

EAST AYRSHIRE COUNCIL

LOCAL GOVERNMENT LICENSING PANEL

MINUTES OF MEETING HELD ON THURSDAY 19 JANUARY 2006 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Jim O'Neill, Daniel Coffey, Gordon Cree, John Weir, Isabella Macrae, George Smith, William Menzies, Neil McGhee and Elaine Stewart.

ATTENDING: David Mitchell, Head of Administrative and Legal Services; John F. Crawford, Head of Protective Services; George Scott, Licensing Officer; and Robert Beaton, Administrative Officer.

APOLOGIES: Councillors Jim Raymond and Harry Wilson.

CHAIR: Councillor Jim O'Neill, Chair.

CHAIR

1. In the absence of Councillor Raymond, it was agreed that Councillor O'Neill take the Chair.

EXCLUSION OF PRESS AND PUBLIC

2. The Panel resolved that under Section 50A (4) of the Local Government (Scotland) Act 1973, as amended, the press and public be excluded from the hearing relating to the following item of business on the ground that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 7A of the Act.

APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE – BRIAN PEARSON

3. There was submitted a report dated 23 November 2005 (circulated) by the Executive Director of Neighbourhood Services which invited the Panel to consider, by way of a hearing, an application for the grant of a Taxi Driver's Licence.

ADJOURNMENT/RECONVENTION OF MEETING

4. It was agreed to adjourn the meeting at 1005 hours.
The meeting re-convened at 1015 hours with the same members and Officers, present and in attendance.

CONTINUATION OF APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE – BRIAN PEARSON

5. The Head of Administrative and Legal Services outlined the agreed Hearing Procedure.

5.1 Hearing

The Panel heard Chief Inspector Alan Lawrence and Sergeant William Hodge, representing Strathclyde Police, in explanation of the Police observations, and Brian Pearson, the applicant who spoke to the matters raised, all in accordance with the agreed Hearing Procedure.

The applicant and the Police Representatives then left the meeting to enable the Panel to take and consider legal advice on the matter.

The parties were then re-admitted.

5.2 Decision

It was agreed that the application for the grant of a Taxi Driver's Licence be granted for a period of 12 months subject to the standard conditions.

RE-ADMISSION OF PRESS AND PUBLIC

6. It was agreed that the press and public be re-admitted at this time.

REQUEST TO RECEIVE DEPUTATION

7. In terms of Standing Order 44, it was agreed to receive a deputation from East Ayrshire Taxi Trades Council to address the Committee in relation to items 8 and 9.

REVIEW OF POLICY REGARDING THE PROVISION OF WHEELCHAIR ACCESSIBLE VEHICLES FOR USE AS TAXIS

8. There was submitted a report dated 24 November 2005 (circulated) by the Executive Director of Neighbourhood Services which invited the Panel to review the policy decision which required 25% of the vehicles licensed as Taxis within East Ayrshire to be wheelchair accessible by 1 May 2006.

Councillor Elaine Stewart left the meeting at this point.

The Committee then heard Alex Gorman on behalf of East Ayrshire Taxi Trades Council in further explanation that 10-15% was considered an acceptable percentage of all vehicles licensed as taxis in each Zone, each of which should be capable of carrying a disabled passenger in their wheelchair.

Councillor O'Neill, seconded by Councillor Smith firstly moved that a minimum 25% of all vehicles licensed as taxis within each Zone of East Ayrshire should be capable of carrying a disabled passenger in their wheelchair.

Councillor Cree, seconded by Councillor Weir moved as an amendment that a minimum 20% of all vehicles licensed as taxis within each Zone of East Ayrshire should be capable of carrying a disabled passenger in their wheelchair.

On a division by a show of hands, the motion was carried by 6 votes to 2.

The Panel having thereby affirmed the previous policy requirement of 25% compliance, then proceeded to review the matter of an appropriate date for voluntary implementation by the Taxi Trade in East Ayrshire, which had previously been agreed as 1 May 2006.

Councillor O'Neill, Seconded by Councillor Smith, then moved that the original implementation date of 1 May 2006 be adhered to.

Councillor D Coffey seconded by Councillor Menzies, moved as an amendment that the implementation date be extended to 31 December 2006.

On a division by a show of hands, the amendment was carried by 5 votes to 3, and the Licensing Panel thereby agreed that if the Taxi Trade in East Ayrshire should fail by 31 December 2006 to meet the required target of a minimum of 25% of all vehicles licensed as taxis within each Zone being capable of carrying a disabled passenger in their wheelchair, then the Council, as Licensing Authority, would issue sufficient additional licenses, subject to appropriate conditions, to bring the percentage of compliant vehicles up to 25% in each Zone.

REVIEW OF TAXI FARES

9. There was submitted a report dated 8 December 2005 (circulated) by the Executive Director of Neighbourhood Services inviting the Panel to consider reviewing the scales for taxi fares and associated charges, taking into account information submitted by East Ayrshire Taxi Trades Council.

The Committee then heard Alex Gorman, on behalf of East Ayrshire Taxi Trades Council in further explanation of their proposed fare structure as detailed within the report.

It was agreed:-

- (i) to approve, for the purpose of formal public consultation, a taxi fare structure for all East Ayrshire (to be effective from 1 June 2006) as follows:-

TAXI FARE	CHARGE
Distance not exceeding 2640 yds be reduced by 15% to (2244 yds) Rounded down to nearest whole number (2240 yds)	£2.50
Each additional 200 yds be reduced by 15% to 170 yds	£0.15
Hires between midnight and 6am surcharge (No change)	£0.60
5, 6 and 7 seater Taxis For each passenger in excess of four increase by 15% - £0.57.5 Rounded up to nearest whole number)	£0.60
Waiting Time per 5 mins increased by 15%	£1.15
Taxi called by hirer and not used (No change)	£2.50
Radio call charge (No change)	£0.20
Fouling Charge (No change)	£30.00

- (ii) to remit the Executive Director of Neighbourhood Services to carry out statutory procedures to advertise the proposals; and
- (iii) to remit to the Executive Director of Neighbourhood Services to submit a further report, to a future meeting of the Panel, following the advertisement of the proposals in the local newspapers inviting representations or objections.

**AMENDMENT TO CONDITIONS FOR STREET TRADERS' AND
LATE HOURS CATERING PREMISES**

10. There was submitted a report dated 14 December 2005 (circulated) by the Executive Director of Neighbourhood Services which invited the Panel to consider amending conditions currently attached to Street Traders' or Late Hours Catering Licences to take account of concerns regarding the amount of litter arising in the vicinity of such trading.

It was agreed:-

- (i) to accept the proposal to amend the current conditions applied in respect of Street Traders and Late Hours Catering Licences;
- (ii) to amend Condition 10 of the Conditions attached to a Street Trader Licence by adding "The Trader will also be responsible for the collection and removal of any associated paper, garbage or other refuse within a 25 metre radius of the location of trading";
- (iii) to amend Condition 6 of the Conditions attached to a Late Hours Catering Licence by adding "In particular, the Licensee, prior to the close of late hours trading, shall remove and properly dispose of any litter arising from the business and dropped by clients as well as other refuse produced or accumulated in the course of trading, and lying on any street, foot pavement or footway within a radius of 25 metres of the trading premises"; and
- (v) to request that the Executive Director of Neighbourhood Services inform all Street Traders and Late Hours Catering Licensees of the change to the conditions.

The meeting terminated at 1137 hours.