ABERDEEN, 13 December 2016. Minute of meeting of the LICENSING COMMITTEE. <u>Present</u>: Councillor Boulton, <u>Convener</u>; and Councillors Allan, Copland, Crockett (from article 6 of Appendix B onwards), Delaney, Finlayson (as substitute for Councillor Reynolds), Graham, Hutchison, MacGregor, Malik, Malone, Milne (as substitute for Councillor Carle), Nicoll and Townson.

The agenda and reports associated with this minute can be found at:-<u>Http://committees.aberdeencity.gov.uk/ielistdocuments.aspx?Cid=149&mi</u> d=3896&Ver=4

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

REQUEST FOR DEPUTATION

1. The Committee had before it four requests for deputation from Mr Mark Cullen, Mr Chris Douglas, Mr Gavin Johnston and Mr Graeme McColl in relation to item 4.2 (Knowledge Testing for Private Hire Drivers). Mr Graeme McColl also requested a deputation in relation to item 4.3 (Taxi Fare Review). Members noted that the request from Mr McColl was received out with the timescales stated in Standing Order 10(1).

The Committee resolved:-

- (i) to agree to hear the deputations from Mr Cullen, Mr Douglas and Mr Johnston immediately prior to consideration of the reports; and
- (ii) to suspend Standing Order 10(1) and thereby to agree to hear the deputation from Mr McColl, also immediately prior to consideration of the reports.

MINUTE OF PREVIOUS MEETING OF 25 OCTOBER 2016

2. The Committee had before it the minute of its previous meeting of 25 October 2016.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE BUSINESS STATEMENT

3. The Committee had before it a statement of Committee Business prepared by the Head of Legal and Democratic Services.

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The Committee resolved:-

- (i) in relation to item 2 (Training for Taxi Drivers) and item 3(a) (Private Hire Driver Training), to note that a combined report would be submitted to the Committee meeting on 18 April 2017;
- (ii) in relation to item 3(b) (Street Knowledge Testing for Private Hire Drivers), to remove this item from the statement as the report was contained on the agenda for consideration:
- (iii) in relation to item 5 (Review of Accessible Vehicles Policy), to note that a letter would be issued imminently to the Chief Executive of Dundee City Council and that an update would be provided at its next meeting on 7 February 2017; and
- (iv) in relation to item 6 (Taxi Fare Review), to note that officers were still to explore ways in which any future increase in airport access charges could be mitigated by the Council in a timely manner.

APPLICATION FOR LICENCES

4. The Committee had before it, for its consideration, the applications listed in Appendix A to this minute.

The Committee resolved:-

that all applications be determined on the basis shown in Appendix A and that all licences were subject to the Council's standard conditions unless otherwise stated.

IMMIGRATION ACT 2016 - IMPLICATIONS FOR TAXI AND PRIVATE HIRE CAR DRIVERS - CG/16/154

5. The Committee had before it a report by the Interim Director of Corporate Governance which outlined the implications of the Immigration Act 2016 in relation to the Taxi and Private Hire Car Licensing regime.

The report recommended:-

that the Committee -

- agree to give delegated powers to the Head of Legal and Democratic Services, to grant taxi and private hire car driver licences for those applicants whose leave to remain in the UK is time limited for such period as appropriate; and
- (b) otherwise note the report.

The Committee resolved:-

to approve the recommendations.

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KNOWLEDGE TESTING FOR PRIVATE HIRE DRIVERS - CG/16/153

- **6.** (A) In terms of Standing Order 10(1), the Committee received deputations from:-
- (1) Mr Mark Cullen who advised (a) that he had undertook a canvassing exercise of taxi driver opinion in person and also through two social media websites devoted to the trade in the city and it revealed that 100% were in favour of the current knowledge test being applied to all private hire drivers; (b) there were several hundred private hire drivers on the circuit who have not undertook any formal training or passed the Council's street knowledge test; and (c) that the taxi driver trade universally welcomes this development and supports the recommendations of the report.

The Committee asked a number of questions of Mr Cullen.

