



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 12 June 2023

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, 20 June 2023
Time: 10:00
Venue: Hybrid - Committee Room 1, Council Offices, Almada Street, Hamilton, ML3 0AA

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

Yours sincerely

Cleland Sneddon
Chief Executive

Members

Andy Carmichael (Chair), Bert Thomson (Depute Chair), Joe Fagan (ex officio), Poppy Corbett, Geri Gray, Julia Marrs, Monique McAdams, Mark McGeever, David Shearer, Helen Toner

Substitutes

Robert Brown, Janine Calikes, Margaret Cowie, Katy Loudon, Kenny McCreary, Davie McLachlan

BUSINESS

1 Declaration of Interests

- 2 Minutes of Previous Meeting** 5 - 8
Minutes of the meeting of the Licensing Committee held on 30 May 2023 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

- 3 Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Taxis** 9 - 14
– Review of Taxi Fares
Report dated 25 May 2023 by the Executive Director (Finance and Corporate Resources). (Copy attached)

Urgent Business

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

Exclusion of Press and Public

- 5 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 Paragraphs 6 and 14 of Part I of Schedule 7A of the Act."

Item(s) for Decision

- 6 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Taxi Driver's Licence No 123**
• Exempt information in terms of Paragraph 14 of Part I of Schedule 7A of the Act
- 7 Civic Government (Scotland) Act 1982 (As Amended) - Application for Renewal of Taxi Driver's Licence No 123**
• 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 Taxi 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 Short Term Let Licence**
• Exempt information in terms of Paragraph 6 of Part I of Schedule 7A of the Act

10 Civic Government (Scotland) Act 1982 (As Amended) - Application for Public Entertainment Licence

- Exempt information in terms of Paragraph 6 of Part I of Schedule 7A of the Act

For further information, please contact:-

Clerk Name:	Carol Lyon
Clerk Telephone:	07385370065
Clerk Email:	carol.lyon@southlanarkshire.gov.uk

LICENSING COMMITTEE

2

Minutes of meeting held via Confero and in Committee Room 1, Council Offices, Almada Street, Hamilton on 30 May 2023

Chair:

Councillor Andy Carmichael

Councillors Present:

Councillor Poppy Corbett, Councillor Margaret Cowie (*substitute for Councillor Monique McAdams*), Councillor Julia Marrs, Councillor Mark McGeever, Councillor Davie McLachlan (*substitute for Councillor Bert Thomson*), Councillor David Shearer, Councillor Helen Toner

Councillors' Apologies:

Councillor Joe Fagan (ex officio), Councillor Geri Gray, Councillor Monique McAdams, Councillor Bert Thomson (Depute)

Attending:

Finance and Corporate Resources

M Gordon, Administration Assistant; C Lyon, Administration Officer; G Mays, Legal Services' Adviser; C McKee, Licensing and Registration Co-ordinator; 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 16 May 2023 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) - Application for Grant of Taxi Driver's Licence

A report dated 11 May 2023 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 not present or represented. A representation had been received from Police Scotland.

The Legal Services' Adviser intimated that members could either continue the hearing to a future meeting of this Committee to allow the applicant the opportunity to be present, or proceed today without the applicant being present.

Following discussion, it was agreed that the application be considered without the applicant being present.

The Committee decided: that the application by J McGinnies, 51 Park Road, Carnwath for the grant of a taxi driver's licence in the Clydesdale zone be refused.

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

A report dated 11 May 2023 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. A late representation had been received from Police Scotland. The reason for the lateness of the representation was accepted and Sergeant Brown was heard on behalf of Police Scotland.

The Committee decided: that the application by J O'Hara, 5/2 Whitson Way, Edinburgh for the grant of a private hire car driver's licence in the Hamilton zone be granted for a period of one year.

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

A report dated 11 May 2023 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 not present or represented. An objection had been received from Police Scotland.

The Legal Services' Adviser intimated that the applicant was unable to attend Committee today and had requested that the application be continued to a future meeting to allow him to be present.

Following discussion, the Committee agreed that the application should be continued to a future meeting of this Committee to allow the applicant the opportunity to be present.

The Committee decided:

that the application by S Black, 62 St Mark Street, Glasgow for the grant of a private hire car driver's licence in the Cambuslang and Rutherglen zone be continued to a future meeting of this Committee to allow the applicant the opportunity to be present.

Report

3

Report to:	Licensing Committee
Date of Meeting:	20 June 2023
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 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) on the basis that no objections or representations have been received following press and website adverts:-

- (1) that there be no increase in the fares tariffs for the Cambuslang and Rutherglen and Hamilton zones as per Appendix 1;
- (2) that the proposals for the Clydesdale zone to increase the cost of the average two mile hire from £5.80 to £6.20 and various other increases as detailed at Appendix 2 be approved; and
- (3) that the proposals for the East Kilbride zone to increase the cost of the average two mile hire from £6.00 to £6.80 and various other increases as detailed at Appendix 3 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. Present Position

- 4.1. At its meeting on 14 March 2023 this Committee agreed that, subject to any representations received, the fares review for the Cambuslang and Rutherglen 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. In respect of the Clydesdale zone the trade suggested an increase of 40 pence over the average two mile hire and further increases as detailed in Appendix 2.
- 4.3. In respect of the East Kilbride zone the trade suggested an increase of 80 pence over the average two mile hire and further increases as detailed in Appendix 3.
- 4.4. 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. Climate Change, Sustainability and Environmental Implications

- 7.1. No assessment of the impact on the environment has been made as the Civic Government (Scotland) Act 1982 (as amended) does not allow us to take this into account when determining applications and therefore we would not propose to take this into account in dealing with the statutory review of taxi fares.

