



Council Offices, Almada Street  
Hamilton, ML3 0AA

Monday, 14 February 2022

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, 22 February 2022  
**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), John Bradley, 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, Colin McGavigan, Mark McGeever, Jim McGuigan, Davie McLachlan, Gladys Miller, Bert Thomson, Jim Wardhaugh

### **Substitutes**

Alex Allison, Robert Brown, Jackie Burns, Janine Calikes, Stephanie Callaghan, 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

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Minutes of the meeting of the Licensing Committee held on 1 February 2022 submitted for approval as a correct record. (Copy attached)

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### Item(s) for Decision

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

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Report dated 2 February 2022 by the Executive Director (Finance and Corporate Resources). (Copy attached)

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### Urgent Business

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### 4 Urgent Business

Any other items of business which the Chair decides are urgent.

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### Exclusion of Press and Public

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### 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."

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### Item(s) for Decision

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### 6 Civic Government (Scotland) Act 1982 (As Amended) - Application for a Private Hire Car Operator's Licence

- 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 Grant of Private Hire Car Driver's Licence

- 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 for Grant of Taxi 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 1 February 2022

### **Chair:**

Councillor David Shearer

### **Councillors Present:**

Councillor John Bradley, Councillor Andy Carmichael, Councillor Mary Donnelly, Councillor Grant Ferguson, Councillor Alistair Fulton, Councillor Geri Gray, Councillor Lynsey Hamilton, Councillor Mark Horsham, Councillor Martin Grant Hose, Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Eileen Logan, Councillor Julia Marrs (Depute), Councillor Catherine McClymont, Councillor Kenny McCreary, Councillor Colin McGavigan, Councillor Jim McGuigan, Councillor Davie McLachlan, Councillor Gladys Miller, Councillor Bert Thomson, Councillor Jim Wardhaugh

### **Councillors' Apologies:**

Councillor Poppy Corbett, Councillor George Greenshields, Councillor Mark McGeever, Councillor John Ross (ex officio)

### **Attending:**

#### **Finance and Corporate Resources**

C Lyon, Administration Officer; G Mays, Legal Services' Adviser; C McKee, Licensing and Registration Co-ordinator; L Wyllie, Administration Assistant

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### **1 Declaration of Interests**

No interests were declared.

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### **2 Minutes of Previous Meeting**

The minutes of the meeting of the Licensing Committee held on 7 December 2021 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 Minutes of Special Meetings**

The minutes of the special meetings of the Licensing Committee held on 13 December 2021 and 18 January 2022 were submitted for approval as a correct record.

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

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### **4 Urgent Business**

There were no items of urgent business.

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## **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.

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## **6 Civic Government (Scotland) Act 1982 (As Amended) - Application for Renewal of Private Hire Car Driver's Licence No 327**

A report dated 17 January 2022 by the Executive Director (Finance and Corporate Resources) was submitted on an application for the renewal of private hire car driver's licence No 327 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 K Manaf. Both were heard in support of his application. Comments had also been received from the applicant's GP.

Following discussion, Councillor McClymont, seconded by Councillor Marrs, moved that the application be granted subject to the applicant attending a medical assessment and, should there be any adverse comments following the medical assessment, the application be brought back to Committee for consideration. Councillor McCreary, seconded by Councillor McLachlan, moved as an amendment that the application be granted and immediately suspended to allow the applicant to attend a medical assessment and the suspension could be reconsidered once the outcome of the assessment was available.

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

### **Motion**

John Bradley, Andy Carmichael, Mary Donnelly, Grant Ferguson, Alistair Fulton, Geri Gray, Lynsey Hamilton, Mark Horsham, Martin Grant Hose, Richard Lockhart, Catherine McClymont, Colin McGavigan, Jim McGuigan, Julia Marrs, Gladys Miller, Jim Wardhaugh

### **Amendment**

Martin Lennon, Eileen Logan, Kenny McCreary, Davie McLachlan, David Shearer, Bert Thomson

16 members voted for the motion and 6 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 327 in the East Kilbride zone be granted subject to a medical assessment being carried out and, should there be any adverse comments, the application be brought back to Committee for further consideration.

