

## **ANGUS COUNCIL**

MINUTE of MEETING of the **CIVIC LICENSING COMMITTEE** held remotely on Thursday 18 AUGUST 2022 at 11.38am.

**Present:** Councillors BRENDA DURNO, GEORGE MEECHAN, CRAIG FOTHERINGHAM, ROSS GREIG, LLOYD MELVILLE, GAVIN NICOL, JILL SCOTT and BETH WHITESIDE.

Councillor Durno, Convener, in the Chair.

### **1. APOLOGIES**

An apology for absence was intimated on behalf of Councillor Kenny Braes.

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

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

### **3. APPOINTMENTS**

The Committee agreed: -

#### **(a) Public Procession Sub-Committee**

to appoint Councillors Durno and Meechan as Convener and Vice Convener; and Councillor Greig to serve on the Public Procession Sub-Committee which had delegated powers to deal with notifications of public processions where the Chief Superintendent considered that a procession should be prohibited.

#### **(b) Taxi and Private Hire Member Officer Working Group**

to appoint Councillors Durno, Meechan, Fotheringham and Scott to serve on the Taxi and Private Hire Member Officer Working Group to review the licensing system and including the fees charged for taxi and private hire driver and operator licences. It was agreed that Councillor Fotheringham be appointed the Chair.

### **4. MINUTE OF PREVIOUS MEETING**

The minute of meeting of this Committee of 9 June 2022 was approved as a correct record and signed by the Convener.

### **5. DELEGATED APPROVALS**

There was submitted Report No 210/22 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 26 May to 15 July 2022.

### **6. TAXI FARES REVIEW**

With reference to Article 8 of the minute of meeting of this Committee of 9 June 2022, there was submitted Report No 211/22 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 in response to the newspaper advertisement of the proposed fares, three representations were received, all supporting further increases in fares, as detailed in **Appendix 4** to the Report.

The Committee heard from Mrs Foreman and Mr Gibson, who both advised that Option 7 previously agreed by the Committee did not provide the taxi operators with an adequate

increase with regards Tariff 2 and 3 and Tariff 4 had remained unchanged. They advised that should the fares not be increased by a substantial amount this may result in it not being economically viable for many taxi operators to continue to trade.

Mr Healy also addressed the Committee and advised that he was happy with current fees and he feared that an increase in fees would result in a loss of passengers.

Discussion took place and members asked a number of questions. Ms Magson, Solicitor, Legal and Democratic Services advised the Committee that Appendix 5 to the Report had only been produced to provided members with assistance in making a decision.

*At this stage in the meeting 12.27pm the Committee resolved to adjourn for a 10 minute period to allow members to seek legal advice.*

*The meeting resumed at 12.37pm in public.*

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

- (i) to note the taxi fare review representations contained in **Appendix 1** to the Report;
- (ii) to note the table illustrating current and proposed options contained in **Appendix 2** to the Report;
- (iii) to note the written representations detailed in **Appendix 4** to the Report received following publication in the Courier and Advertiser of the Committees proposed scales as detailed in **Appendix 3** to the Report, and the table of fares in **Appendix 5** to the Report showing fares increased by example percentages;
- (iv) to approve an increase of 11.5% as detailed in **Appendix 5** to the Report (**Appendix 1** to this minute) as inflation was currently high and this rise would provide the taxi trade with fair and proportionate increase and give them more stability as there had been no increase in the fares for a number of years;
- (v) to delegate authority to the Director of Legal and Democratic Services to implement the fixed fare scales, following sections 17(4D), (4E) and (5) of the Civic Government (Scotland) Act 1982, in consultation with Police Scotland;
- (vi) to note that any recommended increase represented the maximum fare chargeable by taxi drivers and was not a compulsory fare;
- (vii) to note the requirements in terms of meter changes within the body of the report and determined to follow the process currently used by Dundee City Council in the event of any meter change; and
- (viii) to determine the implementation date as being 30 September 2022.

