



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 22 March 2021

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, 30 March 2021
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, Alistair Fulton, Geri Gray, George Greenshields, Lynsey Hamilton, Mark Horsham, Martin Grant Hose, Martin Lennon, Richard Lockhart, Eileen Logan, 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

3 - 6

Minutes of the meeting of the Licensing Committee held on 9 March 2021 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

7 - 10

Report dated 23 February 2021 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) - Application for a Private Hire Car Driver's Licence

- 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 via Microsoft Teams on 9 March 2021

Chair:

Councillor David Shearer

Councillors Present:

Councillor John Bradley (*substitute for Councillor Jim McGuigan*), Councillor Stephanie Callaghan, Councillor Andy Carmichael, Councillor Poppy Corbett, Councillor Mary Donnelly, Councillor Grant Ferguson, Councillor Geri Gray, Councillor Lynsey Hamilton, Councillor Mark Horsham, Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Eileen Logan, Councillor Katy Loudon, Councillor Julia Marrs (Depute), Councillor Catherine McClymont, Councillor Kenny McCreary, Councillor Mark McGeever, Councillor Davie McLachlan, Councillor Gladys Miller, Councillor Lynne Nailon (*substitute for Councillor Martin Grant Hose*), Councillor Bert Thomson, Councillor Jim Wardhaugh, Councillor Jared Wark (*substitute for Councillor Richard Nelson*)

Councillors' Apologies:

Councillor George Greenshields, Councillor Martin Grant Hose, Councillor Jim McGuigan, Councillor Richard Nelson, Councillor John Ross (ex officio)

Attending:

Finance and Corporate Resources

M M Cairns, Legal Services Manager (Items 5 and 6 only); 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 16 February 2021 were submitted for approval as a correct record.

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

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 918

A report dated 10 February 2021 by the Executive Director (Finance and Corporate Resources) was submitted:-

- ♦ advising on action taken, in terms of Standing Order No 36(c), in view of the timescales involved and a serious threat to public order or safety, by the Executive Director (Finance and Corporate Resources), in consultation with the Chair and an ex officio member, to order the immediate suspension of private hire car driver's licence No 918, with effect from 10 February 2021
- ♦ proposing that consideration be given to whether private hire car driver's licence No 918 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 complaint had been received from Police Scotland and Sergeant Rankin was heard.

Councillor McLachlan, seconded by Councillor Thomson, moved that the licence be not suspended or revoked but that a written warning be attached to the licence holder's file for failing to advise the licensing authority of his convictions. Councillor McClymont, seconded by Councillor Shearer, moved as an amendment that the licence be not suspended or revoked.

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

Motion

John Bradley, Stephanie Callaghan, Andy Carmichael, Poppy Corbett, Mary Donnelly, Grant Ferguson, Geri Gray, Lynsey Hamilton, Mark Horsham, Richard Lockhart, Eileen Logan, Katy Loudon, Kenny McCreary, Mark McGeever, Davie McLachlan, Julia Marrs, Gladys Miller, Lynne Nailon, Bert Thomson, Jim Wardhaugh, Jared Wark

Amendment

Catherine McClymont, David Shearer

21 members voted for the motion and 2 members for the amendment. The motion was declared carried.

The Committee decided:

- (1) that the action taken, in terms of Standing Order No 36(c), by the Executive Director (Finance and Corporate Resources), in consultation with the Chair and an ex officio member, to suspend private hire car driver's licence No 918, with effect from 10 February 2021, for a maximum period of 6 weeks, be noted; and
- (2) that private hire car driver's licence No 918 for the Cambuslang and Rutherglen zone be not suspended or revoked but that a written warning be attached to the licence holder's file for failing to advise the licensing authority of his convictions.

Councillor Lennon left the meeting during this item of business

6 Civic Government (Scotland) Act 1982 (As Amended) – Application for Renewal of Private Hire Car Driver's Licence No 918

A report dated 18 February 2021 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the renewal of private hire car driver's licence No 918 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 heard in support of his application. A complaint had been received from Police Scotland and Sergeant Rankin was heard.