*In terms of Standing Order No 13, the Chair adjourned the meeting at 11.20am and reconvened at 11.30am. Councillor Donnelly was not present when the meeting reconvened due to technical difficulties.*

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## **7 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Window Cleaner's Licence No 046**

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A report dated 6 January 2022 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 window cleaner's licence No 046, with effect from 6 January 2022
- ♦ proposing that consideration be given to whether window cleaner's licence No 046 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. A complaint had been received from Police Scotland.

### **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 window cleaner's licence No 046, with effect from 6 January 2022, for a maximum period of 6 weeks, be noted; and
- (2) that window cleaner's licence No 046 for all zones within South Lanarkshire be suspended with immediate effect for the remainder of the period of licence.

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## **8 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Taxi Driver's Licence No 149**

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A report dated 10 January 2022 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 taxi driver's licence No 149, with effect from 10 January 2022
- ♦ proposing that consideration be given to whether taxi driver's licence No 149 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 Brown was heard.

### **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 taxi driver's licence No 149, with effect from 10 January 2022, for a maximum period of 6 weeks, be noted; and
- (2) that taxi driver's licence No 149 for the Clydesdale zone be suspended with immediate effect for the remainder of the period of licence.





# Report

3

Report to:	<b>Licensing Committee</b>
Date of Meeting:	<b>22 February 2022</b>
Report by:	<b>Executive Director (Finance and Corporate Resources)</b>

Subject:	<b>Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Taxis – Review of Taxi Fares</b>
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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 Cambuslang and Rutherglen and Hamilton zones be commenced on the basis that there should be no increase in the current fares tariff and the tariff should remain unchanged;
- (2) that the review procedure for the Clydesdale zone be further progressed with an increase of 60 pence over a two mile hire and various other increases as detailed at Appendix 2; and
- (3) that the review procedure for the East Kilbride zone be further progressed with an increase of 40 pence over a two mile hire and various other increases as detailed at Appendix 3.

## 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. The application of this formula would indicate an increase of 3.86% for the year from December 2020 to November 2021 inclusive.

## 4. Present Position

- 4.1. All Cambuslang and Rutherglen operators were written to although only two operators responded. One operator indicated that he felt an increase was necessary having regard to increasing costs. He indicated that he would consult further with colleagues and provide detail as to the level of increase requested however no further information has been received. The other operator has requested an increase but has not indicated what that increase should be. No other responses were received. The fares tariff would therefore remain as per Appendix 1.

- 4.2. All Hamilton operators were written to although only five operators responded. One operator has requested an additional 20 pence be added to the running mile, one operator has requested an increase but has not indicated what that increase should be and the other 3 operators have indicated that no fares increase is requested. The fares tariff would therefore remain as per Appendix 1.
- 4.3. All Clydesdale operators were written to with a response being received from one operator who holds 42 of the current 86 taxi licences indicating that he would like an increase on various items on the fares tariff as detailed in Appendix 2. These items have not increased since at least 2007, with the exception of the initial charges which make up the cost of the two mile hire, which last increased in April 2020.
- 4.4. The East Kilbride taxi trade organisation has indicated that the trade would like an increase on various items on the fares tariff as detailed in Appendix 3. The majority of items have not changed since at least 2008, with the exception of the following, which were increased in January 2012:
- (i) Called but not used – increased from £2.50 to £2.80
  - (ii) A surcharge of 60 pence may be charged for each hire begun between the hours of 10.00pm and 5.00am – the following was added – A further surcharge of 20 pence may be charged for each hire begun between the hours of 10.00pm and 5.00am each Friday into Saturday and Saturday into Sunday.

The last increase in the initial charges which make up the cost of the two mile hire was in September 2018.

- 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 the application.

- 7.2. There are no apparent implications in terms of sustainability.

## **8. Other Implications**

- 8.1. If the fares review is not progressed the Council will be in breach of a statutory duty.

## **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)**

2 February 2022

**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 Wilson, Legal Services Manager

Ext: 4501 (Tel: 01698 454501)

E-mail: [margaretmary.wilson@southlanarkshire.gov.uk](mailto:margaretmary.wilson@southlanarkshire.gov.uk)

**Current Fares Tariffs**

<b>Cambuslang and Rutherglen Zone</b>
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)

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

**Current Fares Tariff showing proposals  
(Clydesdale Zone)**

**Exclusive Hire** means that a single fare is payable by any one passenger for the exclusive hire of a taxi or private hire car, whether or not more than one passenger is carried.

