



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 25 November 2019

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, 03 December 2019

Time: 10:00

Venue: Council Chamber, Council Offices, Almada Street, Hamilton, ML3 0AA

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

Yours sincerely

Paul Manning
Depute Chief Executive

Members

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

Substitutes

Alex Allison, John Bradley, Robert Brown, Jackie Burns, Janine Calikes, Margaret Cowie, Maureen Devlin, Ann Le Blond, Lynne Nailon, Carol Nugent, Mo Razzaq, Graham Scott, 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 12 November 2019 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

- 3 **Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Taxis - Review of Taxi Fares** 9 - 12
Report dated 8 November 2019 by the Executive Director (Finance and Corporate Resources). (Copy attached)
- 4 **Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Taxis - Door Stickers** 13 - 16
Report dated 8 November 2019 by the Executive Director (Finance and Corporate Resources). (Copy attached)

Item(s) for Noting

- 5 **Aerosol String** 17 - 20
Report dated 4 November 2019 by the Executive Director (Finance and Corporate Resources). (Copy attached)

Urgent Business

- 6 **Urgent Business**
Any other items of business which the Chair decides are urgent.

Exclusion of Press and Public

- 7 **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."

Item(s) for Decision

- 8 **Civic Government (Scotland) Act 1982 (As Amended) - Application for Grant of a Private Hire Car Driver's Licence**
- Exempt information in terms of Paragraph 14 of Part I of Schedule 7A of the Act

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

- 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

LICENSING COMMITTEE

2

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 12 November 2019

Chair:

Councillor David Shearer

Councillors Present:

Councillor Alex Allison (*substitute for Councillor Poppy Corbett*), Councillor Janine Calikes (*substitute for Councillor Julia Marrs*), Councillor Stephanie Callaghan, Councillor Andy Carmichael, Councillor Maureen Devlin (*substitute for Councillor Martin Lennon*), Councillor Mary Donnelly, Councillor Grant Ferguson, Councillor George Greenshields, Councillor Mark Horsham, Councillor Martin Grant Hose, Councillor Richard Lockhart, Councillor Eileen Logan, Councillor Katy Loudon, Councillor Catherine McClymont, Councillor Mark McGeever, Councillor Jim McGuigan, Councillor Davie McLachlan, Councillor Gladys Miller, Councillor Lynne Nailon (*substitute for Councillor Kenny McCreary*), Councillor Richard Nelson, Councillor Graham Scott (*substitute for Councillor Lynsey Hamilton*), Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor Poppy Corbett, Councillor Geri Gray, Councillor Lynsey Hamilton, Councillor Martin Lennon, Councillor Julia Marrs (Depute), Councillor Kenny McCreary, Councillor John Ross (ex officio), Councillor Bert Thomson

Attending:

Finance and Corporate Resources

C Lyon, Administration Officer; C McKee, Licensing and Registration Co-ordinator; G Mays, Solicitor; L Wyllie, Administration Assistant

Order of Business

The Committee decided: that the items of business be dealt with in the order minuted below.

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Licensing Committee held on 29 October 2019 were submitted for approval as a correct record.

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

3 Urgent Business

There were no items of urgent business.

4 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.

5 Civic Government (Scotland) Act 1982 (As Amended) – Consideration of Suspension or Revocation of Private Hire Car Driver's Licence No 170

A report dated 23 October 2019 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 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 driver's licence No 170, with effect from 23 October 2019
- ♦ proposing that consideration be given to whether private hire car driver's licence No 170 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 represented by P Farrell, Solicitor. A complaint had been received from Police Scotland and Sergeant Rankin was heard.

Councillor Lockhart, seconded by Councillor McClymont, moved that the licence be not suspended or revoked. Councillor Donnelly, seconded by Councillor Loudon, moved as an amendment that the licence be suspended with immediate effect for the remainder of the period of the licence. On a vote being taken by a show of hands, 4 members voted for the amendment and 19 for the motion which was declared carried.

The Committee decided:

- (1) that the action taken, in terms of Standing Order No 36(c), by the Executive Director (Finance and Corporate Resources), in consultation with the Chair and an ex officio member, to suspend private hire car driver's licence No 170, with effect from 23 October 2019, for a maximum period of 6 weeks, be noted; and
- (2) that private hire car driver's licence No 170 for the Cambuslang and Rutherglen zone be not suspended or revoked.

