

# ANGUS COUNCIL

MINUTE of MEETING of the **CIVIC LICENSING COMMITTEE** held in the Town and County Hall, Forfar on Thursday 22 February 2018 at 10.36 am.

**Present:** Councillors CRAIG FOTHERINGHAM, RICHARD MOORE, BRIAN BOYD, COLIN BROWN, BRENDA DURNO, DAVID FAIRWEATHER, ALEX KING, DAVID LUMGAIR and GAVIN NICOL.

**Also in**

**Attendance:** Councillor LOIS SPEED

Councillor FOTHERINGHAM, Convener, in the Chair.

**1. APOLOGIES**

An apology for absence was intimated on behalf of Councillor Beth Whiteside.

**2. DECLARATIONS OF INTEREST**

The Committee agreed to note that no declarations of interest were made.

**3. MINUTE OF PREVIOUS MEETING**

The minute of meeting of this Committee of 4 January 2018 was approved as a correct record and signed by the Convener.

**4. DELEGATED APPROVALS**

There was submitted Report No 73/18 by the Head of Legal and Democratic Services, detailing applications for licences under the Civic Government (Scotland) Act 1982 and other miscellaneous Acts which had been granted/renewed by the Head of Legal and Democratic Services in accordance with the Scheme of Delegation appended to Standing Orders.

The Committee agreed to note the applications detailed in the Appendix to the Report, granted/renewed under delegated powers during the period 5 December 2017 to 18 January 2018.

**5. TAXI FARES REVIEW**

With reference to Article 11 of the minute of meeting of this Committee of 1 June 2017, there was submitted Report No 74/18 by the Head of Legal and Democratic Services, regarding the proposed review of the taxi fare structure for Angus as required by section 17 of the Civic Government (Scotland) Act 1982.

The Committee agreed to commence the process of reviewing the taxi fares fixed for the Angus local authority area as required by section 17 of the Civic Government (Scotland) Act 1982 and that all taxi operators licenced in Angus be written to and asked for their proposals for any changes with operators being given one calendar month to respond.

**6. COMMENCEMENT OF SECTIONS 165 AND 167 OF THE EQUALITY ACT 2010**

With reference to Article 5 of the minute of meeting of this Committee of 2 November 2017, there was submitted Report No 75/18 by the Head of Legal and Democratic Services, which provided members with the responses received following a public consultation exercise that had taken place between 19 December 2017 and 30 January 2018 in connection with the review of the arrangements for wheelchair accessible taxi and private hire vehicles in the Angus area.

The Committee agreed to hear Councillor Speed, who addressed the Committee and advised members of the difficulties she had experienced when trying to book or pre-book a vehicle with wheelchair accessibility for members of her family who were wheelchair users. She advised that it was particularly difficult obtaining a vehicle with wheelchair access especially during school hours.

Discussion took place and the contents of the sixteen responses, as detailed in the Appendix to the Report was noted.

The Committee agreed:-

- (i) to note the responses received during the consultation exercise which had taken place between 19 December 2017 and 30 January 2018 as detailed in Appendix 1 to the Report;
- (ii) to determine that there was an unmet need for wheelchair accessible taxis and private hire vehicles in the Angus area; and
- (iii) to commence a consultation exercise with taxi and private hire operators and drivers, to inform the decision as to how best to address unmet need in respect of the provision of wheelchair accessible taxi and private hire vehicles in Angus.

## **7. EXCLUSION OF PUBLIC AND PRESS**

The Committee resolved, in terms of Standing Order 28(2), that the public and press be excluded from the meeting during consideration of items 8-11, so as to avoid the possible disclosure of information which was exempt in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973, paragraphs 3 and 6.

## **8. RENEWAL APPLICATION**

There was submitted Report No 76/18 by the Head of Legal and Democratic Services, regarding an application received for the renewal of a licence under the Civic Government (Scotland) Act 1982 which required to be determined by the Committee, as detailed in the Appendix to the Report.

### **(a) Taxi Driver's Licence (TD76)**

With reference to Article 13 of the minute of meeting of this Committee of 10 August 2017, the Committee considered a letter of representation received from Police Scotland dated 30 June 2017 in relation to an application for the renewal of a Taxi Driver's Licence (TD76) received on 31 May 2017.

The Committee noted that a further letter had been received from Police Scotland dated 18 January 2018 updating members regarding the pending case.

