

BUSINESS SERVICES COMMITTEE

LICENSING SUB-COMMITTEE

SKYPE MEETING, 3 JULY, 2020

- Present:** Councillors R Bruce, A Forsyth, V Harper, D Lonchay, D Robertson, M Roy and A Stirling.
- Apology:** Councillor F Hood.
- Officers:** Senior Committee Officer (Allan Bell) and Senior Solicitor (Fiona Stewart), both Legal and Governance.

APPOINTMENT TO THE CHAIR

In the absence of Councillor Hood, the Sub-Committee **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.

2. 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.

3. MINUTE OF MEETING OF THE SUB-COMMITTEE OF 5 JUNE, 2020

On consideration of the circulated Minute of Meeting of the Sub-Committee of 5 June, 2020, members **approved** it as a correct.

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

With reference to the Minute of Meeting of the Sub-Committee of 24 February, 2020 (Item 4), when members had (1) approved options for a new fare scale for the

purposes of pre-consultation with the taxi trade, (2) acknowledged that, due to the Covid-19 pandemic, pre-consultation should be undertaken electronically for a period of two weeks, (3) agreed to delegate the formulation of a fare scale proposal for publication to the Head of Legal and Governance and (4) agreed that the taxi fare review following the present one should take place in 12 months' time, there was circulated a report dated 25 June, 2020, by the Head of Legal and Governance (1) which advised members of the results of the consultation with the taxi trade in respect of the proposed fare scale, intended to take effect from 1 September, 2020 and (2) to which were appended the current taxi fare scale, the proposals upon which consultation had taken place, the detailed responses received during consultation, and a timeline for the introduction of the new fare scale.

Thereafter, and having heard a presentation by the Senior Solicitor on the consultation responses and having **noted** members' comments in respect of cashless transactions in taxis, charging passengers maximum fares, the use of the imperial system in calculating journey distances, and the status of children as qualifying passengers, the Sub-Committee:-

- (1) **agreed** to change the wording within the new fare scale in respect of the drop-off or pick-up of passengers at airports to "taxi drivers may add any current charge incurred at any airport when either dropping off or picking up passengers. Drivers must make passengers aware in advance that extra charges may be added to the fare",
- (2) **agreed** that the general taxi booking fee should remain at 50 pence,
- (3) **agreed** that 3 January in any year should remain defined as a public holiday within the fare scale, subject to the recognition that any special charge levied during the festive season would expire at 6.00 a.m. on 3 January,
- (4) **agreed** that no changes should take place to current waiting time surcharges,
- (5) **agreed** that the surcharge of 50% of the metered fare for vehicles capable of carrying more than 4 passengers, when carrying more than 4 passengers in a vehicle, should remain,
- (6) **agreed** to increase the surcharge for unacceptable mess in vehicles from £50 to £100,
- (7) **agreed** the proposed 3% increase to taxi fares, as set out within an appendix to the report, and
- (8) **authorised** the Head of Legal and Governance, in the absence of an appeal to the Traffic Commissioners, to implement the revised fare scale with effect from 1 September, 2020.

5. REOPENING OF VEHICLE TESTING CENTRES IN ABERDEENSHIRE

With reference to the Minute of Meeting of the Sub-Committee of 24 April, 2020 (Item 5), when members had acknowledged the use by the Head of Legal and Governance of the exercise of delegated powers by reason of special urgency, in respect of vehicle testing and the duration of licences for taxis and private hire cars within Aberdeenshire, there was circulated a report dated 24 June, 2020, by the Director of Business Services, which (1) advised that vehicle testing centres were to be reopened by Aberdeenshire Council Fleet Services and (2) requested the restart of 6 monthly testing on (a) new licences granted from 3 August, 2020, and (b) renewals of licences from October, 2020.

After detailed consideration, the Sub-Committee:-

- (1) **agreed** to amend the decision to relax the required 6 monthly testing for licences granted from 3 August, 2020, in order to allow new and substitute vehicle licences to be issued via a “business as usual” approach, namely for a period of one year with a MOT plus test, and a 6 month test,
- (2) **acknowledged** that Aberdeenshire Council Fleet Services would be reopening testing centres on 3 August, 2020, and that testing would start for the new grant of licences and substitutions of vehicles,
- (3) **acknowledged** that, in the event that a vehicle was presented in a manner that was not fit for testing, a test would be refused and a charge would be imposed for wasting the allocated time slot and **agreed** that this scenario should automatically require the test to be classified as failed,
- (4) **noted** the changes to procedure being implemented as a consequence of the revised DVSA procedures in respect of the introduction of the MOT requirement,
- (5) **approved** a temporary delegation of authority to the Head of Legal and Governance, following consultation with the Chair of the Sub-Committee, to make any other changes to procedure required for the processing of licences under the Civic Government (Scotland) Act 1982, as a result of guidance or legislation arising relating to the Covid-19 pandemic, for as long as that temporary delegation might be required, and
- (6) **approved** the temporary delegation of authority to the Head of Legal and Governance to accept late licence renewal applications lodged within 3 months of the date of expiry of a licence, where good reason for lateness had been provided, for as long as that delegation might be required, after which the delegated powers would revert to their existing arrangement.