

MINUTE
of
LICENSING COMMITTEE

Minute of virtual meeting held at 10.00am on 13 April 2021.

Present:

Councillor Angela Convery (Chair)
Councillor Charlie Gilbert

Councillor Stewart Miller
Councillor Paul O'Kane

Councillor Convery in the Chair

Attending:

Joe Abrami, Principal Solicitor; Brian Kilpatrick, Civic Government Enforcement Officer; Jennifer Graham, Committee Services Officer; John Burke, Committee Services Officer; and Liona Allison, Assistant Committee Services Officer.

Also Attending:

Chief Inspector Alan Gray and Sergeant David Gilmore, Police Scotland (Items 1604 to 1608); Michael McEwan and Savio D'Souza, East Renfrewshire Disability Action (ERDA); Brian Cherry, Eastwood Mearns Taxis (Item 1609 only).

Apology:

Councillor Betty Cunningham (Vice Chair)

DECLARATIONS OF INTEREST

1603. There were no declarations of interest intimated.

Resolution to Exclude Press and Public

At this point in the meeting, on the motion of the Chair, the committee unanimously resolved that in accordance with the provisions of Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the press and public be excluded from the meeting for Items 1604 to 1608 of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 6 and 14 of Part 1 of Schedule 7A to the Act.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR RENEWAL

1604. The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the renewal of a Private Hire Car Driver's Licence (Agenda Item 3 refers).

The licence holder was present together with his Solicitor Mr Philip Cohen.

Chief Inspector Gray and Sergeant Gilmore representing the Chief Constable, who had made a representation in respect of the application, were also present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the representation by the Chief Constable.

Mr Cohen explained that a trial date had been set for 2 November 2021 and proposed that the case be continued until after the court date.

Having heard Sergeant Gilmore confirm that the case was still live with a trial date set on 2 November 2021, the committee agreed to continue consideration of the application to a future meeting to allow a decision on the pending court action to be made.

TAXI DRIVER'S LICENCE – APPLICATION FOR RENEWAL

1605. The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the renewal of a Taxi Driver's Licence (Agenda Item 4 refers).

The licence holder was present.

Chief Inspector Gray and Sergeant Gilmore representing the Chief Constable, who had made an objection in respect of the application, were also present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the objection by the Chief Constable.

Having heard Sergeant Gilmore confirm that the case was still live with a trial date set on 13 May 2021, the committee agreed to continue consideration of the application to a future meeting to allow a decision on the pending court action to be made.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR RENEWAL

1606. The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the renewal of a Private Hire Car Driver's Licence (Agenda Item 5 refers).

The licence holder, having been invited to attend, was not present.

Chief Inspector Gray and Sergeant Gilmore representing the Chief Constable, who had made an objection in respect of the application, were present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the objection by the Chief Constable.

Sergeant Gilmore confirmed that the objection had been withdrawn as the case against the licence holder had been dismissed.

Noting that there was no longer a police objection, the committee agreed to grant the application subject to standard conditions.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

1607. The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 6 refers).

The applicant, having been invited to attend, was not present.

Chief Inspector Gray and Sergeant Gilmore representing the Chief Constable, who had made a representation in respect of the application, were also present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the representation by the Chief Constable and its relevance to the type of licence being applied for.

Prior to consideration of the application, the committee were asked whether they wished to accept the Chief Constable's request to consider the representation even though it was considered "out of time". Following discussion, the committee agreed to consider the item.

Having heard Sergeant Gilmore confirm that the case was still live with a trial date delayed to July 2021, the committee agreed to continue consideration of the application to a future meeting to allow a decision on the pending court action to be made.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR RENEWAL

1608. The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the renewal of a Private Hire Car Driver's Licence (Agenda Item 7 refers).

The licence holder, having been invited to attend, was not present.

Chief Inspector Gray and Sergeant Gilmore representing the Chief Constable, who had made an objection in respect of the application, were also present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the objection by the Chief Constable and its relevance to the type of licence being applied for.

Having heard Sergeant Gilmore confirm that the case was still live with no trial date set, the committee agreed to continue consideration of the application to a future meeting to allow a decision on the pending court action to be made.

The meeting was opened to the public.

PROPOSAL FOR AMENDMENT TO CURRENT WHEELCHAIR ACCESSIBLE VEHICLE POLICY AND OTHER POLICIES

1609. The committee considered a report by the Chief Officer – Legal and Procurement proposing an amendment to the current policy in force within East Renfrewshire regarding applications for vehicle operator’s licences in respect of Wheelchair Accessible Vehicles (WAVs); and make a temporary amendment to the inspection schedule applicable to older vehicles.

The report explained that a policy had been introduced in 2017 which required any vehicles associated with new vehicle operator’s licences, both public and private hire, to be wheelchair accessible (WAVs). It had been agreed that the policy would be reviewed after 3 years to determine its effectiveness, but this review has been delayed due to COVID-19. Further information was provided on the effect of COVID-19 restrictions on the Taxi and Private Hire Car trade, and it was proposed that the current restrictions be relaxed to reduce the financial burden on new applicants. It was further proposed that, in order to reduce the financial burden on current licensees due to COVID-19 restrictions, the age limits for private hire and taxi vehicles be temporarily increased.

The report further explained that, due to current capacity at the Council Depot based at Carnwadric Road, Thornliebank, the committee were asked to amend the requirement for inspection of licenced vehicles over 7 years old every 6 months.

In response to a question from Councillor O’Kane, it was confirmed that the WAV capacity in East Renfrewshire had increased from 4 vehicles at the introduction of the policy to 41 vehicles.

Mr D’Souza, ERDA, advised that he had only recently been made aware that a report proposing changes to the WAV Policy was being submitted to the Licensing Committee and they had not been consulted on the proposals being brought forward. He highlighted the need for an Equality Impact Assessment in relation to changes to Council policy and queried if this had been carried out properly. In response, Mr Abrami indicated that the impacts of the change of policy had been taken into account and it had been considered that there would be no adverse impact to the availability of WAV to disabled people in East Renfrewshire as a result. Mr Abrami also referred to the policy adopted by the Council under the 2010 Disability Act that companies should list the specific vehicles available to customers to allow disabled customers to select the most appropriate vehicle for their needs.

The committee also heard from Mr Cherry of Eastwood Mearns Taxis who stressed the importance of encouraging both new operators into the trade and operators who had left the trade to return. Mr Cherry offered to provide statistics recorded by his company on the availability and demand for WAV.

Following discussion, the committee agreed:-

- (a) to amend the current Council policy in respect of WAVs to remove the requirement for all new private hire operators’ licences to be wheelchair accessible, with a review of this amendment to be held in 1 year; and
- (b) to amend the current requirement for all licensed vehicles more than 7 years old be subject to full vehicle inspections at 6 monthly intervals to inspections at intervals of 1 year, with a review of this amendment to be held in 2 years.