

**MINUTE**  
**of**  
**LICENSING COMMITTEE**

**Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 19 April 2016.**

**Present:**

Councillor Tommy Reilly (Chair)  
Councillor Charlie Gilbert

Councillor Stewart Miller

Councillor Reilly in the Chair

**Attending:**

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

**Also Attending:**

Chief Inspector Angela Carty and Sergeant Scott Brown, Police Scotland.

**Apologies:**

Councillor Kenny Hay (Vice Chair); and Councillor Betty Cunningham.

**DECLARATIONS OF INTEREST**

**2002.** 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 2003 to 2005 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**

**2003.** The committee considered a report by the Chief Officer (Legal & Procurement) regarding the application (Agenda Item 3 refers). The applicant was present accompanied by

a companion and his solicitor, James Smith. Chief Inspector Carty and Sergeant Brown 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 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.

Chief Inspector Carty was heard in respect of the representation submitted by the Chief Constable and in response to questions from members.

The applicant's solicitor was then heard in respect of the application and in response to questions from members.

The committee, having taken account of the submission made on behalf of 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, agreed that the licence be granted for a period of 1 year subject to standard terms and conditions.

#### **PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT**

**2004.** The committee considered a report by the Chief Officer (Legal & Procurement) regarding the application (Agenda Item 4 refers). The applicant, having been invited, was not present. Chief Inspector Carty and Sergeant Brown representing the Chief Constable who had made an objection in respect of the application, were present.

Following brief discussion the committee agreed that consideration of the application be continued for a personal appearance. In the event that the applicant failed to appear on the rescheduled date the committee would consider the application in his absence.

#### **EAST RENFREWSHIRE LICENSED PRIVATE HIRE CAR DRIVER OPERATING OUTWITH COUNCIL BOUNDARIES**

**2005.** The committee considered a report by the Chief Officer (Legal & Procurement) regarding the operation of Private Hire Car Driver's and Operator's Licences in respect of the licence holder (Agenda Item 5 refers). The licence holder was present.

The report explained that the licence holder had been the subject of police reports submitted to the Procurator Fiscal in terms of contraventions of section 21(1) and section 7(1) of the Civic Government (Scotland) Act 1982, and had been issued with a warning letter for regularly operating outwith East Renfrewshire Council's boundaries.

The Civic Government Enforcement Officer was heard in respect of the report and in response to questions from members.

The licence holder was then heard in respect of the report and in response to questions from members.

Following extensive discussion the committee agreed that an additional condition should be attached to the licence holder's Private Hire Car Operator's licence requiring that the vehicle must display external notices informing potential customers that the vehicle can only accept pre-booked hires and that anyone using the vehicle outwith this condition may not be covered by insurance in the event of an accident.

## **WHEELCHAIR ACCESSIBLE VEHICLES AND TAXI LICENCE LIMITS**

**2006.** Under reference to the Minute of the meeting of 3 March 2015 (Page1361, Item 1443 refers) when it had been agreed that the taxi trade be afforded the opportunity to voluntarily increase the number of taxi and private hire wheelchair accessible vehicles (WAVs) in the first instance, amongst other things, the committee considered a report by the Chief Officer (Legal & Procurement) updating them the results of the trial voluntary approach to the provision of WAVs and to consider a change of policy on the grant of taxi vehicle licences in East Renfrewshire and associated changes.

The report outlined that a reduction of licence fees for WAVs had been introduced during the trial period to encourage taxi licence holders to voluntarily licence WAVs in East Renfrewshire. It was anticipated that 10% of all taxis would be WAVs by the end of the trial period but this target had not been met as the current level was 1.7% for taxis. Complaints continued to be received regarding the lack of WAVs in the area during the trial period and it was recognised that the voluntary approach had not achieved the desired effect of increasing the number of WAVs operating within East Renfrewshire.

Councillor Reilly welcomed Steven Mackrell representing the taxi trade and invited him to contribute to the ensuing discussion.

Following extensive discussion, in the course of which a number of matters were clarified including, amongst others, the considerable additional cost of providing and maintaining a WAV; the impact of the previous decision of the committee to waive the licence fee for the introduction of a new WAV or the replacement of an existing vehicle with a WAV; and the perceived low demand for WAVs by customers, the committee agreed to:-

- (a) continue the current policy of making no charge in respect of applications for a WAV or for the replacement of an existing vehicle with a WAV;
- (b) increase the age limits for WAVs to 12 years with an entry level increase to 7 years; and
- (c) review the impact of these measures in 12 months' time.

CHAIR