The Committee then received a deputation from Mr Chris Douglas who advised (2) (a) that taxi and private hire drivers were two completely different functions within the licensing regime that serve a wide range of functions within the hire and reward industry and if we start to treat them the same, we will start to create significant issues for business, drivers and the public alike; (b) that the present two tier licensing system works very well and is designed to allow an operator to carry out their business safely and legally within a framework that mutually benefits and safeguards both the public and the licence holder; (c) that the root cause of most of the problems that exist within the industry is the fact that the same knowledge test was applied to both taxi and private hire drivers which alienated a huge part of what should now be a very well established and evolved industry in the city but comparatively we are very much behind; (d) that the industry has a shocking reputation with the public, faith in our industry's services is at an all-time low and people are desperate for other options; (e) that there is a need for a full transparent survey into unmet pre-booked demand in the city; and (f) that the way forward is to establish a test and framework that truly works in the city for the people and businesses of Aberdeen and not just for the market leaders who have continually lobbied to create a monopoly in the market place that benefits only them and a minority of drivers.

The Committee asked a number of questions of Mr Douglas.

(3) The Committee then received a deputation from Mr Gavin Johnston who advised (a) that the Committee should defer consideration of imposing the knowledge test for private hire drivers until a proper survey is conducted which will take into consideration the people of Aberdeen and to undertake a consultation with Taxi and Private Hire Operators taking into consideration all modern reasons and technology used; (b) that since the Council abolished the test for private hire drivers, there has been a great improvement in the reliability of service provided to the public and the positive feedback from the people of Aberdeen; (c) that there has been no negative feedback on the service provided or complaints received from the public; (d) that the knowledge test for

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private hire drivers is no longer needed and the Council must listen to the needs of the public and the people of Aberdeen; (e) that, his company had invested heavily in technology that gives the customer what they want providing quotes to pay up front and also sending a picture of the driver and details of the car so the customer can track the car once it is booked; and (f) if a knowledge test is imposed by the Council, then it should only relate to emergency procedures or places such as hospitals, police stations, rail station, bus station, hotels etc. and be easily accessed by new entrants. The Committee asked a number of questions of Mr Johnston.

(4) The Committee then received a deputation from Mr McColl, Aberdeen Taxi Centre, who advised (a) that there would be difficulties for drivers not tested if technology (satnav) was to fail; and (b) that if the test is adopted for everyone then there would be a consistency with the service provided by the trade, therefore providing a better experience for customers.

The Committee asked a number of questions of Mr McColl.

(B) The Committee had before it a report by the Interim Director of Corporate Governance which provided information in relation to Section 64 of the Air Weapons and Licensing (Scotland) Act 2015 which came into force on 1 November 2016. The Act gave the Licensing Authority the ability to require applicants for a private hire car licence to take a knowledge test prior to the grant or renewal of the licence and to extend the current knowledge test to private hire drivers.

The report recommended:-

that the Committee -

- (a) approve the introduction of a knowledge test for private hire car drivers applicable to any application lodged on or after 1 November 2016; and
- (b) agree to extend the current knowledge test to private hire drivers.

Councillor Malone, seconded by the Convener moved:-

That the Committee approve recommendation (a) above and instruct officers to review the current street knowledge test for taxi and private hire drivers, consulting with both groups and report back to the Committee at its meeting on 18th April 2017.

Councillor Nicoll, seconded by Councillor Copland moved as an amendment:-

That the Committee (1) defer any decision to introduce a street knowledge test until the review of the current testing regime is reported to the Licensing Committee at its meeting on 18 April 2017; and (2) instruct officers to consult with representatives of the taxi trade and private hire sector to report back to the Committee at its meeting on 18 April 2017.

On a division, there voted:- <u>for the motion</u> (8) – the Convener and Councillors Delaney, Graham, Macgregor, Malik, Malone, Milne and Finlayson; <u>for the amendment</u> (5) – Councillors Allan, Copland, Hutchison, Nicoll and Townson.

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The Committee resolved:-

to adopt the motion.

MATTER OF URGENCY

The Convener intimated that she had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following item be considered as a matter of urgency as the date for altering the taxi meters to reflect the increase on the Airport charges has been provisionally booked for 23/24 January 2017. If the report is not heard until 7 February 2017 Committee, these dates will have to be changed and re-advertised.

TAXI FARE REVIEW - CG/16/156

- **7.** (A) In terms of Standing Order 10(1), the Committee received a deputation from Mr Graeme McColl who wished to thank officers for the work undertaken for the preparation of the report and its recommendations for the taxi fares which mirrored those calculated by the taxi trade.
- (B) With reference to article 9 of the minute of its previous meeting of 25 October 2016, the Committee had before it a report by the Interim Director of Corporate Governance which provided information in relation to the requirement to review and fix scales for fares and any other charges.