In terms of Standing Order No 13, the Chair adjourned the meeting after this item of business at 11.10am and reconvened at 11.30am. Councillor Greenshields was not present when the meeting reconvened

6 Civic Government (Scotland) Act 1982 (As Amended) – Consideration of Suspension or Revocation of Private Hire Car Driver's Licence No 812

A report dated 24 October 2019 by the Executive Director (Finance and Corporate Resources) was submitted proposing that consideration be given to whether private hire car driver's licence No 812 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 Rankin was heard.

The Committee decided: that private hire car driver's licence No 812 for the Cambuslang and Rutherglen zone be suspended with immediate effect for the remainder of the period of the licence.

Councillor Donnelly left the meeting during this item of business

7 Civic Government (Scotland) Act 1982 (As Amended) – Application for Renewal of Private Hire Car Driver's Licence No 812

A report dated 24 October 2019 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the renewal of private hire car driver's licence No 812 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 his application. A representation had been received from Police Scotland and Sergeant Rankin was heard.

The Committee decided: that the application for the renewal of private hire car driver's licence No 812 in the Cambuslang and Rutherglen zone be refused.

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

A report dated 24 October 2019 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the grant of a taxi 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. A representation had been received from Police Scotland and Sergeant Rankin was heard.

The Committee decided: that the application by M Khan, Flat 1-2, 15 Windhill Crescent, Glasgow for a taxi driver's licence in the Cambuslang and Rutherglen zone be refused.

Report

3

Report to:	Licensing Committee
Date of Meeting:	3 December 2019
Report by:	Executive Director (Finance and Corporate Resources)

Subject:	Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Taxis – Review of Taxi Fares
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1. Purpose of Report

1.1. The purpose of the report is to:-

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

2. Recommendation(s)

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

- (1) that, on the basis that no objections or representations had been received following press and website adverts, there be no increase in the fares tariffs for the Cambuslang and Rutherglen, East Kilbride and Hamilton zones; and
- (2) that, on the basis that no objections or representations had been received following press and website adverts, there be an increase of 30 pence over the two mile hire in the Clydesdale zone.

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. Present Position

- 4.1. 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 are shown in Appendix 1.
- 4.2. 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 two mile hire. The current and proposed tariffs are shown in Appendix 2.

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

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 (Including Environmental and Risk Issues)

- 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 was initially carried out with the taxi trade to ascertain views on whether or not they are seeking an increase in taxi fares this year. Adverts were then placed in the press and on the Council's website outlining the proposals for each of the zones giving a period of one month to enable anyone to comment on or object to the proposed changes to the fares tariffs.

Paul Manning

Executive Director (Finance and Corporate Resources)

8 November 2019

Link(s) to Council Values/Ambitions/Objectives

- ◆ Make communities safer, stronger and sustainable

Previous References

- ◆ Licensing Committee, 24 September 2019

List of Background Papers

- ◆ None

Contact for Further Information

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

Margaret Mary Cairns, Legal Services Manager

Ext: 4501 (Tel: 01698 454501)

E-mail: margaretmary.cairns@southlanarkshire.gov.uk

Current Fares Tariffs

Cambuslang and Rutherglen 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>

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>

Hamilton Zone
<p>not exceeding 880 yards £2.80</p> <p>each additional 220 yards or any part 20 pence</p> <p>(an average 2 mile hire of £5.20)</p>

Current Fares Tariff
Clydesdale Zone
<p>not exceeding one mile £3.00</p> <p>for EACH additional 88 yards or any part thereof 10 pence</p> <p>(an average 2 mile hire of £5.00)</p>

Proposed Fares Tariff
Clydesdale Zone
<p>not exceeding one mile £3.30</p> <p>for EACH additional 88 yards or any part thereof 10 pence</p> <p>(an average 2 mile hire of £5.30)</p>

Report

4

Report to:	Licensing Committee
Date of Meeting:	3 December 2019
Report by:	Executive Director (Finance and Corporate Resources)

Subject:	Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Taxis – Door Stickers
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ♦ consider requests from the Taxi Focus Group to enable them to advertise their company names on the stickers which are placed on the front doors of the vehicle

2. Recommendation(s)

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

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

3. Background

- 3.1. At its meeting held on 8 February 1999 the then Administration and Licensing Committee agreed that the existing door stickers should be displayed on the front doors of taxis as per Appendix 1.
- 3.2. At its meeting held on 2 October 2018 the Licensing Committee agreed additional wording could be placed around the current private hire car door stickers.
- 3.3. At a recent meeting of the Taxi Focus Group it was requested that taxi companies be permitted to advertise their company name and telephone numbers on the front door stickers. Taxi operators can currently place advertising on their vehicles subject to approval by the Council.
- 3.4. It is proposed that the maximum size of the letters and numbers would not exceed 4.5 cms which is the size approved for the wording on private hire cars door stickers.
- 3.5. Police Scotland has been consulted and is in favour of the additional wording.

