

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

**Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 23 June 2015.**

**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 Licencing Enforcement Officer; and Ron Leitch, Committee Services Officer.

**Also Attending:**

Chief Inspector Angela Carty and Constable Elizabeth Reid, Police Scotland (Items 1598 – 1601 only).

**Apologies:**

Councillors Kenny Hay (Vice Chair) and Betty Cunningham.

**DECLARATIONS OF INTEREST**

**1597.** No expressions of interest were 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 1598 to 1603 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.

### **Variation in Order of Business**

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.

### **APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE**

**1598.** 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 was present accompanied by his solicitor, Mr McKinnon. Chief Inspector Carty and Constable Reid, representing the Chief Constable who had made an objection 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 convictions 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 convictions, taking account of the period of time since the commission of the offences, their relevance to the type of licence being applied for, and also the objection by the Chief Constable.

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

The applicant's solicitor was heard in respect of the application and in response 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 made by the applicant's solicitor, the applicant's previous convictions, their seriousness and relevance to the licence being applied for, and also having taken account of the objection by the Chief Constable, agreed that the licence be refused on the grounds that the applicant was not considered to be a fit and proper person by virtue of his previous convictions.

### **APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE**

**1599.** Under reference to the Minute of the Meeting of 2 April 2015 (Page 1427, Item 1504 refers) when it had been agreed that consideration of an application for the grant of a Private Hire Car Driver's Licence be deferred to allow the applicant to make a personal appearance, the committee considered a report by the Chief Officer (Legal & Procurement) regarding the application (Agenda Item 4 refers). The applicant, having been again invited to attend, was not present. The committee then proceeded to consider the application in his absence. Chief Inspector Carty and Constable Reid, representing the Chief Constable who had made a representation in respect of the application, were 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". The applicant had not declared any convictions or previous road traffic offences on his application.

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

The committee, having taken account of the representation by the Chief Constable, agreed that the licence be refused on the grounds that the applicant was not considered to be a fit and proper person to be the holder of such a licence.

#### **APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE**

**1600.** 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. Chief Inspector Carty and Constable Reid, 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". The applicant had not declared any convictions or previous road traffic offences on his application. However, the letter of representation from the Chief Constable detailed 2 previous convictions and 2 pending cases.

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

The applicant was heard in respect of the application and in response to questions from Members, following which the committee, having taken account of the submission made by the applicant, his previous convictions, their 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.

#### **APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE**

**1601.** 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 6 refers). The applicant was present accompanied by his wife. Chief Inspector Carty and Constable Reid, 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 convictions 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 convictions, taking account of the period of time since the commission of the offences, their 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 was heard in respect of the application and in response to questions from Members, following which the committee, having taken account of the submission made by the applicant, his previous convictions, their 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.

**APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE – REQUEST FOR EXTENSION TO DRIVING STANDARDS AGENCY ASSESSMENT**

**1602.** Under reference to the Minute of the Meeting of 4 December 2014 (Page 1254, Item 1320 refers) when it had been agreed that a Private Hire Car Driver's License be granted subject to standard terms and conditions and with the further additional condition that the applicant should undergo and complete, at his own cost, the Driving Standards Agency (DSA) Assessment test for taxi and private hire car drivers and submit the pass certificate to the Council within six months of the committee hearing (i.e. prior to 3 June 2015), the committee considered a report by the Chief Officer (Legal & Procurement) regarding a request from the applicant for an extension to the time in which the DSA Assessment must be completed (Agenda Item 7 refers).

The committee agreed:-

- (a) to approve an extension of 3 months for the applicant to complete the DSA Assessment and submit the pass certificate to the Council (i.e. on or before 23 September 2015); and
- (b) that the applicant be advised that failure to submit the pass certificate to the Council by this date would result in the immediate suspension of the licence.

**APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE – REQUEST FOR EXTENSION TO DRIVING STANDARDS AGENCY ASSESSMENT**

**1603.** Under reference to the Minute of the Meeting of 2 April 2015 (Page 1421, Item 1502 refers) when it had been agreed that a Private Hire Car Driver's License be renewed subject to standard terms and conditions and with the further additional condition that the applicant should undergo and complete, at his own cost, the Driving Standards Agency (DSA) Assessment test for taxi and private hire car drivers and submit the pass certificate to the Council within three months of the committee hearing (i.e. prior to 2 July 2015), the committee considered a report by the Chief Officer (Legal & Procurement) regarding a request from the applicant for an extension to the time in which the DSA Assessment must be completed (Agenda Item 11 refers).

