

## **ANGUS COUNCIL**

MINUTE of MEETING of the **CIVIC LICENSING COMMITTEE** held in the Town and County Hall, Forfar on Thursday 17 May 2018 at 11.20 am.

**Present:** Councillors CRAIG FOTHERINGHAM, RICHARD MOORE, BRIAN BOYD, BRENDA DURNO, DAVID FAIRWEATHER, ALEX KING, DAVID LUMGAIR AND BETH WHITESIDE

Councillor FOTHERINGHAM, Convener, in the Chair.

**1. APOLOGIES**

Apologies for absence were intimated on behalf of Councillors Colin Brown and Gavin Nicol.

**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 5 April 2018 was approved as a correct record and signed by the Convener.

**4. DELEGATED APPROVALS**

There was submitted Report No 161/18 by the Service Leader - Legal and Democratic, 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 7 March 2018 to 24 April 2018.

**5. NEW APPLICATION – PUBLIC ENTERTAINMENT LICENCE**

With reference to Article 5 of the minute of meeting of the Angus Licensing Board of 17 May 2018, there was submitted Report No 162/18 by the Service Leader – Legal and Democratic regarding a new application received for a Public Entertainment Licence, under the Civic Government (Scotland) Act 1982 which required to be determined by the Committee, as detailed in the Appendix to the Report.

In light of the decision taken at the Angus Licensing Board preceding this Committee to grant the Premises Licence for The Attic Club, 2A St. Malcolm's Wynd, Kirriemuir the Clerk reported that the applicant now wished to withdraw this application.

The Committee noted the position.

**6. TAXI FARES REVIEW**

With reference to Article 5 of the minute of meeting of this Committee of 22 February 2018, there was submitted Report No 163/18 by the Service Leader - Legal and Democratic regarding the proposed review of the taxi fare structure for Angus.

The Report advised that following the consultation period, eleven responses had been received from operators which, combined, provided five proposals as detailed in Appendix 1 to the Report. Appendix 2 provided members with an indication of the approximate percentage increases in respect of the options submitted.

The Committee heard from Wendy Foreman, Forfar who urged the Committee to approve option 4 as detailed in Appendix 1 to the Report as an increase was required due to the rise in garage costs, servicing costs, Angus Council fees and the price of fuel.

Councillor Fairweather, seconded by Councillor King moved that Option 1 – no change in fares as proposed by R Innes and M Healy and detailed in Appendix 1 to the Report be approved.

COUNCILLOR WHITESIDE, SECONDED BY COUNCILLOR MOORE, MOVED AS AN AMENDMENT, THAT OPTION 5 AS PROPOSED BY L ADAMS, WILCO CABS, MONTROSE AND DETAILED IN APPENDIX 1 TO THE REPORT BE APPROVED.

On a vote being taken, the members noted:-

For the motion:-

Councillors Fairweather, King, Lumgair (3).

For the amendment:-

Councillors Fotheringham, Moore, Boyd, Durno and Whiteside (5).

The amendment was declared carried.

The Committee then agreed:-

- (i) to delegate authority to the Service Leader – Legal and Democratic to implement the new fare structure as appended to the Report (**APPENDIX I** to this minute) as soon as possible and in consultation with Police Scotland, in the event that no representations were received within one month of the date of advertising of the adopted option;
- (ii) to note that any recommended increase represented a maximum fare chargeable by taxi drivers and was not a compulsory fare; and
- (iii) to note the requirement in terms of meter changes within the body of the report and determine to follow the process used currently by Dundee in the event of any meter change.

which together with the amendment became the findings of the meeting.

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

With reference to Article 6 of the minute of meeting of this Committee of 22 February 2018, there was submitted Report No 165/18 by the Service Leader – Legal and Democratic providing members with an update after the consultation exercise regarding the commencement of sections 165 and 167 of the Equality Act 2010 which involved contact with the Taxi Trade by letter and via a public meeting.

