

LICENSING COMMITTEE

Minutes of meeting held via MS Teams and in the Banqueting Hall, Council Offices, Almada Street, Hamilton on 14 June 2022

Chair:

Councillor Andy Carmichael

Councillors Present:

Councillor Margaret Cowie (*substitute for Councillor Monique McAdams*), Councillor Geri Gray, Councillor Julia Marrs, Councillor Mark McGeever, Councillor David Shearer, Councillor Bert Thomson (Depute), Councillor Helen Toner

Councillors' Apologies:

Councillor Poppy Corbett, Councillor Joe Fagan (ex officio), Councillor Monique McAdams

Attending:

Finance and Corporate Resources

C Lyon, Administration Officer; G Mays, Legal Services' Adviser; C McKee, Licensing and Registration Co-ordinator; L Wyllie, Administration Assistant

1 Declaration of Interests

The following interests were declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Thomson	Civic Government (Scotland) Act 1982 (As Amended):- ♦ Consideration of Suspension or Revocation of Private Hire Car Driver's Licence No 140 ♦ Application for Renewal of Private Hire Car Driver's Licence No 140 ♦ Application for Renewal of Private Hire Car Operator's Licence No 013	Known to referee of applicant

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

A report dated 23 May 2022 by the Executive Director (Finance and Corporate Resources) was submitted on the progress of the fares review in the Clydesdale, East Kilbride, Hamilton and Cambuslang and Rutherglen 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 22 February 2022, this Committee 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 to the current tariffs. The current tariffs were shown in Appendix 1 of the report.

In respect of the Clydesdale zone, the trade suggested an increase of 60 pence over the average 2 mile hire, however, the Committee agreed an increase of 50 pence over the average 2 mile hire. The Committee also agreed further increases, as detailed in Appendix 2 to the report.

In respect of the East Kilbride zone, Committee had accepted a proposed increase of 40 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.

The Legal Services' Adviser intimated that he had received correspondence from a Hamilton taxi operator requesting that an increase to the fares tariff be considered in the Hamilton zone.

Following discussion, the Committee agreed that the fares review process for Cambuslang and Rutherglen and Hamilton zones should be extended to allow for further consultation to determine whether or not there should be an increase to the fares tariff.

The Committee decided:

- (1) that the fares review process for the Cambuslang and Rutherglen and Hamilton zones be extended to allow for further consultation to determine whether or not there should be an increase to the fares tariff;
- (2) that, on the basis that no objections or representations had been received following the press and website adverts, there be an increase of 50 pence over the average 2 mile hire and various other increases, as detailed in Appendix 2 to the report, in the Clydesdale zone; and
- (3) that, on the basis that no objections or representations had been received following the press and website adverts, there be an increase of 40 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 22 February 2022 (Paragraph 3)]

3 Urgent Business

There were no items of urgent business.

4 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.

5 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Driver's Licence No 140

A report dated 26 May 2022 by the Executive Director (Finance and Corporate Resources) was submitted proposing that consideration be given to whether private hire car operator's licence No 140 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 represented by B Reid, Solicitor. A letter of complaint and a court update had been received from Police Scotland and Inspector Conn was heard.

On 29 June 2021, this Committee decided to defer the decision until the conclusion of the court case.

The Committee decided: that private hire car driver's licence No 140 for the East Kilbride zone be not suspended or revoked.

[Reference: Minutes of 29 June 2021 (Paragraph 6)]

6 Civic Government (Scotland) Act 1982 (As Amended) - Application for Renewal of Private Hire Car Driver's Licence No 140

A report dated 26 May 2022 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the renewal of private hire car driver's licence No 140 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 licence holder who was present and represented by B Reid, Solicitor. An objection had been received from Police Scotland and Inspector Conn was heard.

The Committee decided: that the application for the renewal of private hire car driver's licence No 140 in the East Kilbride zone be granted for a period of 1 year.

7 Civic Government (Scotland) Act 1982 (As Amended) - Application for Renewal of Private Hire Car Operator's Licence No 013

A report dated 26 May 2022 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the renewal of private hire car operator's licence No 013 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 licence holder who was present and represented by B Reid, solicitor. An objection had been received from Police Scotland and Inspector Conn was heard.

The Committee decided: that the application for the renewal of private hire car operator's licence No 013 in the East Kilbride zone be granted.

Councillor Thomson, having declared an interest in items 5, 6 and 7, withdrew from the meeting during their consideration

8 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Request to Lift Suspension of Private Hire Car Driver's Licence No 277

A report dated 26 May 2022 by the Executive Director (Finance and Corporate Resources) was submitted on a request to lift the suspension of private hire car driver's licence No 277 in terms of the Civic Government (Scotland) Act 1982 (as amended).

Private hire car driver's licence No 277 had been suspended with immediate effect for the remainder of the period of licence by this Committee on 25 May 2021 following a complaint received from Police Scotland dated 20 April 2021.

In terms of the Civic Government (Scotland) Act 1982 (as amended), the opportunity of a hearing had been offered to the applicant.

The Legal Services' Adviser intimated that he had received a request from the applicant's solicitor that the hearing be continued to a future meeting of this Committee to allow for further information to be collated.

The Committee decided: that consideration of the request to lift the suspension of private hire car driver's licence No 277 for the Cambuslang and Rutherglen zone be continued to a future meeting of this Committee to allow the applicant's solicitor to obtain further information.

[Reference: Minutes of 25 May 2021 (Paragraph 6)]