

LICENSING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 20 February 2018

Chair:

Councillor David Shearer

Councillors Present:

John Bradley, Stephanie Callaghan, Andy Carmichael, Poppy Corbett, Margaret Cowie (*substitute for Councillor McLachlan*), Maureen Devlin (*substitute for Councillor Thomson*), Mary Donnelly, Geri Gray, George Greenshields, Lynsey Hamilton, Mark Horsham, Martin Grant Hose, Martin Lennon, Richard Lockhart, Eileen Logan, Katy Loudon, Joe Lowe, Catherine McClymont, Kenny McCreary, Mark McGeever, Julia Marrs (Depute), Gladys Miller, Collette Stevenson (*substitute for Councillor McGuigan*), Josh Wilson

Councillors' Apologies:

Jim McGuigan, Davie McLachlan, John Ross (ex officio), Bert Thomson

Attending:

Finance and Corporate Resources

C Lyon, Administration Officer; C McKee, Licensing and Registration Co-ordinator; T Stone, Licensing and Registration Manager; 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 January 2018 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

A report dated 29 January 2018 by the Executive Director (Finance and Corporate Resources) was submitted proposing that consideration be given to amend the criteria in relation to the standards for taxis and private hire car vehicles.

At its meeting on 10 February 2016, this Committee agreed that the same criteria be introduced for taxis and private hire vehicles' standards. After further consideration by a working group involving representatives from Fleet Services and Licensing and Registration, it had been agreed that the Council move away from a set engine capacity and use kilowatts instead to enable electric vehicles to be used as taxi/private hire cars.

Following consultation with various focus groups and a short informal benchmarking exercise with various local authorities, it was possible, due to the standard of vehicles now available, to amend the current criteria to move away from a set engine output of 68 kilowatts to an engine output of any number of kilowatts and, in view of this development, it was proposed that vehicle output be designated as "any" in the criteria.

A copy of the proposed revised standards was attached as Appendix 2 to the report.

The Committee decided: that the engine output be altered in the criteria in relation to the standards for taxis and private hire car vehicles from 68kw to 'any' as detailed in Appendix 2 to the report.

[Reference: Minutes of 10 February 2016 (Paragraph 4)]

4 Civic Government (Scotland) Act 1982 (As Amended) - Consultation Regarding Funfairs

A report dated 31 January 2018 by the Executive Director (Finance and Corporate Resources) was submitted on the Council's response to Richard Lyle MSP's consultation exercise regarding funfairs.

A consultation exercise had been issued by Richard Lyle MSP with a view to the lodging of a Private Members' Bill to make it less burdensome and more financially viable for those who provided travelling funfairs to manage and operate their businesses.

The key points of the proposals were detailed in the report and the full Council response was attached as Appendix 1 to the report.

The Licensing and Registration Manager advised that the response to Section 2, Question 1 of the consultation should have the following wording added, "However on the information before it, the Council is of the view that funfairs should remain subject to the Public Entertainment requirements under the Civic Government (Scotland) Act 1982".

The Committee also agreed that the Council's response to Section 2, Question 1 should be changed from "Neutral" to "Fully opposed". This also required that the response to Section 2, Question 2 be changed from "Unsure" to "Yes".

The Committee decided: that the Council's response to the consultation on funfairs, attached as Appendix 1 to the report, be approved and returned to Richard Lyle MSP by the due date of 26 February 2018 subject to the following amendments to Section 2:-

- ◆ the addition of "However on the information before it the Council is of the view that funfairs should remain subject to the Public Entertainment requirements under the Civic Government (Scotland) Act 1982" at Question 1
- ◆ Question 1 of the response being changed from "Neutral" to "Fully opposed"
- ◆ Question 2 of the response being changed from "Unsure" to "Yes"

5 Urgent Business

There were no items of urgent business.

6 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.

7 Civic Government (Scotland) Act 1982 (As Amended) - Application for a Private Hire Car Driver's Licence

A report dated 29 January 2018 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a private hire car 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 Inspector McGovern was heard.

Councillor Carmichael, seconded by Councillor Shearer, moved that the application be granted for a period of 1 year. Councillor Wilson, seconded by Councillor Hamilton, moved as an amendment that the application be granted. On a vote being taken by a show of hands, 18 members voted for the amendment and 7 for the motion. The amendment was declared carried.

The Committee decided: that the application by K Noble, Flat 0/1, 1000 Prospecthill Road, Glasgow for a private hire car driver's licence in the Cambuslang and Rutherglen zone be granted.

8 Civic Government (Scotland) Act 1982 (As Amended) - Application for a Private Hire Car Driver's Licence

A report dated 1 February 2018 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a private hire car 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 Inspector McGovern was heard.

Councillor McCreary, seconded by Councillor Lennon, moved that the application be refused. Councillor Lockhart, seconded by Councillor Miller, moved as an amendment that the application be granted for a period of 1 year. On a vote being taken by a show of hands, 16 members voted for the amendment and 8 for the motion. The amendment was declared carried.

The Committee decided: that the application by C Paton, 14 Stravanan Court, Castlemilk, Glasgow for the grant of a private hire car driver's licence in the Cambuslang and Rutherglen zone be granted for a period of 1 year.

Councillor Lowe left the meeting after this item of business

9 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Driver's Licence No 484

A report dated 1 February 2018 by the Executive Director (Finance and Corporate Resources) was submitted proposing that consideration be given to whether private hire car driver's licence No 484 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 not present or represented. A letter of complaint had been received from Police Scotland.

The Committee decided: that private hire car driver's licence No 484 for the Hamilton zone be suspended with immediate effect for the remainder of the period of the licence.