



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 15 April 2024

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, 23 April 2024
Time: 10:00
Venue: By Microsoft Teams and Committee Room 1,

The business to be considered at the meeting is listed overleaf.

Yours sincerely

Paul Manning
Chief Executive

Members

Andy Carmichael (Chair), Bert Thomson (Depute Chair), Joe Fagan (ex officio), Poppy Corbett, Margaret Cowie, Julia Marrs, Monique McAdams, Mark McGeever, David Shearer, Helen Toner

Substitutes

Robert Brown, Mary Donnelly, Gladys Ferguson-Miller, 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 19 March 2024 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

- 3 **Review of Taxi Fares** 9 - 14
Report dated 8 April 2024 by the Executive Director (Finance and Corporate Resources). (Copy attached)

Urgent Business

- 4 **Urgent Business**
Any other items of business which the Chair decides are urgent.

Exclusion of Press and Public

- 5 **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

- 6 **Civic Government (Scotland) Act 1982 (As Amended) - Application for Renewal of Private Hire Car Driver's Licence No 353**
• Exempt information in terms of Paragraph 14 of Part I of Schedule 7A of the Act
- 7 **Civic Government (Scotland) Act 1982 (As Amended) - Application for Renewal of Private Hire Car Operator's Licence No 2232**
• Exempt information in terms of Paragraph 14 of Part I of Schedule 7A of the Act
- 8 **Civic Government (Scotland) Act 1982 (As Amended) - Application for Short Term Let Licence**
• 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
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Clerk Telephone:	07385370065
Clerk Email:	carol.lyon@southlanarkshire.gov.uk

LICENSING COMMITTEE

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Minutes of meeting held via Confero and in Committee Room 1, Council Offices, Almada Street, Hamilton on 19 March 2024

Chair:

Councillor Andy Carmichael

Councillors Present:

Councillor Poppy Corbett, Councillor Margaret Cowie, Councillor Mary Donnelly (*substitute for Councillor Helen Toner*), Councillor Julia Marrs, Councillor Mark McGeever, Councillor David Shearer

Councillors' Apologies:

Councillor Joe Fagan (ex officio), Councillor Monique McAdams, Councillor Bert Thomson (Depute), Councillor Helen Toner

Attending:

Finance and Corporate Resources

M Gordon, Administration Assistant (Items 1 to 7 only); C Lyon, Administration Officer; C McKee, Licensing and Registration Co-ordinator; D McLardy, 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 27 February 2024 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 and Private Hire Cars – Review of Standards for Taxis and Private Hire Cars

A report dated 21 February 2024 by the Chief Executive was submitted on the review of standards for taxis and private hire cars in terms of the Civic Government (Scotland) Act 1982 (as amended).

At present, the upper age limit for licensed saloon-type vehicles (ie, non purpose built vehicles) was 10 years and there was also the requirement for a fire extinguisher to be fitted in the vehicle.

Requests had been received from the trade for the upper age of vehicles registered as taxis and private hire cars to be increased from 10 years to 12 years. This was due to the current cost of living crisis and the lack of availability of suitable second-hand cars.

Trade representatives had expressed at meetings of the Taxi and Private Hire Focus Groups that this had resulted in a reduction in their ability to provide a sufficient level of service to meet the needs of the travelling public.

The trade also advised that, in terms of a fire extinguisher being fitted in vehicles, this gave the impression to customers that drivers would tackle a fire in a vehicle. This was not the advice given by the Scottish Fire and Rescue Service and the trade considered that there should be no requirement to have a fire extinguisher in the vehicle.

No other amendments to the vehicle standards were proposed at this time. The effect of the proposed amendments would, therefore, be that the upper age limit a vehicle could be licensed would increase to 12 years. All vehicles which were more than 5 years old would continue to be subject to random 6-monthly inspections. There would be no requirement for a fire extinguisher to be fitted in the vehicle.

The amended standards were detailed in Appendix 1 of the report.

Following discussions in terms of a fire extinguisher being fitted in vehicles, members agreed that fire extinguishers should not be mandatory, but it would be good practice for drivers to have one in the vehicle.

