

POLICY AND RESOURCES COMMITTEE

LICENSING SUB-COMMITTEE

GORDON HOUSE, INVERURIE, 5 JUNE, 2015

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

Apologies: Councillor R Cowling.

Officers: M Pittendreigh, Principal Solicitor (Governance); J Joss, Senior Solicitor; V McCaskill, Committee Officer; and J Macdonald, Admin Assistant (Licensing).

In attendance: Sergeant Gavin Jardine, Police Scotland.

APPOINTMENT TO THE CHAIR

In the absence of Councillor Cowling, the Sub-Committee **agreed** to appoint Councillor Pratt to the Chair.

1. DECLARATION OF MEMBERS' INTERESTS

The Chair asked members if they had any interests to declare in terms of the Councillors' Code of Conduct. No interests were declared.

2. RESOLUTIONS

A. PUBLIC SECTOR EQUALITY DUTY

In taking decisions on the undernoted items of business, the 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 and 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.

B. EXEMPT INFORMATION

The Committee **agreed**, in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting during consideration of Items 4, 5 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 MEETINGS

(a) MINUTE OF MEETING OF THE SUB-COMMITTEE OF 17 APRIL, 2015

There had been circulated and was **noted** the Minute of Meeting of the Sub-Committee of 17 April, 2015.

(b) MINUTE OF SPECIAL MEETING OF THE SUB-COMMITTEE OF 30 APRIL, 2015

There had been circulated and was **noted** the Minute of Special Meeting of the Sub-Committee of 30 April, 2015.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – CONSIDERATION OF SUSPENSION OF A TAXI DRIVER’S LICENCE (CASE NO. 771)

There had been circulated a confidential report dated 19 May, 2015, by the Head of Legal and Governance, which (1) requested that consideration be given to written representations by the Chief Constable against the holder of a taxi driver’s licence, and (2) detailed other information relevant to the request.

In the absence of the applicant, and having heard from the representative of the Chief Constable, the Sub-Committee **agreed**:-

- (1) unanimously, that the licence holder had not breached a condition of the licence,
- (2) unanimously, that the actions of the licence holder had caused nuisance and presented a threat to public safety,
- (3) unanimously, that the licence holder was no longer a fit and proper person to be the holder of a taxi driver’s licence,
- (4) unanimously, that the taxi driver’s licence be suspended,
- (5) unanimously, that the period of suspension be the unexpired portion of the duration of the licence, and
- (6) unanimously, that the circumstances of the case justified the immediate suspension of the licence.

5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATIONS FOR DETERMINATION

(a) APPLICATION FOR A TAXI DRIVER’S LICENCE (CASE NO. 756)

There had been circulated a confidential report dated 19 May, 2015, by the Head of Legal and Governance, which (1) requested that consideration be given to an application for the grant of a taxi driver’s licence, in respect of which the Chief Constable had lodged an objection, and (2) detailed information relevant to the application.

Having heard from the applicant and the representative of the Chief Constable, the Sub-Committee **agreed** unanimously that the application be refused on the grounds that the applicant was not a fit and proper person to hold such a licence.

(b) APPLICATION FOR A TAXI DRIVER’S LICENCE (CASE NO. 772)

There had been circulated a confidential report dated 20 May, 2015, by the Head of Legal and Governance, which (1) requested that consideration be given to an application for the grant of

a taxi driver's licence, in respect of which the Chief Constable had lodged an objection, and (2) detailed information relevant to the application.

Having heard from the applicant and the representative of the Chief Constable, the Sub-Committee **agreed** unanimously that the application be refused on the grounds that the applicant was not a fit and proper person to hold such a licence.

(c) APPLICATION FOR A TAXI DRIVER'S LICENCE (CASE NO. 773)

There had been circulated a confidential report dated 20 May, 2015, by the Head of Legal and Governance, which (1) requested that consideration be given to an application for the grant of a taxi driver's licence, in respect of which the Chief Constable had lodged an objection, and (2) detailed information relevant to the application.

Having heard from applicant and the representative of the Chief Constable, Councillor Shand, seconded by Councillor Pratt, moved that the licence be granted for a period of one year.

As an amendment, Councillor Chapman, seconded by Councillor Evison, moved that the application be refused on the grounds that the applicant was not a fit and proper person to hold such a licence.

