

LICENSING COMMITTEE

Minutes of meeting held via Confero and in Committee Room 1, Council Offices, Almada Street, Hamilton on 20 June 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), Councillor Helen Toner

Councillors' Apologies:

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

Attending:

Finance and Corporate Resources

C Lyon, Administration Officer; G Mays, Legal Services' Adviser; P MacRae, Administration 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 30 May 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 25 May 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 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.

On 14 March 2023, it was also 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 were shown in Appendix 1 to the report.

In respect of the Clydesdale zone, the Committee had accepted a proposed increase of 40 pence over the average 2 mile hire and further increases, as detailed in Appendix 2 to the report.

In respect of the East Kilbride zone, Committee had accepted a proposed increase of 80 pence over the average 2 mile hire and further increases, as detailed in Appendix 3 to the report.

The proposed Cambuslang and Rutherglen, Clydesdale, East Kilbride and Hamilton fares reviews had been advertised in the press and on the Council's website, in accordance with the legislation, and no responses had been received.

Councillor Marrs, seconded by Councillor Corbett, moved the recommendations in the report. Councillor Cowie, seconded by Councillor Shearer, moved as an amendment that the following changes be applied in the Clydesdale zone:-

- ◆ not exceeding one mile be decreased from £3.60 to £3.50
- ◆ for each additional 135.38 yards, this be decreased from 20 pence to 15 pence
- ◆ an average 2 mile hire be decreased from £6.20 to £6.00
- ◆ waiting time be decreased from £18.00 per hour to £16.00 per hour
- ◆ a surcharge of an additional £1 added to the flag mile for each Scottish bank holiday be decreased to 50 pence
- ◆ a surcharge for each passenger beyond 2 be decreased from 25 pence to 12 pence

The Legal Services' Adviser intimated that those figures would not work exactly in terms of the agreed formula, however, he would calculate them as closely as possible to what had been asked for. Members advised that this was acceptable.

On a vote being taken electronically, 3 members voted for the motion, 3 for the amendment and 1 abstained. On the casting vote of the Chair, the amendment was declared carried.

The Committee decided:

- (1) that, on the basis that no objections or representations had been received following the press and website adverts, there be no increase in the fares tariffs for the Cambuslang and Rutherglen and Hamilton zones, as detailed in Appendix 1 to the report;
- (2) that, on the basis that no objections or representations had been received following the press and website adverts, there be an increase of 30 pence over the average 2 mile hire and various other increases, as detailed in Appendix 2 to the report, in the Clydesdale zone, with the amendments agreed based on the figures calculated as close to members' proposals as possible as follows:-
 - ◆ not exceeding one mile £3.50
 - ◆ for each additional 88 yards or any part thereof 13 pence
 - ◆ an average 2 mile hire of £6.10
 - ◆ waiting time of 27 pence for each period of one minute or part thereof (£16.20 per hour)
 - ◆ a surcharge of an additional 50 pence added to the flag mile for each Scottish bank holiday
 - ◆ a surcharge for each passenger beyond 2 of 15 pence
- (3) that, on the basis that no objections or representations had been received following the press and website adverts, there be an increase of 80 pence over the average 2 mile hire and various other increases, as detailed in Appendix 3 to the report, in the East Kilbride zone.

[Reference: Minutes of 14 March 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 Paragraphs 6 and 14 of Part I of Schedule 7A of the Act.

6 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Taxi Driver's Licence No 123

A report dated 18 May 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 taxi driver's licence No 123, with effect from 18 May 2023
- ◆ proposing that consideration be given to whether taxi driver's licence No 123 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 not present or represented. A complaint had been received from Police Scotland.

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 taxi driver's licence No 123, with effect from 18 May 2023, for a maximum period of 6 weeks, be noted; and
- (2) that taxi driver's licence No 123 for the Cambuslang and Rutherglen zone be suspended with immediate effect for the remainder of the period of licence.

7 Civic Government (Scotland) Act 1982 (As Amended) - Application for Renewal of Taxi Driver's Licence No 123

A report dated 1 June 2023 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the renewal of taxi driver's licence No 123 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 late objection had been received from Police Scotland and the reason for the lateness of the objection was accepted.

The Committee decided: that the application for the renewal of taxi driver's licence No 123 in the Cambuslang and Rutherglen zone be refused.

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

A report dated 1 June 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. An objection had been received from Police Scotland and Sergeant Brown was heard.

Councillor Shearer, seconded by Councillor Cowie, moved that the application be refused. Councillor Marrs, seconded by Councillor Toner, moved as an amendment that the application be granted for a period of 1 year.

On a vote being taken electronically, 5 members voted for the motion and 2 for the amendment. The motion was declared carried.

The Committee decided: that the application by W Mohamed, Flat 0/2, 480 Caledonia Road, Glasgow for the grant of taxi driver's licence in the Cambuslang and Rutherglen zone be refused.

9 Civic Government (Scotland) Act 1982 (As Amended) - Application for Short Term Let Licence

A report dated 1 June 2023 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a short term let licence in terms of the Civic Government (Scotland) Act 1982 (as amended).

The Legal Services' Adviser intimated that there was an error in the Committee report and that the applicant was Go 2 Property (Scotland) Ltd and A Martin.

A late objection had been received from Mr and Mrs Reid.

The Legal Services' Adviser intimated that the objectors were not present and no reason for the lateness of the objection had been received. He advised that, in the absence of the objectors or any reason for the lateness of the objection, the objection could not be considered.

The Committee decided: that the following application for a short term let licence be granted subject to the conditions specified by the Executive Director (Finance and Corporate Resources):-

Applicant:	Go 2 Property (Scotland) Ltd and A Martin
Type of Licence:	Short term let
Address of Premises:	35 Mournian Way, Hamilton ML3 6RS
Category:	Secondary Letting
Occupancy:	3 to 6 Persons

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

A report dated 1 June 2023 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a public entertainment licence in terms of the Civic Government (Scotland) Act 1982 (as amended).

The Chair had requested that this application be considered by Committee due to the nature of the proposed entertainment.

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.

The Committee decided: that the application for a public entertainment licence be granted subject to the conditions specified by the Executive Director (Finance and Corporate Resources):-

Applicant:	The Target Range Ltd and J Clews
Type of Licence:	Public entertainment
Premises:	Unit 4C The Maxwell Building, East Kilbride G75 0BE
Type of Entertainment:	Airsoft Target Range, Target Practice with low power Airsoft guns, shooting at paper targets and tin cans
Days/Hours Requested:	Monday to Friday from 5.00pm till 10.00pm Saturday and Sunday from 1.00pm till 10.00pm
Days/Hours Granted:	Monday to Friday from 5.00pm till 10.00pm Saturday and Sunday from 1.00pm till 10.00pm
Additional Condition:	that a fully trained first aider be on the premises during opening hours