive Director (Finance and Corporate Resources) was submitted on the introduction of new criteria for taxi operator licences to increase the number of wheelchair accessible vehicles available.

The current number of wheelchair accessible vehicles was detailed in Appendix 1.

At present, the Hamilton, East Kilbride (including Strathaven) and Cambuslang and Rutherglen zones in South Lanarkshire would be included in the new criteria as they had limits on the number of taxi operator licences allowed in those zones. The Clydesdale zone had not been included in the new criteria as there was no limit in that zone.

In the 3 zones which were limited, it was proposed that all new taxi operator licences would only be issued for vehicles which were accessible to wheelchair users. In practice, this would require the vehicles to be capable of carrying a passenger seated in a 'reference' wheelchair type.

Since the last renewal period, 4 operator licences had become available in the Hamilton zone and it was proposed that the new criteria be applied to the renewal of those licences subject to the applicant being a fit and proper person in terms of the Council's licensing process.

Criteria would be introduced to govern any future operator licences that were surrendered or not renewed in the Hamilton, East Kilbride (including Strathaven) and Cambuslang and Rutherglen zones.

**The Committee decided:**

- (1) that all new taxi operator licences in the Hamilton, East Kilbride (including Strathaven) and Cambuslang and Rutherglen zones be only for vehicles accessible for wheelchair users;
- (2) that the vehicles must be capable of carrying a passenger seated in a 'reference' wheelchair type; and
- (3) that the proposals outlined in paragraph 4.4 of the report for the issue of 4 taxi operator licences, which were currently available in the Hamilton zone, be approved.

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#### **5 Urgent Business**

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There were no items of urgent business.

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## **6 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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## **7 Civic Government (Scotland) Act 1982 (As Amended) – Application for a Skin Piercing and Tattooing Licence**

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A report dated 17 July 2018 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a skin piercing and tattooing licence in terms of the Civic Government (Scotland) Act 1982 (as amended).

At its meeting on 12 June 2018, the Committee had decided that further details be requested from Police Scotland in respect of the applicant's protected convictions to allow it to consider the application.

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.

Representations had been received from Police Scotland. A late objection had also been received from Police Scotland. The reason for the lateness of the objection was accepted and Sergeant Tomlinson was heard on behalf of Police Scotland.

Councillor Thomson, seconded by Councillor Callaghan, moved that the application be granted. Councillor McGuigan, seconded by Councillor McCreary, moved as an amendment that the application be refused. Councillor Miller, seconded by Councillor Horsham, moved as a second amendment that the application be granted for a period of 1 year.

On a vote being taken by a show of hands between the second amendment (moved by Councillor Miller and seconded by Councillor Horsham) and the first amendment (moved by Councillor McGuigan and seconded by Councillor McCreary), 6 members voted for the second amendment and 8 for the first amendment. The first amendment was declared carried and placed against the motion. On a vote being taken by a show of hands, 9 members voted for the amendment and 7 voted for the motion. The amendment was declared carried.

**The Committee decided:** that the application by C Mackinnon, 10 Yementry Court, Glasgow for a skin piercing and tattooing licence be refused.

*[Reference: Minutes of 12 June 2018 (Paragraph 8)]*

*Councillor Lennon, having declared an interest in the above item of business, withdrew from the meeting during its consideration*

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## **8 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Taxi Driver's Licence No 088**

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A report dated 29 June 2018 by the Executive Director (Finance and Corporate Resources) was submitted:-

- ♦ noting the immediate suspension of taxi driver's licence No 088, with effect from 29 June 2018, due to the failure to successfully complete, within a 6 month period, the taxi drivers' training course
- ♦ proposing that consideration be given to whether taxi driver's licence No 088 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 not present or represented.

### **The Committee decided:**

- (1) that the immediate suspension of taxi driver's licence No 088, with effect from 29 June 2018, for a maximum period of 6 weeks, be noted; and
- (2) that taxi driver's licence No 088 for the Clydesdale zone be suspended with immediate effect for the remainder of the period of the licence.

