

BUSINESS SERVICES COMMITTEE

LICENSING SUB-COMMITTEE

SKYPE MEETING, 4 JUNE, 2021

- Present:** Councillors R Bruce, M Ewenson, A Forsyth, V Harper, D Robertson, M Roy and A Stirling.
- Apologies:** Councillor F Hood (Chair).
- Officers:** Principal Committee Services Officer, Senior Solicitor (Fiona Stewart) and Solicitor (Amanda de Candia), all representatives from Legal & People.
- In attendance:** Sergeant Ray Walker (Police Scotland)

1. APPOINTMENT OF CHAIR AND VICE CHAIR

There had been circulated a report dated 5 May, 2021 by the Director of Business Services seeking the appointment of a new Chair of the Sub-Committee following the sad passing of former Chair Councillor Fergus Hood. The report also proposed that consideration be given to the appointment of a Vice Chair.

The Sub-Committee unanimously **agreed** to appoint Councillor Stirling as Chair and Councillor Forsyth as Vice Chair of the Sub-Committee.

2. 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.

3A. 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.

3B. 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 6 below, on account of the likely disclosure of confidential information, in breach of the obligation of confidence.

4. MINUTE OF MEETING OF 5 FEBRUARY, 2021

On consideration of the circulated Minute of Meeting of the Sub-Committee of 4 December 2020, members **approved** it as a correct record.

5. TAXIS AND PRIVATE HIRE CAR LICENSING – REVIEW OF ADVERTISEMENT POLICY

There had been circulated a report dated 1 April, 2021 by the Director of Business Services seeking approval to carry out consultation with the trade and public on a revised Advertisement Policy for Taxi and Private Hire Cars as detailed in Appendix 1. The report explained that (1) the current policy, detailed in Appendix 2, had last been reviewed on 3 October, 2003 and required all licence holders to seek permission from the Council to advertise on their vehicles, (2) the proposed new approach, if approved, would require all advertising on Taxis and Private Hire Cars to comply with the standards required by the Advertising Standards Authority (ASA) without the need to seek permission, (3) any alleged infringement of the Policy would be referred to the Head of Legal and People who could require the vehicle in question to be produced for inspection and give written notice to the Licence Holder to have the advert removed or amended, and (4) the Licence Holder could seek to have the decision of the Head of Legal and People reviewed by the Sub-Committee.

The Solicitor introduced the report, highlighted changes proposed including delegation to officers, confirmed consultation arrangements and timescale and responded to questions from Members on future timescale for review, approach to signage on rear shelf inside vehicles obstructing visibility, access to the standards required by ASA and consultation and engagement plans.

Thereafter, the Sub-Committee **agreed**:

- (1) that the Head of Legal and People carry out a public consultation on the draft revised Advertisement Policy, as detailed in Appendix 1 to this report, with a link to the ASA Code of Practice being included at Question 4a;
- (2) that the Head of Legal and People report back to the Sub-Committee following the consultation exercise; and
- (3) to support the principle of a delegation being made to officers to make a determination as to whether or not an advert is acceptable under the terms of the Policy, subject to there being a right of the licence holder to request a review of the Officer decision by the Sub-Committee.

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

**(a) Application for Renewal of a Taxi Driver's Licence
(Case No. 1012).**

There had been circulated a report dated 5 May, 2021, by the Director of Business Services, which (1) requested that consideration be given to an application for renewal of a taxi driver's licence (identified as Case No. 1012), in respect of which the Chief Constable had lodged representations, and (2) detailed information relevant to the application.

Having **noted** that the applicant had chosen not to attend or be represented at the meeting and having heard from the representative of the Chief Constable, the Sub-Committee **agreed** unanimously that determination of the application be deferred to the meeting of the Sub-Committee on 3 December, 2021 to allow for the conclusion of legal proceedings referenced in the documentation.

(b) Application for Grant of a Taxi Driver's Licence (Case No. 1013).

There had been circulated a report dated 20 May, 2021, 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. 1013), 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 Chief Constable's representative, the Sub-Committee **agreed** unanimously that determination of the application be deferred to a future the meeting of the Sub-Committee pending the conclusion of legal proceedings referenced in the documentation, if possible, prior to the deadline for determining the application of 21 April 2022.