



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

**THURSDAY 12 DECEMBER 2013  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

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

**Council Officials Present:**

Ms C Molloy, Legal Adviser  
Mr I Forrest, Senior Solicitor  
Ms M Winter, Licensing Administration Assistant

**Others Present**

Insp A Harborow, Police Scotland  
PC J Leslie, Police Scotland  
PC M Bremner, Police Scotland  
Mr G Brooks, East Lothian Taxi and Private Hire Association – Item 1

**Clerk:**

Mrs F Stewart, Committees Assistant

**Apologies:**

None

**Declarations of Interest:**

None

The Chair welcomed everyone to today's meeting.

## **1. TAXI FARE REVIEW**

The Depute Chief Executive, Resources and People Services, had submitted a report to approve the commencement of the taxi fare review for the hire of taxis in East Lothian.

The Legal Adviser stated that the Licensing Authority was required to review the taxi fares at intervals not exceeding 18 months from the date on which the scales came into effect. The present taxi tariffs came into effect on 13 September 2012 and the Licensing Authority was now seeking approval to initiate the process for review. If approved, consultations would be carried out with representatives of taxi operators in East Lothian and advertisements would inform members of the public of the proposed changes. The Notice would advise the date that the changes were expected to come into effect and give members of the public an opportunity to make any representations to the Authority.

Mr George Brooks, Co-Chair of the East Lothian Taxi and Private Hire Car Association, stated that he hoped the review would proceed without delay and that his members would be advised as soon as possible the date when the new fares tariff would be implemented.

The Chair advised that any comments and/or recommendations would be brought before the Sub-Committee, when Members would make a decision on the proposals and date of implementation.

### **Decision**

The Sub-Committee agreed to approve (1) the commencement of the taxi fare review for the hire of taxis in East Lothian and (2) a consultation with persons or organizations who are the representative of, the operators of taxis operating within East Lothian, and (3) the advertising of the general effect of the proposals and the date when they propose that their decision will take effect in the local newspaper.

## **2. LICENSING OF SECOND HAND DEALERS & WINDOW CLEANERS**

The Depute Chief Executive, Resources and People Services, had submitted a report to advise the Sub-Committee of the outcome of the public consultation exercise undertaken regarding the proposed licensing of window cleaners and second hand dealers.

The Council's Senior Solicitor summarised the report, stating that these activities were deemed to be 'optional' in terms of the Civic Government (Scotland) Act 1982 and had not been licensed before. However, the Sub-Committee had agreed to a request from Police Scotland to make a resolution to licence these activities at their meeting on 13 June 2013 and Members approved draft resolutions at their meeting on 10 October 2013. The consultation process, in terms of Section 9 of the 1982 Act, required the proposed wording of the resolutions to be advertised in the local press, giving members of the public 28 days within which to submit representations and this period had ended on 25 November 2013. No responses had been received by the Licensing Office relative to this consultation and the Sub-Committee was now being asked to formally adopt these resolutions. The suggested date these resolutions would come into effect was 15 September 2014.

The Chair advised that East Lothian was one of only a few local authorities in Scotland that did not licence window cleaners and second hand dealers. As the request had come from Police Scotland, he wished to support these resolutions.

The Senior Solicitor clarified a number of points for Members and advised that the draft resolutions appended to the report provided further details.

**Decision**

The Sub-Committee agreed to formally confirm and adopt the terms of the resolutions attached to the report and authorised the Service Manager - Licensing, Administration & Democratic Services and such staff as she may appoint, to proceed with the process of advertising such confirmation in the local press.

**3. DELEGATION OF AUTHORITY UNDER CIVIC GOVERNMENT (SCOTLAND) ACT 1982 AND OTHER LICENSING LEGISLATION**

The Depute Chief Executive, Resources and People Services, had submitted a report to seek the Licensing Sub - Committee's ("Sub-Committee") agreement to delegate authority to the Service Manager (Licensing, Administration and Democratic Services) and such officers as she may appoint to carry out certain functions of the Sub-Committee in terms of the Civic Government (Scotland) Act 1982 ("Act") and other legislation governing licensing functions.

The Chair stated that delegating authority to the Service Manager would assist the Licensing office to operate more efficiently and confirmed that the Sub-Committee would continue to determine applications for which Police Scotland had submitted an objection.

**Decision**

That the Sub-Committee agreed, in the interests of efficiency, to delegate authority to the Service Manager (Licensing, Administration and Democratic Services) and such officers as she may appoint to carry out the functions specified in the Appendix to this report.

**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.

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

The Sub-Committee had received three applications for grant of a licence; two were granted and one was refused.

**5. Applications for Renewal of Taxi/Private Hire Car Driver's Licence**

The Sub-Committee considered two applications for renewal of a licence; one was agreed and the other was continued to the February meeting.