

ANGUS COUNCIL

MINUTE of HYBRID MEETING of the **SPECIAL CIVIC LICENSING COMMITTEE** held in the Town and County Hall, Forfar on Thursday 4 May 2023 at 2.00pm.

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

Councillor MEECHAN, Convener, in the Chair.

1. APOLOGIES

There were no apologies intimated.

2. DECLARATIONS OF INTEREST AND STATEMENTS OF TRANSPARENCY

Councillor Whiteside made a statement of transparency in relation to Item 5, Report 130/23, in that she knew the owner and confirmed that there had been no contact. She indicated that she would take part in any discussion and voting on the item.

3. TAXI AND PRIVATE HIRE DRIVERS – EXEMPTION FROM DUTIES

There was submitted Report No 129/23 by the Director of Legal and Democratic Services informing members of the exemption available to taxi and private hire drivers from duties introduced by amendments to the Equality Act 2010 and to seek approval of arrangements for such exemptions.

The Committee agreed:-

- (i) to note the exemption from providing mobilities assistance, in terms of Sections 164A(5)(e) and 166 of the Equality Act 2010;
- (ii) that medical opinion shall be required before such an exemption is authorised;
- (iii) to delegate authority to one or other of the Convener and Vice Convener or the Director of Legal and Democratic Services to grant applications for exemption from the mobilities assistance duties imposed by the Equalities Act Section 164A(5)(e) and 165(4)(e), in line with and in so far as supported by the medical opinion accompanying the application for exemption.

COUNCILLOR MEECHAN SECONDED BY COUNCILLOR BRAES, MOVED TO DELEGATE AUTHORITY TO THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES.

Councillor Greig seconded by Councillor Nicol moved as an amendment to delegate authority to the Convener and Vice Convener.

On a vote being taken, the members voted: -

For the motion: -

Councillors Meechan, Melville, Braes, Clark, Durno and Whiteside (6)

For the amendment: -

Councillors Fotheringham, Greig, Nicol and Scott. (4)

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

4. EXCLUSION OF PUBLIC AND PRESS

The Committee resolved that the public and press be excluded from the meeting during consideration of the following items, so as to avoid disclosing confidential information in terms of Section 50A(2) and (3)(b) to the Local Government (Scotland) Act 1973.

5. APPLICATION FOR A HOUSE IN MULTIPLE OCCUPATION

There was submitted Report No 130/23 by the Director of Legal and Democratic presenting a new grant application to licence a House in Multiple Occupation under the Housing (Scotland) Act 2006 which required to be determined by the Committee, as detailed in the Appendix to the Report.

The Committee considered information in relation to an application for a House in Multiple Occupation (HMO14) received on 11 May 2022.

The applicant was present and addressed the Committee.

Members then asked questions and having also heard from Mrs Thom, Manager, Building Control, the Committee agreed to grant the application subject to standard conditions, on receipt of a satisfactory electrical certificate being provided.

6. CURRENT LICENCE HOLDER – INFORMATION CONSIDERED

There was submitted Report No 131/23 by the Director of Legal and Democratic regarding information 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.

The Committee considered information in relation to a Taxi Drivers licence (TD 102).

It was noted that the licence holder was not present. A transcript of a telephone conversation between the licence holder and the Business Support Officer dated 2 May 2023 was read out to the Committee.

The Committee agreed to continue the suspension of the licence for the remainder of the period of the licence, ie until 31 December 2024, or until such earlier date as a satisfactory medical report is received in respect of the licence holder.