

MINUTE
of
LICENSING COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 16 August 2016.

Present:

Councillor Tommy Reilly (Chair)
Councillor Betty Cunningham

Councillor Charlie Gilbert
Councillor Stewart Miller

Councillor Reilly in the Chair

Attending:

Jacqui McCusker, Senior Solicitor; Brian Kilpatrick, Licensing Enforcement Officer; and Ron Leitch, Committee Services Officer.

Apology:

Councillor Kenny Hay (Vice Chair).

Also Attending:

Inspector Alan Dickson, Sergeant Scott Brown, and Constable Jackie Petrie, Police Scotland.

DECLARATIONS OF INTEREST

2122. 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 2123 to 2125 below 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 GRANT

2123. The committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 3 refers). The applicant, having been invited to attend, was not present. Inspector Dickson, Sergeant Brown and Constable Petrie representing the Chief Constable who had made an objection in respect of the application, were present.

The committee agreed that consideration of the application be continued to the next meeting of the committee to allow the applicant to make a personal appearance. In the event that the applicant again failed to appear the committee would proceed to consider the application in his absence.

PRIVATE HIRE CAR DRIVER'S LICENCE – REQUEST FOR FURTHER SUSPENSION

2124. Under reference to the Minute of the meeting of 6 July 2016 (Page 1973, Item 2109 refers), when it had been decided to suspend the licence with immediate effect in terms of Paragraph 12(i) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds that the carrying on of the activity to which the licence related was likely to cause a serious threat to public safety, the committee considered a further report by the Chief Officer (Legal & Procurement) asking the committee to consider whether, in view of the information set out, the suspension should be confirmed or recalled (Agenda Item 4 refers). The licence holder was present. Inspector Dickson, Sergeant Brown and Constable Petrie, representing the Chief Constable, who had made the request for suspension, were also present.

Sergeant Brown was heard in respect of the request submitted by the Chief Constable for the further suspension of the licence in terms of Paragraph 11(1) of Schedule 1 of the Act and in response to questions from Members.

The licence holder was then heard in respect of the request and in answer to questions from Members following which the committee agreed to a short adjournment to consider the matter.

On reconvening, the committee, having taken account of the submission by the licence holder, and also having taken account of the request by the Chief Constable, agreed that the licence be suspended for the unexpired portion of the licence i.e. until 12 December 2016.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

2125. The committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 5 refers). The applicant was present. Inspector Dickson, Sergeant Brown and Constable Petrie, representing the Chief Constable who had made a representation in respect of the application, were also present.

The report explained that in terms of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003, applicants for Taxi and Private Hire Car Driver's Licences were required to disclose all previous convictions, both "spent" and "live". Details of the applicant's previous conviction were listed.

The report further explained that in determining the application it would be for the committee to decide what weight it wished to attach to the applicant's previous conviction, taking account of the period of time since the commission of the offence, its relevance to the type of licence being applied for, and also the representation by the Chief Constable.

Sergeant Brown was heard in respect of the representation submitted by the Chief Constable and in response to questions from Members.

The applicant was then heard in respect of the application and in response to questions from Members.

Following brief discussion and having taken account of the submission made by the applicant, his previous conviction, its seriousness and relevance to the licence being applied for, and also having taken account of the representation by the Chief Constable, the committee agreed that the licence be granted for a period of 1 year subject to standard terms and conditions.

The meeting was opened to the public at this point.

Variation in Order of Business

At this point in the meeting and in accordance with Standing Order 19, Councillor Reilly agreed to vary the order of business as printed on the agenda in order to facilitate the conduct of the meeting.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – SUSPENSION OF LICENCES

2126. The committee considered a report by the Chief Officer (Legal & Procurement) requesting that consideration be given to the delegation of authority to the Chief Officer (Legal & Procurement) and the Principal Solicitor to take decisions in terms of Paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982 in respect of the immediate suspension of licences.

The report explained that a request could be made by a representative of the licensing authority (the Council) or by the Chief Constable for the immediate suspension of a licence if it was considered that the carrying on of the activity to which a licence relates was causing, or was likely to cause, a serious threat to public order or public safety. Under these circumstances the Council may suspend the licence immediately for a period of to 6 weeks to allow a full hearing of the matter to be conducted by the Licensing Committee under Paragraph 11 of Schedule 1 of the Act. At present there was no delegation of authority to any officer of the Council to deal with a request for immediate suspension of a licence. Instead, arrangements had to be made to convene an urgent meeting of the Licensing Committee which, given the availability of Elected Members, particularly during busy holiday periods, could take some time during which time the perceived serious threat to public order or public safety would continue.

