

MINUTE
of
LICENSING COMMITTEE

Minute of meeting held at 10.00am in the Council Chamber, Council Headquarters, Giffnock, on 5 December 2023.

Present:

Councillor Paul Edlin (Chair)
Provost Mary Montague*

Councillor David Macdonald*

Councillor Edlin in the Chair

(*) indicates remote attendance

Attending:

Gerry Mahon, Chief Officer (Legal and Procurement); Brian Kilpatrick, Civic Government Enforcement Officer; Jennifer Graham, Committee Services Officer; and Lesleyann Burns, Assistant Committee Services Officer.

Also Attending:

Chief Inspector Graeme Gallie and Sergeant Lisa Campbell, Police Scotland.

Apology:

Councillor Andrew Morrison.

DECLARATIONS OF INTEREST

677. There were no declarations of interest intimated.

WHEELCHAIR ACCESSIBLE VEHICLE POLICY

678. The committee considered a report by the Chief Officer (Legal and Procurement) seeing approval to commence a consultation with the trade, public and relevant disability rights groups to provide information to inform potential changes to the Council's current Wheelchair Accessible Vehicle Policy. (Item 3 refers).

The report explained that, as a result of the financial impacts of the Covid pandemic upon members of the taxi trade, the Licensing Committee had agreed to changes to the previous Wheelchair Accessible Vehicle Policy with effect from April 2021. From that date, only taxi car applications would require to meet the Wheelchair Accessible Vehicle (WAV) criteria.

The Chief Officer (Legal & Procurement) advised that only 5 WAVs were currently licensed in East Renfrewshire, a drop from 41 prior to April 2021, and that a review of the policy would be required to review its effectiveness and decide what changes, if any, should be implemented.

In response to questions from members, the Chief Officer (Legal & Procurement) confirmed that all of the WAVs currently licenced in the area were able to accommodate a wheelchair within the vehicle; and that the consultation would be advertised widely, in liaison with the Council's Communications Team, and would include, but not be restricted to, contact with taxi/private hire groups, local and possibly national disability groups, community councils and the general public.

The committee agreed to authorise the Clerk to:-

- (a) commence consultation with relevant stakeholders to ingather information regarding the current availability of wheelchair accessible vehicles to the public and the demand for such vehicles;
- (b) undertake an Equalities Impact Assessment to inform any future changes to the policy; and
- (c) bring a further report to committee in early 2024 with proposals as to any recommended changes to the policy.

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 the remaining items of business 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 RENEWAL

679. Under reference to the Minute of the meeting of 7 November 2023 (Page 671, Item 659 refers), when it was agreed that the application for renewal of a Private Car Hire Operator's Licence be refused, 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 3 refers).

The licensee, having been invited to the meeting, was not present.

Chief Inspector Gallie and Sergeant Campbell, 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.

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

The committee, having taken account of the licensee's previous conviction, its seriousness and relevance to the licence being applied for, and also having taken account of the objection by the Chief Constable, agreed that the application be refused on the grounds that the licensee was no longer a fit and proper person to be the holder of such a licence by virtue of his previous conviction.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR RENEWAL

680. 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 5 refers).

The licensee was present together with his friend who acted as an interpreter.

Chief Inspector Gallie and Sergeant Campbell, representing the Chief Constable, who had made an out of time objection to the application, were also present.

The report explained that in determining the application it would be for the Committee to decide if it wished to consider the out of time objection submitted by the Chief Constable and, if so, what weight it wished to attach to the objection and its relevance to the type of licence being applied for.

Following discussion, the Committee agreed to consider the out of time objection and copies were circulated.

Sergeant Campbell was heard in respect of the objection submitted by the Chief Constable and in response to questions from members.

The licensee did not make any comment.

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

On reconvening, the Committee, having taken account of the objection by the Chief Constable, agreed that the application for renewal be continued until after the date of the pending court case.

PRIVATE HIRE CAR DRIVER'S LICENCE – APPLICATION FOR GRANT

681. 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 6 refers).

The applicant, having been invited to the meeting, was not present.

Chief Inspector Gallie and Sergeant Campbell, representing the Chief Constable, who had made an out of time objection to the application, were present.

The report explained that in determining the application it would be for the Committee to decide if it wished to consider the out of time objection submitted by the Chief Constable and, if so, what weight it wished to attach to the objection and its relevance to the type of licence being applied for.

Following discussion, the Committee agreed to consider the out of time objection and copies were circulated.

Sergeant Campbell was heard in respect of the objection submitted by the Chief Constable and in response to questions from members.

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

On reconvening, the Committee, having taken account of the applicant's previous conviction, its seriousness and relevance to the licence being applied for, and also having taken account of the objection 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 conviction.

CHAIR