



Council Offices, Almada Street
Hamilton, ML3 0AA

Friday, 03 May 2024

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, 14 May 2024
Time: 10:00
Venue: Hybrid - Committee Room 1, Council Offices, Almada Street, Hamilton, ML3 0AA

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

Yours sincerely

Paul Manning
Chief Executive

Members

Andy Carmichael (Chair), Bert Thomson (Depute Chair), Joe Fagan (ex officio), Poppy Corbett, Margaret Cowie, Julia Marrs, Monique McAdams, Mark McGeever, David Shearer, Helen Toner

Substitutes

Robert Brown, Mary Donnelly, Gladys Ferguson-Miller, Kenny McCreary, Davie McLachlan

BUSINESS

1 Declaration of Interests

2 Minutes of Previous Meeting 5 - 10

Minutes of the meeting of the Licensing Committee held on 23 April 2024 submitted for approval as a correct record. (Copy attached)

3 Minutes of Special Meeting 11 - 12

Minutes of the special meeting of the Licensing Committee held on 16 April 2024 submitted for approval as a correct record. (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 Paragraphs 6 and 14 of Part I of Schedule 7A of the Act."

Item(s) for Decision

6 Civic Government (Scotland) Act 1982 (As Amended) - Application for Renewal of Private Hire Car Driver's Licence No 353

- 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 Operator's Licence No 2232

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

8 Civic Government (Scotland) Act 1982 (As Amended) - Application to Vary the Terms of Public Entertainment Licence No 021

- Exempt information in terms of Paragraph 6 of Part I of Schedule 7A of the Act

9 Civic Government (Scotland) Act 1982 (As Amended) - Application for Short Term Let Licence

- Exempt information in terms of Paragraph 6 of Part I of Schedule 7A of the Act

For further information, please contact:-

Clerk Name:	Carol Lyon
Clerk Telephone:	07385370065
Clerk Email:	carol.lyon@southlanarkshire.gov.uk

LICENSING COMMITTEE

2

Minutes of meeting held via MS Teams and in Committee Room 1, Council Offices, Almada Street, Hamilton on 23 April 2024

Chair:

Councillor Andy Carmichael

Councillors Present:

Councillor Poppy Corbett, Councillor Margaret Cowie, Councillor Julia Marrs, Councillor Mark McGeever, Councillor David Shearer, Councillor Bert Thomson (Depute), Councillor Helen Toner

Councillors' Apologies:

Councillor Joe Fagan (ex officio), Councillor Monique McAdams

Attending:

Finance and Corporate Resources

C Lyon, Administration Officer; D McLardy, Legal Services' Adviser; L Steele, Licensing and Registration Assistant/Assistant Registrar; L Wyllie, Administration Assistant

Chair's Opening Remarks

The Chair welcomed Councillor Thomson back after his recent illness.

1 Declaration of Interests

No interests were declared.

2 Minutes of Previous Meeting

The minutes of the meeting of the Licensing Committee held on 19 March 2024 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) – Review of Taxi Fares

A report dated 8 April 2024 by the Executive Director (Finance and Corporate Resources) was submitted:-

- ◆ on the progress of the statutory taxi fares review in the Cambuslang and Rutherglen, Clydesdale, East Kilbride and Hamilton zones of South Lanarkshire
- ◆ requesting Committee's approval for the next stage of the review

In terms of Section 17 of the Civic Government (Scotland) Act 1982 (as amended), there was a requirement for licensing authorities to review and fix taxi fares in their area at intervals not greater than every 18 months.

The Council, since its inception in 1996, had adopted an approach of fixing taxi fares across 4 zones, being Cambuslang and Rutherglen, Clydesdale, East Kilbride and Hamilton. In the usual manner, the initial requirement of this review was to consult with persons or organisations appearing to them to be, or be representative of, the operators of taxis within the Council area.

All 39 Cambuslang and Rutherglen operators had been written to and responses received from 2 operators. 1 indicated that they would like the meter to start at £4.30 instead of £3.90 and the running mile of £1.20 increased to £1.60. The other operator responded asking for an increase, however, did not give an indication as to what that should be. Given the limited response, it was, therefore, proposed that the fares tariff remain unchanged, as detailed in Appendix 1 of the report.

All 93 Clydesdale operators had been written to and responses received from 2 operators, who held 59 licences between them, indicating no fares increase was requested. It was, therefore, proposed that the fares tariff remain unchanged, as detailed in Appendix 1 of the report.

The East Kilbride taxi trade organisation had indicated that no fares increase was requested. It was, therefore, proposed that the fares tariff remain unchanged, as detailed in Appendix 1 of the report.

