



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 07 December 2020

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, 15 December 2020
Time: 10:00
Venue: By Microsoft Teams,

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

Yours sincerely

Cleland Sneddon
Chief Executive

Members

David Shearer (Chair), Julia Marrs (Depute Chair), John Ross (ex officio), Stephanie Callaghan, Andy Carmichael, Poppy Corbett, Mary Donnelly, Grant Ferguson, Geri Gray, George Greenshields, Lynsey Hamilton, Mark Horsham, Martin Grant Hose, Martin Lennon, Richard Lockhart, 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, John Bradley, Robert Brown, Jackie Burns, Janine Calikes, Margaret Cowie, Maureen Devlin, Ann Le Blond, Lynne Nailon, 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 24 November 2020 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

Report dated 25 November 2020 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) - Applications for Taxi Driver and Private Hire Car Licences - Spent Convictions

- 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 608

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

8 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Private Hire Car Driver's Licence No 245

- 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

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Minutes of meeting held via Microsoft Teams on 24 November 2020

Chair:

Councillor David Shearer

Councillors Present:

Councillor Stephanie Callaghan, Councillor Poppy Corbett, Councillor Mary Donnelly, Councillor Grant Ferguson, Councillor Mark Horsham, Councillor Martin Grant Hose, Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Eileen Logan, Councillor Katy Loudon, Councillor Julia Marrs (Depute), Councillor Catherine McClymont, Councillor Kenny McCreary, Councillor Jim McGuigan, Councillor Davie McLachlan, Councillor Gladys Miller, Councillor Richard Nelson, Councillor Mo Razzaq (*substitute for Councillor Andy Carmichael*), Councillor Graham Scott (*substitute for Councillor Lynsey Hamilton*), Councillor Bert Thomson, Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor Andy Carmichael, Councillor Geri Gray, Councillor George Greenshields, Councillor Mark McGeever, 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 10 November 2020 were submitted for approval as a correct record.

The Committee decided: that the minutes be approved as a correct record.

3 Update on the Travelling Funfairs (Licensing) Scotland Bill

A report dated 4 November 2020 by the Executive Director (Finance and Corporate Resources) was submitted:-

- ♦ updating Members on the Travelling Funfairs (Licensing) (Scotland) Bill ("the Bill")
- ♦ advising Members of the proposed responses to the following Call for Views received from the:-
 - ♦ Local Government and Communities Committee (LGCC) on the Bill
 - ♦ Finance and Constitution Committee (FCC) in relation to the Bill's Financial Memorandum

On 29 April 2020, Richard Lyle, MSP introduced a Private Members' Bill to the Scottish Parliament to reform licensing of travelling funfairs. The Bill was currently being considered by the LGCC at Stage 1 of the legislative process.

The purpose of the Bill was to make it easier for operators to obtain licences for travelling funfairs by removing travelling funfairs from the Civic Government (Scotland) Act 1982 licensing regime and by creating a new system with set fees and processing timescales.

The Council responded to a previous consultation on the proposed Bill in February 2018, a copy of which was attached as Appendix 3 to the report.

The main provisions of the Bill and the potential impact on the Council were detailed in the report. The consultation questions, together with the Council's proposed response to each, were detailed in Appendices 1 and 2 to the report.

The Chair advised members that the consultation was open to 7 December 2020 and they could respond individually if they wished to do so.

The Committee decided:

- (1) that the principal provisions of the Travelling Funfairs (Licensing) (Scotland) Bill be noted;
- (2) that the assessment of the potential impact on the Council be noted; and
- (3) that the Council's proposed responses to the LGCC and FCC Calls for Views, attached as Appendix 1 and 2 to the report, be approved for submission to the Scottish Parliament.

[Reference: Minutes of 20 February 2018 (Paragraph 4)]

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.
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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 337

A report dated 5 November 2020 by the Executive Director (Finance and Corporate Resources) was submitted proposing that consideration be given to whether private hire car driver's licence No 337 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 present and accompanied by P Clements, Zed Cars Cambuslang Limited, who were both heard in support of him retaining his licence.