The applicant was not present.

Constable Mark Reid, Police Scotland, gave details of the current case and it was noted that the applicant had pled guilty in respect of the charge and sentence had been deferred to 19 April 2018.

Councillor King, seconded by Councillor Fotheringham, moved that the application be refused as the applicant was not a fit and proper person to be the holder of the licence.

**COUNCILLOR FAIRWEATHER, SECONDED BY COUNCILLOR LUMGAIR, MOVED AS AN AMENDMENT, THAT THE APPLICATION BE RENEWED BUT THAT THE APPLICANT BE GIVEN A WARNING OF THE POSSIBLE CONSEQUENCES OF ANY FUTURE ADVERSE REPORTS.**

On a vote being taken, the members voted:-

For the motion:-

Councillors Fotheringham and King (2).

For the amendment:-

Councillors Moore, Boyd, Brown, Durno, Fairweather, Lumgair and Nicol (7).

The amendment was declared carried and became the finding of the meeting resulting in the application being renewed.

#### **9. UPDATE REPORT – PRIVATE HIRE CAR DRIVER’S LICENCE (PHCD44)**

With reference to Article 4(a) of the minute of meeting of this Committee of 8 November 2017, there was submitted Report No 77/18 by the Head of Legal and Democratic Services, advising members to note the update in respect of a former licence holder in respect of private hire car drivers licence (PHCD44).

The Committee agreed to note the position.

#### **10. CURRENT LICENCE HOLDER - REPRESENTATION**

There was submitted Report No 78/18 by the Head of Legal and Democratic Services, regarding information received in relation to a current licence holder under the Civic Government (Scotland) Act 1982 which required to be determined by the Committee as detailed in the Appendix to the Report.

##### **(a) Taxi Drivers Licence (TD80) and Private Hire Operators Licence (PHOL02)**

The Committee heard from Constable Mark Reid, in connection with the current licence holder and it was noted that the Procurator Fiscal had agreed that no proceedings take place in connection with the offence detailed in the letter dated 29 December 2017 from Police Scotland.

The Committee noted the position and agreed to take no action in connection with the Report.

#### **11. CURRENT LICENCE HOLDER - REPRESENTATION**

There was submitted Report No 79/18 by the Head of Legal and Democratic Services, regarding information received in relation to a current licence holder under the Civic Government (Scotland) Act 1982 which required to be determined by the Committee as detailed in the Appendix to the Report.

##### **(a) Taxi Drivers Licence (TD81) and Taxi Operators Licence (TO8)**

The Committee considered information in relation to a Taxi Drivers Licence (TD81) and a Taxi Operators Licence (TO8) advising that the licence holder had a pending case against him as detailed in the letter from Police Scotland dated 29 December 2017.

The licence holder was present but did not address the Committee.

Constable Forsyth, addressed the Committee and advised that the current licence holder had pled not guilty to the charge and a trial date had been set for 18 April 2018.

The Committee agreed to note the representation and advised the licence holder that the information may be reconsidered by the Committee should any further information be received.

#### **12. IMMEDIATE SUSPENSION OF LICENCES – DELEGATED POWERS**

There was submitted Report No 80/18 by the Head of Legal and Democratic Services, advising the Committee of its powers to order the immediate suspension of a licence if it is of the opinion that the carrying on of the activity to which the licence relates was causing or was likely to cause a serious threat to public order or public safety; and to delegate authority to exercise this power.

The Committee, after discussion, agreed:-

- (i) to note its powers, under section 12 of schedule 1 to the Civic Government (Scotland) Act 1982, to order the immediate suspension of a licence if it was of the opinion that

the carrying on of the activity to which the licence relates was causing or was likely to cause a serious threat to public order or public safety;

- (ii) to note that any suspension ordered under section 12 above only lasted for a period of the date six weeks after the order was made or the date of any decision of the licensing authority whether or not to suspend or revoke the licence under paragraph 11 of schedule 1 to the Civic Government (Scotland) Act 1982 (whichever was the earliest); and

- \* (iii) to delegate authority to the Head of Legal and Democratic Services (and her successors in office as monitoring officer of Angus Council in terms of section 5 of the Local Government and Housing Act 1989), in consultation with the Convener and Vice Convener (if available), to order the immediate suspension of a licence in terms of section 12 above given the need to deal with these issues as a matter of urgency.