

ANGUS COUNCIL

MINUTE of MEETING of the **CIVIC LICENSING COMMITTEE** held remotely on Thursday 9 June 2022 at 12.30pm.

Present: Councillors BRENDA DURNO, LINDA CLARK, KENNY BRAES, CRAIG FOTHERINGHAM, ROSS GREIG, LLOYD MELVILLE, JILL SCOTT and BETH WHITESIDE.

Councillor Durno, Convener, in the Chair.

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors Fairweather and Nicol.

2. DECLARATIONS OF INTEREST

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

3. COMMITTEE MEMBERSHIP

With reference to Article 8(b) of the minute of meeting of Angus Council of 26 May 2022, the Committee agreed to note the members appointed to this Committee. Councillor Clark intimated that due to workloads and other civic duties, she was resigning from the Civic Licensing Committee and it was noted that the vacancy would be filled at the Council meeting on 30 June 2022.

4. CIVIC LICENSING COMMITTEE - REMIT

There was submitted and noted the remit of the Civic Licensing Committee.

5. APPOINTMENTS - PUBLIC PROCESSION SUB COMMITTEE AND TAXI AND PRIVATE HIRE MEMBER OFFICER WORKING GROUP

The Committee agreed that in light of Councillor Clark's resignation from the Civic Licensing Committee due to workloads and other civic duties and the Civic Licensing Committee not having a full complement of members, the appointments to the Public Procession Sub Committee and Taxi and Private Hire member Officer Working Group be not filled at present and be deferred for consideration at the meeting of this Committee on 18 August 2022.

6. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 24 March 2022 was approved as a correct record and signed by the Convener.

7. DELEGATED APPROVALS

There was submitted Report No 135/22 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 2 March to 26 May 2022.

8. TAXI FARES REVIEW

With reference to Article 6 of the minute of meeting of this Committee of 13 January 2022, there was submitted Report No 136/22 by the Director of Legal and Democratic Services which related to the current review of the taxi fare structure for Angus.

The Report advised that following the consultation period, twelve responses had been received including a number of comments. The majority of operators indicated that not to increase the fares may cause difficulties for taxi operators, citing increasing costs to operators

and highlighting that fares had been unchanged for some time. One response opposed change to the fares suggesting that increasing fares may have a detrimental impact on passenger journeys. The nine proposed options which had been submitted were detailed in Appendix 1 to the Report.

The Committee heard from Mr Gibson, who spoke on option 5 and Mr Healy who spoke on option 1(no increase in fees). Both operators expressed their views on the various options before the Committee and Ms Burns, Solicitor, Legal and Democratic Services addressed the Committee on the table of related calculations contained in Appendix 2 to the Report.

After discussion and in light of the representations received, the Committee agreed: -

- (i) to approve, increases to Tariff one, Tariff two and Tariff three in line with Option 7 proposed by Robert Innes and detailed in Appendix 1 to the Report but agreed that Tariff 4 should remain unchanged;
- (ii) to instruct the Director of Legal and Democratic Services to advertise the new proposed scales as appended to the Report (**Appendix 1** to this minute) proposed implementation date and details of how to make representations; and
- (iii) that in the event that no adverse representations were received at least one month after the date of advertising of the new proposed scales, to delegate authority to the Director of Legal and Democratic Services to implement the proposed scales as soon as possible in consultation with Police Scotland.

9. PRIVATE HIRE CAR LICENCES

With reference to Article 8 of the minute of meeting of this Committee of 13 January 2022, there was submitted Report No 137/22 by the Director of Legal and Democratic Services updating members on investigations into the use of motorised tricycles.

The Report advised that motorised tricycles, such as were shown in Appendix 1 to the Report would not meet the current requirements of the Council's standard private hire car licence conditions and advised that if the Committee were minded to licence motorised tricycles as private hire cars, new conditions would be required. Conditions proposed for motorised tricycles were shown at Appendix 2 to the Report. In large part, these conditions replicated the current private hire car licence conditions, however, some conditions had been omitted as inapplicable to motorised tricycles and some new conditions had been added, particularly to include measures for the safe use of motorised tricycles as private hire vehicles. The Report also invited consideration of whether to impose any operational restrictions on such vehicles.

The Committee noted that in order to satisfy the requirement of the 1982 Act as regards private hire vehicles' safety, the vehicles were regularly inspected and an amended version of the checklist, proposed for the inspection of motorised tricycles, was detailed in Appendix 3 to the Report.

Mr Carr addressed the committee and advised that his business was planning to offer motorised tricycle tours within and outwith Angus to tourists (starting and ending in Angus) and members asked him a number of questions.

The Committee then heard from Sergeant Gordon, Police Scotland who spoke on the need to provide conditions for motorised tricycles as this request was not particular to Mr Carr and would allow other providers to apply for a licence.

