

MINUTE
of
LICENSING COMMITTEE

Minute of Meeting held at 2.00pm in the Council Chamber, Council Headquarters, Eastwood Park, Giffnock, on 22 October 2014.

Present:

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

Councillor Reilly in the Chair

Attending:

Joe Abrami, Principal Solicitor; Jacqui McCusker, Senior Solicitor; Brian Kilpatrick, Civic Licensing Enforcement Officer, and Jennifer Graham, Committee Services Officer.

Also Attending:

Chief Inspector Angela Carty and Constable Nadim Ahmed, Police Scotland.

DECLARATIONS OF INTEREST

1256. 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 1257 to 1262 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 RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE

1257. 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 3 refers). The applicant was present together with his solicitor. Chief Inspector Carty and Constable Ahmed, representing the Chief Constable who had objected to 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.

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, his 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 RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE AND OPERATOR'S LICENCE

1258. The committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for renewal of a Private Hire Car Driver's Licence and Operator's Licence (Agenda Item 4 refers). The applicant was present. Chief Inspector Carty and Constable Ahmed, representing the Chief Constable who had objected to 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 offence, its seriousness and 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 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, 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 a licence be granted for a period of 1 year subject to standard terms and conditions.

APPLICATION FOR A PRIVATE HIRE CAR DRIVER'S LICENCE

1259. The committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for grant of a Private Hire Car Driver's Licence (Agenda Item 5 refers).

The applicant having failed to appear, the committee agreed that consideration of the application be continued for a personal appearance. In the event that the applicant failed to appear on the rescheduled date the committee would consider the application in his absence.

APPLICATION FOR RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE

1260. The committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for renewal of a Private Hire Car Driver's Licence (Agenda Item 6 refers).

The applicant having failed to appear, the committee agreed that consideration of the application be continued for a personal appearance. In the event that the applicant failed to appear on the rescheduled date the committee would consider the application in his absence.

APPLICATION FOR RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE

1261. The committee considered a report by the Chief Officer (Legal & Procurement) regarding an application for renewal of a Private Hire Car Driver's Licence (Agenda Item 7 refers). The applicant was present. Chief Inspector Carty and Constable Ahmed, 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 offence, its seriousness and 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 agreed to a short adjournment to consider the matter.

On reconvening, 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 1 year subject to standard terms and conditions.

APPLICATION FOR A PRIVATE HIRE CAR OPERATOR'S LICENCE

1262. The Senior Solicitor advised, and the committee noted, that this application (Agenda Item 8) had been withdrawn.

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

WHEELCHAIR ACCESSIBLE VEHICLES AND TAXI LICENCE LIMIT

1263. Under reference to the Minute of the meeting of 6 June 2014 (Page 1049, Item 1096 refers), when 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, the committee considered a report by the Chief Officer (Legal & Procurement) seeking consideration of a change of policy on the grant of taxi vehicle licences in East Renfrewshire and associated changes.

The report explained that in East Renfrewshire the number of taxi licences was currently limited to 77, although only 60 taxis were presently licensed, of which 3 were wheelchair accessible vehicles. 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. Taxi operators confirmed this view at a public meeting held earlier in 2014. A survey of booking offices was also undertaken regarding wheelchair accessible vehicle provision in East Renfrewshire and the results were appended to the report (Appendix 1 refers). A meeting was also held between East Renfrewshire Disability Action (ERDA) and council officers in the course of which ERDA advised that there were insufficient numbers of wheelchair accessible vehicles currently operating in East Renfrewshire.

The report went on to explain that in terms of equality legislation the Council had a duty to avoid discrimination against and promote access for 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. In order for the Council to meet its statutory duties under the Equality legislation, it was recommended that the policy should be adjusted accordingly.

The Committee was provided with a number of options relating to the operation of Taxis including wheelchair accessibility, colour of vehicle and roof signs, amongst other things, and a full discussion of the options took place. In addition, members of the taxi trade and representatives from disability groups were in attendance in the public gallery and Councillor Reilly asked for their input during the discussion.

Members of the taxi trade confirmed that other local authorities had specified that 100% of taxis in their areas should operate wheelchair accessible vehicles (WAVs), including Glasgow and Renfrewshire. However, they did not believe that the same demand existed in East Renfrewshire. They referred to the additional costs involved in operating WAVs, including the cost of the vehicle itself. Although they accepted that the number of WAVs in East Renfrewshire was not acceptable, they did not believe that making all taxis wheelchair accessible would solve this issue as many taxi drivers would become private hire drivers instead.

Representatives from the disability groups advised that they had to phone taxis from Glasgow or Renfrewshire as there were very few WAVs operating in East Renfrewshire and most of these were involved in contract work and were regularly unavailable for general hire. This resulted in disabled people having to pay boundary charges as they were using taxis outwith their own area. A lack of WAVs in the area had also led to many disabled people being unable to attend social events, training courses, getting jobs, as they could not guarantee that a suitable vehicle would be available to get them to their location and back.

In the course of discussion, Members sought clarification on some of the points raised by both parties and discussion took place on a number of other issues referred to within the report including roof signs, colour of vehicles and the need for vehicles to carry a full size spare wheel. It was suggested that a percentage of taxis could be wheelchair accessible and proposals regarding how this could be introduced were requested.

Thereafter, Councillor Reilly proposed that 100% of taxis should be wheelchair accessible vehicles within one year and that age limits should be removed for this type of vehicle. In the absence of a seconder his proposal fell, following which the committee agreed to a short adjournment to consider the matter.

On reconvening the committee agreed that:-

- (a) the decision about wheelchair accessible vehicles should be continued to allow a meeting to take place between members of the committee, representatives of the taxi trade, representatives of disability groups, and other relevant parties, to discuss options in more detail;
- (b) no change in the existing requirements for roof signs on taxis should take place;
- (c) taxis should not be limited to a certain colour or colours;
- (d) no powers be delegated in respect of the types of taxi meters allowed;
- (e) significant changes to licence conditions should continue to be submitted to the committee for approval; and
- (f) licence conditions in all vehicle licences should be amended to remove reference to full size spare wheels.

CHAIR

