

POLICY AND RESOURCES COMMITTEE

LICENSING SUB-COMMITTEE

COUNCIL CHAMBER, GORDON HOUSE, INVERURIE, 3 JUNE 2016

Present: Councillors R Cowling (Chair), E H Chapman, A Evison, A Hendry, F C P Hood, S W Pratt, W A C Shand and I S Tait.

Officers: Senior Solicitor (P Robertson), Administration Assistant (J MacDonald) and Area Committee Officer (Alison Cumming).

In Attendance: Sergeant M Page (Police Scotland).

Apologies: A S Grant (ex officio) and H W Vernal (ex officio).

1. DECLARATION OF MEMBERS' INTERESTS

No declarations were made.

2A. PUBLIC SECTOR EQUALITY DUTY

In taking decisions on the undernoted items of business, the Sub-Committee **agreed**, in terms of Section 149 of the Equality Act 2010:-

- (1) to have due regard to the need to:-
 - (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) foster good relations between those who share a protected characteristic and persons who do not share it, and
- (2) to consider, where an equality impact assessment has been provided, its contents and to take those into consideration when reaching a decision.

2B. EXEMPT ITEMS

The Sub-Committee **agreed**, in terms of Section 50(A) (4) and (5) of the Local Government (Scotland) Act 1973, as amended, to exclude the public from the meeting during consideration of Items 5a, 5c, 5d and 6 below, so as to avoid disclosure of exempt information of the class described in paragraph 6 of Part 1 of Schedule 7A of the Act.

3. MINUTES OF MEETING

The Sub-Committee **agreed** to note the Minutes of Meeting of the Sub-Committee of 15 April 2016.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - Applications for determination previously deferred by the Sub-Committee

(a) Application for a Taxi Driver's Licence (Case No. 836)

A report by the Director of Business Services had been circulated requesting the Sub-Committee consider an application by Case No. 836 in terms of Civic Government (Scotland) Act 1982 for a Taxi Driver's Licence.

The Chief Constable had been consulted and had lodged a letter of representation dated 29 February 2016 in relation to the application.

The Committee heard from the applicant and the representative of the Chief Constable.

Councillor Pratt, seconded by Councillor Shand, moved that the application from Case No. 836 be granted on the grounds that the applicant is a fit and proper person to hold such a licence.

As an amendment, Councillor Hood, seconded by Councillor Hendry, moved that the application from Case No. 836 be refused on the grounds that the applicant is not a fit and proper person to hold such a licence.

The Sub-Committee voted;-

For the motion (5) Councillors Cowling, Chapman, Evison, Pratt and Shand

For the amendment (2) Councillors Hendry and Hood

Councillor Tait declined to vote.

Therefore the motion was carried and the Sub-Committee agreed to grant the application from Case No 836 on the grounds that the applicant was considered to be a fit and proper person to hold such a licence.

(b) Application for a Taxi Driver's Licence (Case No. 837)

A report by the Director of Business Services had been circulated requesting the Sub-Committee consider an application by Case No. 837 in terms of Civic Government (Scotland) Act 1982 for a Taxi Driver's Licence.

The Chief Constable had been consulted and had lodged a letter of objection dated 8 March 2016 in relation to the application.

The Committee heard from the applicant and the representative of the Chief Constable.

Councillor Hendry, seconded by Councillor Evison, moved that the application from Case No. 837 be refused on the grounds that the applicant is not a fit and proper person to hold such a licence.

As an amendment, Councillor Pratt, seconded by Councillor Shand. Moved that the application from Case No. 837 be granted for a period of one year on the grounds that the applicant is a fit and proper person to hold such a licence.

The Sub-Committee voted;-

For the motion (4) Councillors Chapman, Evison, Hendry and Hood

For the amendment (4) Councillors Cowling, Pratt, Shand and Tait

There being an equality of votes, the Chair exercised his casting vote in favour of the amendment and declared it carried in the following terms:-

That the application from Case No. 837 be granted for a period of one year on the grounds that the applicant is considered to be a fit and proper person to hold such a licence.

5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – Applications for determination

a) Application for a Taxi Driver's Licence (Case No. 841)

A report by the Director of Business Services had been circulated requesting the Sub-Committee consider an application by Case No. 841 in terms of Civic Government (Scotland) Act 1982 for a Taxi Driver's Licence.

The Chief Constable had been consulted and had lodged a letter of representation dated 25 April 2016 in relation to the application.