The committee agreed:-

- (a) to approve an extension of 3 months for the applicant to complete the DSA Assessment and submit the pass certificate to the Council (i.e. on or before 23 September 2015); and
- (b) that the applicant be advised that failure to submit the pass certificate to the Council by this date would result in the immediate suspension of the licence.

**The meeting was opened to the public at this point.**

### **CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – TAXI FARES REVIEW**

**1604.** The committee considered a report by the Chief Officer (Legal & Procurement) regarding a review of taxi fares.

Councillor Reilly welcomed Jim Kyle and Graham Mair of East Renfrewshire Taxi Owners Association (ERTOAs) as representatives of the taxi trade and invited them to contribute to the discussion.

The report explained that before fixing fares or other charges made in connection with the hire of a taxi or with the arrangements for its hire, the licensing authority must review the scales, as part of which process it must consult with persons or organisations representative of taxis operating within its area. Legal Services had written to every holder of a taxi licence within East Renfrewshire and several replies had been received, the majority requesting a fare increase but two requesting no change.

The last increase in taxi fares in East Renfrewshire was in 2013. Since that review the Council had changed its policy regarding the age of vehicles and testing which had the potential to increase costs for taxi owners. Taking this, the comments of licence holders, and the existing below national average fares charged within East Renfrewshire into account, it was proposed that consideration be given to increasing tariffs by approximately 15 per cent. Details of the existing and proposed tariffs were appended to the report.

The report also requested consideration of a number of amendments to the tariffs to allow CE (Conformite Europeenne) approved GPS fare calculators as an alternative to traditional meters for taxis and private hire car vehicles; amending the tariff to allow “people carrier” type vehicles to use up to 6 tariffs instead of the usual 3 to calculate the additional 50% fare increase when transporting more than 4 passengers in any one journey; and allowing such amendments to be made to licence conditions to deal with the above amendments as the Chief Officer (Legal & Procurement) or the Principal Solicitor deems necessary.

Following discussion, the committee agreed to:-

- (a) approve the tariffs for the hire of taxis in East Renfrewshire and all other charges in connection with the hire of a taxi or with the arrangements for its hire as detailed in Appendix 2 to the report (as amended);
- (b) authorise the Chief Officer (Legal & Procurement) to undertake the required public notification in respect of the proposed changes;
- (c) authorise the Chief Officer (Legal & Procurement) to prepare a further report on any such representations received by the Council for the consideration of the Licensing Committee or, in the absence of any such representations, to fix the scales and give further notice in accordance with the Act with delegation to set out, and explain the effect of, the scales as fixed and to set the date on which the scales as fixed are to come into effect; and
- (d) authorise the Chief Officer (Legal & Procurement) to make amendments in respect of any other changes.

### **CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – WORK VISAS**

**1605.** The committee considered a report by the Chief Officer (Legal & Procurement) requesting confirmation of the policy in connection with the grant of civic government licences for non EU citizens with time limited work permissions and requesting the delegation of authority to the Chief Officer (Legal & Procurement) and Principal Solicitor, in conjunction with the relevant authority, to implement the policy and/or grant new licences and renew existing licences for less than the standard 12 month period.

The report outlined the options available.

Following brief discussion, the committee agreed that in the event that the Council is advised by the UK Borders Agency that an applicant has a limited period in which to remain and work within the UK and that period is less than the standard 12 month period for the issue of a new licence, then, provided all other processing is acceptable, the licence be granted up to the date of expiry of the work visa as a reduced period, leaving the applicant to renew the licence at the end of that period in the usual manner. At renewal, further evidence of the applicant's ability to live and work in the UK would require to be provided.

### **CALENDAR OF MEETINGS – AUGUST TO DECEMBER 2015**

**1606.** The committee considered a report by the Deputy Chief Executive submitting a list of meeting dates for the period August to December 2015.

Following brief discussion, the committee agreed:-

- (a) to note the meeting dates for the period August to December 2015; and
- (b) that meetings should be held at 2.00pm on those dates.

CHAIR