The Committee agreed:-

- (i) to note that all Taxi and Private Hire Drivers and Operators had been contacted by letter on 3 April 2018 as per **Appendix 1** to the report;
- (ii) to note that a public meeting had taken place with the Taxi Trade on 17 April 2018 in the Canmore Room, Forfar between 3pm and 5pm;
- (iii) to hold a further public meeting with the Taxi Trade in Arbroath; and
- (iv) that a further report on this matter, containing an Options Appraisal, be submitted to the September meeting of this Committee.

## **8. 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 the following items 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.

**9. NEW APPLICATION**

There was submitted Report No 166/18 by the Service Leader -Legal and Democratic regarding an application received for a new 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 Drivers Licence (TD82)**

The Committee considered a letter of representation received from Police Scotland dated 19 March 2018, in relation to an application for a Taxi Drivers licence (TD82) received on 16 March 2018.

The applicant was present and addressed the Committee.

PC Reid, Police Scotland, then addressed the Committee on the contents of the letter from Police Scotland dated 19 March 2018.

The Committee agreed that the application be granted, subject to the standard conditions but that the applicant be given a warning of the possible consequences of any future adverse reports.

**10. CURRENT LICENCE – REPRESENTATIONS/OBJECTIONS**

There was submitted Report No 167/18 by the Service Leader - Legal and Democratic regarding representations received in connection with a current licence holder under the Civic Government (Scotland) Act 1982 which required to be considered by the Committee, as detailed in the Appendix to the Report.

**(a) Window Cleaners Licence (WC19)**

The Committee considered a letter of representation received from Police Scotland dated 16 April 2018 in relation to a Window Cleaners licence (WC19).

Ms Ling Deng, the applicant's agent, addressed the Committee.

The Committee noted that the case was pending and 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.

## **A. GENERAL**

### **TARIFF ONE**

Hirings begun between 6am and 6pm Monday to Friday inclusive (except Christmas Eve, Christmas Day, Boxing Day, Hogmanay, New Year's Day, and 2 January).

(A) If the distance does not exceed 1660 yards – for the whole distance - **£3.50**

(B) If the distance exceeds 1660 yards:

(1) For the first 1660 yards - **£3.50**

(2) For each additional **85** yards or uncompleted part thereof – 10p

(C) Waiting time – for each period of 15 seconds – 10p

### **TARIFF TWO**

Hirings begun between 6pm and 6am Monday to Friday and from 6pm Friday until 6am Monday (except Christmas Eve, Christmas Day, Boxing Day, Hogmanay, New Year's Day and 2 January). This tariff is also applicable for hirings commenced between 6am and 6pm on Christmas Eve and Hogmanay.

(A) If the distance does not exceed 1260 yards – for the whole distance - **£3.80**

(B) If the distance exceeds 1260 yards:

(1) For the first 1260 yards - **£3.80**

(2) For each additional **75** yards or uncompleted part thereof – 10p

(C) Waiting time – for each period of 15 seconds – 10p

### **TARIFF THREE**

Hirings begun between 6pm on Christmas Eve through to 6am on 27 December and from 6pm on Hogmanay through to 6am on 3 January.

(A) If the distance does not exceed 1320 yards – for the whole distance -**£5.10**

(B) If the distance exceeds 1320 yards:

(1) For the first 1320 yards - **£5.10**

(2) For each additional **65** yards or uncompleted part thereof – 10p

(C) Waiting time – for each period of 10 seconds – 10p

### **TARIFF FOUR**

(Only for larger type vehicles carrying five or more passengers at their own request) for hirings begun between 6pm on Christmas Eve through to 6am on 27 December and from 6pm on Hogmanay through to 6am on 3 January.

