

LICENSING COMMITTEE

Minutes of meeting held in the Council Chamber, Council Offices, Almada Street, Hamilton on 14 February 2007

Chair:

Councillor Davy Keirs

Councillors Present:

Sam Casserly, Pam Clearie, Russell Clearie, Alan Dick, Jim Docherty, Beith Forrest, Liz Handibode (Depute), Eileen Logan, Anne Maggs, Archie Manson, Billy McCaig, Brian McCaig, Michael McGlynn, John McGuinness, Alice Marie Mitchell, Pat Morgan, John Ormiston, Betty Rush, David Shearer, Mary Smith, Murray Tremble, David Watson

Councillors' Apologies:

Jackie Burns, Jim Daisley, Maureen Devlin, Graeme Horne, Joe Lowe, Edward McAvoy, David McLachlan, Henry Mitchell, Gretel Ross

Attending:

Corporate Resources

A Livingstone, Solicitor; C Lyon, Administration Officer; J Wynn, Assistant Team Leader

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Licensing Committee held on 20 December 2006 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 - Licensing of Taxis - Advertising on Rear Window Stickers for Taxis

A report dated 29 January 2007 by the Executive Director (Corporate Resources) was submitted on advertising on rear window stickers for taxis.

The current policy for rear window stickers on taxis had been approved in September 1999 and restricted the content of rear window stickers to the name (or part name) and telephone number of the taxi operator or firm.

A request had been received from G Frew, c/o Hamilton Taxi Owners' Association (TOA), Cadzow Industrial Estate, Hamilton for permission to display a rear window sticker incorporating details of the telephone number of Hamilton TOA as well as advertising for Lanarkshire's L107 radio station. The sticker proposed by Hamilton TOA met all of the current policy criteria with the exception of the advertising.

The Committee decided:

- (1) that the existing policy regarding rear window stickers for taxis be amended to allow advertising on the stickers;
- (2) that the window sticker proposed by G Frew, c/o Hamilton TOA, be approved; and
- (3) that powers be delegated to the Executive Director (Corporate Resources), in consultation with the Chair or Depute Chair of the Licensing Committee, to grant or refuse future requests for advertising on rear window stickers for taxis.

[Reference: Minutes of 22 September 1999 (Paragraph 3)]

4 Civic Government (Scotland) Act 1982 - Licensing of Taxis - Review of Taxi Fares

A report dated 7 February 2007 by the Executive Director (Corporate Resources) was submitted advising on progress with the taxi fares review.

On 20 December 2006, the Committee had approved the following recommendations in respect of the Hamilton, East Kilbride and Rutherglen and Cambuslang zones:-

- ♦ that the Christmas Day and New Year's Day surcharge of 1/3 be extended to include Christmas Eve and New Year's Eve from 6.00am until midnight
- ♦ that the 1/3 surcharge currently charged on Easter Monday and September Weekend Monday be abolished
- ♦ that a new surcharge be introduced for 5 or more passengers hiring a people carrier type vehicle, subject to agreement in advance with the hirer
- ♦ that the surcharge for hires begun between 10.00pm and 5.00am be increased from 50p to 60p

The proposals had been intimated to each zone's taxi operator associations and advertised in local newspapers for a period of 1 month to allow representations or objections to be received.

A response had been submitted by Hamilton TOA on 2 February 2007 expressing their opposition to the:-

- ♦ proposed increase in the 2 mile fares tariff
- ♦ abolition of the 1/3rd surcharge currently charged on Easter Monday and September Monday

In terms of the Civic Government (Scotland) Act 1982, the Committee had to consider any observations before the review process could be concluded.

The Committee decided:

- (1) that, on the basis that no objections or representations had been received, it be noted that the taxi fares review in the Clydesdale, Cambuslang and Rutherglen and East Kilbride zones would be carried out under delegated powers; and
- (2) that, following consideration of the observations from Hamilton TOA, the recommendations originally approved on 20 December 2006 remain unchanged.

[Reference: Minutes of 20 December 2006 (Paragraph 3)]

5 Civic Government (Scotland) Act 1982 - Application for Grant of Private Hire Car Driver's Licence - C Clements, 14 Whitefield Avenue, Cambuslang

A report dated 26 January 2007 by the Executive Director (Corporate Resources) was submitted on an application for a private hire car driver's licence in the Cambuslang zone in terms of the Civic Government (Scotland) Act 1982.

The Committee decided: that the application by C Clements, 14 Whitefield Avenue, Cambuslang for a private hire car drivers' licence in the Cambuslang zone be refused.

6 Urgent Business

There were no items of urgent business.

