

LICENSING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 24 September 2019

Chair:

Councillor David Shearer

Councillors Present:

Councillor Stephanie Callaghan, Councillor Poppy Corbett, Councillor Maureen Devlin (*substitute for Councillor Andy Carmichael*), Councillor Mary Donnelly, Councillor Geri Gray, Councillor George Greenshields, Councillor Lynsey Hamilton, Councillor Mark Horsham, Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Eileen Logan, Councillor Katy Loudon, Councillor Catherine McClymont, Councillor Kenny McCreary, Councillor Mark McGeever, Councillor Jim McGuigan, Councillor Davie McLachlan, Councillor Gladys Miller, Councillor Richard Nelson, Councillor Mo Razzaq (*substitute for Councillor Bert Thomson*), Councillor Jim Wardhaugh, Councillor Jared Wark (*substitute for Councillor Martin Grant Hose*)

Councillors' Apologies:

Councillor Andy Carmichael, Councillor Martin Grant Hose, Councillor Julia Marrs (Depute), Councillor John Ross (ex officio), Councillor Bert Thomson

Attending:

Finance and Corporate Resources

G Bow, Administration Manager; 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 3 September 2019 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 5 September 2019 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 a few operators had responded. One operator had requested an additional 10 pence be added to the running mile and the other 8 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 only one operator had responded indicating that a 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 response had been received from an operator, who held 29 of the current 85 taxi licences, indicating that he would like an increase of 60 pence over a 2 mile hire. There had not been a fares increase in the Clydesdale zone since 2012. The current and proposed fares tariff were detailed in Appendix 2 to the report.

Following discussion, it was proposed that the review procedure for the Clydesdale zone be progressed with an increase of 30 pence over a 2 mile hire.

The Committee decided:

- (1) that the review procedure for the East Kilbride, Hamilton and Cambuslang and Rutherglen zones be commenced on the basis that there would be no increase in the current fares tariff and the tariff would remain unchanged; and
- (2) that the review procedure for the Clydesdale zone be progressed with an increase of 30 pence over a 2 mile hire.

[Reference: Minutes of 30 October 2018 (Paragraph 4)]

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 073

A report dated 4 September 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 073 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 applicant who was present and represented by C Devine, Solicitor. 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 073 for the Cambuslang and Rutherglen zone be suspended with immediate effect for the remainder of the period of the licence.

In terms of Standing Order No 13, the Chair adjourned the meeting after this item of business at 11.10am and the meeting reconvened at 11.25am

7 Civic Government (Scotland) Act 1982 (As Amended) – Application for the Renewal of Private Hire Car Driver's Licence No 220

A report dated 13 September 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 220 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 represented by J Moore, Solicitor. An objection had been received from Police Scotland and Sergeant Rankin was heard.

Councillor Razzaq, seconded by Councillor Wark, moved that the application be granted. Councillor McGuigan, seconded by Councillor Corbett, moved as an amendment that the application be refused. Councillor Miller, seconded by Councillor Gray, 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 Gray), and the first amendment (moved by Councillor McGuigan and seconded by Councillor Corbett), 14 members voted for the second amendment and 6 for the first amendment. The second amendment was declared carried and placed against the motion. On a vote being taken by a show of hands, 13 members voted for the amendment and 4 for the motion. The amendment was declared carried.

The Committee decided: that the application for the renewal of private hire car driver's licence No 220 in the Cambuslang and Rutherglen zone be granted for a period of 1 year.

Councillor Greenshields left the meeting during this item of business

Chair's Closing Remarks

The Chair referred to the information presented to the Committee from Police Scotland.

In response, Sergeant Rankin confirmed that he would work in liaison with licensing officers from the Council to ensure the information provided to the Committee was as timeous and as comprehensive as possible.