After discussion, the Committee agreed: -

- (i) to permit motorised tricycles to be licensed as private hire cars;
- (ii) to adopt the standard conditions applicable to motorised tricycle private hire vehicles as detailed in Appendix 2 to the Report, authorising officers to attach these conditions, to licences which they issue under delegated powers (where no objections to nor adverse representations have been properly received and not withdrawn in relation to applications);

- (iii) to adopt the vehicle specification checklist for the inspection of motorised tricycles as detailed in Appendix 3 to the Report;
- (iv) to delegate authority to the Director of Legal and Democratic Services to appoint a suitable vehicle inspection facility to carry out the required inspections of any motorised tricycle; and
- (v) to not impose conditions relating to the area or sphere of operation of motorised tricycles as private hire vehicles.

10. APPLICATION TO TRANSFER A RESIDENTIAL CARAVAN SITE LICENCE MONARCH OF THE GLEN PARK, BRECHIN ROAD, MONTROSE

There was submitted Report No 138/22 by the Director of Legal and Democratic Services regarding an application received for the transfer of a residential caravan site licence from Toryburn Investments Ltd to Flynn Parks Limited in respect of Monarch of the Glen Park, Brechin Road, Montrose which was licensed for 38 residential caravans.

The Committee agreed to approve the transfer of the residential caravan site licence for Monarch of the Glen Park, Brechin Road, Montrose to Flynn Park Ltd in terms of the Caravan Sites and Control of Development Act 1960.

11. 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 Section 50A(2) and (3)(b) to the Local Government (Scotland) Act 1973.

12. NEW APPLICATION – ANIMAL BOARDING ESTABLISHMENT

There was submitted Report No 139/22 by the Director of Legal and Democratic Services regarding an application received for a new licence under the Animal Boarding Establishments Act 1963 which required to be determined by the Committee, as detailed in the Appendix to the Report.

(a) Animal Boarding Licence (AB7)

The Committee considered an objection received from the Environmental and Consumer Protection Service dated 19 April 2022, in relation to an application for an Animal Boarding Establishment (AB7) received on 29 December 2021.

The applicant was not present.

Mr Thomson, Team Leader, Environmental Health (Environmental Protection) updated members on the application and advised that there was no access to a suitable secure outdoor area.

The Committee agreed that the application be refused as there was no access to a suitable and secure outdoor area.

13. NEW APPLICATIONS

There was submitted Report No 140/22 by the Director of Legal and Democratic Services regarding applications received for new licences under the Civic Government (Scotland) Act 1982 which required to be determined by the Committee, as detailed in the Appendix to the Report.

(a) Street Trader's Licence (Fixed Pitch) (ST15)

With reference to Article 7(a) of the minute of meeting of this Committee of 16 September 2021, the Committee noted that the application for a Street Traders Licence (fixed pitch) (ST15) received on 29 July 2021 had now been granted under delegated powers.

(b) Street Trader's Licence (Fixed Pitch) (ST16)

With reference to Article 7(b) of the minute of meeting of this Committee of 16 September 2021, the Committee considered information received from the Environmental and Consumer Protection Service, in relation to an application for a Street Traders Licence (fixed pitch) (ST16) received on 21 July 2021.

The applicant was not present.

Mr Thomson, Team Leader, Environmental Health (Environmental Protection) updated members and advised that despite a number of reminders, an inspection of the trailer/van had not taken place.

The Committee noted that the application required to be determined before its next scheduled meeting and agreed that the application be refused as the vehicle had not been presented to Environmental Health for inspection.

(c) Street Trader's Licence (Fixed Pitch) (ST17)

The Committee considered an objection received from the Team Leader, Estates dated 22 March 2022, in relation to an application for a Street Traders Licence (fixed pitch) (ST17) received on 8 March 2022.

The applicant was present and addressed the Committee after which members asked him a number of questions in relation to the proposed fixed pitches. The Team Leader, Estates was not present.

The Committee agreed that the application for a Street Traders licence be granted subject to the licence holder obtaining the necessary consent regarding the fixed pitches.

14. APPLICATION FOR ENTRY INTO THE REGISTER OF LANDLORDS (RL 2)

There was submitted Report No 141/22 by the Director of Legal and Democratic Services regarding an application (RL2) received for entry in the register of Landlords held by the Council under the Antisocial Behaviour etc (Scotland) Act 2004, Section 82.

The applicant was not present.

Constable Smith addressed the Committee and gave details of the offence. The Team Leader (Sustainable Communities) also addressed the Committee.

The Committee agreed that the application be refused as the applicant was not a fit and proper person to act as a landlord.

TAXI FARES STRUCTURE

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 1400 yards – for the whole distance - £3.80

(B) If the distance exceeds 1400 yards:

(1) For the first 1400 yards - £3.80

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

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

TARIFF TWO

Hirings begun between 6pm and 6am Monday to Friday and from 6pm Friday till 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 1400 yards – for the whole distance - £4.00

(B) If the distance exceeds 1400 yards:

(1) For the first 1400 yards -£4.00

(2) For each additional 70 yards or uncompleted part thereof – 10p

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

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 1400 yards – for the whole distance –£5.50

(B) If the distance exceeds 1400 yards:

(1) For the first 1400 yards - £5.50

(2) For each additional 60 yards or uncompleted part thereof – 10p

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

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