

ABERDEENSHIRE COUNCIL
BUSINESS SERVICES COMMITTEE
LICENSING SUB-COMMITTEE

WOODHILL HOUSE, ABERDEEN, 12 OCTOBER, 2018

- Present:** Councillors F C P Hood (Chair), R E Bruce, C C Buchan (as substitute for Councillor D G Robertson), A C Forsyth, V G Harper (as substitute for Councillor A E M Evison), D-P L G Lonchay, M J Roy and E A Stirling.
- Apologies:** Councillors A E M Evison and D G Robertson.
- Officers:** Principal Solicitor (Jennifer McKearney), Senior Committee Officer (Allan Bell) and Solicitor (Iain Meredith), all Legal and Governance.
- In attendance:** Sergeant G Flett (Police Scotland).

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 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 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 Item 4 below on account of the likely disclosure of confidential information in breach of the obligation of confidence.

3. MINUTE OF MEETING OF THE SUB-COMMITTEE OF 24 AUGUST, 2018

On consideration of the circulated Minute of Meeting of the Sub-Committee of 24 August, 2018, members **agreed** to amend the Appendix to the Minute to read "an", instead of "and". The Minute was thereafter **approved** as a correct record and signed by the Chair.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATIONS FOR DETERMINATION

(a) Application for a Taxi Driver's Licence (Case No. 952)

With reference to the Minute of Meeting of the Sub-Committee of 24 August, 2018 (Item 6), there had been circulated a report dated 5 September, 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. 952), in respect of which the Chief Constable had lodged an objection and (2) detailed information relevant to the application.

Notwithstanding the absence of the applicant, Councillor Stirling, seconded by Councillor Harper, **moved** that the Sub-Committee should proceed to consider the substantive application.

As an amendment, Councillor Lonchay, seconded by Councillor Buchan, **moved** that consideration of the application be further deferred to the next meeting to clarify gaps in the information provided in the application form.

Members of the Sub-Committee voted as follows:-

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

The motion was carried in the following terms:-

That the Sub-Committee proceed to consider the substantive application before them.

Thereafter, and having heard from the representative of the Chief Constable, the Sub-Committee **agreed**, by a majority, that the application be refused on the grounds that the applicant was not a fit and proper person to hold a taxi driver's licence.

(b) Application for a Taxi Driver's Licence (Case No. 953)

There had been circulated a report dated 21 September, 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. 953), in respect of which the Chief Constable had made observations 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 consideration of the application be deferred to the next meeting to allow time for pending criminal proceedings to be concluded.

(c) Application for a Taxi Driver's Licence (Case No. 954)

There had been circulated a report dated 17 September, 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. 954), in respect of which the Chief Constable had made observations and (2) detailed information relevant to the application.

Thereafter, the Sub-Committee **agreed** unanimously that consideration of the application be deferred to the next meeting to enable the applicant to attend.

(d) Application for a Taxi Driver's Licence (Case No. 955)

There had been circulated a report dated 20 September, 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. 955), 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 a taxi driver's licence, due to a history of offending.

5. UPDATE ON IMPLEMENTATION OF REVISED TAXI FARE SCALE

With reference to the Minute of Meeting on the Sub-Committee of 24 August, 2018 (Item 7), when approval had been given to the retention of the current taxi fare scale, subject to a number of minor adjustments, there was circulated and **noted** a report dated 2 October, 2018, by the Director of Business Services, which (1) explained that the Council has subsequently received notice from the Office of the Traffic Commissioner that a member of the taxi trade had indicated an intention to appeal against the process and that, as a consequence, the implementation date of the revised scale had been put back to 1 November, 2018, to allow the trade to put the required measures in place.

Thereafter, the Sub-Committee **agreed** that the Chair should speak to the Corporate Communications and Improvement team regarding arrangements for publicising the change of date for implementing the revised scale.

6. LICENSING SUB-COMMITTEE DATES FOR 2019

On consideration of a circulated report dated 20 September, 2018, by the Director of Business Services, it was **agreed** that the Sub-Committee should meet on the following dates:-

1 February, 2019 (10:15am, in Gordon House, Inverurie),
26 April, 2019 (10:15am, in Gordon House, Inverurie),
7 June, 2019 (10:15am, in Gordon House, Inverurie),
23 August, 2019 (10:15am, in Gordon House, Inverurie),
4 October, 2019 (10:15am, in Gordon House, Inverurie),
6 December, 2019 (10:15am, in Gordon House, Inverurie).

Thereafter, the Sub-Committee further **agreed** that officers should arrange a training session for members to take place on 23 November, 2018, at 9:30am.

