



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 16 September 2019

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, 24 September 2019

Time: 10:00

Venue: Committee Room 1, Council Offices, Almada Street, Hamilton, ML3 0AA

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

Members are reminded to bring their fully charged tablets to the meeting

Yours sincerely

Lindsay Freeland
Chief Executive

Members

David Shearer (Chair), Julia Marrs (Depute Chair), John Ross (ex officio), Stephanie Callaghan, Andy Carmichael, Poppy Corbett, Mary Donnelly, Geri Gray, George Greenshields, Lynsey Hamilton, Mark Horsham, Martin Grant Hose, Martin Lennon, Eileen Logan, Katy Loudon, Catherine McClymont, Kenny McCreary, Mark McGeever, Jim McGuigan, Davie McLachlan, Gladys Miller, Richard Nelson, Bert Thomson, Jim Wardhaugh

Substitutes

Alex Allison, Robert Brown, Jackie Burns, Janine Calikes, Margaret Cowie, Maureen Devlin, Ann Le Blond, Richard Lockhart, Ian McAllan, Carol Nugent, Mo Razzaq, Graham Scott, Collette Stevenson, Jared Wark

BUSINESS

1 Declaration of Interests

2 Minutes of Previous Meeting

5 - 8

Minutes of the meeting of the Licensing Committee held on 3 September 2019 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

3 Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Taxis - Review of Taxi Fares

9 - 12

A report dated 5 September 2019 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 Paragraph 14 of Part I of Schedule 7A of the Act."

Item(s) for Decision

6 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Driver's Licence No 073

- 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 Driver's Licence No 220

- Exempt information in terms of Paragraph 14 of Part I of Schedule 7A of the Act

For further information, please contact:-

Clerk Name: Carol Lyon

Clerk Telephone: 01698 455652

Clerk Email: carol.lyon@southlanarkshire.gov.uk

LICENSING COMMITTEE

2

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 3 September 2019

Chair:

Councillor David Shearer

Councillors Present:

Councillor Alex Allison (*substitute for Councillor Poppy Corbett*), Councillor Stephanie Callaghan, Councillor Andy Carmichael, Councillor Mary Donnelly, Councillor George Greenshields, Councillor Lynsey Hamilton, Councillor Mark Horsham, Councillor Martin Grant Hose, Councillor Martin Lennon, Councillor Eileen Logan, Councillor Katy Loudon, Councillor Catherine McClymont, Councillor Kenny McCreary, Councillor Mark McGeever, Councillor Richard Nelson, Councillor Mo Razzaq (*substitute for Councillor Davie McLachlan*), Councillor Bert Thomson, Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor Poppy Corbett, Councillor Geri Gray, Councillor Jim McGuigan, Councillor Davie McLachlan, Councillor Julia Marrs (Depute), Councillor Gladys Miller, Councillor John Ross (ex officio)

Attending:

Finance and Corporate Resources

C Lyon, Administration Officer; 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 20 August 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) – Applications to Vary the Terms of Public Entertainment Licences

A report dated 15 August 2019 by the Executive Director (Finance and Corporate Resources) was submitted on the following 21 applications to vary the terms of public entertainment licences in terms of the Civic Government (Scotland) Act 1982 (as amended):-

- ♦ Biggar Municipal Hall, 5 Kirkstyle, Biggar
- ♦ South Lanarkshire Lifestyles Carlisle, Carnwath Road, Carlisle
- ♦ Ballerup Hall, Civic Centre, Andrew Street, East Kilbride
- ♦ Calderwood Hall, Blackbraes Road, East Kilbride
- ♦ Chapelton Hall, 35 Main Street, Chapelton
- ♦ Glassford Hall, 21 Alston Street, Glassford
- ♦ Greenhills Hall, 14 Greenhills Square, East Kilbride
- ♦ Westwood Hall, Riverton Drive, East Kilbride

- ◆ South Lanarkshire Lifestyles East Kilbride (formerly Murray Owen Centre), 1 Liddell Grove, East Kilbride
- ◆ Low Waters Hall, 2 Eliot Crescent, Hamilton
- ◆ Burnbank Centre, 84 Burnbank Centre, Hamilton
- ◆ Ferniegair Public Hall, 150 Carlisle Road, Ferniegair
- ◆ Bothwell Community Hall, 15 Fallside Road, Bothwell
- ◆ David Milne Centre, 83 Old Mill Road, Uddingston
- ◆ Larkfield Neighbourhood Hall, 150 Stonefield Road, Blantyre
- ◆ Eddlewood Public Hall, Birkhill Road, 313 Strathaven Road, Hamilton
- ◆ High Blantyre Hall, 22 Cemetery Road, High Blantyre
- ◆ Whitehill Neighbourhood Centre, Hunter Road, Hamilton
- ◆ South Lanarkshire Lifestyles Fairhill, Neilsland Road, Hamilton
- ◆ Cambuslang Institute, Greenlees Road, Cambuslang
- ◆ Westburn Community Hall, Northbank Avenue, Cambuslang

The Committee decided: that the 21 applications for variation of licences, as detailed in the schedules attached to the report, be granted subject to the conditions specified by the Executive Director (Finance and Corporate Resources).

