

ANGUS COUNCIL

MINUTE of MEETING of the **CIVIC LICENSING COMMITTEE** held remotely on Thursday 13 January 2022 at 10.21am.

Present: Councillors RICHARD MOORE, BRIAN BOYD, BRENDA DURNO, ALEX KING, DAVID LUMGAIR, GAVIN NICOL and BETH WHITESIDE.

Councillor MOORE, Vice Convener, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Craig Fotheringham and David Fairweather.

2. DECLARATIONS OF INTEREST

Councillor Boyd declared an interest in Item 7 (Report No 5/22) as he currently operated a business which included pod-lets. He indicated that he would not take part in any discussion and voting and would leave the meeting during consideration of this item.

3. MINUTES OF PREVIOUS MEETINGS

The minutes of meetings of this Committee of 25 November and 13 December 2021 were approved as correct records and signed by the Convener.

4. DELEGATED APPROVALS

There was submitted Report No 2/22 by the Director 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 Director 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 1 November 2021 to 14 December 2021.

5. PUBLIC PROCESSION

With reference to Article 5 of the minute of meeting of this Committee of 26 November 2020, there was submitted Report No 3/22 by the Director of Legal and Democratic Services asking the Committee to consider a written notice received in respect of a proposed public procession to be held on 2 April 2022 at 12.30pm under Section 62 of the Civic Government (Scotland) Act 1982 as detailed in the Appendix to the Report.

It was noted that the proposed route would be: -

Inchcape Park, A 92, East Grimsby St, Ladybridge Street, High Street, Hamilton Green, Abbey Street, West Abbey St, Hill Terrace, Hill Road, Kings Drive, Victoria Park (all in Arbroath).

The Committee heard from Mr Bill Fotheringham, on behalf of All Under One Banner who advised that this march would be very similar to the previous march which had been scheduled for 3 April 2021 but unfortunately had been cancelled due to the Covid 19 pandemic.

He advised that adequate stewards and volunteers were in place and estimated around 10,000 participants. There would be various safety measures put in place as detailed in Appendix 3 to the Report. Members then asked a number of questions of the applicant regarding the dispersal of participants following the march.

Inspector Jamie Allen then addressed the Committee and advised that Police Scotland had no objections but had requested that the Covid-19 condition, as detailed in Appendix 2 to the Report be imposed should the order be made.

The Committee agreed that an order in respect of the notice on the holding of the procession be approved subject to the condition detailed in Appendix 2 to the Report and any standard conditions deemed appropriate.

6. TAXI FARES REVIEW

With reference to Article 5 of the minute of meeting of this Committee of 20 May 2021, there was submitted Report No 4/22 by the Director of Legal and Democratic Services regarding the proposed review of the taxi fares fixed for the Angus local authority area as required by Section 17 of the Civic Government (Scotland) Act 1982.

The Report advised that the Council had received representations from the trade requesting a further review of fares and other charges. The representations received highlighted the increased cost of fuel, fees, insurance, tyres, maintenance and living costs.

Councillor King expressed his views that this decision should be considered by the new members of the Civic Licensing Committee following the local Council elections to be held on 5 May 2022.

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.

In accordance with the provisions of Standing Order 16 (11)(ii) Councillor King requested that his dissent be recorded in relation to the foregoing decision.

Having declared an interest at Article 2 above, Councillor Boyd left the meeting during consideration of the following item.

7. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – LICENSING OF SHORT TERM LETS

There was submitted Report No 5/22 by the Director of Legal and Democratic Services which advised members of the impending introduction of the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 which would make the use of accommodation for a short-term let an activity for which a licence was required, to summarise the licensing requirements; and to advise of work to be undertaken to ensure that arrangements were in place to meet the legal requirements of the Order.

The Committee agreed: -

- (i) to note the requirements contained in the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 which would make the use of accommodation or a short-term let an activity for which a licence was required;
- (ii) to note the particular licensing requirements;
- (iii) that an officer group be formed to ensure that arrangements were in place to meet the legal requirements of the Order; and
- (iv) that further reports would be submitted to this Committee regarding detailed requirements for approval.

8. PRIVATE HIRE CAR LICENCES

There was submitted Report No 6/22 by the Director of Legal and Democratic Services which advised members of a request received to permit motorised tricycles to be licensed as private hire cars.

The Report indicated that a request had been received from a business which was planning to offer motorised tricycle tours within and outwith Angus to tourists (starting and ending in Angus). An example of a motorised tricycle was shown in Appendix 1 to the Report ("the proposed vehicle"). The proposed vehicle would be driven by an employee of the business. Officers had advised that given the nature of this activity, the vehicle would require to be licensed as a private hire car and the driver licensed as a private hire driver.

It was noted that the proposed vehicle would not currently meet the requirements of the Council in respect of the standard conditions which apply to private hire cars. In addition, the vehicle inspection checklist that was used when inspecting vehicles would not be appropriate for inspecting the proposed vehicle.

Mr Carr addressed the committee and gave details of his proposals after which members asked him a number of questions.

The Committee agreed: -

- (i) to note that a request had been received for the Council to consider permitting motorised tricycles to be licensed as private hire cars;
- (ii) to note the current requirements in respect of private hire vehicles; and
- (iii) to instruct officers to further investigate the use of motorised tricycles as private hire cars and the potential terms by which they could be licensed and to report back to a future meeting of this Committee.

9. 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 item, 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.

10. CURRENT LICENCE HOLDER – LETTER OF COMPLAINT

There was submitted Report No 7/22 by the Director of Legal and Democratic Services regarding a letter of complaint which had been 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 Driver's Licence (TD96)

With reference to Article 4 of the minute of meeting of the special meeting of this Committee of 13 December 2021, the Committee considered a letter of complaint received from Police Scotland dated 3 November 2021 in relation to a Taxi Driver's Licence (TD96), advising that the licence holder was no longer a fit and proper person to hold a licence.

The licence holder was not present.

A written submission provided by the licence holder's agent was circulated to members.

The Committee then heard from Constable Simpson who spoke on the contents of the letter from Police Scotland dated 3 November 2021.

Members asked a number of questions and Sergeant Allen addressed the Committee.

The Committee, having regard to the terms of the letter of complaint from, Police Scotland, paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982, determined that it had been established that a condition of the licence had been contravened.

The Committee agreed to revoke the licence holder's taxi driver's licence.