7 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 item(s) of business on the grounds that it was likely that there would be disclosure of exempt information in terms of Paragraph(s) 6 of Part I of Schedule 7A of the Act.

8 Gaming Act 1968 - Application for Grant of Permit to Operate Amusement with Prizes (AWP) Gaming Machines - A K Madan, 151 Balshagray Avenue, Jordanhill, Glasgow

A report dated 26 January 2007 by the Executive Director (Corporate Resources) was submitted on an application for the grant of a permit to operate 2 Amusement with Prizes (AWP) gaming machines in terms of the Gaming Act 1968. The opportunity of a hearing had been offered to the applicant who was not present or represented.

The Committee decided: that the application by A K Madan, 151 Balshagray Avenue, Jordanhill, Glasgow for a permit to operate 2 Amusement with Prizes (AWP) gaming machines at Jungle Fun, 71-73 Old Mill Road, Uddingston be refused.

9 Civic Government (Scotland) Act 1982 - Licensing of Taxi Drivers – Consideration of Suspension of Licence

A report dated 26 January 2007 by the Executive Director (Corporate Resources) was submitted proposing that consideration be given to whether taxi driver's licence No 145 should be suspended.

In terms of the Civic Government (Scotland) Act 1982, the opportunity of a hearing had been offered to the licence holder, R Hill, who was present and represented by A Devany, Solicitor, who presented information in support of the licence holder retaining his licence. An objection by Strathclyde Police was heard.

Letters in support of Mr Hill were also considered by the Committee.

The Committee decided: that taxi driver's licence No 145 for the Clydesdale zone held by R Hill, 11 Langshaw Crescent, Carlisle be not suspended.

10 Civic Government (Scotland) Act 1982 - Applications for Grant of Taxi Operators' Licences - A W Prentice, 86 Murray Terrace, Carnwath

A report dated 26 January 2007 by the Executive Director (Corporate Resources) was submitted on applications for 14 taxi operators' licences in terms of the Civic Government (Scotland) Act 1982. In terms of the Act, the opportunity of a hearing had been offered to the applicant who was present and was represented by C McNulty, Solicitor. A late observation had been submitted by Strathclyde Police and Chief Superintendent Caruthers was present and heard on the lateness of the observation. The reason for the late submission was accepted and the observation was heard. The applicant and his representative were heard in support of the applications.

Additional information was tabled by C McNulty, Solicitor in response to the observation from Strathclyde Police and this was also considered by the Committee.

The Committee decided:

- (1) that the applications by A Prentice, 86 Murray Terrace, Carnwath for 14 taxi operators' licences in the Clydesdale zone be refused; and
- (2) that there was no requirement to hear the representative of Strathclyde Police or A Prentice or K Nicol in respect of their applications for taxi drivers' licences on the basis that the information presented was the same for all applications.

Councillors Dick, Maggs and Watson left the meeting during this item of business

11 Civic Government (Scotland) Act 1982 - Application for Grant of a Taxi Driver's Licence - A W Prentice, 86 Murray Terrace, Carnwath

A report dated 26 January 2007 by the Executive Director (Corporate Resources) was submitted on an application for a taxi driver's licence in terms of the Civic Government (Scotland) Act 1982. In terms of the Act, the opportunity of a hearing had been offered to the applicant. However, in light of the decision taken on the previous item, the representative of Strathclyde Police and the applicant were not heard. All information presented in relation to the previous applications was considered in relation to this application.

The Committee decided: that the application by A Prentice, 86 Murray Terrace, Carnwath for a taxi driver's licence in the Clydesdale zone be granted.

12 Civic Government (Scotland) Act 1982 - Application for Grant of a Taxi Driver's Licence - K Nicol, Ponfeigh View, Townhead, Sandilands

A report dated 26 January 2007 by the Executive Director (Corporate Resources) was submitted on an application for a taxi driver's licence in terms of the Civic Government (Scotland) Act 1982. In terms of the Act, the opportunity of a hearing had been offered to the applicant. However, in light of the decision taken on the previous item, the representative of Strathclyde

Police and the applicant were not heard. All information presented in relation to the previous applications was considered in relation to this application.

The Committee decided: that the application by K Nicol, Ponfeigh View, Townhead, Sandilands for a taxi driver's licence in the Clydesdale zone be granted.

Chair's Remarks

The Chair thanked members and officers involved with the Committee for their hard work and support over the last 4 years. He wished those members who were standing for re-election the best of luck and those standing down the very best for the future.

Councillor Docherty thanked the Chair for his hard work throughout his time in office and wished him the very best for the future.