4. Employee Implications

4.1. None.

5. Financial Implications

5.1. None.

6. Other Implications (Including Environmental and Risk Issues)

- 6.1. The risk to the Council is where it fails to fulfil its duty to protect the public.
- 6.2. There are no apparent implications in respect of sustainable development.

7. Equality Impact Assessment and Consultation Arrangements

- 7.1 There is no requirement to carry out impact assessment in terms of the proposals contained within this report.
- 7.2. A consultation exercise has been carried out with Police Scotland and the Taxi Focus Group.

Paul Manning

Executive Director (Finance and Corporate Resources)

8 November 2019

Link(s) to Council Values/Ambitions/Objectives

- ◆ Making communities safer, stronger and sustainable

Previous References

- ◆ Administration and Licensing Committee, 8 February 1999
- ◆ Licensing Committee, 2 October 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:-

Margaret Mary Cairns, Legal Services Manager

Ext: 4501 (Tel: 01698 454501)

E-mail: margaretmary.cairns@southlanarkshire.gov.uk



Report

5

Report to:	Licensing Committee
Date of Meeting:	3 December 2019
Report by:	Executive Director (Finance and Corporate Resources)

Subject:	Aerosol String
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ provide an update on the outcome of enquiries made into options available to impose licensing conditions which would restrict the sale and/or use of aerosol string products

2. Recommendation(s)

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

- (1) that the content of the report be noted; and
- (2) that it be noted that there is currently no legal or factual basis for the imposition of a licensing condition prohibiting the sale and/or use of aerosol string products.

3. Background

- 3.1. Concerns have been raised by some elected members on behalf of their constituents in relation to possible environmental and public nuisance issues related to the use of aerosol string products in public areas, particularly around events such as Lanimers and Landemer Day.
- 3.2. The issue was raised by an elected member at this Committee in the context of a Street Trader's licence application. The possibility of introducing a condition for street traders, prohibiting the sale of aerosol string was discussed, and the view was that as this is a product which is freely available in shops, there would be no rationale for imposing conditions on street traders.
- 3.3. It was clarified by Police Scotland that this product is not covered by the ban on the sale of aerosol products to under 16's. Members requested that further enquiries be made to establish whether Community and Enterprise Resources had any concerns regarding the environmental impact of aerosol string.

4. Present Position

- 4.1. Community and Enterprise Resources advised that they had previously considered this issue following a complaint made after Landemer Day in 2015.

- 4.2. It was reported that staff had no particular issues in relation to the clean-up of aerosol string. The act of spraying aerosol string is not considered to constitute an offence under Environmental Protection legislation. It was considered that a bye-law would not be likely to attract the support of the Scottish Government or Police Scotland due to the limited scale of the issue and the issues around enforcement.
- 4.3. The view that spraying aerosol string does not constitute a littering offence was stated to be in keeping with the view taken by “Keep Scotland Beautiful”.
- 4.4. 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 have been found by courts to be unenforceable.
- 4.5. 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 with regard to licensing purposes, for example, evidence relevant to prevention of crime and disorder, public safety or environmental protection would be required.
- 4.6. The enforceability of any licensing condition would also have to be considered and, to be effective, would require the support of Police Scotland

5. Employee Implications

- 5.1. None.

6. Financial Implications

- 6.1. None.

7. Other Implications (Including Environmental and Risk Issues)

- 7.1. The risk to the Council is that it fails to address any potential concerns in relation to environmental issues or public nuisance.
- 7.2. There are no apparent implications in terms of sustainable development.

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. Community and Enterprise Resources were consulted in relation to the contents of this report.

Paul Manning

Executive Director (Finance and Corporate Resources)

4 November 2019

Link(s) to Council Values/Ambitions/Objectives

- ♦ Make communities safer, stronger and sustainable

Previous References

- ◆ None

List of Background Papers

- ◆ None

Contact for Further Information

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