

MINUTE
of
LICENSING COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 18 April 2017.

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 (Items 2475 to 2480 only); Kofi Tordzro, Equalities Manager; Michael McEwan and Mark Chisholm, East Renfrewshire Disability Action (ERDA); and Jim Kyle and Steven Mackrell, Taxi trade representatives (Item 2481 only).

DECLARATIONS OF INTEREST

2474. 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 2475 to 2480 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

2475. Under reference to the Minute of the Meeting of 14 March 2017 (Page 2255, Item 2415 refers) when it had been agreed to defer consideration of an application for the grant of a Private Hire Car Driver's licence to enable the applicant to make a personal appearance,

the committee considered a report by the Chief Officer (Legal & Procurement) regarding the application (Agenda Item 3 refers). The applicant, having again been invited to attend, was not present. Chief Inspector Carty and Sergeant Brown, representing the Chief Constable who had made a representation in respect of the application, were present. The committee proceeded to determine the application in the absence of the applicant.

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 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.

Sergeant Brown 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 applicant's 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 application be refused on the grounds that the applicant was not a fit and proper person to be the holder of such a licence by virtue of his previous convictions.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

2476. 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 4 refers). The applicant was present. 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 previous 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 conviction, 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.

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 convictions, their 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.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

2477. 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 Sergeant Brown, 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 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 objection by the Chief Constable.

Sergeant Brown was heard in respect of the objection 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 objection by the Chief Constable, the committee agreed that the application be refused on the grounds that the applicant was not a fit and proper person to be the holder of such a licence by virtue of his previous conviction.

TAXI OPERATOR'S LICENCE – APPLICATION FOR GRANT

2478. The committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for the grant of a Taxi Operator's Licence (Agenda Item 6 refers). The applicant was not present and was represented by his father-in-law. 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 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.

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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.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR RENEWAL

2479. 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 7 refers). The applicant was present. 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 previous 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.

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 convictions, their 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 renewed for a period of 1 year subject to standard terms and conditions.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR RENEWAL

2480. 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 8 refers). The applicant was present. 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 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 convictions, their 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 renewed for a period of 1 year subject to standard terms and conditions.

The meeting was opened to the public at this point.

WHEELCHAIR ACCESSIBLE VEHICLES AND TAXI LICENCE LIMIT

2481. Under reference to the Minute of the meeting of 22 November 2016 (Page 2119, Item 2281 refers) when the committee had deferred consideration of a report by the Chief Officer (Legal & Procurement), the committee considered a report in relation to a proposed change of policy on the grant of taxi and private hire vehicle licences in East Renfrewshire and associated changes.

The report explained that this was an update on previous reports to the committee between 2013 and 2016. It went on to explain that the Council continued to receive complaints regarding the number of wheelchair accessible vehicles (WAVs) in East Renfrewshire. Complaints had been received from members of the public, MPs and East Renfrewshire Disability Action (ERDA). In addition, the Council had featured in a recent STV news bulletin highlighting it as one of the worst in Scotland for the provision of WAVs.

At the meeting of the committee on 22 November 2016, officers had been instructed to hold a public meeting for the purpose of further consultation. This meeting had been widely advertised and attended mostly by existing licence holders and representatives of ERDA. Discussion had been wide-ranging and useful. In summary, wheelchair users remained concerned at the lack of WAVs in East Renfrewshire and that the Council was not meeting its commitment to improve the situation. Taxi and private hire operators remained concerned about increased costs and a perceived lack of need for this type of vehicle.

Councillor Reilly welcomed representatives of ERDA and the local taxi trade and invited their comments on the report. A full and wide-ranging discussion followed in the course of which a range of views were expressed. These included, amongst others, the possible use of some

of the funding allocated in the Council's 2017/18 budget proposals to increasing the number of WAVs to the provision of an education programme aimed at equipping drivers with a broader understanding of the needs of disabled people and also providing them with the skills necessary to enable them to tender for Council contracts within the education and social work sectors. This would help to encourage the provision of more WAVs and ensure that those available were put to best use to the benefit of both the operator and residents.

The taxi trade representatives expressed the view that more support for drivers and operators was required including better communication and access to officers to discuss matters of concern to either side and to more closely police the trade to counter the perception that unlicensed drivers and un-roadworthy vehicles were operating in the area.

Following these discussions and having heard Councillor Reilly sum up the views expressed, the committee agreed that:-

- (a) all new taxi and private hire operator's licences be restricted to WAVs only until 20% of total numbers of all taxi and private hire vehicles are wheelchair accessible. At that point, licences would be opened up again to any type of authorised vehicle. This would not affect any existing licence holders who could keep their existing vehicle types for the duration of the licence, this change to be implemented immediately;
- (b) all MPVs (people carriers), whether taxis or private hires, should be WAVs only. This requirement would be restricted to new taxis and private hire vehicles for a limited period of 3 years but those licences granted during this period would require to remain wheelchair accessible for the life of the licence, thus retaining a certain proportion of WAVs, this change to be implemented immediately; and
- (c) consideration be given to the use of some of the funding allocated in the Council's 2017/18 budget proposals to increasing the number WAVs to the provision of an education programme aimed at equipping drivers with a broader understanding of the needs of disabled people and also providing them with the skills necessary to enable them to tender for Council contracts within the education and social work sectors.

CHAIR