

LICENSING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 24 August 2011

Chair:

Councillor Maureen Devlin

Councillors Present:

Eileen Baxendale, Jim Docherty, Barry Douglas, Lynn Filshie (Depute), Beith Forrest, Bill Holman, Eileen Logan, Clare McColl, Davie McLachlan, John McNamee, Archie Manson, Alice Marie Mitchell, Patrick Ross-Taylor, Graham Scott, Hamish Stewart, Bert Thomson, Richard Tullett

Councillors' Apologies:

Andy Carmichael, Anne Higgins, Edward McAvoy, Jean McKeown, David Shearer, David Watson

Attending:

Corporate Resources

G Bow, Administration Adviser; M Cooper, Standards and Development Officer; T Stone, Licensing and Registration Manager; 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 22 June 2011 were submitted for approval as a correct record.

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

3 Minutes of Public Processions Panel

The minutes of the meetings of the Public Processions Panel held on 21 and 27 June 2011 were submitted for approval as a correct record.

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

4 Civic Government (Scotland) Act 1982 - Licensing of Taxis - Review of Taxi Fares

A report dated 29 July 2011 by the Executive Director (Corporate Resources) was submitted on the requirement, in terms of Section 17 of the Civic Government (Scotland) Act 1982, to undertake a taxi fares review within each of the 4 zones in South Lanarkshire.

As previously reported to Committee, alternative methods of calculating fares increases were currently being assessed and a full review would be carried out prior to the next fares review.

In order to progress the current review, views from the taxi trade in the 4 areas had been invited on what increases there should be, if any, in the level of fares. To date, only the taxi trade from the Rutherglen and Cambuslang zone had provided a detailed response. In light of the response received, it was proposed that there be an increase in the 2 mile hire from £4.40 to £4.60 in the Rutherglen and Cambuslang zone.

In addition, it was proposed that the Licensing and Registration Manager, in consultation with the Chair and Depute Chair, be authorised to progress the fares review in the Rutherglen and Cambuslang zone, in line with the proposals detailed in the report, with a view to achieving implementation as soon as possible subject to there being no objections in the course of the consultation process.

Although the taxi trade in the other 3 zones had yet to provide a detailed response, they had given some initial consideration to their responses.

The Committee decided:

- (1) that the Licensing and Registration Manager, in consultation with the Chair and Depute Chair, be authorised to progress the fares review in the Rutherglen and Cambuslang zone in line with the proposals detailed in the report;
- (2) that, in the event of any objections being received to the fares review in the course of the consultation process for the Rutherglen and Cambuslang zone, the matter be referred to a future meeting of this Committee for further consideration; and
- (3) that the taxi fares review process be progressed in the Hamilton, East Kilbride and Clydesdale zones.

[Reference: Minutes of 12 May 2010 (Paragraph 3)]

5 Civic Government (Scotland) Act 1982 - Licensing of Taxis

A report dated 29 July 2011 by the Executive Director (Corporate Resources) was submitted on a proposal by Hamilton Taxi Owners Association to introduce a formal qualification for the taxi trade on a voluntary basis.

Hamilton Taxi Owners Association had been working in conjunction with 'Go Skills' (The Sector Skills Council for Passenger Transport) to prepare a professional qualification for taxi drivers. The qualification was known as an "Introduction to the Role of Professional Taxi and Private Hire Driving" and would have SQA accreditation. The course had originally been designed for English taxi drivers but had been amended for the Scottish trade.

The cost of the course was approximately £220 and funding was currently available from ILA Scotland through an Individual Learning Account if the driver met the income criteria.

Hamilton Taxi Owners Association had approximately 28 drivers willing to participate in the initial pilot.

It was envisaged that the course could run as an alternative to the training currently provided by the Council.

The Committee decided:

- (1) that the introduction of the training course by Hamilton Taxi Owners Association be supported by the Council and the qualification be accepted as an alternative to any training provided by the Council; and

- (2) that the taxi trade in the other zones throughout South Lanarkshire be encouraged to undertake the training on a voluntary basis.

