

MINUTE
of
LICENSING COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 19 March 2019.

Present:

Councillor Angela Convery (Chair)	Councillor Alan Lafferty
Councillor Charlie Gilbert	Councillor Stewart Miller

Councillor Convery in the Chair

Attending:

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

Apology:

Councillor Betty Cunningham (Vice-Chair).

DECLARATIONS OF INTEREST

836. There were no declarations of interest intimated.

STREET TRADER'S LICENCE – APPLICATION FOR GRANT

837. The committee considered a report by the Chief Officer - Legal and Procurement regarding an application for the grant of a Street Trader's Licence from Mr James Kerrigan to operate a fast food van on Muriel Street, Barrhead (Agenda Item 3 refers).

In accordance with the Regulations the application had been advertised and 7 letters of objection had been received. Mr Kerrigan was present. Four objectors, all objectors having been invited to the meeting, were also present.

The objectors, Mr Burrell, Mr Muir, Ms Muir and Ms Thomson were heard in support of their objections which related to concerns about road safety in an already congested area; parking; access for articulated lorries; food smells; and litter problems. They were also heard in answer to questions from the committee and Mr Kerrigan.

Mr Kerrigan was heard regarding the application and in answer to the concerns raised by the objectors. He was also heard in answer to questions from the committee and objectors in the course of which he advised that he would be willing to alter the location of the hot food

van on Muriel Street to accommodate some of the concerns raised. He also advised that he would ensure bins were in place outside the van and would clear any litter on vacating the area.

The committee agreed to a short adjournment to consider the matter.

On reconvening, the committee agreed that the application for a Street Trader's Licence be granted for a period of one year at Muriel Street, Barrhead, subject to all necessary permits and permissions being obtained by the applicant.

PAYMENTS AND ADDITIONAL CHARGES – PRIVATE HIRE CAR AND TAXI LICENCE CONDITIONS AMENDMENT

838. The committee considered a report by the Chief Officer - Legal and Procurement seeking views on whether to take any further action in respect of a complaint made against a private hire driver and to consider the introduction of amendments to licence conditions to address unacceptable practices by operators/drivers in relation to payment.

The report referred to an incident which had occurred in August 2018 and a subsequent complaint to the Council regarding a Private Hire Car Driver. Further details of the alleged incident were provided including an allegation that a passenger had vomited in the private hire car and soiled the seat, and that the driver had subsequently prevented one of the passengers from exiting the car until an appropriate payment for cleaning the vehicle had been made.

Following an investigation into the incident by the Civic Government Enforcement Officer, the driver had received a stern warning about his behaviour, and it was for the committee to decide if they wished the driver to appear before them to explain his actions. The parents of one of the passengers had also requested that East Renfrewshire Council introduce a policy with regard to the demand by taxi and private hire drivers for soiling charges and payments in general.

The committee was requested to consider the introduction of a further condition to the private hire and taxi driver/operator conditions as follows:-

“Taxi and private hire operators (drivers) must not request payment of a soiling charge unless that payment has been discussed with and accepted by the passenger(s) prior to commencement of the journey. In the event that soiling subsequently occurs, payment may be requested but, if the passenger(s) is/are unable to make payment, then arrangements must be made for payment to be collected at a later date by arrangement with the passenger(s). Under no circumstances are drivers allowed to prevent passengers leaving the vehicle even if payment has not occurred. Drivers must not attempt to forcibly drive passengers to an ATM or any other location without the prior agreement of the passenger(s). This procedure must also be followed if a fare or any other charge is unable to be paid.”

The Senior Solicitor advised the committee that the parents of the passenger involved in the incident were present in the public gallery. Following discussion, the committee agreed that they be invited to comment on the report.

Having heard briefly from the parents, the committee agreed to a short adjournment to consider the matter.

On reconvening, the committee agreed that the report be continued to allow further investigation of the complaint to be made.

CHAIR

