

Minutes

Licensing Sub-Committee of the Regulatory Committee

9.00am, Tuesday 17 December 2019

Present

Dixon (Vice-Convenor, in the Chair), Mary Campbell (substituting for Councillor Rae, items 1 to 10), Child (substituting for Councillor Arthur, items 1 to 10), Mitchell (items 1 to 9), Osler (substituting for Councillor Neil Ross, items 10 onwards), Rose (items 1 to 9 and 10(7.4) onwards), Neil Ross (items 1 to 9) and Councillor Watt (items 1 to 9).

1. Application for Grant of Private Hire Car Licence – LPG Conversion

A new application had been received for the grant of a Private Hire Car Licence for a vehicle converted to LPG. The current policy allowed applications to be granted for vehicles which were currently within the existing fleet. As this vehicle was not currently within the fleet the application was referred to the Sub-Committee for determination.

Decision

To **GRANT** the licence subject to the standard conditions for this category of licence.

(Reference – report by the Regulatory Services Manager, submitted)

2. Application for Grant of Private Hire Car Licence – LPG Conversion

A new application had been received for the grant of a Private Hire Car Licence for a vehicle converted to LPG. The current policy allowed applications to be granted for vehicles which were currently within the existing fleet. As this vehicle was not currently within the fleet the application was referred to the Sub-Committee for determination.

Decision

To **GRANT** the licence subject to the standard conditions for this category of licence.

(Reference – report by the Regulatory Services Manager, submitted)

3. Application to Vary the Conditions of Taxi Driver's Licence – Wheelchair Exemption Request

The Equality Act 2010 outlined specific duties of drivers of licensed taxis and private hire vehicles to provide assistance to passengers using wheelchairs unless they had been issued with an exemption certificate under section 166 of the Act.

Section 166 of the Act allowed a local authority to exempt drivers from these duties if it was satisfied that it was appropriate to do so for medical grounds or on the grounds that the person's physical condition made it impossible or unreasonably difficult for them to comply with these duties.

The Sub-Committee considered an application to vary the conditions of a Taxi Driver's Licence and to issue an exemption.

Motion

To **REFUSE** the exemption request and subsequent variation to licence conditions.

- moved by Councillor Dixon, seconded by Councillor Child

Amendment

To **GRANT** the exemption request and subsequent variation to licence conditions.

- moved by Councillor Neil Ross, seconded by Councillor Rose

Voting

For the motion - 3 votes

For the amendment - 3 votes

(For the motion – Councillors Mary Campbell, Child and Dixon.

For the amendment – Councillors Mitchell and Rose and Ross.)

In the division, 3 members having voted for the motion and 3 members for the amendment the Vice-Convenor gave his casting vote for the motion.

Decision

To **REFUSE** the exemption request and subsequent variation to licence conditions.

(Reference – report by the Regulatory Services Manager, submitted)

4. Resolution to Consider in Private

The Sub-Committee agreed under Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting for the following items of business on the grounds that they would involve the disclosure of exempt information as defined in Paragraphs 3, 6, 12 and 14 of Part 1 of Schedule 7A of the Act.

5. Suspension or Revocation of Private Hire Driver's Licence

The Sub-Committee considered a request by Police Scotland for the immediate suspension of a Private Hire Driver's Licence. The Licensing Manager and the licence holder were heard.

Decision

To determine the request as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – report by the Regulatory Services Manager, submitted)

6. Suspension or Revocation of Private Hire Driver's Licence

The Sub-Committee considered a request by Police Scotland for the immediate suspension of a Private Hire Driver's Licence. The Licensing Manager, the licence holder and the licence holder's agent were heard.

Decision

To determine the request as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – report by the Regulatory Services Manager, submitted)

7. Police Requests for Suspension or Revocation of Licences

The Sub-Committee considered 12 requests by Police Scotland to suspend Taxi Driver Licences and Private Hire Car Driver Licences. Police Scotland, the licence holders and their agents were heard.

Decision

To determine the requests as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – report by the Regulatory Services Manager, submitted)

8. Application for Renewal of Private Hire Driver's Licence

On 6 February 2018 the Regulatory Committee had agreed to amend its policy regarding existing taxi and private hire car drivers who were unable to obtain the relevant criminal convictions check to apply for a licence renewal.

The Sub-Committee considered a request for the renewal of a Private Hire Driver Licence.

Decision

To determine the request as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(References – Regulatory Committee 6 February 2018 (item 1); report by the Regulatory Services Manager, submitted)

9. Application for Renewal of Private Hire Driver's Licence

On 6 February 2018 the Regulatory Committee had agreed to amend its policy regarding existing taxi and private hire car drivers who were unable to obtain the relevant criminal convictions check to apply for a licence renewal.

The Sub-Committee considered a request for the renewal of a Private Hire Driver Licence.

Decision

To determine the request as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(References – Regulatory Committee 6 February 2018 (item 1); report by the Regulatory Services Manager, submitted)

10. Civic Government (Scotland) Act 1982 – Miscellaneous Applications

Details were provided of 14 applications for miscellaneous licences. The applicants and their agents were heard.

Decision

To determine the applications as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – list of applications, submitted)

11. Application to Vary the Conditions of Taxi or Private Hire Car Licences: Exemption to Policy

The Convener ruled that the following item, notice of which had been given at the start of the meeting, be considered as a matter of urgency to allow the Committee to give early consideration to the matter.

The Regulatory Committee had agreed to amend its policy and licensing conditions regarding the age and emissions standards of licensed vehicles in Edinburgh's Taxi and Private Hire Car fleet at its meeting on 16 March 2018.

A request had been received for an exemption to this policy. The licence holder and relevant Council officers were heard.

Decision

To determine the request as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(References – Regulatory Committee 16 March 2018 (item 1); report by the Regulatory Services Manager, submitted)