

A meeting of the General Purposes Board will be held on Wednesday 10 October 2018 at 3pm within the Municipal Buildings, Greenock

GERARD MALONE
Head of Legal & Property Services

BUSINESS

1. Apologies, Substitutions and Declarations of Interest	Page
2. Taxi Fares Review 2018 Report by Head of Legal & Property Services requesting the Board to determine the taxi fares scales and charges following its annual review.	
3. Application for the Grant of a Late Hours Catering Licence McDonald's Restaurants, Greenock Road, Port Glasgow Report by Head of Legal & Property Services requesting the Board to consider an application for a Late Hours Catering Licence.	

Enquiries to – Lindsay Carrick- Tel 01475 712114

Report To:	General Purposes Board	Date:	10 October 2018
Report By:	Head of Legal & Property Services	Report No:	LP/104/18
Contact Officer:	Lindsay Carrick	Contact No:	01475 712114
Subject:	Taxi Fares Review 2018		

1.0 PURPOSE

- 1.1 The purpose of this report is to ask the Board to determine the taxi fare scale and charges following its annual review.

2.0 SUMMARY

- 2.1 At the meeting on 8 August 2018, the Board following consideration of the papers before it, decided to adopt the scale of taxi fare and other charges set out in the note of tariff which forms Appendix 1 to this report.
- 2.2 Members are asked to note that the costings for the additional scales in each tariff are detailed as approximate and should not be seen as an essential part of the fare scales.
- 2.3 It should be noted, further, that the tariffs set out by the local authority are the maximum fares that may be charged by the operators of taxis within Inverclyde.
- 2.4 The proposed taxi fare scales were duly advertised and objections and representations were to be invited within the statutory period of one month following the date of advertising. No objections or representations have been received.

3.0 RECOMMENDATION

- 3.1 That the Board determine the taxi fare scales and charges following the annual review and that it be remitted to the Head of Legal and Property Services to make the necessary arrangements to implement the new taxi fare scales.

4.0 BACKGROUND

- 4.1 The Council as Licensing Authority is obliged to fix scales for the fares and other charges in its area in connection with the fare of a taxi. Fares require to be fixed within 18 months beginning with the date on which the scales came into effect.
- 4.2 The last Taxi Fares Review was carried out during 2017 with a revised Taxi Fare Scale being fixed, which came into effect on 19 November 2017.
- 4.3 The taxi trade were invited to submit their views on the taxi fare scales. The Board at its meeting on 8 August 2018 agreed to accept the proposals submitted by the trade.
- 4.4 The proposed scales were advertised in the local press in order that representations may be made by 15 September 2018. No representations or objections were received.

5.0 IMPLICATIONS

Finance

- 5.1 After fixing the scales, copies of the new Tariff Card to be produced and issued to all taxi and private hire licence holders to be displayed in their vehicles; this will be funded from the licensing budget.
- 5.2 Staff costs of the fare review and meter calibration will be contained within Environmental and Public Protection existing approved budgets.
- 5.3 There will be a financial cost to the Licensing Team producing and issuing the above documentation. These costs will be met within existing licensing budgets.

Legal

- 5.4 In terms of Section 17 of the Civic Government (Scotland) Act 1982, the Council, as licensing authority, is obliged to review and fix the maximum sales of fares and surcharges so that they take effect within 18 months beginning with the date on which the previous scale came into effect.
- 5.5 Operators of taxis or any person or organisation to the Traffic Commissioner to be a representative of such taxi operators can appeal against any decision the Local Authority makes in respect of fixing fares and surcharges. Any appeal is made to the Traffic Commissioner for the Scottish Traffic Area within 14 days of notice being given by the Licensing Authority.

Human Resources

- 5.6 There are no Human Resources implications.

Equalities

- 5.7 There are no equalities implications.

Repopulation

- 5.8 There are no repopulation implications.

6.0 CONSULTATIONS

6.1 The tariffs were advertised in the local press in order that representations may be made on the agreed proposal by a specified date at least one month from the date of the newspaper advertisement.

7.0 BACKGROUND PAPERS

7.1 None

INVERCLYDE COUNCIL
Civic Government (Scotland) Act 1982
NOTE OF TARIFF

TARIFF 1	Hirings from ranks or 'flag' hirings begun between 6am and 11pm	
	Initial charge (916 yards or part thereof)	£2.50
	Subsequent charge (each additional 98 yards or part thereof)	10p
	Approximate cost for first mile	£3.40
	Approximate cost for each additional mile	£1.80
TARIFF 2	Hirings from ranks or 'flag' hirings begun between 11pm and 6am and all pre-booked hirings begun between 6am and 10pm	
	Initial charge (889 yards or part thereof)	£2.60
	Subsequent charge (each additional 95 yards or part thereof)	10p
	Approximate cost for first mile	£3.50
	Approximate cost for each additional mile	£1.90
TARIFF 3	Pre-booked hirings begun between 10pm and 6am and hirings from ranks or 'flag' hirings on 22 April (Easter Monday), 6 May (May Day), 29 June (Fair Saturday) and 9 September (Autumn Holiday)	
	Initial charge (889 yards or part thereof)	£2.80
	Subsequent charge (each additional 83 yards or part thereof)	10p
	Approximate cost for first mile	£3.90
	Approximate cost for each additional mile	£2.20
TARIFF 4	Pre-booked hirings and hirings from ranks or 'flag' hirings on 25 & 26 December and 1 & 2 January	
	Initial charge (first mile or part thereof)	£5.10
	Subsequent charge (each additional 83 yards or part thereof)	10p
	Approximate cost for first mile	£5.10
	Approximate cost for each additional mile	£2.20
EXTRAS	£1 per passenger after first four passengers	
WAITING TIME	For each period of 31 seconds or part thereof	20p
SOILING CHARGE	Charge dependent on severity up to a maximum of	£50.00
VAT	The foregoing charges are inclusive of Value Added Tax	
COMPLAINTS	Any complaint regarding the operation of this vehicle or its driver should be made to Legal and Property Services, The Inverclyde Council, Municipal Buildings, Greenock (telephone 712139)	
LOST PROPERTY	Any property lost in this vehicle should be reported to the operator and to Police Scotland, Greenock (telephone 101)	

