

LICENSING COMMITTEE

Minutes of meeting held via Microsoft Teams on 15 December 2020

Chair:

Councillor David Shearer

Councillors Present:

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

Councillors' Apologies:

Councillor Geri Gray, Councillor Martin Grant Hose, Councillor Martin Lennon, Councillor John Ross (ex officio), Councillor Jim Wardhaugh

Attending:

Finance and Corporate Resources

C Lyon, Administration Officer; C McKee, Licensing and Registration Co-ordinator; G Mays, 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 24 November 2020 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 25 November 2020 by the Executive Director (Finance and Corporate Resources) was submitted on the progress of the fares review in the Clydesdale, East Kilbride, Hamilton and Cambuslang and Rutherglen 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.

The East Kilbride taxi trade had indicated that this year they did not propose to seek an increase to the current fares tariff as per Appendix 1 to the report.

All Hamilton operators had been written to, although only 6 operators had responded. One operator had requested that an additional 20 pence be added to the running mile and another operator had requested that 20 pence be added to the flagfall and 10 pence on the running mile. The other 4 operators who had responded, indicated that no fares increase was being requested. The fares tariff would, therefore, remain unchanged as per Appendix 1 to the report.

All Cambuslang and Rutherglen operators had been written to and 3 operators had responded indicating that no fares increase was being requested. The fares tariff would, therefore, remain unchanged as per Appendix 1 to the report.

All Clydesdale operators had been written to and only one operator had responded indicating that no fares increase was being requested. The fares tariff would, therefore, remain as per Appendix 1 to the report.

The Committee decided: that the review procedure for the Clydesdale, East Kilbride, Hamilton and Cambuslang and Rutherglen zones be commenced on the basis that there be no increase in the current fares tariff and the tariffs remain unchanged.

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

4 Urgent Business

There were no items of urgent business.

5 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.

6 Civic Government (Scotland) Act 1982 (As Amended) – Applications for Taxi Driver and Private Hire Car Licences – Spent Convictions

A report dated 26 November 2020 by the Executive Director (Finance and Corporate Resources) was submitted on applications for a taxi driver's licence and private hire car licence in terms of the Civic Government (Scotland) Act 1982 (as amended).

In the interests of justice, it was considered that spent convictions might require to be taken into account in dealing with any application for a licence. After consideration of the number, nature and age of the applicant's spent convictions, it was proposed that consideration of the applications be continued to allow further information on the applicant's spent convictions to be obtained.

The Committee decided: that detailed information be requested on the spent convictions of the applicant to allow full consideration of the applications for a taxi driver's licence and private hire car licence.

7 Civic Government (Scotland) Act 1982 (As Amended) – Application for Renewal of Private Hire Car Driver’s Licence No 608

A report dated 26 November 2020 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the renewal of private hire car driver’s licence No 608 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.

Following discussion, the Chair agreed a 10 minute adjournment to allow a Point of Order to be clarified.

Following the adjournment and further discussion, Councillor Loudon, seconded by Councillor Donnelly, moved that the application be refused. Councillor McClymont, seconded by Councillor Lockhart, moved as an amendment that the application be granted for a period of 1 year.

On a vote being taken by roll call, members voted as follows:-

Motion

Andy Carmichael, Poppy Corbett, Margaret Cowie, Mary Donnelly, George Greenshields, Katy Loudon, Kenny McCreary, Jim McGuigan, Davie McLachlan, Lynne Nailon, Richard Nelson, Graham Scott, Bert Thomson

Amendment

Stephanie Callaghan, Grant Ferguson, Mark Horsham, Richard Lockhart, Eileen Logan, Catherine McClymont, Mark McGeever, Julia Marrs, Gladys Miller, David Shearer

13 members voted for the motion and 10 for the amendment. The motion was declared carried.

The Committee decided: that the application for the renewal of private hire car driver’s licence No 608 in the Cambuslang and Rutherglen zone be refused.

In terms of Standing Order No 13, the Chair adjourned the meeting during this item at 11.00am and reconvened at 11.10am

Councillor McGuigan left the meeting after this item of business

8 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Driver’s Licence No 245

A report dated 26 November 2020 by the Executive Director (Finance and Corporate Resources) was submitted proposing that consideration be given to whether private hire car driver’s licence No 245 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 Wallace 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 245 for the Cambuslang and Rutherglen zone be not suspended or revoked, however, a written warning be attached to the licence holder's file advising that he had been reminded that speeding was considered as a serious matter by the Committee and that he should be more careful and watchful while driving as he was representing South Lanarkshire Council and high standards of behaviour were expected.