**HIRE of Taxi/Private Hire Car** (fitted with a taxi meter) –

Not exceeding **one mile** £3.30 (Propose £3.50)

For EACH additional **88 yards or any part thereof** 10 pence (Propose 12 pence)

(An average 2 mile hire of £5.30 (Propose £5.90)

**WAITING TIME** – 20 pence (Propose 30 pence) for each period of **one minute** or part thereof £12 per hour (Propose £18)

**SOILAGE CHARGE** - the hirer will pay a soilage charge of **£30** (Propose £50) if the vehicle is soiled due to sickness caused by alcohol or drugs, any take-away spillage or any other fouling of the vehicle. It shall not be charged if the vehicle is soiled either due to a child being sick or due to genuine illness.

**CALLED BUT NOT USED CHARGE** -when a taxi is called out but not used, **a charge not exceeding the fare which would have been payable** by the hirer in the event of the taxi being used, shall be payable.

**CALL OUT CHARGE** - for hirings where a taxi is called to hirer's home or other address a call out charge up to **a maximum of £5** (Propose £10) is payable. If such a call out charge is to be levied, the driver/operator must obtain the hirer's agreement in advance.

**SURCHARGES**

- (1) A surcharge of **1/3<sup>rd</sup> of the normal metered fare** may be charged for each hire begun between **midnight and 7am**.
- (2) A surcharge of **½ of the normal metered fare** may be charged for each hire on **25<sup>th</sup> December, 26<sup>th</sup> December, 1<sup>st</sup> January and 2nd January**.
- (3) A surcharge of **10 pence** (Propose 25 pence) may be charged **for each passenger beyond 2**.

We would also like to see that using the modern metres a hire that begins at 11:50pm should start off at the daytime rate and when the time passes 12 midnight the metre should automatically change over to the night-time rate (this would prevent drivers delaying pick up time until after 12 midnight) conversely a hire that begins before 7am the rate should take into account the night time rate and automatically change over to the daytime rate when 7am is reached.

**Current Fares Tariff showing proposals  
(East Kilbride Zone)**

**Exclusive Hire** means that a single fare is payable by any one passenger for the exclusive hire of a taxi or private hire car, whether or not more than one passenger is carried.

**HIRE of Taxi/Private Hire Car** (fitted with a taxi meter) –

**Current:** 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)

**Proposed:** Not exceeding 880 yards £3.20  
For the next FOURTEEN additional 189 yards or any part £0.20  
thereafter each additional 246 yards or any part £0.20  
(an average 2 mile hire of £6.00)

**BEYOND THE AREA OF EAST KILBRIDE ZONE** – may be subject to surcharge of 1/3<sup>rd</sup> of the normal metered fare.

**WAITING TIME** – 20 pence (**Propose 25 pence**) for each period of **60 seconds** or part thereof **£12 per hour** (**Propose £15 per hour**)

**STOPPAGE(S) AT THE REQUEST OF HIRER** – 20 pence for each period of **60 seconds** or part thereof (**£12 per hour**).

**FARES BY TIME** - subject to special agreement in advance with the hirer.

**NO FARE CHARGEABLE** - for the vacant return journey of a taxi/private hire car from destination of the hirer.

**SOILAGE CHARGE** - the hirer will pay a soilage charge of **£30** if the vehicle is soiled due to sickness caused by alcohol or drugs, any take-away spillage or any other fouling of the vehicle. It shall not be charged if the vehicle is soiled either due to a child being sick or due to genuine illness.

**CALLED BUT NOT USED** – when a hired car is called but not used - **£2.80**

**SURCHARGES**

- (1) a surcharge of **60 pence** (**Propose 80 pence**) may be charged for each hire begun between the hours of **10pm and 5am**. A further surcharge of **20 pence** (**Propose 40 pence**) may be charged for each hire begun between the hours of 10pm and 5am each Friday into Saturday and Saturday into Sunday.
- (2) a surcharge of **1/3<sup>rd</sup> of the normal metered fare** may be charged for each hire **from 6am on 24<sup>th</sup> December until 5am on 27<sup>th</sup> December and from 6am on 31<sup>st</sup> December until midnight on 2<sup>nd</sup> January**.
- (3) a surcharge, to be specially agreed in advance with the hirer, may be charged **for 5 or more passengers hiring a people carrier type car**.