*At this stage in the meeting, the time being 12.50pm, the Committee agreed, in accordance with the provisions of Standing Order 21(8), that the meeting continue to the conclusion of the business but that a comfort break of 20 minutes take place.*

*Councillor Fotheringham submitted his apologies for the remainder of the meeting.*

## **7. SAFETY OF SPORTS GROUNDS ACT 1975**

With reference to Article 5 of the minute of meeting of this Committee of 24 March 2022, there was submitted Report No 212/22 by the Director of Legal and Democratic Services requesting members consider and agree for responsibility under the Safety of Sports Grounds Act 1975 and Fire Safety and Places of Sport Act 1987, including issuing Safety Certificates etc, to sit with the Service Leader – Planning and Sustainable Growth, reporting to the Civic Licensing Committee.

The Committee agreed: -

- (i) to note the terms of the draft document “Safety Advisory Group for Sports Grounds – Terms of Reference” attached as **Appendix 1** to this Report;

- (ii) to consult Police Scotland, the Scottish Fire and Rescue Service and the Scottish Ambulance Service in regard to the draft document "Safety Advisory Group for Sports Grounds - Terms of Reference"
- (iii) to delegate authority to the Service Leader - Planning and Sustainable Growth, or their nominated representative:
  - (a) to make any non-significant changes to the "Safety Advisory Group for Sports Grounds -Terms of Reference" that were necessary following the consultation referred to in recommendation (ii) above prior to publication of the final version, provided that any significant changes are brought back to this Committee for consideration;
  - (b) to confirm, amend or replace 'general safety certificates' for designated Sports Grounds in accordance with the Safety of Sports Grounds Act 1975 in the case of no conflict of interest and/or objections;
  - (c) to issue 'special safety certificates' in respect of the use of designated Sports Grounds for an activity or number of activities specified in the certificate on an occasion or a number of occasions in the case of no conflict of interest and/or objections;
  - (d) to chair the 'Safety Advisory Group' for designated Sports Grounds within the Angus Council Local Authority area in accordance with the "Safety Advisory Group for Sports Grounds - Terms of Reference"; and
  - (e) to serve and/or amend a 'Prohibition Notice' on any designated Sports Ground (or parts of grounds) where deemed necessary.
- (iv) that the necessary changes be made to the Council's Scheme of Delegation to take account of the powers delegated to the Service Leader - Planning and Sustainable Growth by the Committee as a result of recommendation (iii) above.

## 8. ANIMAL WELFARE LICENSING REGIME

There was submitted Report No 213/22 by the Director of Legal and Democratic Services informing members of the licensing regime introduced by the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021 and seeking approval of proposals to implement the new regime.

The Committee agreed: -

- (i) to note the introduction of a new licensing regime under the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021;
- (ii) to approve the fees and charges outlined in **Appendix 2** of the report;
- (iii) to approve a 50% reduction in fees for applications received from Scottish registered charitable organisations;
- (iv) that in year one of the licensing regime, that all new licences be granted for an initial period of one year;
- (v) that inspections be carried out in respect of all applications received for a licence for animal rehoming activities;
- (vi) that after year one of the licensing regime, inspection Reports should include a recommendation as to the duration of any licence to which it related;
- (vii) to delegate authority to the Director of Legal and Democratic Services to instruct mandatory inspection reports and in respect of such non-mandatory inspection reports as the Committee may decide;

- (viii) to delegate authority to the Director of Legal and Democratic Services to grant or renew licences under the regime subject to mandatory or standard conditions, for the number of years recommended in the inspection report and subject to any additional condition recommended within the inspection report and which was agreed by the applicant (subject to having issued any statutory Notice required in terms of Regulation 6(5));
- (ix) to delegate authority to the Director of Legal and Democratic Services to issue notices of the Committee's decisions to refuse a licence and to impose a licence condition, in terms of Regulation 7;
- (x) to delegate authority to the Director of Legal and Democratic Services to reject or refuse applications which were incompetent or do not otherwise meet the minimum requirements of applications under the Regulations;
- (xi) to delegate authority to the Director of Legal and Democratic Services to vary a licence condition which was agreed with the applicant/licence holder, in terms of Regulation 11, and the Director of Vibrant Communities and Sustainable Growth;
- (xii) to delegate authority to the Director of Legal and Democratic Services, in cases of urgency, in consultation with the Convener and Vice Convener of the Civic Licensing Committee, to order immediate suspension or give notice of variation of a licence in terms of Regulation 18(2); and
- (xiii) to delegate authority to the Director of Legal and Democratic Services to establish, maintain and publish a register of licences, in terms of Part 6 of the Regulations.

