

BUSINESS SERVICES COMMITTEE

LICENSING SUB-COMMITTEE

GORDON HOUSE, INVERURIE, 7 FEBRUARY, 2020

- Present:** Councillors R Bruce, M Ewenson (as substitute for Councillor M Roy), A Forsyth, V Harper, D Lonchay, D Robertson, A Stirling and L Wilson (as substitute for Councillor F Hood).
- Apologies:** Councillors F Hood and M Roy.
- Officers:** Principal Solicitor (Governance), Senior Committee Officer (Allan Bell) and Senior Solicitor (Fiona Stewart), all Legal and Governance.
- In attendance:** Sergeant G Flett and Sergeant T MacLean (both Police Scotland).

APPOINTMENT TO THE CHAIR

In the absence of Councillor Hood, members **agreed** to appoint Councillor Stirling 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.

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 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 6 DECEMBER, 2019

On consideration of the circulated Minute of Meeting of the Sub-Committee of 6 December, 2019, members **approved** the Minute as a correct record. It was thereafter signed by the Chair.

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

(a) Application for a Taxi Driver's Licence (Case No. 981)

With reference to the Minutes of Meeting of the Sub-Committee of (1) 23 August, 2019 (Item 4(b)), when it had been agreed to defer consideration of an application for the grant of a taxi driver's licence (identified as Case No. 981) to a future meeting, to enable the applicant to attend and (2) 6 December, 2019 (Item 4(c)), when members had agreed to the further deferral of the application to the next meeting, to enable members to be advised of the outcome of sentencing in respect of pending criminal charges against the applicant, there was circulated a report dated 21 January, 2020, by the Director of Business Services, which (1) requested that consideration be given to the application, in respect of which the Chief Constable had made representations and (2) detailed information relevant to the application.

In the absence of the applicant, but having heard from (a) a friend who was speaking on her behalf and (b) the representative of the Chief Constable, the Sub-Committee **agreed** unanimously that the licence be granted for a period of one year.

(b) Application for a Taxi Driver's Licence (Case No. 993)

There had been circulated a report dated 21 January, 2020, 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. 993) and (2) detailed information relevant to the application.

Having heard that representations had been submitted by the Chief Constable of Police Scotland outwith the requisite period permitted, the Sub-Committee **agreed** unanimously that the late representations should be taken into account.

Thereafter, having heard from the applicant and the representative of the Chief Constable, the Sub-Committee **agreed** to defer consideration to the next meeting of the Sub-Committee, to enable members to be advised of the outcome of pending criminal charges against the applicant.

(c) Application for a Taxi Driver's Licence (Case No. 994)

There had been circulated a report dated 18 December, 2019, 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. 994) and (2) detailed information relevant to the application.

Having heard that (a) the Chief Constable of Police Scotland had requested that additional information be taken into account which he considered to be relevant regarding the applicant's fitness to be the holder of a taxi driver's licence and (b) a request had been made by the applicant that late representations submitted by him be taken into account, the Sub-Committee:-

- (1) **agreed** unanimously to receive the late representations from Police Scotland, and

- (2) **agreed** unanimously to take into account the late representations submitted by the applicant.

Thereafter, having heard from the applicant and the representative of the Chief Constable, the Sub-Committee **agreed** unanimously to refuse the application on the basis that the applicant was not a fit and proper person to hold a taxi driver's licence, due to his repeated crimes of dishonesty.

(d) Application for a Taxi Driver's Licence (Case No. 995)

There had been circulated a report dated 20 January, 2020, 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. 995), in respect of which the Chief Constable had made representations 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 three years.

(e) Application for a Taxi Driver's Licence (Case No. 996)

There had been circulated a report dated 21 January, 2020, 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. 996) and (2) detailed information relevant to the application.

Having heard that an objection had been submitted by the Chief Constable of Police Scotland in which he had requested that, on the basis that justice could not otherwise be done, evidence of protected convictions required to be made available to members, the Sub-Committee **agreed** unanimously that the protected convictions should be taken into account.

Having heard from the applicant and the representative of the Chief Constable, Councillor Forsyth, seconded by Councillor Bruce, **moved** 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 his previous convictions, particularly in respect of acts of violence towards a child.

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

Members of the Sub-Committee voted as follows:-

- | | | |
|-------------------|-----|--|
| for the motion | (3) | Councillors Bruce, Ewenson and Forsyth. |
| for the amendment | (5) | Councillors Stirling, Harper, Lonchay, Robertson and Wilson. |

The amendment was carried in the following terms:-

that the licence be granted for a period of one year.

(f) Application for a Taxi Driver's Licence (Case No. 997)

There was circulated a report dated 13 January, 2020, 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. 997), in respect of which the Chief Constable had made representations 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 three years.

(g) Application for a Taxi Driver's Licence (Case No. 998)

There had been circulated a report dated 13 January, 2020, 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. 998), in respect of which the Chief Constable had made representations 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 three years.

5. REVIEW OF CIVIC GOVERNMENT LICENSING FEES

With reference to the Minute of Meeting of the Sub-Committee of 6 December, 2019 (Item 7), when it had been agreed that formal consultation should take place on proposed increases to civic licensing fees, there was circulated a report dated 20 January, 2020 by the Director of Business Services, which (1) advised that public consultation had taken place between 9 December, 2019, and 17 January, 2020, (2) provided members with a copy of the public consultation responses, including those from social media, together with officers' comments thereon, (3) detailed the fee options in respect of each type of licence and (4) compared fee levels with those of other local authority areas across Scotland.

At this juncture, the Chair advised that a request to speak had been received from Mr Stewart Wight (Safedrive Taxis), and, in terms of Standing Order 6.3.6, members **agreed** that he should address the Sub-Committee in respect of the report before them.

After detailed consideration, the Sub-Committee:-

- (1) **acknowledged the** public consultation carried out between 9 December, 2019, and 17 January, 2020, in respect of civic government licensing fees, as detailed within an appendix to the report,
- (2) **noted** the summary of consultation responses contained within the report,
- (3) **agreed** that fees proposed should be based on full cost recovery,
- (4) **agreed** to the increase to the full fee levels proposed, from 1 April, 2020,
- (5) **agreed** to add inflationary increases to those fees, from 1 April, 2021, and
- (6) **instructed** officers to carry out an annual "light touch" review on the impact of all licensing fee increases and to receive exception reports thereafter, as required.