The Committee decided:

- (1) that Clause 2 of the Standards for taxis and private hire cars be amended to provide that the upper age limit for any licensed saloon-type vehicle (ie non purpose built vehicles) be increased from 10 years to 12 years; and
- (2) that Clause 8 relating to the requirement for a fire extinguisher to be fitted in the vehicle be amended to "Whilst it is not mandatory, it is good practice, for a fire extinguisher to be fitted in the vehicle."

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.
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6 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Driver's Licence No 232

A report dated 19 February 2024 by the Chief Executive 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 Chief Executive, in consultation with the Chair and an ex officio member, to order the immediate suspension of private hire car driver's licence No 232, with effect from 19 February 2024
- ♦ proposing that consideration be given to whether private hire car driver's licence No 232 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 Chief Executive, in consultation with the Chair and an ex officio member, to suspend private hire car driver's licence No 232, with effect from 19 February 2024, for a maximum period of 6 weeks, be noted; and
- (2) that private hire car driver's licence No 232 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 Short Term Let Licence

A report dated 29 February 2024 by the Chief Executive was submitted on an application for a short term let 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 and accompanied by Mrs Luckman. Objections had been received from J Blunt, A Lyall and N Cameron. J Blunt and N Cameron were present and heard. Letters of support had been received from C McCusker and D Cryans, local residents.

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

Applicant:	A Luckman
Type of Licence:	Short term let
Premises:	Home2Home Meadow Close, 6 Meadow Close, East Kilbride
Category:	Home sharing and letting
Occupancy:	3 to 6 persons

In terms of Standing Order No 14, the Chair adjourned the meeting at 12.19pm and reconvened at 12.29pm. Councillors Marrs and McGeever were not present when the meeting reconvened

8 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Street Trader's Licence No 007

A report dated 29 February 2024 by the Chief Executive was submitted proposing that consideration be given to whether street trader's licence No 007 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 letter of complaint had been received from Police Scotland and Sergeant Brown was heard.

The Committee decided: that street trader's licence No 007 in the Cambuslang and Rutherglen zone be suspended with immediate effect for the remainder of the period of licence.

9 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Driver's Licence No 803

A report dated 5 March 2024 by the Chief Executive 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 Chief Executive, in consultation with the Chair and an ex officio member, to order the immediate suspension of private hire car driver's licence No 803, with effect from 5 March 2024
- ♦ proposing that consideration be given to whether private hire car driver's licence No 803 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 Chief Executive, in consultation with the Chair and an ex officio member, to suspend private hire car driver's licence No 803, with effect from 5 March 2024, for a maximum period of 6 weeks, be noted; and
- (2) that private hire car driver's licence No 803 for the Cambuslang and Rutherglen zone be suspended with immediate effect for the remainder of the period of licence.

Report

3

Report to:	Licensing Committee
Date of Meeting:	23 April 2024
Report by:	Executive Director (Finance and Corporate Resources)

Subject:	Review of Taxi Fares
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ update the Committee with the progress of the statutory taxi fares review in the Cambuslang and Rutherglen, Clydesdale, East Kilbride and Hamilton zones of South Lanarkshire, and seek Committee's approval for the next stage of the review

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the statutory taxi fares review procedure for the Cambuslang and Rutherglen, Clydesdale and East Kilbride zones of South Lanarkshire be further progressed, with the proposal that there should be no increase in the current fares tariff and the tariff should remain unchanged;
- (2) that the statutory taxi fares review procedure for the Hamilton zone of South Lanarkshire be further progressed, with the proposal that there should be an increase of 60 pence over a two mile hire and various other increases as detailed at Appendix 2; and
- (3) that authority be delegated to the Head of Administration and Legal Services to make the necessary arrangements to progress the statutory taxi fares review, with a further report to be submitted to a future meeting of the Committee.