## **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 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.

## **10. NEW APPLICATIONS**

There was submitted Report No 214/22 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) Private Hire Car Drivers Application (PHCD54)**

The Committee considered a letter of objection received from Police Scotland, in relation to an application for a Private Hire Car Drivers Application (PHCD54) received on 25 May 2022.

The applicant was present and addressed the Committee.

Constable Thomson-Craig, Police Scotland, then addressed the Committee on the contents of the letter from Police Scotland dated 21 June 2022. Members then asked the applicant a number of questions.

The applicant then summed up.

**COUNCILLOR DURNO SECONDED BY COUNCILLOR SCOTT, MOVED THAT THE APPLICATION BE GRANTED.**

Councillor Meechan seconded by Councillor Nicol moved as an amendment that the application be refused as the applicant was not a fit and proper person to be the holder of a licence.

On a vote being taken, the members voted: -

For the motion: -

Councillors Durno, Greig, Melville, Scott and Whiteside (5)

For the amendment: -

Councillors Meechan and Nicol (2)

The motion was declared carried and became the finding of the meeting.

**(b) Private Hire Car Drivers Application (PHCD55)**

The Committee considered information in relation to an application for a Private Hire Car Drivers Application (PHCD55) received on 1 April 2022.

It was noted that the applicant was not present.

The Committee agreed that the application be deferred to the next meeting of the Civic Licensing Committee on 15 September 2022 to allow the applicant to attend.

**10. RENEWAL APPLICATIONS**

There was submitted Report No 215/22 by the Director of Legal and Democratic Services regarding applications received for the renewal of licences under the Civic Government (Scotland) Act 1982 which were required to be determined by the Committee, as detailed in the Appendix to the Report.

**(a) Taxi Operators Licence (TO9)**

The Committee considered a letter of representation received from Police Scotland dated 20 July 2022 in relation to an application for the renewal of a taxi operator's licence received on 11 July 2022.

The applicant was present and addressed the Committee.

Constable Thomson-Craig then addressed the Committee on the contents of the letter from Police Scotland dated 20 July 2022.

Members then asked the applicant questions.

The applicant then summed up.

Following discussion, the Committee agreed that the application be renewed.

**(b) Private Hire Operator's Licences (PHCO3)**

The Committee considered two letters of representation received from Police Scotland both dated 21 July 2022 in relation to two applications for the renewal of Private Hire Operator Licences received on 13 and 14 July 2022.

The applicant was present and addressed the Committee.

Constable Thomson-Craig then addressed the Committee on the contents of the letters from Police Scotland dated 21 July 2022.

The applicant then summed up.

COUNCILLOR DURNO SECONDED BY COUNCILLOR MELVILLE, MOVED THAT BOTH APPLICATIONS BE GRANTED.

Councillor Greig seconded by Councillor Meechan moved as an amendment that both applications be refused as the applicant was not a fit and proper person to be the holder of a licence.

On a vote being taken, the members voted: -

For the motion: -

Councillors Durno, Melville, Scott and Whiteside (4)

For the amendment: -

Councillors Meechan, Greig and Nicol (3)

The motion was declared carried and became the finding of the meeting.

## **TAXI FARES STRUCTURE**

### **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 - £4.03

(B) If the distance exceeds 1660 yards:

(1) For the first 1660 yards - £4.03

(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 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 1260 yards – for the whole distance - £4.98

(B) If the distance exceeds 1260 yards:

(1) For the first 1260 yards -£4.98

(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 –£6.44

(B) If the distance exceeds 1320 yards:

(1) For the first 1320 yards - £6.44

(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 – £8.42

(B) If the distance exceeds 1320 yards:

(1) For the first 1320 yards – £8.42

(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