*[Reference: Minutes of Finance and Corporate Resources Committee of 2 September 2015 (Paragraph 15)]*



**PUBLIC PROCESSIONS PANEL**

Minutes of meeting held in Committee Room 2, Council Offices, Almada Street, Hamilton on 31 May 2018

**Chair:**

Councillor David Shearer

**Councillors Present:**

Eileen Logan, Jim McGuigan

**Attending:****Finance and Corporate Resources**

G Bow, Administration Manager; T Little, Head of Communications and Strategy; C Lyon, Administration Officer; G Mays, Solicitor; J Roebuck, Licensing and Registration Team Leader

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**1 Declaration of Interests**

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No interests were declared.

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**2 Urgent Business**

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There were no items of urgent business.

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**3 Exclusion of Press and Public**

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**The Panel 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 item(s) of business on the grounds that it was likely that there would be disclosure of exempt information in terms of Paragraph 6 of Part I of Schedule 7A of the Act.

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**4 Notification of Intention to Hold a Public Procession in Larkhall on 1 June 2018 - Larkhall Purple Heroes Flute Band**

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In relation to a notification to hold a public procession on 1 June 2018 in Larkhall submitted by Larkhall Purple Heroes Flute Band, the Panel:-

- ◆ heard W Moore, J MacLean and W Ramage, representing Larkhall Purple Heroes Flute Band
- ◆ considered written representations from Police Scotland who were represented by Inspector S McGovern and Constable M Murphy

The submission from Larkhall Purple Heroes Flute Band included the following undertakings to:-

- ◆ increase the number of stewards in attendance at the parade
- ◆ increase the number of toilet facilities available for both those people in the parade and members of the public viewing the parade
- ◆ emphasise, through social media, the requirement to behave in an acceptable manner during the parade

- ◆ hold specific steward briefings to focus on key locations during the parade
- ◆ contact local residents to make them fully aware of the arrangements prior to the parade taking place in future years

The representatives of the organisation and representatives of Police Scotland withdrew from the meeting and, following discussion, the Panel decided that no order be made to prohibit the public procession from taking place subject to the agreed undertakings being adhered to by the organisation.

The representatives of the organisation, representatives of Police Scotland and objectors re-entered the meeting and were advised of the Panel's decision.

The organisers of the procession were also reminded of the importance of dealing with any future issues raised at debrief meetings. An undertaking was given by the Council to try to accommodate debrief meetings at a time more suitable to the organisers.

**The Panel decided:**

- (1) that no order be made to prohibit the public procession from taking place on 1 June 2018 in Larkhall subject to the agreed undertakings being adhered to by the organisation; and
- (2) that the public procession permit be issued with the standard conditions.

# Report

**4**

Report to: **Licensing Committee**  
 Date of Meeting: **21 August 2018**  
 Report by: **Executive Director (Finance and Corporate Resources)**

Subject: **Civic Government (Scotland) Act 1982 (As Amended)  
 - Licensing of Taxis – Review of Taxi Fares**

## **1. Purpose of Report**

1.1. The purpose of the report is to:-

- ◆ further progress the fares review process in the East Kilbride and Cambuslang and Rutherglen zones of South Lanarkshire

## **2. Recommendation(s)**

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the request from East Kilbride T.O.A. to increase the fares in the East Kilbride zone based on the formula and rounded up, as detailed in the report, be approved; and
- (2) that the request from Cambuslang and Rutherglen trade to increase the fares in the Cambuslang and Rutherglen zone based on the formula and rounded up, as detailed in the report, be approved.

## **3. Background**

- 3.1. 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 Licensing Authorities must review taxi fares in their area every 18 months.
- 3.2. At its meeting held on 27 June 2013, the Licensing Committee agreed to calculate all future increases based on an agreed formula.
- 3.3. As members will be aware, even if there is no increase in the fares tariff, the formal review procedures require to be commenced.

## **4. Current Position**

### **4.1. East Kilbride Zone**

At its meeting on 22 May 2018 the Committee agreed that, subject to any representations received, the fares review for the Clydesdale, Hamilton and East Kilbride zones would take place on the basis that there would be no increase in the current tariff. However, during the consultation period East Kilbride T.O.A. have requested a fares increase based on the formula.

- 4.2. The proposed increase is calculated at 4 pence on the running mile which taken over the two mile hire would be 8 pence rounded up to 10 pence as shown at Appendix 1.