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) – Application for the Renewal of Second-Hand Dealer’s Licence No 34

A report dated 15 August 2019 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the renewal of second-hand dealer’s licence No 34 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 her application. A representation had been received from Police Scotland, together with an additional update, and Inspector Hamilton was heard.

Comments had been received from Consumer and Trading Standards and D Grierson, Consumer and Trading Standards Officer was heard.

Councillor Callaghan, seconded by Councillor Donnelly, moved that the application be refused. Councillor Logan, seconded by Councillor Wardhaugh, 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, 4 members voted for the amendment and 15 for the motion which was declared carried.

The Committee decided: that the application for the renewal of second-hand dealer's licence No 34 in the Hamilton zone be refused.

Councillor McClymont left the meeting after this item of business

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

A report dated 15 August 2019 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the grant of 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 not present or represented. A representation had been received from Police Scotland, together with an additional update.

The Legal Services' Adviser intimated that the applicant was unable to attend today's hearing, however, had requested that the application be dealt with in his absence.

Councillor Shearer, seconded by Councillor Carmichael, moved that the application be dealt with under written submissions. Councillor Hamilton, seconded by Councillor Donnelly, moved as an amendment that the application be continued to a future meeting of this Committee to allow the applicant the opportunity to be present. On a vote being taken by a show of hands, 10 members voted for the amendment and 8 for the motion. The amendment was declared carried.

The Committee decided: that the application by R Hickinson, 22 Mansefield Crescent, Strathaven for a private hire car driver's licence in the East Kilbride zone be continued to a future meeting of this Committee to allow the applicant the opportunity to be present.

Report

3

Report to:	Licensing Committee
Date of Meeting:	24 September 2019
Report by:	Executive Director (Finance and Corporate Resources)

Subject:	Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Taxis – Review of Taxi Fares
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ♦ to progress the fares review in the Clydesdale, East Kilbride, Hamilton and Cambuslang and Rutherglen zones of South Lanarkshire

2. Recommendation(s)

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

- (1) that, the review procedure for the East Kilbride, Hamilton and Cambuslang and Rutherglen zones be commenced on the basis that there should be no increase in the current fares tariff and the tariff should remain unchanged; and
- (2) that, the review procedure for the Clydesdale zone be progressed with an increase of 60 pence over a two mile hire.

3. Background

- 3.1. 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 Licensing Authorities must review taxi fares in their area every 18 months.
- 3.2. At its meeting held on 27 June 2013, the Licensing Committee agreed to calculate all future increases based on an agreed formula.

4. Present Position

- 4.1. East Kilbride taxi trade has indicated that this year they do not propose to seek an increase to the current fares tariff as per Appendix 1.
- 4.2. All Hamilton operators were written to although only a few operators have responded. One operator has requested an additional 10 pence be added to the running mile and the other eight operators who responded indicated that no fares increase is being requested. The fares tariff would therefore remain as per Appendix 1.
- 4.3. All Cambuslang and Rutherglen operators were written to although only one operator has responded who indicated that no fares increase is being requested. The fares tariff would therefore remain as per Appendix 1.

- 4.4. All Clydesdale operators were written to with a response being received from one operator who holds 29 of the current 85 taxi licences indicating that he would like an increase of 60 pence over a two mile hire. There has not been a fares increase in the Clydesdale zone since 2012. The current and proposed fares tariff are detailed in Appendix 2.
- 4.5. As members will be aware, even if there is no increase in the fares tariff, the formal review procedures require to be commenced.
- 5. Employee Implications**
- 5.1. None.
- 6. Financial Implications**
- 6.1. None.
- 7. Other Implications**
- 7.1. The risk to the Council is that it fails to fulfil its duty to protect the public.
- 7.2. There are no apparent implications in terms of sustainability.
- 8. Equality Impact Assessment and Consultation Arrangements**
- 8.1. There is no requirement to carry out an impact assessment in terms of the proposals contained within this report.
- 8.2. Consultation with the taxi trade has been carried out to ascertain views on whether or not they are seeking an increase in taxi fares this year.

Paul Manning
Executive Director (Finance and Corporate Resources)

5 September 2019

Link(s) to Council Values/Ambitions/Objectives

- ◆ Make communities safer, stronger and sustainable

Previous References

- ◆ Licensing Committee, 30 October 2018

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 Cairns, Legal Services Manager

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

Current Fares Tariffs

East Kilbride Zone
not exceeding 880 yards £2.90
for the next NINE additional 293 yards or any part 30 pence
thereafter each additional 264 yards or any part 20 pence
(an average 2 mile hire of £5.60)

Hamilton Zone
not exceeding 880 yards £2.80
each additional 220 yards or any part 20 pence
(an average 2 mile hire of £5.20)

Cambuslang and Rutherglen Zone
not exceeding 880 yards £2.90
for the next NINE additional 293 yards or any part 30 pence
thereafter each additional 264 yards or any part 20 pence
(an average 2 mile hire of £5.60)

Current Fares Tariff
Clydesdale Zone
<p>not exceeding one mile £3.00</p> <p>for EACH additional 88 yards or any part thereof 10 pence</p> <p>(an average 2 mile hire of £5.00)</p>

Proposed Fares Tariff
Clydesdale Zone
<p>not exceeding one mile £3.60</p> <p>for EACH additional 88 yards or any part thereof 10 pence</p> <p>(an average 2 mile hire of £5.60)</p>