The report recommended:-

that the Committee –

- (a) note the content of the report;
- (b) confirm its decision to fix fares at the existing level;
- (c) confirm its decision to fix the surcharge for non-airport zoned taxis dropping passengers at the inner forecourt at £2;
- (d) approve the Tariff Card attached at appendix 1 of the report; and
- (e) agree that the tariff will take effect from 23 January 2017, provided no appeal is lodged with the Traffic Commissioner.

The Committee resolved:-

To approve the recommendations.

EXEMPT INFORMATION

IN ACCORDANCE WITH THE DATA PROTECTION ACT 1988 (PRINCIPLE 1), THE PRESS AND PUBLIC WERE EXCLUDED FROM THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM.

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APPLICATION FOR LICENCES

8. The Committee had before it, for its consideration, the applications listed in Appendix B to this minute.

The Committee resolved:-

that all applications be determined on the basis shown in Appendix B and that all licences were subject to the Council's standard conditions unless otherwise stated.

- COUNCILLOR MARIE BOULTON, Convener.

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APPENDIX A

GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION <u>Application Reference Number – 3/01</u> Premises – 91 Bedford Road, Aberdeen

The Committee were advised that this application had been granted under delegated powers.

2. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION <u>Application Reference Number – 3/02</u> Premises – 4 Devonshire Road, Aberdeen

The Committee had before it a report by the Private Sector Housing Manager in respect of the application and one letter of representation.

The applicant, Mr Plane, was in attendance and spoke in support of the application.

The Committee resolved:-

to defer consideration of the application until the works were completed, after which time the Private Sector Housing Manager could grant the application under delegated powers if appropriate.

3. APPLICATION FOR THE GRANT OF A STREET TRADER'S LICENCE - CLAIRE SUTHERLAND

<u>Application Reference Number – 3/03</u> Location – Zones 1, 2 and 5

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application which advised that the applicant had not provided a food safety certificate.

The applicant was not in attendance.

The Committee resolved:-

to refuse the application.

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4. APPLICATION FOR THE RENEWAL OF A STREET TRADER'S LICENCE – GARY ZUCINSKI

<u>Application Reference Number – 3/04</u> Location – Zones 1 to 8

The Committee were advised that this application had been granted under delegated powers.

5. APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE - SEATON COMMUNITY PROJECT AND HUT Application Reference Number - 3/05

The Committee were advised that this application had been granted under delegated powers.

6. APPLICATION FOR THE RENEWAL OF A STREET TRADER'S LICENCE – ELIZABETH USHER MACDONALD

<u>Application Reference Number – 3/06</u> <u>Location – Souterhead Road, Altens Industrial Estate</u>

The Committee was advised that the application had been withdrawn.

7. APPLICATION FOR THE RENEWAL OF A PUBLIC ENTERTAINMENT LICENCE – WAREHOUSE HEALTH CLUB Application Reference Number – 3/07

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application.

The information note advised that the application had been placed on the agenda as it required to be determined by 7 February 2017, and to date the applicant had not provided a certificate stating that they have complied with the requirement contained in paragraph 2 of Schedule 1 to the Civic Government (Scotland) Act 1982 to display a notice at or near the premises for a period of 21 days beginning with the date on which the application was submitted to the licensing authority.

The applicant was not in attendance.

The Committee resolved:-

to defer consideration of the application to enable the applicant to provide a certificate stating that the applicant has complied with the requirement contained in paragraph 2 of Schedule 1 to the Civic Government (Scotland) Act 1982 to

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display a notice at or near the premises for a period of 21 days, after which time the head of Legal and Democratic Services could grant the application under delegated powers.

8. REQUEST FOR REVOCATION OF A LATE HOURS CATERING LICENCE 3-5 Rose Street, Aberdeen

Application Reference Number - 3/08

The Committee had before it correspondence from the applicants agent in relation to the revocation of a Late Hours Catering Licence to allow a new application to be submitted and processed.

The Committee heard from the applicant's agent Jennifer Hunter in support of the request.

The Committee resolved:-

to defer consideration of the application to the Licensing Urgent Business Sub Committee for further information to be received and to invite the current licence holder to the meeting.

MATTER OF URGENCY

The Convener intimated that she had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following items be considered as a matter of urgency as the applications relating to previous licences were not renewed in error by the licence holder.

