

Committee Minutes

Licensing Sub-Committee of the Regulatory Committee

Edinburgh, 18 May 2011

Present: - Councillors Cairns (In the chair), Henderson, McKay and Mowat.

1 Chair

In the absence of the Convener and Vice-Convener, Councillor Cairns was appointed to the Chair

2 Wheelchair Accessible Taxis – Fitness of Taxi Drivers

The Acting Director of Corporate Services provided details of 6 requests from taxi drivers for exemptions from compliance with condition 129 of the Council's Standard Licensing Condition for Taxis, Private Hire Cars, Taxi Drivers and Private Car Hire Drivers on the basis of a medical condition.

The Council's Medical Adviser had recommended that the exemptions be granted as detailed in the appendix to the report by the Director of Corporate Services.

Decision

To grant the exemptions as detailed in the report by the Director of Corporate Services.

(Reference – report by the Acting Director of Corporate Services, submitted.)

3 Resolution to Consider in Private

The Sub-Committee, under Section 50 (A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting for the following items of business on the grounds that they involved the disclosure of exempt information as defined in Paragraphs 3, 12 and 14 of part 1 of schedule 7(A) of the Act.

4 Applications for Miscellaneous Licences – Civic Government (Scotland) Act 1982

The Acting Director of Corporate Services provided details of 19 applications for Miscellaneous Licences under the Civic Government (Scotland) Act 1982.

The Committee agreed in the interests of public safety, to hear objections to applications submitted outwith the statutory period in terms of Paragraph 3(1) of Schedule 1 of the Civic Government (Scotland) Act 1982.

Decision

That the applications be determined as detailed in the Confidential Schedule signed by the Convener, with reference to this minute.

(Reference- applications, letters in relation to items B1.1, B1.12, B1.18 and B1.19 submitted)

5 Application For Grant of Taxi Licence (agenda item B2)

The Acting Director of Corporate Services provided details of an application for the grant of a new taxi licence.

The Sub-Committee was invited to consider whether or not to grant the licence.

The applicant's representative was heard.

Decision

To continue consideration of the matter for confirmation by the existing licence holder to the Head of Legal and Administrative Services of their intention to surrender one of their existing licences prior to any new licence being issued.

(Reference report by the Acting Director of Corporate Services, submitted)

6 Private Hire Car Driver's Licence – Application (agenda item B3)

The Acting Director of Corporate Services provided details of a medical report in respect of an application for a Private Hire Car Driver's licence.

The Sub-Committee was invited to consider whether or not to grant the licence.

Licensing Sub-Committee of the
Regulatory Committee
18 May 2011

Decision

To grant the licence subject to the Council's Standard Licensing Conditions.

(Reference – report by the Acting Director of Corporate Services, submitted)

7 Private Hire Car Driver's Licence – Suspension (agenda item B4)

The Acting Director of Corporate Services provided details of a complaint by the Chief Constable against a holder of a Private Hire Car Driver's Licence advising that he was no longer a fit and proper person to hold such a licence. The Sub-Committee was invited to consider whether or not to suspend the licence, with or without immediate effect.

The licence holder was heard.

Decision

To note that the request for suspension by the Chief Constable had been withdrawn.

(Reference – report by the Acting Director of Corporate Services, submitted)

8 Private Hire Car Driver's Licence – Suspension (agenda item B5)

The Acting Director of Corporate Services provided details of a complaint by the Chief Constable against a holder of a Private Hire Car Driver's Licence advising that he was no longer a fit and proper person to hold such a licence. The Sub-Committee was invited to consider whether or not to suspend the licence, with or without immediate effect.

The licence holder was heard.

Decision

- 1) Not to suspend the licence.
- 2) To issue a warning to the licence holder about his future conduct.

(References – report by the Acting Director of Corporate Services, submitted)

Licensing Sub-Committee of the
Regulatory Committee
18 May 2011

9 Taxi Driver's Licence – Suspension (agenda item B6)

The Acting Director of Corporate Services provided details of a complaint by the Chief Constable against a holder of a Taxi Driver's Licence advising that he was no longer a fit and proper person to hold such a licence. The Sub-Committee was invited to consider whether or not to suspend the licence, with or without immediate effect.

Decision

To continue consideration of the matter pending the outcome of legal proceedings.

(Reference – report by the Acting Director of Corporate Services, submitted.)

10 Wheelchair Accessible Taxis – Fitness of Taxi Driver (Agenda item B7)

The Acting Director of Corporate Services provided details of a request from a taxi driver for a permanent exemption from compliance with condition 129 of the Council's Standard Licensing Condition for Taxis, Private Hire Cars, Taxi Drivers and Private Car Hire Drivers on the basis of a medical condition.

The Council's Medical Adviser had recommended that the exemption be granted for a period of one year.

The licence holder was heard.

Decision

1. To grant an exemption from compliance with Condition 129 of the Council's Standard Licensing Conditions for one year.
2. The Head of Legal and Administrative Services to request further information from the applicants GP in respect of the request for a permanent exemption.

(Reference - report by the Acting Director of Corporate Services, submitted)

Licensing Sub-Committee of the
Regulatory Committee
18 May 2011

11 Taxi Driver's Licence – Renewal Application (Agenda item B8)

The Acting Director of Corporate Services provided details of a report by the Council's Medical Advisor against a holder of a Taxi Driver's Licence advising that he was unfit to drive and invited the Sub-Committee to consider whether or not to renew the licence, with or without immediate effect.

The licence holder was heard.

Decision

1. To renew the licence subject to the Council's Standard Licensing Conditions.
2. That this matter only be returned for consideration by the Sub-Committee if there was a deterioration in the licence holder's condition.

(Reference- report by the Acting Director of Corporate Services, submitted)