3. Background

- 3.1. In terms of Section 17 of the Civic Government (Scotland) Act 1982 (as amended) Licensing Authorities must review and fix taxi fares in their area at intervals not greater than every 18 months.
- 3.2. The Council last fixed taxi fares on 20 June 2023.
- 3.3. The Council has since its inception in 1996 adopted an approach to fixing taxi fares across four zones being Clydesdale, East Kilbride, Hamilton and Rutherglen/Cambuslang. This approach reflected the different arrangements within predecessor authorities and mirrors the areas by the 4 Licensing Boards.
- 3.4. In the usual way, the initial requirement of this review is for the Council, as Licensing Authority, to consult with persons or organisations appearing to them to be, or be representative of, the operators of taxis within their Council area.

4. Present Position

- 4.1. All 39 Cambuslang and Rutherglen operators were written to and responses were received from 2 operators. 1 indicated that they would like the meter to start at £4.30 instead of £3.90 and the running mile of £1.20 increased to £1.60. The other operator responded asking for an increase, however, did not give an indication as to what that should be. No other responses were received. Given the limited response, it is therefore proposed that the fares tariff remains as at present, as detailed in Appendix 1.
- 4.2. All 93 Clydesdale operators were written to with responses being received from 2 operators who hold 59 licences between them indicating no fares increase is requested. It is therefore proposed that the fares tariff remains as at present, as detailed in Appendix 1.
- 4.3. The East Kilbride taxi trade organisation has indicated that no fares increase is requested. It is therefore proposed that the fares tariff remains as at present, as detailed in Appendix 1.
- 4.4. All 132 Hamilton operators were written to with 16 operators and Hamilton Taxi Operators Association (TOA) responding as follows:-
 - ◆ first 880 yards not exceeding £3.80, for each additional 176 yards 20 pence (Average two mile hire £6.80), waiting and stoppage time increased to 25 pence per minute (£15 per hour)
 - ◆ 40 pence on the flag fall
 - ◆ flag fall of £3.60 same running mile, Christmas Eve tariff to start at 8.00pm and for it to go from one third of the meter to one half of the meter through to 12 midnight on 26 December
 - ◆ requested an increase but has not indicated what that increase should be
 - ◆ flag fall of £4.20 and surcharges increased from one third to meter plus one half, cost of the running mile is £1.40 per mile and is currently higher than all local private hire companies so it may be unwise to increase this at that time
 - ◆ one respondent raised the issue of increased running costs eg insurance and vehicle repairs and servicing and was of the view that taxi fares were less in Hamilton than in other areas. They indicated that they would like the cost of the flag fall to increase to £3.50 with the overall cost of the first mile to increase to £5.00
 - ◆ 40 pence on the flag fall, channel 3 from 10.00pm till 5.00am, keep channel 3 meter and a third on 24 and 31 December but meter and a half on 25 and 26 December and 1 and 2 January
 - ◆ increase starting fare from £3.20 to £3.50 and carried forward onto fare after 10.00pm
 - ◆ increase flag fall from £3.20 to £3.60
 - ◆ increase flag fall from £3.20 to £3.80 because of the price of fuel and service costs. Christmas tariff increased to meter and a half as most private hire companies are double fare to make it worthwhile coming out to work
 - ◆ an operator who holds 10 taxi licences requests flag fall increase from £3.20 to £3.60 from 5.00am till 10.00pm. From 10.00pm till 5.00am would be same £4.40
 - ◆ Hamilton TOA requested not exceeding 880 yards rising from £3.20 (change to £3.60 from 5.00am to 6.00pm), not exceeding 880 yards £4.40 from 6.00pm to 12 midnight), not exceeding 880 yards from £5.86 from 12 midnight to 5.00am), a surcharge of one half of the normal metered fare may be charged for each hire from 6.00am on 24 December until 5.00am on 27 December and from 6.00am on 31 December until 12 midnight on 2 January
 - ◆ 5 operators have indicated that no fares increase is requested

12 operators who responded seeking an increase have one taxi each, 1 operator holds 10 taxi licences and Hamilton TOA represent a number of operators.

The proposals are as per Appendix 2.

Officers took all of the above responses into account and drafted the proposal set out at Appendix 2, as being a reasonable representation of the views received.