The members of the Sub-Committee voted:-

for the motion (4) Councillors Hendry, Hood, Pratt and Shand.

for the amendment (3) Councillors Chapman, Evison and Tait.

The **motion was carried** and the Sub-Committee **agreed** that the licence be granted for a period of one year.

(d) APPLICATION FOR A TAXI DRIVER'S LICENCE (CASE NO. 774)

There had been circulated a confidential report dated 20 May, 2015, by the Head of Legal and Governance, which (1) requested that consideration be given to an application for the grant of a taxi driver's licence, in respect of which the Chief Constable had lodged an objection, and (2) detailed information relevant to the application.

Having heard from the applicant and the representative of the Chief Constable, the Sub-Committee **agreed** unanimously that the application be refused on the grounds that the applicant was not a fit and proper person to hold such a licence.

(e) APPLICATION FOR A TAXI DRIVER'S LICENCE (CASE NO. 775)

There had been circulated a report dated 20 May, 2015, by the Head of Legal and Governance, which (1) requested that consideration be given to an application for the grant of a taxi driver's licence, in respect of which the Chief Constable had lodged a representation, and (2) detailed information relevant to the application.

Having heard from the applicant and the representative of the Chief Constable, Councillor Chapman, seconded by Councillor Hood, moved that the licence be granted for a period of one year.

As an amendment, Councillor Tait, seconded by Councillor Shand, moved that the licence be granted for a period of three years.

The members of the Sub-Committee voted:-

for the motion	(2)	Councillors Chapman and Hood.
for the amendment	(5)	Councillors Evison, Hendry, Pratt, Shand and Tait.

The **amendment was carried** and the Sub-Committee **agreed** that the licence be granted for a period of three years.

(f) APPLICATION FOR A TAXI DRIVER'S LICENCE (CASE NO. 776)

There had been circulated a report dated 20 May, 2015, by the Head of Legal and Governance, which (1) requested that consideration be given to an application for the grant of a taxi driver's licence, in respect of which the Chief Constable had lodged a representation, and (2) detailed information relevant to the application.

Having heard from the applicant and the representative of the Chief Constable, the Sub-Committee **agreed** by a majority that the licence be granted for a period of three years.

(g) APPLICATION FOR A TAXI DRIVER'S LICENCE (CASE NO. 777)

There had been circulated a report dated 20 May, 2015, by the Head of Legal and Governance, which (1) requested that consideration be given to an application for the grant of a taxi driver's licence, in respect of which the Chief Constable had lodged a representation, and (2) detailed information relevant to the application.

Having heard from applicant and the representative of the Chief Constable, Councillor Hendry, seconded by Councillor Chapman, moved that the application be refused on the grounds that the applicant was not a fit and proper person to hold such a licence.

As an amendment, Councillor Pratt, seconded by Councillor Evison, moved that the licence be granted for a period of one year.

The members of the Sub-Committee voted:-

for the motion	(4)	Councillors Chapman, Hendry, Hood and Tait.
for the amendment	(3)	Councillors Evison, Pratt and Shand.

The **motion was carried** and the Sub-Committee **agreed** that the application be refused on the grounds that the applicant was not a fit and proper person to hold such a licence.

(h) APPLICATION FOR A TAXI DRIVER'S LICENCE (CASE NO. 778)

There had been circulated a confidential report dated 20 May, 2015, by the Head of Legal and Governance, which (1) requested that consideration be given to an application for the grant of a taxi driver's licence, in respect of which the Chief Constable had lodged an objection, and (2) detailed information relevant to the application.

In the absence of the applicant, and having heard from the representative of the Chief Constable, the Sub-Committee **agreed** unanimously that the application be refused on the grounds that the applicant was not a fit and proper person to hold such a licence.

(i) APPLICATION FOR A TAXI DRIVER'S LICENCE (CASE NO. 779)

There had been circulated a report dated 20 May, 2015, by the Head of Legal and Governance, which (1) requested that consideration be given to an application for the grant of a taxi driver's licence, in respect of which the Chief Constable had lodged a representation, and (2) detailed information relevant to the application.