9. REQUEST FOR EXEMPTION TO WHEELCHAIR ACCESSIBLE VEHICLE POLICY – ALEXANDER INGRAM (T260) Application Reference Number – 3/09

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application which advised (a) that the licence in question had expired on 31 May 2016 and was not renewed in error by the licence holder; (b) that a Grant of a Taxi Licence was submitted in December 2016 for the same applicant and vehicle; (c) that the Licence related to a saloon car and the current policy is that all new Grant applications must relate to an accessible vehicle; and (d) that the applicant is requesting that he be permitted to use the previously licensed saloon car in relation to this application.

The applicant was not in attendance.

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The Committee resolved:-

to approve the request by the applicant to retain his previously licensed saloon car until 6 June 2018.

10. REQUEST FOR EXEMPTION TO WHEELCHAIR ACCESSIBLE VEHICLE POLICY – ARTHUR MILNE (T469)

Application Reference Number – 3/10

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application which advised (a) that the licence in question had expired on 31 May 2016 and was not renewed in error by the licence holder; (b) that a Grant of a Taxi Licence was submitted in December 2016 for the same applicant and vehicle; (c) that the Licence related to a saloon car and the current policy is that all new Grant applications must relate to an accessible vehicle; and (d) that the applicant is requesting that he be permitted to use the previously licensed saloon car in relation to this application.

The Committee heard the applicant speak in support of his request.

The Committee resolved:-

to approve the request by the applicant to retain his previously licensed saloon car until 6 June 2018.

11. REQUEST FOR EXEMPTION TO WHEELCHAIR ACCESSIBLE VEHICLE POLICY – DOUGLAS ROBERTSON (T725) Application Reference Number – 3/11

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application which advised (a) that the licence in question had expired on 31 May 2016 and was not renewed in error by the licence holder; (b) that a Grant of a Taxi Licence was submitted in December 2016 for the same applicant and vehicle; (c) that the Licence related to a saloon car and the current policy is that all new Grant applications must relate to an accessible vehicle; and (d) that the applicant is requesting that he be permitted to use the previously licensed saloon car in relation to this application.

The Committee heard the applicant's agent Fiona Mitchell speak in support of his request.

The Committee resolved:-

to approve the request by the applicant to retain his previously licensed saloon car until 6 June 2018.

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12. REQUEST FOR EXEMPTION TO WHEELCHAIR ACCESSIBLE VEHICLE POLICY – GORDON JAMES BURKE (T257) Application Reference Number – 3/12

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application which advised (a) that the licence in question had expired on 31 May 2016 and was not renewed in error by the licence holder; (b) that a Grant of a Taxi Licence was submitted in December 2016 for the same applicant and vehicle; (c) that the Licence related to a saloon car and the current policy is that all new Grant applications must relate to an accessible vehicle; and (d) that the applicant is requesting that he be permitted to use the previously licensed saloon car in relation to this application.

The Committee heard the applicant's agent Fiona Mitchell speak in support of his request.

The Committee resolved:-

to approve the request by the applicant to retain his previously licensed saloon car until 6 June 2018.

13. REQUEST FOR EXEMPTION TO WHEELCHAIR ACCESSIBLE VEHICLE POLICY – WILLIAM BENZIE CRAWFORD (T284) Application Reference Number – 3/12

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application which advised (a) that the licence in question had expired on 31 May 2016 and was not renewed in error by the licence holder; (b) that a Grant of a Taxi Licence was submitted in December 2016 for the same applicant and vehicle; (c) that the Licence related to a saloon car and the current policy is that all new Grant applications must relate to an accessible vehicle; and (d) that the applicant is requesting that he be permitted to use the previously licensed saloon car in relation to this application.

The applicant was not in attendance.

The Committee resolved:-

to approve the request by the applicant to retain his previously licensed saloon car until 6 June 2018.

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APPENDIX B

1. LANDLORD REGISTRATION Application Reference Number - 5/01

The Committee had before it (1) a report by the Private Sector Housing Manager; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 1 November 2016 and Sergeant Flett was in attendance to speak in support of the letter.

The applicant was not in attendance, however he was represented by his Mother, who spoke in support of the application. The Committee asked questions of the applicant's representative.

The Committee resolved -:

to approve the Landlord Registration application.

