

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

**Minute of Meeting held at 10.00am in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 6 June 2014.**

**Present:**

Councillor Tommy Reilly (Chair),	Councillor Charlie Gilbert
Councillors Kenny Hay (Vice Chair)	Councillor Stewart Miller

Councillor Reilly in the Chair

**Attending:**

Jacqui McCusker, Senior Solicitor; Brian Kilpatrick, Civic Licensing Enforcement Officer (Items 1096 and 1097 only); and Ron Leitch, Committee Services Officer.

**Also Attending:**

Constables Ewan Baillie and Alan Cook, Police Scotland.

**Apologies:**

Councillor Betty Cunningham.

**DECLARATIONS OF INTEREST**

**1089.** 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 1090 to 1095 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.

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

**1090.** 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 a companion. Constables Baillie and Cook, 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 into account 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.

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

The applicant and his companion were 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 objection made by the Chief Constable, agreed that the application 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 PRIVATE HIRE CAR DRIVER'S LICENCE**

**1091.** The committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for the renewal of a Private Hire Car Driver's Licence (Agenda Item 4 refers). The applicant was present. Constables Baillie and Cook, 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 into account 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.

Constable Baillie 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 made by the Chief Constable, agreed that a licence be granted for a period of 3 years subject to standard terms and conditions and also subject to the following additional condition:-

*The holder of this private hire car driver's licence shall undergo and complete, at his own cost, the Driving Standards Agency 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 6 December 2014).*

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

**1092.** 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. Constables Baillie and Cook, 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 into account the period of time since the commission of the offence, its seriousness and relevance to the type of licence being applied for, and also the representation by the Chief Constable.

Constable Baillie 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 agreed to a short adjournment to consider the matter.

On reconvening 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 made by the Chief Constable, agreed that the licence be granted for a period of 1 year subject to standard conditions.

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

**1093.** 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. Constables Baillie and Cook, 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 convictions, taking into account the period of time since the commission of the offences, their seriousness and relevance to the type of licence being applied for, and also the representation by the Chief Constable.

Constable Baillie 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 made 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 PRIVATE HIRE CAR DRIVER'S LICENCE**

**1094.** The committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for the renewal of a Private Hire Car Driver's Licence (Agenda Item 7 refers). The applicant was present accompanied by a companion. Constables Baillie and Cook, 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 into account 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.

Constable Baillie 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 made by the Chief Constable, agreed that the licence be granted for a period of 1 year subject to standard terms and conditions and also subject to the following additional condition:-

*The holder of this private hire car driver's licence shall undergo and complete, at his own cost, the Driving Standards Agency 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 6 December 2014).*

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

**1095.** 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, having been invited to attend, was not present. Constables Baillie and Cook, representing the Chief Constable who had made an objection in respect of the application, were present.

Having heard the Senior Solicitor advise that the letter inviting the applicant to attend the meeting had been returned to the Council by Royal Mail as undelivered on 2 separate occasions, the committee agreed to continue consideration of the application to the next meeting to allow the applicant to attend or be represented. In the event that the applicant again failed to appear or be represented the committee undertook to consider the application in his absence.

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

## **WHEELCHAIR ACCESSIBLE VEHICLES**

**1096.** The committee considered a report by the Chief Officer (Legal & Procurement) requesting that consideration be given to a change of policy on the grant of taxi vehicle licences in East Renfrewshire.

The report explained that in East Renfrewshire the number of taxi licences was currently limited to 77 of which 2 were wheelchair accessible vehicles, and that the number of wheelchair accessible vehicles had not increased significantly over recent years. The Licensing Section had carried out a survey of the public and a separate survey of licence holders which indicated that the public was strongly in favour of more wheelchair accessible vehicles and vehicles suitable for people with other disabilities whilst the trade was opposed to a 100% wheelchair accessible fleet.

The report went on to explain that in terms of equality legislation the Council had a duty to avoid discrimination against and promote access to people with disabilities in its policies. The impact of increasing wheelchair accessibility would be to improve access to wheelchair users although the report recognised that wheelchair users were only one sub-group of people with disabilities therefore vehicles which were suited to those with other disabilities should also be considered.