- 4.5. As members will be aware, even if there is no increase in the fares tariff, the formal review procedures still require to be undertaken.

5. Employee Implications

- 5.1. None.

6. Financial Implications

- 6.1. None.

7. Climate Change, Sustainability and Environmental Implications

- 7.1. No assessment of the impact on the environment has been made as the Civic Government (Scotland) Act 1982 (as amended) does not allow us to take this into account when determining the fares review.

- 7.2. There are no apparent implications in terms of sustainability.

8. Other Implications

- 8.1. If the fares review is not progressed the Council will be in breach of a statutory duty.

9. Equality Impact Assessment and Consultation Arrangements

- 9.1. There is no requirement to carry out an impact assessment in terms of the proposals contained within this report.

- 9.2. Consultation with the taxi trade has been carried out to ascertain views on whether or not there should be an increase in taxi fares this year. This has informed this report, and the proposals for the next stage of the review process.

Jackie Taylor

Executive Director (Finance and Corporate Resources)

8 April 2024

Link(s) to Council Values/Priorities/Outcomes

- ◆ Focused on people and their needs

Previous References

- ◆ None

List of Background Papers

- ◆ None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Margaret Mary Wilson, Legal Services Manager

Ext: 4501 (Tel: 01698 454501)

E-mail: margaretmary.wilson@southlanarkshire.gov.uk

Current Fares Tariffs

Cambuslang and Rutherglen Zone
<p>Not exceeding 880 yards £3.90</p> <p>For the next NINE additional 293 yards or any part 30 pence</p> <p>thereafter each additional 264 yards or any part 20 pence</p> <p>(initial average 2 mile hire of £6.60)</p>

Clydesdale Zone
<p>Not exceeding one mile £3.50</p> <p>For each additional 88 yards or any part thereof 13 pence</p> <p>(An average 2 mile hire of £6.10)</p>

East Kilbride Zone
<p>Not exceeding 880 yards £3.60</p> <p>For the next six additional 146 yards or any part £0.20</p> <p>For the next six additional 295 yards or any part £0.30</p> <p>thereafter each additional 246 yards or any part £0.20</p> <p>(an average 2 mile hire of £6.80)</p>

**Current Fares Tariff showing proposals
(Hamilton Zone)**

Exclusive Hire means that a single fare is payable by any one passenger for the exclusive hire of a taxi or private hire car, whether or not more than one passenger is carried.
8%

HIRE of Taxi/Private Hire Car (fitted with a taxi meter) –

Not exceeding **880 yards £3.20 (Propose £3.80)**

For each additional **220 yards or any part thereof 20 pence**

(an average 2 mile hire of £5.60) **(an average 2 mile hire of £6.20) (10.7% increase over a 2 mile hire)**

BEYOND THE AREA OF HAMILTON ZONE - subject to special agreement in advance with the hirer.

WAITING TIME – **25p** for each period of **1 minute** or part thereof **£15 per hour**

STOPPAGE(S) AT REQUEST OF HIRER – **20p** for each period of **1 minute** or part thereof **(£12 per hour)**

FARES BY TIME - subject to special agreement in advance with the hirer.

NO FARE CHARGEABLE - for vacant return journey of taxi/private hire car from destination of hirer.

SOILAGE CHARGE - the hirer will pay a soilage charge of **£40** if the vehicle is soiled due to sickness caused by alcohol or drugs, any take-away spillage or any other fouling of the vehicle. It shall not be charged if the vehicle is soiled either due to a child being sick or due to genuine illness.

SURCHARGES

(1) a surcharge of **£1.20** may be charged for each hire begun between the hours of **10pm and 5 am (Propose £1.30). (8% increase on surcharge)**

(2) a surcharge of **1/3rd (Propose 1/2)** of the normal metered fare may be charged for each hire **from 6am on 24th December until 5am on 27th December and from 6am on 31st December until 12 midnight on 2nd January.**

(3) a surcharge, to be specially agreed in advance with the hirer, may be charged **for 5 or more passengers hiring a people carrier type car.**