Councillor McLachlan, seconded by Councillor Thomson, moved that the application be granted. Councillor McClymont, seconded by Councillor Shearer, moved as an amendment that the licence be granted for a period of 1 year.

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

Motion

John Bradley, Stephanie Callaghan, Andy Carmichael, Poppy Corbett, Mary Donnelly, Grant Ferguson, Geri Gray, Lynsey Hamilton, Mark Horsham, Richard Lockhart, Eileen Logan, Katy Loudon, Kenny McCreary, Mark McGeever, Davie McLachlan, Julia Marrs, Gladys Miller, Lynne Nailon, Bert Thomson, Jim Wardhaugh, Jared Wark

Amendment

Catherine McClymont, David Shearer

21 members voted for the motion and 2 members for the amendment. The motion was declared carried.

The Committee decided: that the application for the renewal of private hire car driver's licence No 918 in the Cambuslang and Rutherglen zone be granted.

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

A report dated 18 February 2021 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. A representation had been received from Police Scotland and Sergeant Rankin was heard.

Councillor Logan, seconded by Councillor Miller, moved that the application be granted for a period of 1 year. Councillor McGeever, seconded by Councillor Corbett, moved as an amendment that the licence be refused.

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

Motion

Eileen Logan, Catherine McClymont, Gladys Miller

Amendment

John Bradley, Stephanie Callaghan, Andy Carmichael, Poppy Corbett, Mary Donnelly, Grant Ferguson, Geri Gray, Lynsey Hamilton, Mark Horsham, Richard Lockhart, Katy Loudon, Kenny McCreary, Mark McGeever, Davie McLachlan, Julia Marrs, Lynne Nailon, David Shearer, Bert Thomson, Jim Wardhaugh, Jared Wark

3 members voted for the motion and 20 members voted for the amendment which was declared carried.

The Committee decided:

that the application by D Abraham, 17 Wellbrae Road, Hamilton for a private hire car driver's licence in the Hamilton zone be refused.

Report

3

Report to:	Licensing Committee
Date of Meeting:	30 March 2021
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:-

- ◆ further progress the fares review process in the Cambuslang and Rutherglen, Clydesdale, East Kilbride and Hamilton zones of South Lanarkshire

2. Recommendation(s)

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

- (1) that, on the basis that no objections or representations had been received following press and website adverts, there be no increase in the fares tariffs for the Cambuslang and Rutherglen, Clydesdale, East Kilbride and Hamilton zones.

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

4. Present Position

- 4.1. At its meeting on 15 December 2020 this Committee agreed that, subject to any representations received, the fares review for the Cambuslang and Rutherglen, Clydesdale, East Kilbride and Hamilton zones would take place on the basis that there would be no increase in the current tariffs. The current tariffs are shown in Appendix 1.
- 4.2. The proposed Cambuslang and Rutherglen, Clydesdale, East Kilbride and Hamilton fares reviews have been advertised in the press and on the Council's website in accordance with the legislation and no responses were received.

5. Employee Implications

5.1. None.

6. Financial Implications

- 6.1. The cost of Appeal to the Traffic Commissioner if the decision of the Council is appealed.

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.

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 was initially carried out with the taxi trade to ascertain views on whether or not they are seeking an increase in taxi fares this year. Adverts were then placed in the press and on the Council's website outlining the proposals for each of the zones giving a period of one month to enable anyone to comment on or object to the proposed changes to the fares tariffs.

Paul Manning

Executive Director (Finance and Corporate Resources)

23 February 2021

Link(s) to Council Values/Ambitions/Objectives

- ◆ Make communities safer, stronger and sustainable

Previous References

- ◆ Licensing Committee, 15 December 2020

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

Ext: 4501 (Tel: 01698 454501)

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

Current Fares Tariffs

East Kilbride Zone
<p>not exceeding 880 yards £2.90</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>(an average 2 mile hire of £5.60)</p>

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

Cambuslang and Rutherglen Zone
<p>not exceeding 880 yards £2.90</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>(an average 2 mile hire of £5.60)</p>

Clydesdale Zone
<p>not exceeding one mile £3.30</p> <p>for EACH additional 88 yards or any part thereof 10 pence</p> <p>(an average 2 mile hire of £5.30)</p>

