

## LICENSING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 7 August 2018

### Chair:

Councillor David Shearer

### Councillors Present:

John Bradley, Stephanie Callaghan, Poppy Corbett, Mary Donnelly, Joe Fagan (*substitute for Councillor McClymont*), George Greenshields, Mark Horsham, Martin Lennon, Richard Lockhart, Katy Loudon, Kenny McCreary, Mark McGeever, Jim McGuigan, Gladys Miller, Bert Thomson, Josh Wilson

### Councillors' Apologies:

Andy Carmichael, Geri Gray, Lynsey Hamilton, Martin Grant Hose, Eileen Logan, Joe Lowe, Catherine McClymont, Davie McLachlan, Julia Marrs (Depute), John Ross (ex officio)

### Attending:

#### Finance and Corporate Resources

M Cooper, Standards and Development Officer; C Lyon, Administration Officer; G Mays, Solicitor; L Wyllie, Administration Assistant

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## 1 Declaration of Interests

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The following interest was declared.

<b>Councillor(s)</b>	<b>Item(s)</b>	<b>Nature of Interest(s)</b>
Lennon	Civic Government (Scotland) Act 1982 (as amended) – Application for a Skin Piercing and Tattooing Licence	Known to applicant

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## 2 Minutes of Previous Meeting

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The minutes of the meeting of the Licensing Committee held on 12 June 2018 were submitted for approval as a correct record.

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

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

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A report dated 18 July 2018 by the Executive Director (Finance and Corporate Resources) was submitted on the progress of the fares review in the Clydesdale and Hamilton 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 on 22 May 2018, this Committee agreed that, subject to any representations received, the fares review for the Clydesdale and Hamilton zones would commence on the basis that there would be no increase in the current tariff. The current tariff was detailed in Appendix 1 to the report.

The proposed fares review for the Clydesdale and Hamilton zones had been advertised in the press and in accordance with the legislation and no responses had been received.

**The Committee decided:** that, on the basis that no objections or representations had been received, there be no increase in fares for the Clydesdale and Hamilton zones.

*[Reference: Minutes of 22 May 2018 (Paragraph 3)]*

*Councillor Callaghan entered the meeting during this item of business*

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#### **4 Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Taxis - Taxi Operator Licences**

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A report dated 20 July 2018 by the Executive Director (Finance and Corporate Resources) was submitted on the introduction of new criteria for taxi operator licences to increase the number of wheelchair accessible vehicles available.

The current number of wheelchair accessible vehicles was detailed in Appendix 1.

At present, the Hamilton, East Kilbride (including Strathaven) and Cambuslang and Rutherglen zones in South Lanarkshire would be included in the new criteria as they had limits on the number of taxi operator licences allowed in those zones. The Clydesdale zone had not been included in the new criteria as there was no limit in that zone.

In the 3 zones which were limited, it was proposed that all new taxi operator licences would only be issued for vehicles which were accessible to wheelchair users. In practice, this would require the vehicles to be capable of carrying a passenger seated in a 'reference' wheelchair type.

Since the last renewal period, 4 operator licences had become available in the Hamilton zone and it was proposed that the new criteria be applied to the renewal of those licences subject to the applicant being a fit and proper person in terms of the Council's licensing process.

Criteria would be introduced to govern any future operator licences that were surrendered or not renewed in the Hamilton, East Kilbride (including Strathaven) and Cambuslang and Rutherglen zones.

**The Committee decided:**

- (1) that all new taxi operator licences in the Hamilton, East Kilbride (including Strathaven) and Cambuslang and Rutherglen zones be only for vehicles accessible for wheelchair users;
- (2) that the vehicles must be capable of carrying a passenger seated in a 'reference' wheelchair type; and
- (3) that the proposals outlined in paragraph 4.4 of the report for the issue of 4 taxi operator licences, which were currently available in the Hamilton zone, be approved.

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#### **5 Urgent Business**

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There were no items of urgent business.

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## **6 Exclusion of Press and Public**

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**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.

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## **7 Civic Government (Scotland) Act 1982 (As Amended) – Application for a Skin Piercing and Tattooing Licence**

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A report dated 17 July 2018 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a skin piercing and tattooing licence in terms of the Civic Government (Scotland) Act 1982 (as amended).

At its meeting on 12 June 2018, the Committee had decided that further details be requested from Police Scotland in respect of the applicant's protected convictions to allow it to consider the application.

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.

Representations had been received from Police Scotland. A late objection had also been received from Police Scotland. The reason for the lateness of the objection was accepted and Sergeant Tomlinson was heard on behalf of Police Scotland.

Councillor Thomson, seconded by Councillor Callaghan, moved that the application be granted. Councillor McGuigan, seconded by Councillor McCreary, moved as an amendment that the application be refused. Councillor Miller, seconded by Councillor Horsham, moved as a second amendment that the application be granted for a period of 1 year.

On a vote being taken by a show of hands between the second amendment (moved by Councillor Miller and seconded by Councillor Horsham) and the first amendment (moved by Councillor McGuigan and seconded by Councillor McCreary), 6 members voted for the second amendment and 8 for the first amendment. The first amendment was declared carried and placed against the motion. On a vote being taken by a show of hands, 9 members voted for the amendment and 7 voted for the motion. The amendment was declared carried.

**The Committee decided:** that the application by C Mackinnon, 10 Yementry Court, Glasgow for a skin piercing and tattooing licence be refused.

*[Reference: Minutes of 12 June 2018 (Paragraph 8)]*

*Councillor Lennon, having declared an interest in the above item of business, withdrew from the meeting during its consideration*

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## **8 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Taxi Driver's Licence No 088**

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A report dated 29 June 2018 by the Executive Director (Finance and Corporate Resources) was submitted:-

- ◆ noting the immediate suspension of taxi driver's licence No 088, with effect from 29 June 2018, due to the failure to successfully complete, within a 6 month period, the taxi drivers' training course
- ◆ proposing that consideration be given to whether taxi driver's licence No 088 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 not present or represented.

### **The Committee decided:**

- (1) that the immediate suspension of taxi driver's licence No 088, with effect from 29 June 2018, for a maximum period of 6 weeks, be noted; and
- (2) that taxi driver's licence No 088 for the Clydesdale zone be suspended with immediate effect for the remainder of the period of the licence.

*[Reference: Minutes of Finance and Corporate Resources Committee of 2 September 2015 (Paragraph 15)]*