In the absence of the applicant, the Sub-Committee **agreed** unanimously that consideration of the application be deferred to the next meeting of the Sub-Committee to allow the applicant an opportunity to attend.

(j) APPLICATION FOR A TAXI DRIVER'S LICENCE (CASE NO. 780)

There had been circulated a report dated 20 May, 2015, by the Head of Legal and Governance, which (1) requested that consideration be given to an application for the grant of a taxi driver's licence, in respect of which the Chief Constable had lodged a representation, and (2) detailed information relevant to the application.

Having heard from the applicant and the representative of the Chief Constable, the Sub-Committee **agreed** unanimously that the licence be granted for a period of one year.

(k) APPLICATION FOR A PRIVATE HIRE CAR VEHICLE LICENCE (CASE NO. 781)

There had been circulated a report dated 20 May, 2015, by the Head of Legal and Governance, which (1) requested that consideration be given to applications for the grant of private hire vehicle licences and (2) detailed information relevant to the application.

Having heard from the applicant, the Sub-Committee **agreed** unanimously that the licences be granted unconditionally.

(l) APPLICATION FOR A WINDOW CLEANER'S LICENCE (CASE NO. 782)

There had been circulated a report dated 20 May, 2015, by the Head of Legal and Governance, which (1) requested that consideration be given to an application for the grant of a window cleaner's licence, in respect of which the Chief Constable had lodged a representation, and (2) detailed information relevant to the application.

Having heard from a representative of the applicant and the representative of the Chief Constable, Councillor Shand, seconded by Councillor Pratt, moved that the licence be granted unconditionally.

As an amendment, Councillor Chapman, seconded by Councillor Hendry, moved that the application be refused on the grounds that the applicant was not a fit and proper person to hold such a licence.

The members of the Sub-Committee voted:-

for the motion (4) Councillors Evison, Hendry, Pratt and Shand.

for the amendment (3) Councillors Chapman, Hood and Tait.

The **motion was carried** and the Sub-Committee **agreed** that the licence be granted unconditionally.

6. HOUSING (SCOTLAND) ACT 2006

(a) APPLICATION FOR GRANT OF LICENCE FOR HOUSES IN MULTIPLE OCCUPATION (CASE NO. 783)

There had been circulated a confidential report dated 13 May, 2015, by the Director of Business Services, which (1) requested that consideration be given to an application for the renewal of a house in multiple occupation licence, in respect of which the Chief Constable had lodged an objection, and (2) detailed information relevant to the application.

Having heard from the applicant and the representative of the Chief Constable, the Sub-Committee **agreed** unanimously that the renewal of the licence be granted unconditionally.

(b) APPLICATION FOR GRANT OF LICENCE FOR HOUSES IN MULTIPLE OCCUPATION (CASE NO. 784)

There had been circulated a report dated 13 May, 2015, by the Director of Business Services, which (1) requested that consideration be given to an application for a grant of a house in multiple occupation licence, in respect of which a member of the public had lodged an objection, and (2) detailed information relevant to the application.

Having heard from the applicant, and in the absence of the objector, the Sub-Committee **agreed** unanimously that the licence be granted unconditionally.

The Sub-Committee unanimously **agreed** to suspend Standing Order 20(8)(c) in order to allow the meeting to continue beyond 12.45 pm.

7. TAXI FARES REVIEW – INTIAL REPORT

There had been circulated a report dated 1 June, 2015, by the Director of Business Services, which advised that the Civic Government (Scotland) Act 1982 allowed licensing authorities to set reasonable fees in relation to licence applications and that these fees had last been reviewed in 2013. Under the same Act, Aberdeenshire Council, as the licencing authority, had control over taxi fares. The current fare scale was appended to the report. The licensing authority was obligated, in the Act, to carry out a review of fares every 18 months but Aberdeenshire Council undertook, at the request of the trade, to carry out a review on an annual basis. The report set out the proposed timetable for the review of the taxi fares for the consideration on the Sub-Committee.

After discussion, the Sub-Committee **agreed**:-

- (1) to approve the fare scale set out in Appendix 1 of the report as a proposal for the purposes of consultation with the taxi trade,
- (2) that Members would notify officers if they were available to attend the meeting with the trade once a date had been set, and
- (3) to authorise officers to co-ordinate the implementation of the revised fare scale.