(A) If the distance does not exceed 1320 yards – for the whole distance – **£6.20**

(B) If the distance exceeds 1320 yards:

(1) For the first 1320 yards – **£6.20**

(2) For each additional **65** yards or uncompleted part thereof – 20p

(C) Waiting time – for each period of 13 seconds – 20p

## **B – LARGE MINI-BUS TYPE VEHICLES**

### **(Carrying five or more passengers together at their own request)**

(A) Where Tariff 1 would apply – Charge Tariff 2

(B) Where Tariff 2 would apply – Charge Tariff 3

(C) Where Tariff 3 would apply – Charge Tariff 4

## **C – ADDITIONAL CHARGES**

1. Extras to be added on all tariffs 10p per case or object carried.
2. £60 to be levied in respect of passenger soiling a vehicle which results in the vehicle being taken out of service for any period of time.
3. Where a taxi is called but not used – normal fare to be charged according to distance as if the taxi had been occupied from the time it left the stance or garage.
4. Extras to be charged on all tariffs for each passenger after the first passenger 20p

## **ANGUS COUNCIL**

MINUTE of the Special MEETING of the **CIVIC LICENSING COMMITTEE** held in the Town and County Hall, Forfar on Monday 11 June 2018 at 2pm.

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

Councillor FOTHERINGHAM, Convener, in the Chair.

### **1. APOLOGIES**

There were no apologies intimated.

### **2. DECLARATIONS OF INTEREST**

Councillor Boyd declared an interest in item 3 (Report No 164/18) as in his capacity as a local member, he had been contacted by the press and had given comments on this matter but had not given any advice. He indicated that he would take part in any discussion and voting.

### **3. THE OPEN GOLF CHAMPIONSHIP, CARNOUSTIE – ARRANGEMENTS FOR TAXI STANCES**

With reference to Article 7 of the minute of meeting of this Committee of 5 April 2018, there was submitted Report No 164/18 by the Service Leader Legal and Democratic seeking approval for the arrangements for temporary traffic stances for the duration of the Open Golf Championship in Carnoustie in July 2018.

The Committee noted that the proposed arrangements were advertised as detailed in the report and meetings were arranged with the taxi and private hire trade on 15 March and 17 April 2018 (unfortunately, no drivers or operators attended from the Carnoustie and Arbroath zone).

The members noted that following representations received, as detailed in Appendix 2 to the Report, a new proposal had been developed utilising the former Kinloch School site and the temporary stance would be managed by marshals, who would perform the functions as detailed in Appendix 1 to the Report. A plan of the proposed arrangements was detailed in Appendix 3 to the Report.

The Committee agreed:-

- (i) to note the consultation process undertaken in respect of proposed arrangements for temporary traffic stances for the duration of the Open Golf Championship in Carnoustie in July 2018;
- (ii) to note the objections/representations received;
- (iii) to approve the new arrangements set out in the Report involving the use of the former Kinloch School site; and
- (iv) to delegate authority to the Service Leader – Legal and Democratic;
  - (a) to consult with persons or organisations appearing to them to be, or to be representative of, the operators of taxis operating in the area;
  - (b) having regard to the outcome of that consultation exercise, to give notice to the Chief Constable and public notice of the proposal by advertisement; and
  - (c) to determine, in consultation with the Convener and Vice Convener of this Committee whether to approve the arrangements for temporary traffic stances for the duration of the Open Golf Championship in Carnoustie between 13 and 23 July 2018 (inclusive).

#### **4. THE OPEN GOLF CHAMPIONSHIP, CARNOUSTIE – TAXI ARRANGEMENTS**

There was submitted Report No 195/18 by the Service Leader - Legal and Democratic seeking approval for the arrangements for taxis for the duration of the Open Golf Championship in Carnoustie in July 2018.

The Committee agreed:-

- (i) that all taxis licensed to operate in the Carnoustie and Arbroath zone be permitted to operate in Carnoustie for the duration of The Open;
- (ii) that expressions of interest be invited from all taxi operators in Angus outwith the Carnoustie/Arbroath zone in operating in Carnoustie for the duration of the Open;
- (iii) that 50 vehicles from outwith the Carnoustie/Arbroath zone be permitted to operate in Carnoustie for the duration of The Open;
- (iv) that in the event that the number of expressions of interest exceeds 50, the vehicles permitted to operate would be selected at random;
- (v) that a fee of £40 is charged to those selected at (iv) above to cover administration costs and the deployment of marshals; and
- (vi) to delegate authority to the Service Leader – Legal and Democratic to determine, in consultation with the Convener and Vice Convener of this Committee and the Local members to approve the final arrangements for taxis for the duration of the Open Golf Championship in Carnoustie between 13 and 23 July 2018 (inclusive).

