



**MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE OF THE CABINET**

**THURSDAY 13 SEPTEMBER 2012
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor J McNeil (Chair)
Councillor J Williamson
Councillor D Grant
Councillor J Caldwell
Councillor J McMillan

Council Officials Present:

Ms C Molloy, Legal Adviser
Ms D Richardson, Licensing Administration Officer
Ms F Currie, Committees Assistant (Items 1-3)

Others Present

Insp S Broadhurst, Lothian & Borders Police
PC H Bowsher, Lothian & Borders Police

Clerk:

Mrs F Stewart

Apologies:

Councillor F McAllister

1. CRIMINAL JUSTICE & LICENSING (SCOTLAND) ACT 2010- CHANGES TO CIVIC LICENSING REGIME

A report had been submitted by the Executive Director (Support Services) to advise the Sub-Committee of changes being introduced to the Civic Government Licensing regime by the Criminal Justice & Licensing (Scotland) Act 2010. A summary of the changes were given in Appendix 1 of the report.

The Legal Adviser stated that Late Hours Catering licences under Section 42 of the Civic Government (Scotland) Act 1982 were discretionary licences in terms of the Act, meaning that a licence would only be required if the Local Authority made a resolution to that effect. In East Lothian, the resolution to grant late hours catering licences was made on 21 November 1991.

She advised that Section 177 of the 2010 Act would amend Section 42 by substituting reference to “meals or refreshments” to “food” as defined in the Food Safety Act 1990. This would mean that not only restaurant/chip shop and similar premises were included but also late night grocers, garages and 24 hour supermarkets would require a licence if selling “food”. This would apply even if the food was pre-packaged and not a prepared “meal” or cooked product prepared on the premises. The proposed change would take effect from 1 October 2012.

Members were asked to grant permission to begin the advertising process and formal adoption of the amended resolution (subject to any objections and/or representations) would be made following the 28 day consultation period and at the next Sub Committee meeting.

Councillor Caldwell enquired how affected businesses would be notified of any change and was advised by the Legal Adviser that most companies would already be aware of the proposed changes. A notice would also appear in local newspapers.

Decision

The Sub-Committee:

- i. considered the terms of the amending legislation relative to Late Hours Catering licences, and approved an amended resolution to reflect the terms thereof, as proposed at paragraph 3.3 of the report; and
- ii. authorised the Corporate Legal Advisor and such officers as she may determine to proceed to advertise the amended resolution referred to at paragraph 2.1 of the report, as required by Section 9 of the 1982 Act.

2. TAXI FARE REVIEW

The Executive Director (Support Services) had submitted a report to advise the Licensing Sub-Committee on the outcome of the newspaper advertisement of the scale of taxi fares and charges proposed by the East Lothian Taxi & Private Hire Association.

At the Licensing Sub Committee meeting on 14 June 2012, Members had agreed to authorise the Council to proceed with the consultation process on a review of taxi fares in East Lothian. At this meeting, the East Lothian Taxi and Private Hire Association had proposed a new scale of fares and other charges, and, in

accordance with statutory process, the proposed tariff was advertised in the local East Lothian newspapers on 27 July 2012. A copy of the information advertised was attached in Appendix 1 to the report, together with the current tariffs operating in other Lothian Authorities, for information. Members of the public had been given until 27 August 2012 to make representations and, to date, no representations had been received.

The Legal Adviser stated that Members now had to decide whether to approve or not approve the proposals put forward by the East Lothian Taxi and Private Hire Association.

The Convener outlined the proposed changes noting that the tariff on certain dates over the festive period would be doubled; the initial hire payment would rise from £2.50 to £5.00 and the cost of each additional 145 yards would rise from 20p to 40p. Standard tariffs would also increase considerably as the number of yards for the initial hire charge would be reduced from 793 yards to 674 yards and further increments would be reduced from 171 yards to 145.35 yards. The cost of cleaning related to alcohol sickness would also rise from £60 to £100. In light of these proposals, he expressed surprise that no member of the public had contacted the Council to express concern. He personally, was not comfortable with the changes proposed.

Councillor Williamson stated that the double fares over the festive period could be considered excessive and suggested that, should the proposals be agreed, it was possible that not all taxi companies would charge the double fares.

Councillor Grant shared the concerns of his colleagues, describing the proposed tariff as a substantial increase. He appreciated that it was a difficult time for taxi drivers but nonetheless, he was uneasy about the proposed changes.

Councillor Caldwell agreed, considering that the percentage increase was unacceptable. He called for a fair increase that would be acceptable to everyone, adding that the Sub-Committee wanted to encourage the public to use taxis.

Councillor MacMillan considered that the percentage increase proposed appeared excessive and he hoped that the consultation period could be extended to allow further investigation to take place.

The Convener put the proposals of the East Lothian Taxi and Private Hire Association to the vote. He advised that, should the proposals not be approved, the Association could elect to come forward with new proposals or to retain the current tariffs. Should new proposals be forthcoming, these would require to be advertised in a new consultation process.

Decision

The Sub-Committee unanimously agreed to reject the proposals presented by the East Lothian Taxi and Private Hire Association (ELTPHA).

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Licensing Sub-Committee unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraph 6 (information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

3. Applications for Grant of Taxi/Private Hire Car Driver's Licence

The Sub-Committee considered seven applications for grant of a licence; four were granted, two continued and one refused.

4. Application for Renewal of Taxi/Private Hire Driver's Licence

The Sub-Committee considered four applications for renewal of a licence; three were granted for 12 months and one was granted for 6 months.

5. Application for Renewal of Taxi Operator's Licence

The Sub-Committee considered one renewal of a licence and agreed to renew it for a period of 6 months.

6. Notification of Offence

The Sub-Committee considered three notifications of offence and agreed to take no further action in each case.

7. Notification of Complaint

One notification of complaint had been received and the Sub-Committee agreed to take no further action.

8. Applications for Grant of a Licence to Act as a Street Trader

Two applications had been received and the Sub-Committee agreed to refuse both applications.