#### **4.3. Cambuslang and Rutherglen Zone**

There have been requests for fares increases for the Cambuslang and Rutherglen zone. The requests are as follows:-

- (a) Using the formula based on the running mile calculated at £1.40 would result in an increase of 4 pence per running mile which over the two mile hire would be 8 pence rounded up to 10 pence. Proposed increase shown at Appendix 2.
- (b) £2.80 charge for first 880 yards but thereafter the charge of 30 pence every 293 yards is retained rather than dropping to 20 pence after the first 264 yards. Proposed increase shown at Appendix 2.
- (c) 2 mile hire is £6.00 starting at £3.20 with running mile increase at £1.60 as shown at Appendix 2.

#### **5. Employee Implications**

- 5.1. None.

#### **6. Financial Implications**

- 6.1. The cost of Appeal to the Traffic Commissioner if the decision of the Council is appealed.

#### **7. Other Implications**

- 7.1. The risk to the Council is that it fails to fulfil its duty to protect the public.
- 7.2. There are no apparent implications in terms of sustainability.

#### **8. Equality Impact Assessment and Consultation Arrangements**

- 8.1. There is no requirement to carry out an impact assessment in terms of the proposals contained within this report.
- 8.2. Consultation with the taxi trade has been carried out to ascertain views on whether or not they are seeking an increase in taxi fares this year. An advert has been placed in the press for a period of one month to enable anyone who is a member or representative of the trade to comment on or object to the proposed changes to the fares tariff in respect of the East Kilbride zone. The only representation lodged was by the East Kilbride Taxi Owners' Association requesting a fares increase based on the formula. They had previously indicated that they did not require an increase.
- 8.3. The fares review for the Cambuslang and Rutherglen zone will be advertised in the press for a period of one month to enable anyone to comment on or object to the proposed changes to the fares tariff.

**Paul Manning**

**Executive Director (Finance and Corporate Resources)**

1 August 2018

#### **Link(s) to Council Values/Ambitions/Objectives**

- ♦ Make communities safer, stronger and sustainable

**Previous References**

- ◆ Licensing Committee, 22 May 2018

**List of Background Papers**

- ◆ None

**Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact:-

Teresa Stone, Licensing and Registration Manager

Ext: 4806 (Tel: 01698 454806)

E-mail: [teresa.stone@southlanarkshire.gov.uk](mailto:teresa.stone@southlanarkshire.gov.uk)

### Current Fares Tariff

East Kilbride Zone
<p>not exceeding 880 yards £2.80</p> <p>for the next nine additional 293 yards or any part 30 pence</p> <p>thereafter each additional 264 yards or any part 20 pence</p> <p>(an average 2 mile hire of £5.50)</p>

### Proposed Tariff

East Kilbride Zone
<p>not exceeding 880 yards £2.90</p> <p>for the next nine additional 293 yards or any part 30 pence</p> <p>thereafter each additional 264 yards or any part 20 pence</p> <p>(an average 2 mile hire of £5.60)</p>

**Current Fares Tariff**

<b>Cambuslang and Rutherglen Zone</b>
<p>not exceeding 880 yards £2.80</p> <p>for the next nine additional 293 yards or any part 30 pence</p> <p>thereafter each additional 264 yards or any part 20 pence</p> <p>(an average 2 mile hire of £5.50)</p>

**Proposed Fares Tariffs**

<b>Cambuslang and Rutherglen Zone Proposal (a)</b>
<p>not exceeding 880 yards £2.90 for the next nine additional yards or any part 30 pence.</p> <p>Thereafter each additional 164 yards or any part 20 pence</p> <p>(an average 2 mile hire of £5.60)</p>

<b>Cambuslang and Rutherglen Zone Proposal (b)</b>
<p>not exceeding 880 yards £2.80 for next nine 293 additional yards or part 30 pence</p> <p>Thereafter each additional 264 yards or any part 20 pence</p> <p>(an average 2 mile hire of £5.50)</p> <p>Although there is no change to the 2 mile hire thereafter cost would rise from £1.33 per mile to £2 per mile</p>

<b>Cambuslang and Rutherglen Zone Proposal (c)</b>
<p>not exceeding 880 yards £3.20</p> <p>for next 293 additional yards or any part 30 pence</p> <p>Thereafter each additional 264 yards or any part 20 pence</p> <p>(an average 2 mile hire £6.00)</p> <p>Looking for running mile to be taken as £1.60 which would be an additional 10 pence over the 2 mile hire</p>