2. LANDLORD REGISTRATION Application Reference Number - 5/02

The Committee had before it (1) a report by the Private Sector Housing Manager; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 14 November 2016 and Sergeant Flett was in attendance to speak in support of the letter.

The applicant was in attendance and spoke in support of the application. The Committee asked questions of the applicant.

The Committee resolved:-

to approve the Landlord Registration application.

3. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE Application Reference Number - 5/03

The Committee had before it (1) an information note prepared by the Head of Legal and Democratic Services in respect of the application; and (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 10 November 2016 and Sergeant Flett was in attendance to speak in support of the letter.

The applicant was in attendance and spoke in support of the application.

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The Committee resolved:-

- (i) to refuse the application; and
- (ii) that officers advise the applicant to submit a new application when there is a change in the applicant's status.

4. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE Application Reference Number - 5/04

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application.

The applicant was in attendance and spoke in support of the application.

The Committee resolved:-

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub Committee, to provide the applicant with an opportunity to submit information on whether he has a right to work in the UK.

5. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE Application Reference Number - 5/05

The Committee had before it (1) an information note prepared by the Head of Legal and Democratic Services in respect of the application; (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 22 November 2016 and Sergeant Flett was in attendance to speak in support of the letter; and (3) correspondence from the applicant's agent which had attached, three marriage references and three character references in support of the applicant.

The Committee heard the applicant's agent Kevin Anderson speak in support of the application.

The Committee resolved:-

to refuse the application.

6. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE Application Reference Number - 5/06

The Committee had before it (1) an information note prepared by the Head of Legal and Democratic Services in respect of the application; (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 14 November 2016 and Sergeant Flett was in attendance to speak in support of the letter.

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The applicant was in attendance and spoke in support of the application.

The Committee resolved:-

to grant the application.

7. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE Application Reference Number - 5/07

The Committee had before it (1) an information note prepared by the Head of Legal and Democratic Services in respect of the application; (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 17 October 2016 and Sergeant Flett was in attendance to speak in support of the letter

The applicant was in attendance and spoke in support of the application.

The Committee resolved:-

to grant the application.

8. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE

Application Reference Number - 5/08

The Committee had before it (1) an information note prepared by the Head of Legal and Democratic Services in respect of the application; (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 3 November 2016 and Sergeant Flett was in attendance to speak in support of the letter.

The applicant was not in attendance.

The Committee resolved:-

to defer consideration of the application to the next meeting of the Committee on 7 February 2017, to provide the applicant with another opportunity to be present.

9. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE

Application Reference Number - 5/09

The Committee had before it (1) an information note prepared by the Head of Legal and Democratic Services in respect of the application; (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City

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Division dated 23 November 2016 and Sergeant Flett was in attendance to speak in support of the letter.

The Committee heard the applicant's agent Fiona Mitchell speak in support of application.

The Committee resolved:-

to grant the application.

10. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE

Application Reference Number - 5/10

The Committee had before it (1) an information note prepared by the Head of Legal and Democratic Services in respect of the application; (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 25 November 2016 and Sergeant Flett was in attendance to speak in support of the letter.

The Committee heard the applicant's agent Fiona Mitchell speak in support of application.

The Committee resolved:-

to grant the application.

11. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE

Application Reference Number - 5/11

The Committee had before it (1) an information note prepared by the Head of Legal and Democratic Services in respect of the application; (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 25 November 2016 and Sergeant Flett was in attendance to speak in support of the letter.

The applicant was not in attendance.

The Committee resolved:-

to defer the application until the next meeting of the Committee on 7 February 2017, to provide the applicant with another opportunity to be present.

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12. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE Application Reference Number - 5/12

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application.

The applicant was in attendance.

The Committee resolved:-

to defer consideration of the application to the next meeting of the Committee on 7 February 2017, to provide the applicant with an opportunity to submit a report from the Occupational Health Assistant.

13. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE Application Reference Number - 5/13

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application.

The applicant was in attendance and spoke in support of the application.

The Committee resolved:-

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub Committee, to provide the applicant with an opportunity to submit a report from the Occupational Health Assistant.

14. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE Application Reference Number - 5/14

The Committee were advised that this application had been granted under delegated powers.

15. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE Application Reference Number - 5/15

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application.

The applicant was in attendance.

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The Committee resolved:-

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub Committee, to provide the applicant with an opportunity to submit a report from the Occupational Health Assistant.