



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

**THURSDAY 14 JUNE 2018
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor C McGinn (Convener)
Councillor J McMillan
Councillor J Findlay
Councillor J Henderson
Councillor J Williamson
Councillor T Trotter

Other Council Members Present:

Councillor J Goodfellow (Item on Supplementary Agenda)

Council Officials Present:

Mr I Forrest, Senior Solicitor
Mr R Fruzynski, Licensing Standards Officer
Ms G Herkes, Licensing Officer
Mr A Kelley, Transport Compliance Officer (Item on Supplementary Agenda)
Mr A McLellan, Transport Officer (Item on Supplementary Agenda)

Others Present:

PC H Bowsher, Police Scotland

Clerk:

Mrs F Stewart

Apologies:

None

Declarations of Interest:

None

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.

1. APPLICATION FOR RENEWAL OF A TAXI/PRIVATE HIRE CAR DRIVER'S LICENCE

The Sub-Committee had received one application and it was granted.

2. APPLICATION FOR GRANT OF A TEMPORARY PUBLIC ENTERTAINMENT LICENCE

The Sub-Committee had received one application and it was granted.

3. MINUTES OF MEETING ON 8 MARCH 2018 FOR APPROVAL

The minutes of 8 March 2018 were agreed to be a true record of the meeting.

Supplementary agenda

PUBLIC

1. REAR WINDOW TINT FOR TAXI AND PRIVATE HIRE CARS

The Depute Chief Executive, Partnerships and Community Services, had submitted a report to outline the current requirement for the testing criteria limiting the tint of glass fitted to rear windows of Taxis and Private Hire Cars within East Lothian.

The Legal Adviser stated that this report had been requested by Members and that no members of the taxi trade had raised the issue of tinted windows.

Andrew McLellan, Transport Officer, presented the report which recommended that the current conditions regarding the tint for rear windows be maintained. Alan Kelley, Transport Compliance officer, was also in attendance.

Mr McLellan outlined the Council's regulations for the windows of taxis and private hire cars and advised that all rear windows had to allow at least 40% of light to be transmitted through them. This allowed the driver and passengers to be clearly visible and allow inspection by either Council enforcement officers or Police Officers to confirm that the occupants of the vehicle were safe. Mr McLellan also advised that the decision to limit the rear window tint on taxis was taken after a female passenger had been assaulted in an East Lothian licensed taxi some years ago. Neighbouring local

authorities to East Lothian such as Midlothian, West Lothian and Edinburgh had a lower tolerance to tinted windows which was set at 25% tint or 75% visible light transmitted.

Mr McLellan also pointed out that tinted rear windows would impact on home to school transport and the transportation of vulnerable clients.

The Chair invited question from Members.

Councillor Trotter sought a view from the Police Representative and she stated that she was in favour of maximum visibility. Mr McLellan also advised that local authorities could only regulate side and rear windows; windscreens and front windows were regulated by the Traffic Commissioner.

Members discussed the matter at length and, during the course of the discussion, it was claimed that one taxi driver had been granted a licence for a taxi with tinted glass in East Lothian. Members were concerned that this vehicle did not comply with Council policy and the Transportation Officers agreed to look into this isolated case and report back to the Licensing Sub-Committee.

Councillor Goodfellow requested information on which local authorities allowed rear tinted windows and which did not. Mr Kelley advised that very few local authorities permitted rear tinted windows and Mr McLellan advised that rear tinted windows were permissible for certain special event vehicle hires, for example, limousine companies with chauffeur driven vehicles.

Councillor Findlay stated that there was a demand for taxi/private hire cars with tinted windows for the golf tourism industry in East Lothian. The Chair asked if some vehicles with tinted glass could be licensed for specific transport purposes but concern was expressed at how such a policy could be policed.

The Police Representative advised that complaints had been received about contract taxi vehicles which were allowed to operate one journey in 24 hours without requiring a taxi licence [Civic Government Scotland Act 1982. Section 22, F2,(1)c]. These vehicles, normally used by golf travel companies to provide airport/hotel transfers, were not subject to licensing policy and therefore not examined by Council Officers. Police Scotland were actively seeking a change to this policy. Mr McLellan confirmed that golf clubs were permitted to purchase vehicles to transport tourists under the terms of the above legislation without requiring a licence for the vehicle, but advised that they would require a special event licence in East Lothian. For clarification, Mr Kelley advised that taxi and private hire car vehicles were licensed to carry up to a maximum of 8 passengers; mini buses were used for higher numbers of passengers. The Council did not licence mini buses; these vehicles were licensed by the Traffic Commissioner and were monitored by the Police.

Councillor McMillan was supportive of golf tourism in East Lothian which he wanted to encourage. However, he stressed the need for these businesses to be regulated.

The Chair stated that his over-riding concern was for the safety and protection of the young and those who were vulnerable.

Members requested a report addressing the concerns which had been raised at today's meeting.

Decision

The Sub-Committee unanimously agreed that the current conditions regarding the limited tint for rear windows should be maintained.