The Committee heard from the applicant and his partner and the representative of the Chief Constable and thereafter unanimously agreed to grant the application from Case No. 841 on the grounds that the applicant is a fit and proper person to hold such a licence.

b) Application for a Taxi Driver's Licence (Case No. 842)

A report by the Director of Business Services had been circulated requesting the Sub-Committee consider an application by Case No. 842 in terms of Civic Government (Scotland) Act 1982 for a Taxi Driver's Licence.

The Chief Constable had been consulted and had lodged a letter of objection dated 20 April 2016 in relation to the application.

The Sub-Committee heard from the applicant and the representative of the Chief Constable

Thereafter, the Sub-Committee agreed by a majority that the application from Case No. 842 be refused on the grounds that the applicant is not a fit and proper person to hold such a licence.

c) Application for a Taxi Driver's Licence (Case No. 843)

A report by the Director of Business Services had been circulated requesting the Sub-Committee consider an application by Case No. 843 in terms of Civic Government (Scotland) Act 1982 for a Taxi Driver's Licence.

The Chief Constable had been consulted and had lodged a letter of representation dated 5 May 2016 in relation to the application.

The applicant was not in attendance. After hearing from the Senior Solicitor that no contact had been made by the applicant to explain his absence, the Sub-Committee unanimously **agreed** to defer consideration of the application to the next meeting of the Sub-Committee.

d) Application for a Taxi Driver's Licence (Case No. 844)

A report by the Director of Business Services had been circulated requesting the Sub-Committee consider an application by Case No. 844 in terms of Civic Government (Scotland) Act 1982 for a Taxi Driver's Licence.

The Chief Constable had been consulted and had lodged a letter of representation dated 25 April 2016 in relation to the application.

The Committee heard from the applicant and the representative of the Chief Constable.

Thereafter the Sub-Committee unanimously **agreed** that the application from Case No. 844 be granted on the grounds that the applicant was considered to be a fit and proper person to hold such a licence.

e) Application for a Taxi Driver's Licence (Case No. 845)

A report by the Director of Business Services had been circulated requesting the Sub-Committee consider an application by Case No. 845 in terms of Civic Government (Scotland) Act 1982 for a Taxi Driver's Licence.

The Chief Constable had been consulted and had lodged a letter of objection dated 23 March 2016 in relation to the application.

The Sub-Committee heard from the applicant and the representative of the Chief Constable.

Thereafter the Sub-Committee **agreed** by a majority that the application from Case No. 845 be refused on the grounds that the applicant is not a fit and proper person to hold such a licence.

6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 CONSIDERATION OF SUSPENSION OF A TAXI DRIVER'S LICENCE (Case No. 846)

A report by the Director of Business Services had been circulated requesting the Sub-Committee consider a request from the Chief Constable to suspend the taxi driver's licence for Case No. 846 in terms of Civic Government (Scotland) Act 1982.

The Chief Constable had lodged a letter dated 11 May 2016 requesting consideration of suspension of a taxi driver's licence and citing reasons for the request for the suspension of the licence.

The licence holder was not present or represented but the Senior Solicitor had indicated that he had received a phone call and email from a solicitor on behalf of the applicant indicating that the applicant was in court that morning in Peterhead for an Intermediate Trial Diet and seeking deferral of consideration of the suspension to allow the applicant to attend. It was pointed out that the applicant was also due in court for the case relating to the suspension on 15 June 2016.

The Sub-Committee unanimously **agreed** to defer consideration of the request for suspension to allow the applicant to attend, but that a special meeting be convened before the summer and following the applicant's appearance in court on 15 June 2016.

7. SCOTTISH GOVERNMENT CONSULTATION ON TAXI AND PRIVATE HIRE CAR LICENSING AND THE IMPACT OF MDOERN TECHNOLOGY

A report by the Director of Business Services had been circulated detailing proposed responses to the consultation and seeking comments, additions and agreement for the responses to be submitted.

The Committee **agreed** that the proposed responses be submitted to the Scottish Government consultation subject to the inclusion of "consideration being given to the use of conditions to get taxi firms to indicate which internet company they are using."

8. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 TAXI FARES REVIEW – INITIAL REPORT

A report by the Director of Business Services had been circulated requesting the Sub-Committee consider the proposed taxi fares review.

The Sub-Committee **agreed**:-

- (a) to approve the fare scale listed at Appendix 1 to the Report as a proposal for the purpose of consultation with the taxi trade;
- (b) to nominate Councillors Cowling, Pratt and Shand as the named Councillors, with any other member of the Sub-Committee invited to attend, to meet with the taxi trade on a date in August 2016 to be agreed in consultation with the Chair for the purpose of agreeing a proposed fare scale which can then be the subject of public consultation in accordance with the requirements of the legislation governing fare reviews; and
- (c) to authorise Officers to co-ordinate the process for the review of the fare scale.