A letter of complaint had been received from Police Scotland and Sergeant Rankin was heard.

During discussion, Councillor McLachlan, seconded by Councillor Thomson, moved that the hearing be continued to a future meeting of this Committee to allow more detailed information to be obtained. Councillor Shearer, seconded by Councillor Marrs, moved as an amendment that the hearing be dealt with at today's meeting.

On a vote being taken by roll call, members voted as follows:-

Motion

Poppy Corbett, Catherine McClymont, Davie McLachlan, Mo Razzaq, Graham Scott, Bert Thomson

Amendment

Stephanie Callaghan, Mary Donnelly, Grant Ferguson, Mark Horsham, Martin Grant Hose, Martin Lennon, Richard Lockhart, Eileen Logan, Katy Loudon, Kenny McCreary, Jim McGuigan, Julia Marrs, Gladys Miller, Richard Nelson, David Shearer, Jim Wardhaugh

16 members voted for the amendment and 6 for the motion. The amendment was declared carried.

The Committee decided: that private hire car driver's licence No 337 for the Cambuslang and Rutherglen zone be not suspended or revoked.

7 Civic Government (Scotland) Act 1982 (As Amended) – Application for Renewal of Private Hire Car Driver's Licence No 337

A report dated 5 November 2020 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the renewal of private hire car driver's licence No 337 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 accompanied by P Clements, Zed Cars Cambuslang Limited, who were both heard in support of his application.

A representation had been received from Police Scotland and Sergeant Rankin was heard.

The Committee decided: that the application for the renewal of private hire car driver's licence No 337 in the Cambuslang and Rutherglen zone be granted.

8 Civic Government (Scotland) Act 1982 (As Amended) – Application for Renewal of Private Hire Car Operator's Licence No 1058

A report dated 5 November 2020 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the renewal of private hire car operator's licence No 1058 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 accompanied by P Clements, Zed Cars Cambuslang Limited, in support of his application.

A representation had been received from Police Scotland and Sergeant Rankin was heard.

The Committee decided: that the application for the renewal of private hire car operator's licence No 1058 in the Cambuslang and Rutherglen zone be granted.

In terms of Standing Order No 13, the Chair adjourned the meeting after this item of business at 12.30pm and reconvened at 12.45pm. Councillors Corbett, Lockhart, McClymont, McCreary, McLachlan, Nelson and Scott were not present when the meeting reconvened

9 Civic Government (Scotland) Act 1982 (As Amended) – Application for a Taxi Driver's Licence

A report dated 5 November 2020 by the Executive Director (Finance and Corporate Resources) was submitted on an application for 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. M Alam was in attendance to support the applicant.

An objection had been received from Police Scotland and Sergeant Rankin was heard.

The Committee decided: that the application by M Naveed, Flat 2/1, 120 Hickman Street, Glasgow for a taxi driver's licence in the Cambuslang and Rutherglen zone be granted for a period of 1 year.

Councillor Donnelly left the meeting during this item of business

Report

3

Report to:	Licensing Committee
Date of Meeting:	15 December 2020
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:-

- ♦ 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 Clydesdale, 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

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 6 operators have responded. One operator has requested an additional 20 pence be added to the running mile and another operator requested 20 pence be added to the flagfall and 10 pence on the running mile. The other 4 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 3 operators have 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 although only one responded who indicated that no fares increase was being requested. The fares tariff would therefore remain as per Appendix 1.
- 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. 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 applications and therefore we would not propose to take this into account in dealing with the statutory review of taxi fares.
- 8. Other Implications**
- 8.1. The risk to the Council is that it fails to fulfil its duty to protect the public.
- 8.2. There are no apparent implications in terms of sustainability.
- 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 they are seeking an increase in taxi fares this year.

Paul Manning
Executive Director (Finance and Corporate Resources)

25 November 2020

Link(s) to Council Values/Ambitions/Objectives

- ◆ Make communities safer, stronger and sustainable

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 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)

Clydesdale Zone

not exceeding one mile £3.30

for EACH additional 88 yards or any part thereof 10 pence

(an average 2 mile hire of £5.30)

