

LICENSING SUB-COMMITTEE

FRIDAY, 2ND FEBRUARY, 2024

Present: Councillors A Stirling (Chair), M Ewenson (Vice-Chair), G Crowson, J Gifford, M Grant (as substitute for L Mcwhinnie), T Mason, R Menard and J Nicol.

Apologies: Councillor L Mcwhinnie.

Officers: Barbara Alexander (Solicitor), Kelly Bissett (Trainee Solicitor), Nicole Chidester (Committee Officer), and Lynsey Kimmitt (Principal Committee Officer).

Also in attendance: Sergeant Neil Grant (Police Scotland).

1 SEDERUNT AND DECLARATION OF MEMBERS' INTERESTS

The Chair asked Members if they had any interests to declare, in terms of the Councillors' Code of Conduct. There were no interests 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 and 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 Integrated 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, as amended, to exclude the public and media representatives from the meeting for Items 5, 6 and 7 of the business below on account of the likely disclosure of confidential information in breach of the obligation of confidence.

3 MINUTE OF THE MEETING OF 8 DECEMBER 2023

There had been circulated and was **approved** as a correct record the Minute of the Meeting of the Licensing Sub-Committee of 8 December 2023.

4 TAXI FARE REVIEW - INITIAL REPORT

There had been circulated a report dated 23 January 2024, by the Director of Business Services which (1) set out the timeline for the annual review of the Aberdeenshire Fare Scale and (2) sought authorisation of the Sub-Committee to undertake the Taxi Fare review.

The Licensing Authority had a statutory obligation to review taxi fares every 18 months. The last review which involved a fare increase and changes to festive season hours, was finalised by the Sub-Committee at their meeting on 10 February 2023 and took effect from 1 April 2023. At the same time, the Sub-Committee agreed to review Taxi Fares on an Annual basis rather than the statutory 18 months.

Officers intended to use the Engage platform and local press to raise awareness of the consultation. Members asked if there was an opportunity to ask the trade about their capacity to deal with demand. Officers advised that the Taxi Fare Review was a legislative requirement. Engagement on wider topics could occur separately to but still aligned with the Fare Review process.

Members asked if the Fare Review process could specifically provide an option for consultees to comment on the Festive Season tariff and if it was successful/utilised following the last review. Members were assured that comments on the festive season hours would be welcomed and considered competent.

Having considered the report, Members **agreed** to:-

- (1) approve the current Fare Scale, listed as Appendix 1 to the report, as the proposal for the purposes of pre-consultation with the taxi trade in order to reach an agreed proposed Fare Scale to use as the basis for the formal public consultation exercise; and
- (2) authorise Officers to co-ordinate the process of the review of the Fare Scale.

5 APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1089)

There had been circulated a report dated 15 January 2024, 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. 1089), in respect of which the Chief Constable had made a representation, and (2) detailed information relevant to the application.

This application was presented to the Sub-Committee on 13 October 2023, but was deferred to allow for any further evidence and to seek clarification on details surrounding the charge, if possible.

Following the publication of the agenda pack for this meeting, officers were notified that the applicant's court cases were disposed. There were no longer any charges against the applicant. Police Scotland confirmed this and notified officers that they were withdrawing their representation.

The licence was granted under delegated powers and the Sub-Committee did not consider the case.

6 APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1093)

There had been circulated a report dated 22 December 2023, 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. 1093), in respect of which the Chief Constable had made an objection, and (2) detailed information relevant to the application.

Having heard from the applicant's representative and the Chief Constable's representative, the Sub-Committee **agreed** unanimously:-

- (1) that there was enough evidence before the Sub-Committee to allow a determination to be made; and
- (2) 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.

7 APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (CASE NO. 1094)

There had been circulated a report dated 22 December 2023, 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. 1094), in respect of which the Chief Constable had made a representation, and (2) detailed information relevant to the application.

Having heard from the applicant's representative and the Chief Constable's representative, the Sub-Committee **agreed** unanimously:-

- (1) that there was enough evidence before the Sub-Committee to allow a determination to be made; and
- (2) to GRANT the application for taxi driver's licence for a period of 3 years.