8. Other Implications

- 8.1. The risk to the Council is that it fails to fulfil its duty to protect the public.

9. Equality Impact Assessment and Consultation Arrangements

- 9.1. There is no requirement to carry out an impact assessment in terms of the proposals contained within this report.
- 9.2. Consultation was initially carried out with the taxi trade to ascertain views on whether or not they were 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)

25 May 2023

Link(s) to Council Values/Priorities/Outcomes

- ◆ Focused on people and their needs

Previous References

- ◆ Licensing Committee, 14 March 2023

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 Wilson, Legal Services Manager

Ext: 4501 (Tel: 01698 454501)

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

Current Fares Tariffs

Cambuslang and Rutherglen Zone
not exceeding 880 yards £3.90
for the next NINE additional 293 yards or any part 30 pence
thereafter each additional 264 yards or any part 20 pence
(an average 2 mile hire of £6.60)

Hamilton Zone
not exceeding 880 yards £3.20
each additional 220 yards or any part 20 pence
(an average 2 mile hire of £5.60)

Current Fares Tariff showing proposals (Clydesdale Zone)

Exclusive Hire means that a single fare is payable by any one passenger for the exclusive hire of a taxi or private hire car, whether or not more than one passenger is carried.

HIRE of Taxi/Private Hire Car (fitted with a taxi meter) –

Not exceeding **one mile** £3.40 (**Propose: £3.60**)

For EACH additional **88 yards** (**Propose: 135.38 yards**) or any part thereof 12 pence (**Propose: 20 pence**)

(An average 2 mile hire of £5.80) (**Propose: £6.20**)

WAITING TIME – 25 pence (**Propose: 30 pence**) for each period of **one minute** or part thereof £15 per hour (**Propose: £18 per hour**)

SOILAGE CHARGE - the hirer will pay a soilage charge of **£40** (**Propose: £50**) if the vehicle is soiled due to sickness caused by alcohol or drugs, any take-away spillage or any other fouling of the vehicle. It shall not be charged if the vehicle is soiled either due to a child being sick or due to genuine illness.

CALLED BUT NOT USED CHARGE -when a taxi is called out but not used, **a charge not exceeding the fare which would have been payable** by the hirer in the event of the taxi being used, shall be payable.

CALL OUT CHARGE - for hirings where a taxi is called to hirer's home or other address a call out charge up to **a maximum of £10** is payable. If such a call out charge is to be levied, the driver/operator must obtain the hirer's agreement in advance.

SURCHARGES

(1) A surcharge of **1/3rd of the normal metered fare** may be charged for each hire between **midnight and 7am**. For a journey commenced prior to 7 am the night time charge will apply until 7 am and thereafter the day time charge will apply. For a journey commenced prior to midnight the daytime rate will apply until midnight and thereafter the night time rate will apply. **Propose to add – A surcharge of an additional £1 added to the flag mile = £3.60 to £4.60 for each Scottish bank holiday.**

(2) A surcharge of **½ of the normal metered fare** may be charged for each hire on **25th December, 26th December, 1st January and 2nd January**. (**Propose: Start from 10 pm 24 December, 25 December and 26 December – midnight. Start from 10 pm 31 December, 1 January and 2 January – midnight.**)

(3) A surcharge of **10 pence** (**Propose: 25 pence**) may be charged **for each passenger beyond 2**.

**Current Fares Tariff showing proposals
(East Kilbride Zone)**

Exclusive Hire means that a single fare is payable by any one passenger for the exclusive hire of a taxi or private hire car, whether or not more than one passenger is carried.

HIRE of Taxi/Private Hire Car (fitted with a taxi meter) –

Not exceeding 880 yards £3.20 (**Propose: £3.60**)

For the next FOURTEEN additional 189 yards or any part £0.20 (**Propose: For the next SIX additional 146 yards or any part £0.20. For the next SIX additional 295 yards or any part £0.30. Thereafter each additional 246 yards or any part £0.20**)

thereafter each additional 246 yards or any part £0.20 (**Propose: as above**)

(an average 2 mile hire of £6.00) (**Propose: £6.80**)

BEYOND THE AREA OF EAST KILBRIDE ZONE – may be subject to surcharge of 1/3rd of the normal metered fare.

WAITING TIME – 25 pence for each period of 60 seconds or part thereof £15 per hour

STOPPAGE(S) AT THE REQUEST OF HIRER – 20 pence for each period of 60 seconds or part thereof (£12 per hour).

FARES BY TIME - subject to special agreement in advance with the hirer.

NO FARE CHARGEABLE - for the vacant return journey of a taxi/private hire car from destination of the hirer.

SOILAGE CHARGE - the hirer will pay a soilage charge of £30 (**Propose: £50**) if the vehicle is soiled due to sickness caused by alcohol or drugs, any take-away spillage or any other fouling of the vehicle. It shall not be charged if the vehicle is soiled either due to a child being sick or due to genuine illness.

CALLED BUT NOT USED – when a hired car is called but not used - £2.80 (**Propose: £3.60**)

SURCHARGES

- (1) a surcharge of 80 pence may be charged for each hire begun between the hours of 10pm and 5am. A further surcharge of 40 pence may be charged for each hire begun between the hours of 10pm and 5am each Friday into Saturday and Saturday into Sunday.
- (2) a surcharge of 1/3rd (**Propose: 1/2**) of the normal metered fare may be charged for each hire from 6am on 24th December until 5am on 27th December and from 6am on 31st December until midnight on 2nd January.
- (3) a surcharge, to be specially agreed in advance with the hirer, may be charged for 5 or more passengers hiring a people carrier type car.