The report went on to propose that public safety could be better served by the delegation of authority to the Chief Officer (Legal & Procurement) and the Principal Solicitor to grant an immediate suspension pending a full hearing by the Licensing Committee. This hearing would take place within the required period of 6 weeks and the licence holder would be invited to attend to put forward his or her case.

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Following discussion, the committee agreed to delegate authority to the Chief Officer (Legal & Procurement) and the Principal Solicitor to take decisions in terms of Paragraph 12 of Schedule 1 of the Civic Government (Scotland) Act 1982 in respect of the immediate suspension of licences.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – AMENDMENTS TO EXISTING TAXI RANKS

2127. The committee considered a report by the Chief Officer (Legal & Procurement) requesting that consideration be given to a request from the Roads and Transportation Service regarding amendments to existing taxi ranks within East Renfrewshire.

The report explained the reasoning behind the proposed amendments and that all taxi licence holders had been advised and invited to comment on the proposals. Comments received as a result of this consultation were included in the report.

The committee agreed to:-

- (a) reduce the taxi rank at Gilmour Street, Eaglesham to two spaces;
- (b) remove the taxi rank at Merryvale Place, Giffnock;
- (c) remove the taxi rank within the Cochrane Street car park, Barrhead; and
- (d) approve in principle the establishment of a new taxi rank at or near the new Eastwood Health and Care Centre, Clarkston for two taxis to operate between 8.00am and 6.00pm, the exact location to be agreed following consultation between representatives of East Renfrewshire Health and Social Care Partnership and the Roads and Transportation Service.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – LOCAL CONDITIONS OF BOOKING OFFICE LICENCES

2128. The committee considered a report by the Chief Officer (Legal & Procurement) requesting that consideration be given to a change of policy on the local conditions attached to booking office licences.

Councillor Reilly welcomed representatives of East Renfrewshire Disability Action (ERDA) and the local taxi trade and invited them to contribute to the ensuing discussions regarding licensing conditions.

A detailed discussion followed, in the course of which a wide range of views were expressed particularly with regard to additional measures which could be taken with a view to increasing the availability of wheelchair accessible vehicles (WAVs) including the removal of the current limit on taxi licences. Representatives of the taxi trade expressed the view that there was no evidence at present of an oversupply of taxis given that of the current limit of 77 taxi licences, only 62 had been allocated. They went on to highlight the high cost of buying and running larger WAVs as opposed to a standard saloon car and the perceived lack of public ranks for taxis at major locations such as shopping centres and health centres. It was suggested that improving the number and locations of taxi ranks would help to increase the visibility of WAVs thereby leading to increased demand which in turn would increase the incentive to drivers to provide such vehicles. Representatives of ERDA explained that there was a greater demand for WAVs than most people imagined and that

people with disabilities who did not have access to personal transport often required WAVs in order to travel to and from work and otherwise to be able to participate more widely in society generally. However, it was acknowledged that some progress had been made lately and that some of the proposals currently under consideration may lead to even more progress being made.

Representatives of the taxi trade and ERDA agreed to work together to highlight the availability of WAVs on their respective websites and social media pages.

Thereafter, the committee agreed to:-

- (a) retain the current taxi operator licence limit;
- (b) delete existing condition 12 and replace it with the following:-
 - 12. “The licence holder may retain electronically the records referred to in conditions 8,9 and 15 in which case a printed version must be provided within 24 hours of the enquiry by either the Licensing Enforcement Officer, Police Scotland or an authorised officer of the Council. Where the records are not kept electronically there must be a printed version kept within the premises at all times”; and
- (c) add a new condition 24 as follows:-
 - 24. “If the holder of this licence or any connected person (being any partner in a partnership or director or secretary of a company) to the holder of this licence obtains an operator’s licence in terms of Section 10 of the Act, any new vehicle or replacement vehicle licenced to carry more than 4 passengers must be a wheelchair accessible vehicle. This condition shall apply whether or not the vehicle being operated is a taxi or a private hire vehicle.”

CHAIR

