

MINUTE
of
LICENSING COMMITTEE

Minute of virtual meeting held at 10.00am on 16 March 2021.

Present:

Councillor Angela Convery (Chair)	Councillor Charlie Gilbert
Councillor Betty Cunningham (Vice Chair)	Councillor Stewart Miller

Councillor Convery in the Chair

Attending:

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

Also Attending:

Chief Inspector Alan Gray and Sergeant David Gilmore, Police Scotland (Items 1585 to 1588); Michael McEwan and Savio D'Souza, East Renfrewshire Disability Action (ERDA) (Item 1589 only).

Apology:

Councillor Paul O'Kane.

DECLARATIONS OF INTEREST

1584. 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 1585 to 1588 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

1585. The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 3 refers).

The applicant was present.

Chief Inspector Gray and Sergeant Gilmore representing the Chief Constable, who had made an objection in respect of the application, were also present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the objection by the Chief Constable.

Having heard Sergeant Gilmore confirm that the case was still live but no trial date had been set, the committee agreed to defer consideration of the application to a future meeting to allow a decision on the pending court action to be made.

PRIVATE HIRE CAR DRIVER'S LICENCE – REQUEST FOR SUSPENSION

1586. The committee considered a report by the Chief Officer – Legal and Procurement in relation to a request for the suspension of a Private Hire Car Driver's Licence on the grounds that the licence holder was no longer a fit and proper person to be the holder of such a licence in terms of Paragraph 11(2)(a) of Schedule 1 of the Act by virtue of the circumstances outlined in the letter from the Chief Constable (Agenda Item 4 refers).

The licence holder, having been invited to attend, was not present.

Chief Inspector Gray and Sergeant Gilmore representing the Chief Constable, who had requested the suspension, were present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the request for suspension by the Chief Constable.

Sergeant Gilmore confirmed that the case was still live but no trial date had been set.

Following discussion the committee agreed not to suspend the licence in terms of Paragraph 12(1) of Schedule 1 of the Civic Government (Scotland) Act 1982.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

1587. The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the grant of a Private Hire Car Driver's Licence (Agenda Item 5 refers).

The applicant, having been invited to attend, was not present.

Chief Inspector Gray and Sergeant Gilmore representing the Chief Constable, who had made an objection in respect of the application, were present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the objection by the Chief Constable.

Having heard Sergeant Gilmore confirm that the case was still live but no trial date had been set, the committee agreed to defer consideration of the application to a future meeting to allow a decision on the pending court action to be made.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR RENEWAL

1588. The committee considered a report by the Chief Officer – Legal and Procurement in relation to an application for the renewal of a Private Hire Car Driver's Licence (Agenda Item 6 refers).

The licence holder was present.

Chief Inspector Gray and Sergeant Gilmore representing the Chief Constable, who had made an objection in respect of the application, were also present.

The report explained that in determining the application it would be for the committee to decide what weight it wished to attach to the objection by the Chief Constable and its relevance to the type of licence being applied for.

Sergeant Gilmore advised that the case was still live but no trial date had been set.

Thereafter the licence holder reported that he had attended Court on 11 March 2021 and was advised that the case would not be pursued. He was awaiting confirmation of this decision from the Court.

The committee agreed to defer consideration of the application to the next meeting to allow confirmation of the Court decision to be provided.

Sederunt – Councillor Cunningham left the meeting at this point.

The meeting was opened to the public.

PROPOSAL FOR AMENDMENT TO CURRENT WHEELCHAIR ACCESSIBLE VEHICLE POLICY AND OTHER POLICIES

1589. The committee considered a report by the Chief Officer – Legal and Procurement proposing an amendment to the current policy in force within East Renfrewshire regarding applications for vehicle operator's licences in respect of Wheelchair Accessible Vehicles (WAVs); seeking a temporary amendment to the age limits of vehicles due to COVID-19; and proposing the introduction of a knowledge test for Private Hire drivers.

The report explained that a policy had been introduced in 2017 which required any vehicles associated with new vehicle operator's licences, both public and private hire, to be wheelchair accessible (WAVs). It had been agreed that the policy would be reviewed after 3 years to determine its effectiveness, but this review has been delayed due to COVID-19. Further information was provided on the effect of COVID-19 restrictions on the Taxi and Private Hire Car trade, and it was proposed that the current restrictions be relaxed to reduce the financial burden on new applicants. It was further proposed that, in order to reduce the financial burden on current licensees due to COVID-19 restrictions, the age limits for private hire and taxi vehicles be temporarily increased.

The report further explained that the Civic Government (Scotland) Act, 1982 had recently been amended to allow the introduction of knowledge tests for private hire drivers and the committee had been asked to consider whether or not to introduce this test in East Renfrewshire.

Mr McEwan, ERDA, advised that he had only recently been made aware that a report proposing changes to the WAV Policy was being submitted to the Licensing Committee and asked the committee to postpone consideration of this matter to allow members of ERDA to be consulted on the proposal.

The committee had a brief adjournment to consider this request.

Thereafter, on reconvening, in answer to questions the Civic Government Enforcement Officer provided further information on the proposal to temporarily increase the age limit of private hire car and taxi vehicles, and on the introduction of a knowledge test for private hire car drivers.

Following discussion, the committee agreed:-

- (a) to continue consideration of a request to amend the Wheelchair Accessible Vehicle (WAV) Policy to a future meeting to allow interested community groups and the taxi/private hire trade to consult with members/colleagues;
- (b) to temporarily increase the current age limits for private hire and taxi vehicles by 2 years, for a period of 2 years; and
- (c) to introduce from 1 April 2021, the requirement for all new private hire car driver applicants, and those private hire car drivers having held a private hire driver's licence for less than 3 years (as of that date) on renewal, to sit and pass a practical and/or theory knowledge test.

CHAIR