For the avoidance of doubt, a vehicle licensed for private hire which uses a taxi meter to charge for journeys is not permitted thereby to pick up hirings from a rank or any public place.

Report To:	General Purposes Board	Date:	10 October 2018
Report By:	Head of Legal and Property Services	Report No:	LP/105/18
Contact Officer:	Lindsay Carrick Legal Services	Contact No:	01475 712114
Subject:	Application for the Grant of a Late Hours Catering licence Leven Vale Restaurants Limited Premises – McDonald’s Restaurants, Greenock Road, Port Glasgow		

1.0 PURPOSE

1.1 The purpose of this report is to ask the Board to consider the application for a late hours catering licence for premises known as McDonald’s, Greenock Road, Port Glasgow.

2.0 SUMMARY

2.1 An application for a late hours catering licence has been made by Leven Vale Restaurants Limited, 12 Britannia Way, Clyde Shopping Centre, Clydebank for premises known as McDonald’s Restaurant, Greenock Road, Port Glasgow to operate between the hours of 11pm and 5am on Mondays to Sundays.

2.2 The Board may wish to note that the hours applied for by the applicant are out with the Council’s policy. The Council normally grants a late hours catering licence with the following trading hours:
Sundays to Thursdays between the hours of 11pm and 12.30am and Fridays & Saturdays between the hours of 11pm and 1.30am.

3.0 RECOMMENDATIONS

3.1 The Board is asked to decide whether or not they wish to hear the applicant in support of the application.

3.2 The Board is asked to consider the matter in the light of the foregoing and to determine whether or not the application may be granted.

4.0 BACKGROUND

4.1 In terms of Section 42 (1) of the Civic Government (Scotland) Act 1982 a late hours catering licence is required for the use of premises between the hours of 11pm and 5am for the sale to or consumption by the public of food. In terms of the Council's Resolution using premises for late hours catering is an activity which the Council licence.

4.2 An application for a late hours catering licence has been made by Leven Vale Restaurants Limited, 12 Britannia Way, Clyde Shopping Centre, Clydebank for premises known as McDonald's Restaurant, Greenock Road, Port Glasgow to operate between the hours of 11pm and 5am on Mondays to Sundays.

4.3 The Board may wish to note that the premises detailed below operate between the hours of 11pm and 5am Mondays to Sundays.

Tesco Extra, Greenock Road, Port Glasgow
Tesco Petrol Filling Station, Port Glasgow

Imperial Petrol Filling Station, 1 Regent Street, Greenock
BP Express, Inverkip Road, Greenock
Tesco Extra, Dalrymple Street, Container Way, Greenock
Tesco Petrol Filling Station, Greenock

5.0 IMPLICATIONS

Finance

5.1 There are no financial implications.

Legal

5.2 A licensing authority shall **refuse** an application to grant or renew a licence, if in their opinion:

(a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management is either-

- (i) for the time being disqualified under section 7(6) of this Act, or
- (ii) not a fit and proper person to be the holder of the licence;

(b) the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

(c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to -

- (i) the location, character or condition of the premises or the character or condition of the vehicle or vessel;
- (ii) the nature and extent of the proposed activity;
- (iii) the kind of persons likely to be in the premises, vehicle or vessel;
- (iv) the possibility of undue public nuisance; or
- (v) public order or public safety; or

(d) there is other good reason for refusing the application; and otherwise shall **grant** the application.

The applicant has recourse to the Sheriff Court in the event he wishes to appeal any decision of the Board.

Human Resources

5.3 There are no Human Resources implications.

Equalities

5.4 There are no equalities implications.

Repopulation

5.5 There are no repopulation implications.

6.0 CONSULTATIONS

6.1 Consultation has been undertaken with Police Scotland, Head of Environmental & Public Protection, Head of Regeneration & Planning Services, Building Standards and Roads, none of whom have made any objection to the application

6.2 The Board may wish to note that according to Planning Permissions granted, there is no planning condition restricting the hours of operation. There is a building warrant application approved for the 2 storey modular building but works are ongoing and no completion certificate accepted.

6.3 The application was advertised in the Greenock Telegraph and in addition to this the applicant advertised the making of the application by a notice displayed at the site of the premises at Greenock Road, Port Glasgow. No objections from members of the public have been received.

7.0 LIST OF BACKGROUND PAPERS

None