6 Civic Government (Scotland) Act 1982 - Licensing of Private Hire Cars

A report dated 29 July 2011 by the Executive Director (Corporate Resources) was submitted on a request by private hire car operators for an amendment to the Council's policy to permit advertising on the body of the car. The level of advertising requested included the name and telephone number of the private hire company.

In terms of Section 14(1) of the Civic Government (Scotland) Act 1982, there should be nothing on or in the private hire vehicle which would lead members of the public to believe it was a taxi.

The Council had, for many years, adopted the policy of limiting advertising to the back window of private hire cars displaying only the name and telephone number of the company. In addition, the private hire vehicles had a back plate and front door stickers.

Since this request had been received, contact had been made with a number of other Scottish local authorities to determine the practice in their areas. The responses were detailed in an appendix to the report and showed a wide variation in practices adopted.

In view of current legislation and the need for the public to be able to differentiate between private hire cars and taxis, it was not considered appropriate to have any further advertising on private hire cars. Therefore, it was proposed that the request by private hire car operators to amend the current policy be refused.

Councillor Devlin, seconded by Councillor Filshie, moved in terms of the report that the request by private hire car operators to amend the current policy to permit advertising on the body of private hire cars be refused. Councillor Thomson, seconded by Councillor Douglas, moved as an amendment that the policy be amended to allow advertising on the body of private hire cars. On a vote being taken by a show of hands, 5 members voted for the amendment and 12 for the motion which was declared carried.

The Committee decided: that the request by private hire car operators for an amendment to the current policy to permit advertising on the body of private hire cars be refused.

7 Urgent Business

There were no items of urgent business.

8 Exclusion of Press and Public

The Committee decided: that, in terms of Section 50(A) 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 was likely that there would be disclosure of exempt information in terms of Paragraph(s) 6 of Part I of Schedule 7A of the Act.

9 Civic Government (Scotland) Act 1982 - Application for Street Trader's Licence - C Blair, 142 Stevenston Street, Motherwell

A report dated 29 July 2011 by the Executive Director (Corporate Resources) was submitted on an application for a street trader's licence in terms of the Civic Government (Scotland) Act 1982.

The Chair advised that the objection submitted by Regeneration Services had been withdrawn and, therefore, the application would be dealt with under delegated powers.

The Committee decided: that the position be noted.

10 Civic Government (Scotland) Act 1982 - Application for Grant of Late Hours Catering Licence - Ebi Restaurant Limited, 90-92 High Street, Lanark and A Nematnejad, 17 High Street, Lanark

A report dated 29 July 2011 by the Executive Director (Corporate Resources) was submitted on an application for a late hours catering licence in terms of the Civic Government (Scotland) Act 1982.

In terms of the Act, the opportunity of a hearing had been offered to the applicant who was present and heard in support of his application.

The Committee decided: that the following application be granted subject to the conditions specified by the Executive Director (Corporate Resources):-

Applicant:	Ebi Restaurant Limited and A Nematnejad
Type of Licence:	Late hours catering
Premises:	90-92 High Street, Lanark
Days/Hours Requested:	Sunday to Thursday 11.00pm to 12.00 midnight Friday and Saturday 11.00pm to 1.30am
Days/Hours Grant:	Sunday to Thursday 11.00pm to 12.00 midnight Friday and Saturday 11.00pm to 1.30am

11 Civic Government (Scotland) Act 1982 - Licensing of Street Traders - Suspension of Licence

A report dated 1 August 2011 by the Executive Director (Corporate Resources) was submitted proposing that consideration be given to whether street trader's licence No 7 should be suspended.

The Chair advised that the licence holder's solicitor had requested that the hearing be postponed to a future date to allow him to be present.

The Committee decided: that consideration of the matter be continued to a future meeting of the Committee to allow the licence holder's solicitor to be present.

12 Civic Government (Scotland) Act 1982 - Application for Renewal of Street Trader's Licence

A report dated 1 August 2011 by the Executive Director (Corporate Resources) was submitted on an application for the renewal of street trader's licence No 7 previously granted by the Council under the Civic Government (Scotland) Act 1982.

The Chair advised that the applicant's solicitor had requested that the hearing be postponed to a future date to allow him to be present.

The Committee decided: that consideration of the matter be continued to a future meeting of the Committee to allow the applicant's solicitor to be present.