

SCOTTISH BORDERS COUNCIL
CIVIC GOVERNMENT LICENSING COMMITTEE

MINUTE of Meeting of the CIVIC
GOVERNMENT LICENSING COMMITTEE
held in COMMITTEE ROOMS 2 AND 3,
COUNCIL HEADQUARTERS, NEWTOWN
ST BOSWELLS on Friday, 17 November
2017 at 10.30 a.m.

Present:- Councillors J. Greenwell (Chairman), D. Paterson, N. Richards, S. Scott, R. Tatler, E. Thornton-Nicol, G. Turnbull.

Apologies:- Councillors J. Brown, T. Weatherston.

In Attendance:- Managing Solicitor – Property and Licensing, Licensing Team Leader, Licensing Standards and Enforcement Officer (Mr I. Tunnah), Democratic Services Officer (F Henderson), Inspector T. Hodges and PC C Lackenby-Police Scotland.

1.0 MINUTE

1.1 The Minute of the Meeting of 20 October 2017.

DECISION

APPROVED and signed by the Chairman.

2.0 LICENCES ISSUED UNDER DELEGATED POWERS

2.1 Miscellaneous Licences issued under delegated powers between 12 October – 8 November 2017.

DECISION

NOTED.

3.0 TAXI DRIVER AND PRIVATE HIRE DRIVER MEDICAL ASSESSMENTS

3.1 There had been circulated copies of a report by the Service Director Regulatory Services which sought approval for the introduction of a formal policy regulating the assessment of medical fitness to drive taxi and private hire cars. The report explained that the Council as Licensing Authority for the Scottish Borders area was responsible for the licensing of taxi drivers and private hire car drivers under the Civic Government (Scotland) Act 1982. In April 2016 the DVLA issued guidance to Licensing Authorities which recommended that taxi drivers and private hire car drivers should be medically assessed to a Group 2 driving licence standard as required for lorry and bus drivers. In November 2016 the Scottish Government wrote to the Conveners of all Licensing Authorities in Scotland specifically directing them to the updated guidance issued by DVLA. The recommendation contained in the report followed the conclusions of the Working Group set up to assess the need for a policy as explained in paragraphs 3.3 and 3.4 of the report. In the event that the introduction of the policy was approved then Officers within the Council's Licensing Team would require to intimate the adoption and implementation date of the policy to the Taxi trade and to notify and liaise with the medical profession. In addition, Officers within the Council's Licensing Team would require to make appropriate amendments to the application forms and to the conditions attached to the grant of taxi driver and private hire car driver licences to make it mandatory for licence holders to report any disability or medical condition which may affect their ability to drive to the Council's Licensing Team.

DECISION

- * **AGREED** to recommend to Council the introduction of a policy requiring all taxi and private hire drivers licensed by Scottish Borders Council to be medically assessed to DVLA Group 2 standards:

- (i) From the age of 18 and thereafter reassessed at age 45
- (ii) From age 45 onwards reassessed on a five year basis.
- (iii) From Age 65 to be reassessed on an annual basis.
- (iv) In the event of a disability or medical condition which may affect an applicant's ability to drive being disclosed to the Council's Licensing Team whilst the grant of a licence is in force.

4.0 PRIVATE BUSINESS DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 12 of part 1 of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

5.0 GRANT OF STREET TRADER LICENCE – GRAHAM SCHUTTE

- 5.1 The Committee agreed to grant the application for a Street Trader Licence submitted by Graham Schutte.

DECLARATION OF INTEREST

Councillor Greenwell declared an interest in the following item of business in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

6.0 CHAIRMAN

- 6.1 In the absence of the Chairman, Councillor Tatler, seconded by Councillor Scott proposed that Councillor Turnbull chair the meeting. There being no other nominations, Councillor Turnbull chaired the meeting for the following item of business.

7.0 GRANT OF TAXI DRIVER LICENCE – STUART AYRE

- 7.1 The Committee agreed to grant the application for a Taxi Driver Licence submitted by Stuart Ayre.

8.0 CONTINUATION TAXI DRIVER LICENCE – JAMES MORRISON

- 8.1 The Committee agreed that Mr James Morrison continue to hold a Taxi Driver Licence and that a written warning be issued on behalf of the Committee.

9.0 MINUTE

- 9.1 The Private section of the Minute of 20 October 2017 was approved.

The meeting concluded at 11.10 a.m.