All 132 Hamilton operators had been written to with 16 operators and Hamilton Taxi Operators Association (TOA) responding as follows:-

- ◆ first 880 yards not exceeding £3.80, for each additional 176 yards 20 pence (average 2 mile hire £6.80), waiting and stoppage time increased to 25 pence per minute (£15 per hour)
- ◆ 40 pence on the flag fall
- ◆ flag fall of £3.60 same running mile, Christmas Eve tariff to start at 8.00pm and for it to go from one third of the meter to one half of the meter through to 12 midnight on 26 December
- ◆ requested an increase but had not indicated what that increase should be
- ◆ flag fall of £4.20 and surcharges increased from one third to meter plus one half, cost of the running mile was £1.40 per mile and was currently higher than all local private hire companies so it might be unwise to increase this at that time
- ◆ 1 respondent raised the issue of increased running costs, eg insurance and vehicle repairs and servicing, and was of the view that taxi fares were less in Hamilton than in other areas. They indicated that they would like the cost of the flag fall to increase to £3.50 with the overall cost of the first mile to increase to £5.00
- ◆ 40 pence on the flag fall, channel 3 from 10.00pm till 5.00am, keep channel 3 meter and a third on 24 and 31 December but meter and a half on 25 and 26 December and 1 and 2 January
- ◆ increase starting fare from £3.20 to £3.50 and carried forward onto fare after 10.00pm
- ◆ increase flag fall from £3.20 to £3.60
- ◆ increase flag fall from £3.20 to £3.80 because of the price of fuel and service costs. Christmas tariff increased to meter and a half as most private hire companies were double fare to make it worthwhile coming out to work
- ◆ an operator who held 10 taxi licences requested flag fall increase from £3.20 to £3.60 from 5.00am till 10.00pm. From 10.00pm till 5.00am would be same, £4.40
- ◆ Hamilton TOA requested not exceeding 880 yards rising from £3.20 (change to £3.60 from 5.00am to 6.00pm), not exceeding 880 yards £4.40 from 6.00pm to 12 midnight), not exceeding 880 yards from £5.86 from 12 midnight to 5.00am), a surcharge of one half of the normal metered fare might be charged for each hire from 6.00am on 24 December until 5.00am on 27 December and from 6.00am on 31 December until 12 midnight on 2 January
- ◆ 5 operators had indicated that no fares increase was requested

12 operators who responded and were seeking an increase had 1 taxi each, 1 operator held 10 taxi licences and Hamilton TOA represented a number of operators.

Officers had taken all of the above responses into account and the proposals, detailed in Appendix 2 of the report, reflected a reasonable representation of the views received.

The Committee decided:

- (1) that the statutory taxi fares review procedure for the Cambuslang and Rutherglen, Clydesdale and East Kilbride zones of South Lanarkshire be further progressed, with the proposal that there should be no increase in the current fares tariff and the tariff should remain unchanged;
- (2) that the statutory taxi fares review procedure for the Hamilton zone of South Lanarkshire be further progressed, with the proposal that there should be an increase of 60 pence over a 2 mile hire and various other increases, as detailed at Appendix 2 of the report; and
- (3) that the Head of Administration and Legal Services be authorised to make the necessary arrangements to progress the statutory taxi fares review, with a further report to be submitted to a future meeting of the Committee.

[Reference: Minutes of 20 June 2023 (Paragraph 3)]

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 Paragraphs 6 and 14 of Part I of Schedule 7A of the Act.

6 Civic Government (Scotland) Act 1982 (As Amended) - Application for Renewal of Private Hire Car Driver's Licence No 353

A report dated 4 April 2024 by the Executive Director (Finance and Corporate Resources) was submitted on the renewal of private hire car driver's licence No 353 in terms of the Civic Government (Scotland) Act 1982 (as amended).

At its meeting on 27 February 2024, the Committee agreed to continue this application to a future meeting to allow the applicant the opportunity to be present with an interpreter.

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 represented by E Monaghan, Solicitor. An objection had been received from Police Scotland.

The applicant's interpreter, despite being contacted on several occasions, failed to join the meeting via MS Teams. The applicant's solicitor requested, therefore, that the application be continued to allow the interpreter to be present.

Following discussion, the Committee agreed that the application would be continued to a future meeting of this Committee to allow the applicant's interpreter to be present.

The Committee decided: that the application by A Ahmed Mohamoud, Flat 2/1, 105 Kenmure Street, Glasgow for the renewal of private hire car driver's licence No 353 in the Cambuslang and Rutherglen zone be continued to a future meeting of this Committee to allow the applicant's interpreter to be present.

[Reference: Minutes of 27 February 2024 (Paragraph 6)]

7 Civic Government (Scotland) Act 1982 (As Amended) - Application for Renewal of Private Hire Car Operator's Licence No 2232

A report dated 4 April 2024 by the Executive Director (Finance and Corporate Resources) was submitted on the renewal of private hire car operator's licence No 2232 in terms of the Civic Government (Scotland) Act 1982 (as amended).