#### **5. 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 the following items 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.

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

There was submitted Report No 196/18 by the Service Leader - Legal and Democratic 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) Second Hand Dealers Licence (SHD12)**

The Committee considered information in relation to a Second Hand Dealers licence (SHD12) advising that the licence holder had a pending case against him as detailed in the letter from Police Scotland dated 10 May 2018.

The licence holder was present and addressed the Committee.

Constable Reid, Police Scotland, then addressed the Committee on the contents of the letter from Police Scotland dated 10 May 2018.

The Committee noted that the case was pending and agreed to note the representation regarding the Second Hand Dealers licence and advised the licence holder that the information may be reconsidered by the Committee should any further information be received.

*The Convener ruled, in accordance with the provisions of Standing Order 11(2) (ii), that the following item Report No 208/18 be considered as an urgent item of business, as a letter of representation had been received from Police Scotland in connection with a current licence holder.*

## **7. CURRENT LICENCE HOLDER – IMMEDIATE SUSPENSION**

There was submitted Report No 208/18 by the Service Leader - Legal and Democratic regarding representations received in connection with a current licence holder under the Civic Government (Scotland) Act 1982 which required to be considered by the Committee, as detailed in the Appendix to the Report.

### **(a) Taxi Drivers Licence (TD83)**

The Committee considered information in relation to a Taxi Drivers Licence (TD83), advising that the licence holder had a pending case against him as detailed in the letter from Police Scotland dated 8 June 2018.

A representative, on behalf of the current licence holder, addressed the Committee.

Constable Reid, Police Scotland, then addressed the Committee on the contents of the letter from Police Scotland dated 8 June 2018.

The Committee noted that the case was pending and agreed to note the representation regarding the taxi drivers licence and advised the licence holder that the information may be reconsidered by the Committee should any further information be received.

## **ANGUS COUNCIL**

MINUTE of the Special MEETING of the **CIVIC LICENSING COMMITTEE** held in the Town and County Hall, Forfar on Monday 2 July 2018 at 2.40pm.

**Present:** Councillors CRAIG FOTHERINGHAM, RICHARD MOORE, BRIAN BOYD, ALEX KING, DAVID LUMGAIR, GAVIN NICOL AND BETH WHITESIDE

Councillor FOTHERINGHAM, Convener, in the Chair.

**1. APOLOGIES**

Apologies for absence were intimated on behalf of Councillors Colin Brown, Brenda Durno and David Fairweather.

**2. DECLARATIONS OF INTEREST**

Councillors Boyd and Fotheringham each declared an interest in item 3 as they had both been contacted by Mr Gray, the applicant but had made no comment and referred the matter to officials to deal with. Both indicated that they would participate in any discussion and voting on this item.

**3. FIELD 280M NORTH WEST OF WASTEWATER TREATMENT WORKS, NETHER KELLY, ARBROATH DD11 2PJ**

There was submitted Report No 214/18 by the Head of Communities regarding an application received from Mr Andrew Gray of J P Gray & Sons for a licence to operate a temporary workers caravan site on land 280m northwest of wastewater treatment works, Nether Kelly, Arbroath, DD11 2PJ. The accommodation was required to house seasonal/temporary workers employed to work on Inverpeffer/Hatton Farms.

The Committee agreed:-

- (i) to grant a temporary workers caravan site licence to Mr Andrew Gray, JP Gray & Sons, Auchrennie Farm, by Arbroath, subject to the site's compliance with the "Model Standards" for caravan sites;
- (ii) that the maximum number of caravans to be stationed on site at any one time be 10; and
- (iii) that the operating period be 1 May to 31 October each year.