

ABERDEENSHIRE COUNCIL
BUSINESS SERVICES COMMITTEE
LICENSING SUB-COMMITTEE

GORDON HOUSE, INVERURIE, 24 AUGUST, 2018

- Present:** Councillors F C P Hood (Chair), R E Bruce, A E M Evison, A C Forsyth, V Harper (as substitute for Councillor D G Robertson), D-P L G Lonchay, M J Roy and E A Stirling.
- Apology:** Councillor D G Robertson.
- Officers:** Principal Committee Officer and Solicitor (I Meredith), Legal and Governance.
- In attendance:** Sergeant G Flett (Police Scotland) and K Bonavino, Trainee Solicitor, Legal and Governance.

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.

2A. 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 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. CONFIDENTIAL INFORMATION

The Sub-Committee **agreed**, in terms of Section 50A (2) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting during consideration of the Items 4, 5 AND 6 below on account of the likely disclosure of confidential information in breach of the obligation of confidence.

**3. MINUTE OF MEETING OF THE LICENSING SUB-COMMITTEE OF
15 JUNE, 2018**

There had been circulated and was **approved** as a correct record, the Minute of Meeting of the Licensing Sub-Committee of 15 June, 2018.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE GRANT OF TAXI DRIVER’S LICENCE (CASE NO. 945)

The Sub-Committee **noted** that, following withdrawal of the representation from Police Scotland, the application had been granted under Officers’ delegated powers.

5. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE GRANT OF TAXI DRIVER’S LICENCE (CASE NO. 951)

There had been circulated a report dated 6 August, 2018, by the Director of Business Services, which (1) requested that consideration be given to an application for the grant of a taxi driver’s licence (identified as Case No. 951), in respect of which the Chief Constable had lodged a representation and (2) detailed information relevant to the application.

Having heard from the representative of the Chief Constable, Councillor Evison, seconded by Councillor Lonchay, moved that the licence be granted for a period of one year.

As an amendment, Councillor Stirling, seconded by Councillor Harper, moved that the licence be refused on the basis that the applicant was not a fit and proper person to hold a licence by reason of the failure to disclose previous convictions.

Members of the Sub-Committee voted as follows:-

for the motion	(2)	Councillors Evison and Lonchay.
for the amendment	(6)	Councillors Bruce, Forsyth, Harper, Hood, Roy and Stirling.

The **amendment** was carried and the Sub-Committee **agreed** to refuse the application for a taxi driver’s licence on the basis that the applicant was not a fit and proper person to hold a licence by reason of the failure to disclose previous convictions.

6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR THE GRANT OF TAXI DRIVER’S LICENCE (CASE NO. 952)

There had been circulated a report dated 17 July, 2018 by the Director of Business Services, which (1) requested that consideration be given to an application for a taxi driver’s licence, (identified as Case No. 952), and (2) detailed information relevant to the application.

Having been advised that the applicant had been in contact that morning to advise that transport arrangements to attend the meeting had fallen through and asking if it might be possible to attend the meeting remotely, the Sub-Committee unanimously **agreed**:-

- (1) to defer consideration of the application to the next meeting to allow the applicant to attend; and
- (2) that officers consider the appropriateness of remote attendance by applicants with a view to providing such an option in future.

7. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – TAXI FARES REVIEW

With reference to the Minute of Meeting of the Sub-Committee of 20 April 2018 (Item 5) when arrangements for the initial process for reviewing the taxi fare structure had been agreed, there had been circulated a report dated 12 July 2018 by the Director of Business Services (1) outlining the consultation process undertaken and responses received; and (2) proposing that

the current fare scale remain in place, as detailed in Appendix 2 of the report, with the public holiday fare to include 3rd January, Good Friday and May Day and the surcharge for payment using debit/credit being removed in line with changes in the law, effective from 1 October 2018. The report explained that the approved taxi fare scale would require (a) to be notified to all taxi operators providing a 14 day period for submission of appeals to the Traffic Commissioners, and (b) in the absence of any appeals, to be advertised in the Press & Journal to provide public notification of the implementation and effective date of new fare scales.

Following discussion on the limited feedback received from the consultation exercise undertaken, legislative requirements of the consultation process and options for providing further clarification on public holiday dates, the Sub-Committee **agreed**:-

- (1) to approve the retention of the current fare scale subject to the late-night scale applying to public holidays including 3rd January, Good Friday and May Day Bank Holidays and the surcharge for payment using debit/credit being removed in line with changes in the law, as detailed in Appendix 1;
- (2) that the Head of Legal and Governance, in the absence of any appeal to the Traffic Commissioners, be authorised to advertise and implement the revised fare scale with effect from 1 October, 2018; and
- (3) to note that officers, as part of the process for future fare scale reviews, would review consultation arrangements with a view to maximising engagement and increasing feedback.

8. STANDARD CONDITIONS FOR WINDOW CLEANER LICENCES

There had been circulated a report dated 2 August 2018 by the Director of Business Services reviewing the standard conditions for Window Cleaner's Licences as part of a wider project to review standard conditions for all civic licences. The report explained that the language used in the conditions had been reviewed to ensure it was clear and understandable; that the revised conditions had been compared with other local authorities to identify best practice and any gaps; and that the only substantial change proposed was the removal of condition 9, which had originally been intended to clarify when a licence was not required and its removal would mean that there would be no dubiety on whether a licence was required or not under the legislation. The Sub-Committee was requested to approve the revised conditions as detailed in Appendix 1 to the report.

Having been advised that all window cleaners would now require a licence, that Police Scotland would be consulted on all applications, that each licence granted would be effective for a standard 3 year period and that Licensing Standards Officers would be responsible for monitoring and enforcement, the Sub-Committee approved the revised conditions as detailed in the report subject to the language in condition 6 being amended to be gender neutral.

APPENDIX 1

TAXI FARE SCALE FROM 1 OCTOBER 2018

	Standard	Late-Night₁	Xmas/ New Year₂
The First 880 YARDS or part thereof	£2.60	£3.60	£3.90
Each additional 1/11th part of a mile or thereof	£0.20	£0.20	£0.30
Waiting: 10 pence per	10 seconds	10 Seconds	10 Seconds
<ol style="list-style-type: none"> 1. The late-night scale applies: Monday – Thursday from 2200 to 0600 and at weekends between 1800 on Fridays until 0600 on Mondays 2. The late-night scale applies to Public Holidays also from 0600 to 2200. Public Holidays are defined as 3 January, Good Friday and May Day Bank Holiday dates 3. The Festive Season tariff applies to each hiring between 1800 Hrs 24 December until 0600 Hrs 27 December, and between 1800 Hrs 31 December until 0600 Hrs 3 January. 4. In vehicles so licensed carrying more than four passengers, a surcharge of 50% of the above fares may be charged. 			
Booking Fee - £0.50 (£2.00 if picking up or dropping off a pre-booked fare at the Airport) – to be shown on the meter			
NOTE Passengers are carried on the understanding that the Driver may charge a passenger creating and unacceptable mess in the Taxi a maximum of £50			