At its meeting on 27 February 2024, the Committee agreed to continue this application to a future meeting to allow the applicant the opportunity to be present with an interpreter.

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 represented by E Monaghan, Solicitor. An objection had been received from Police Scotland.

The applicant's interpreter, despite being contacted on several occasions, failed to join the meeting via MS Teams. The applicant's solicitor requested, therefore, that the application be continued to allow the interpreter to be present.

Following discussion, the Committee agreed that the application would be continued to a future meeting of this Committee to allow the applicant's interpreter to be present.

The Committee decided: that the application by A Ahmed Mohamoud, Flat 2/1, 105 Kenmure Street, Glasgow for the renewal of private hire car operator's licence No 2232 in the Cambuslang and Rutherglen zone be continued to a future meeting of this Committee to allow the applicant's interpreter to be present.

[Reference: Minutes of 27 February 2024 (Paragraph 7)]

8 Civic Government (Scotland) Act 1982 (As Amended) - Application for Short Term Let Licence

A report dated 26 March 2024 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a short term let 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 but represented by E Woolfe, Property Manager, Pillow Partners. An objection had been received from W Dickie and he was represented by his son and daughter-in-law.

The Committee decided:

that the application for a short term let licence be granted for a period of 1 year subject to the conditions specified by the Executive Director (Finance and Corporate Resources) and the following additional conditions:-

Applicant:	T Hubber
Type of Licence:	Short term let
Premises:	262 Kingsbridge Drive, Rutherglen
Category:	Secondary letting
Occupancy:	3 to 6 persons
Additional Conditions:	Fencing must be installed/reinstated/repared by the licensee in accordance with statutory consents Commercial bins must be used at all times, removal of Council issued bins which should not be used by customers of the licensee Parking issues rectified – the licensee shall arrange for the broken bollards to be repaired/replaced, procure that all staff at letting agents are made aware of correct parking requirements and that detailed instructions are prepared and issued to all tenants of permitted parking etc The licensee shall procure that detailed information be given to tenants of the instructions/rules All of the above must be in place to a satisfactory standard as determined by the Council within a 2 month period from today. The Council shall arrange for its Licensing Standards Officer to visit the premises as soon as reasonably practicable after the 2 month period to confirm and report back to Committee.

Chair's Closing Remarks

The Chair intimated that Sergeant Brown, Police Scotland would be retiring at the end of May 2024 and, along with Committee members, extended his best wishes and thanked her for the service she had provided to this Committee.

LICENSING COMMITTEE

3

Minutes of special meeting held via Confero and in Committee Room 1, Council Offices, Almada Street, Hamilton on 16 April 2024

Chair:

Councillor Andy Carmichael

Councillors Present:

Councillor Poppy Corbett, Councillor Margaret Cowie, Councillor Julia Marrs, Councillor David Shearer, Councillor Bert Thomson (Depute), Councillor Helen Toner

Councillors' Apologies:

Councillor Joe Fagan (ex officio), Councillor Monique McAdams, Councillor Mark McGeever

Attending:

Finance and Corporate Resources

P MacRae, Administration Adviser; C McKee, Licensing and Registration Co-ordinator; D McLardy, Legal Services' Adviser; L Wyllie, Administration Assistant

1 Declaration of Interests

No interests were declared.

2 Urgent Business

There were no items of urgent business.

3 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.

4 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Taxi Driver, Taxi Operator and Private Hire Car Operator Licences

A report dated 15 March 2024 by the Executive Director (Finance and Corporate Resources) was submitted:-

- ♦ advising on action taken, in terms of Standing Order No 37(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 taxi driver's licence No 172, taxi operator's licence No 166 and private hire car operator's licence Nos 595, 651, 655 and 705 in the Hamilton zone, with effect from 13 March 2024
- ♦ proposing that consideration be given to whether taxi driver's licence No 172, taxi operator's licence No 166 and private hire car operator's licence Nos 595, 651, 655 and 705 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 J Nisbett, Solicitor Advocate. A complaint had been received from Police Scotland and Sergeant Brown was heard. Sergeant Hinshelwood was also present.

Letters of support had also been received.

The Committee decided:

- (1) that the action taken, in terms of Standing Order No 37(c), by the Executive Director (Finance and Corporate Resources), in consultation with the Chair and an ex officio member, to suspend taxi driver's licence No 172, taxi operator's licence No 166 and private hire car operator's licence Nos 595, 651, 655 and 705, with effect from 13 March 2024, for a maximum period of 6 weeks, be noted; and
- (2) that taxi driver's licence No 172, taxi operator's licence No 166 and private hire car operator's licence Nos 595, 651, 655 and 705 for the Hamilton zone be suspended with immediate effect for the remainder of the period of licence.