Following brief discussion, in the course of which it was reported that there was no documented evidence to indicate an unmet demand for wheelchair accessible taxis within East Renfrewshire at present, the committee agreed that consideration of the report should be deferred to a future meeting in order to allow further enquiries to be made with a view to informing a decision on this matter.

## **TAXI AND PRIVATE HIRE VEHICLES – AGE LIMITS ETC**

**1097.** The committee considered a report by the Chief Officer (Legal & Procurement) requesting that consideration be given to the introduction of age limits etc for taxis and private hire cars licensed by the Council in terms of the Civic Government (Scotland) Act 1982.

The report explained that at present the Council had no age limit either for the introduction of a newly licensed vehicle or for a vehicle already in service. The only relevant criterion applied by the Council was that the vehicle must remain capable of passing an annual inspection. The Licensing Section had carried out a survey of the public and a separate survey of licence holders in 2012 which indicated that the public was in favour of newer vehicles whereas the trade preferred no age limits or if a age limit were introduced for the limit not to be overly restrictive.

The report went on to explain that newer vehicles were capable of coping with continuous use and high mileages but that older vehicles may require more than one annual inspection to ensure that standards were maintained.

Following prolonged discussion the committee agreed that:-

- (a) the maximum age for new licensed vehicles be set at 5 years;
- (b) the maximum age for any taxi or licensed private hire car be set at 10 years; and
- (c) subject to the outcome of negotiations with the Transport Manager, vehicles between 7 and 10 years old be required to undergo an intermediate inspection in addition to the current annual inspection.

#### **PUBLIC ENTERTAINMENT LICENCES - ONE OFF EXEMPTIONS TO THE REQUIREMENT TO PAY ASSOCIATED FEE**

**1098.** The committee considered a report by the Chief Officer (Legal & Procurement) seeking approval of the proposal not to charge selected local community groups for public entertainment licenses for community events which they had been asked to organise and host on 16 July 2014 to mark East Renfrewshire Council receiving the Queen's Baton relay prior to the commencement of the Glasgow 2014 Commonwealth Games.

The report explained that it was not proposed to change the current licensing system as community events should still be required to obtain a licence. However, in recognition of the financial outlay involved which might jeopardise the holding of an event, it was proposed that the associated fee be waived for events planned in connection with the Queen's Baton Relay on 16 July only.

Following brief discussion the committee agreed to approve the proposal that community events held in conjunction with the Commonwealth Games Queen's Baton Relay on 16 July in respect of which a public entertainment licence was required would not be required to pay the appropriate fee.

#### **PUBLIC PROCESSIONS**

**1099.** The committee considered a report by the Chief Officer (Legal & Procurement) requesting that consideration be given to a change of policy in relation to public processions within East Renfrewshire.

The report outlined the legislative background to the current policy and the four considerations which the Council must take into account when considering a notification

from a procession organiser and whether it was necessary to prohibit or impose conditions on a public procession. It went on to explain that the Council was also required to consider whether the risks arising from holding a procession would place too much of a burden on the police in terms of staffing and other non-financial commitments.

Furthermore it was explained that the Council's current Policy and Code of Conduct recognised the need to achieve a balance the legitimate desire of people to protest, to celebrate their history and cultural tradition or to raise awareness of issues they regarded as important, and the legitimate right of non-participants to go about their daily lives with minimal disruption and inconvenience.

Having heard the Senior Solicitor advise that the Licensing Section had considered previous objections from local community groups together with the views of Police Scotland, the committee agreed to change the present policy in relation to public processions to the effect that no return marches would be permitted; that all processions would take place between the hours of 7.30am and 9.00pm; and that the playing of music would be prohibited before 9.00am and after 6.00pm.

#### **CALENDAR OF MEETINGS 2014 – 2015**

**1100.** The committee considered a report by the Deputy Chief Executive submitting a list of meeting dates for the period August 2014 to June 2015.

Following a brief discussion and in order to allow further discussion to take place with a number of relevant parties with regard to the dates and times of meetings, including meetings of the Licensing Committee, the committee agreed that consideration of the report be deferred to a future meeting.

CHAIR

