



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 17 April 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, 25 April 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 14 March 2023 submitted for approval as a correct record. (Copy attached)

Urgent Business

3 Urgent Business

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

Exclusion of Press and Public

4 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

5 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Driver's Licence No 237

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

6 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Driver's Licence No 569

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

7 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Taxi Driver's Licence No 013

- Exempt information in terms of Paragraph 6 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 Operator's Licence No 1247

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

9 Civic Government (Scotland) Act 1982 (As Amended) - Application for Renewal of Taxi Driver's Licence No 013

- 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 Renewal of Private Hire Car Operator's Licence No 1247

- 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

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Minutes of meeting held via Confero and in the Council Chamber, Council Offices, Almada Street, Hamilton on 14 March 2023

Chair:

Councillor Andy Carmichael

Councillors Present:

Councillor Poppy Corbett, Councillor Margaret Cowie (*substitute for Councillor Monique McAdams*), Councillor Julia Marrs, Councillor David Shearer, Councillor Bert Thomson (Depute)

Councillors' Apologies:

Councillor Joe Fagan (ex officio), Councillor Geri Gray, Councillor Monique McAdams, Councillor Mark McGeever, Councillor Helen Toner

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

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 28 February 2023 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 24 February 2023 by the Executive Director (Finance and Corporate Resources) was submitted on the progress of the fares review in the Cambuslang and Rutherglen, Clydesdale, East Kilbride and Hamilton and 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 held on 27 June 2013, this Committee agreed to calculate all future increases based on an agreed formula. The application of this formula would indicate an increase of 8.86% using RPI figures for the year from January to December 2022 inclusive.

All Cambuslang and Rutherglen operators had been written to, although only 1 operator responded who had indicated that he would like the additional yardage and cost increased from 264 yards at 20 pence to 250 yards at 25 pence. No other responses had been received. The fares tariff would, therefore, remain as per Appendix 1 to the report.

All Hamilton operators had also been written to and only 8 operators responded as follows:-

- ♦ 1 operator requested that the fares be increased in accordance with the cost of living with a minimum of £1 added to the £1.60 at the moment, giving an increase of £2.60 after the first mile
- ♦ 1 operator requested an increase of 20 pence on the running mile
- ♦ 1 operator requested an increase to the first mile to £4.20
- ♦ 1 operator had requested an increase of 15 pence per mile
- ♦ 1 operator had requested an increase but had not indicated what that increase would be
- ♦ 3 operators had indicated that no fares increase be requested

The fares tariff would, therefore, remain unchanged as per Appendix 1 to the report.

All Clydesdale operators had been written to with responses being received from 3 operators who held 48 licences between them indicating that they would like an increase on various items on the fares tariff, as detailed in Appendix 2 to the report.

The East Kilbride taxi trade organisation had indicated that the trade would like an increase on various items on the fares tariff, as detailed in Appendix 3 to the report.

The Committee decided:

- (1) that the review procedure for the Cambuslang and Rutherglen and Hamilton zones be commenced on the basis that there would be no increase in the current fares tariff and the tariff would remain unchanged;
- (2) that the review procedure for the Clydesdale zone be further progressed with an increase of 40 pence over a 2 mile hire and various other increases, as detailed in Appendix 2 to the report; and
- (3) that the review procedure for the East Kilbride zone be further progressed with an increase of 80 pence over a 2 mile hire and various other increases, as detailed in Appendix 3 to the report.

[Reference: Minutes of 27 June 2023 (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) - Consideration of

Suspension or Revocation of Private Hire Car Driver's Licence No 190

A report dated 20 February 2023 by the Executive Director (Finance and Corporate Resources) 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 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 190, with effect from 20 February 2023
- ♦ proposing that consideration be given to whether private hire car driver's licence No 190 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 complaint had been received from Police Scotland and Sergeant Brown was heard.

The Committee decided:

- (1) that the action taken, in terms of Standing Order No 37(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 190, with effect from 20 February 2023, for a maximum period of 6 weeks, be noted; and
- (2) that private hire car driver's licence No 190 for the Hamilton zone be suspended with immediate effect for the remainder of the period of licence.

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

A report dated 23 February 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 present and heard in support of his application. A representation had been received from Police Scotland and Sergeant Brown was heard.

The Committee decided: that the application by D McEwan, 31 Laighstonehall Road, Hamilton for the grant of a taxi driver's licence in the Hamilton zone be granted.

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

A report dated 23 February 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. An objection had been received from Police Scotland.

The Committee decided: that the application by T Tesfay, Flat 2/1, 1545 Dumbarton Road, Glasgow for the grant of a taxi driver's licence in the Cambuslang and Rutherglen zone be refused.

