

LICENSING COMMITTEE

ABERDEEN, 3 May 2023. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Al-Samarai, Convener; Councillor Delaney, Vice-Convener; and Councillors Boulton, Clark, Crockett, Fairfull, Farquhar, Henrickson, MacGregor, Malik (as substitute for Councillor Tissera), McLeod and van Sweeden.

The agenda and reports associated with this minute can be found [here](#).

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.

DECLARATIONS OF INTEREST AND TRANSPARENCY STATEMENTS

1. No declarations of interest or transparency statements were intimated.

DEPUTATIONS

2. The Convener advised that a deputation request had been submitted by Russell McLeod, Chris Douglas and Alan Catto on behalf of the Taxi Trade in respect of item 9.1 (Taxi Fare Review – 2023), however it was not submitted on time and was therefore not competent in terms of the Council's standing orders (two clear working days before the Committee meeting). She indicated that on this occasion and in terms of standing order 14.11, she would be minded to accept the deputation on to the agenda to help facilitate discussion on this item, although she intimated that that she would not accept any future requests for deputation which did not meet the criteria (for deputations) outlined in the standing orders.

The Committee resolved:-

to agree to hear the deputation from Russell McLeod, Chris Douglas and Alan Catto immediately prior to Item 9.1 (Taxi Fare Review - 2023).

MINUTE OF PREVIOUS MEETING OF 15 MARCH 2023, FOR APPROVAL

3. The Committee had before it the minute of its previous meeting of 15 March 2023, for approval.

The Committee resolved:-

to approve the minute.

Licensing COMMITTEE

3 May 2023

MINUTE OF MEETING OF THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP OF 5 APRIL 2023, FOR INFORMATION

4. The Committee had before it the minute of meeting of the Taxi and Private Hire Car Consultation Group of 5 April, 2023.

The Committee resolved:-

to note the minute.

COMMITTEE BUSINESS PLANNER

5. The Committee had before it the Committee Business Planner as prepared by the Interim Chief Officer – Governance (Legal).

The Committee resolved:-

to note the business planner.

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - FLAT B, 30 SUNNYBANK ROAD

6. The Committee were advised that the licence had been granted under delegated powers.

GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - ATTIC FLOOR FLAT, 5 CALSAYSEAT ROAD

7. The Committee were advised that the licence had been granted under delegated powers.

GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 12 FAULDS GATE

8. The Committee were advised that the licence had been granted under delegated powers.

GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 625 KING STREET

9. The Committee were advised that the licence had been granted under delegated powers.

Licensing COMMITTEE

3 May 2023

GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 188 GREAT WESTERN ROAD

10. The Committee were advised that the licence had been granted under delegated powers.

VARIATION OF A SECOND HAND DEALERS'S LICENCE - CEX LIMITED, 46 UNION STREET

11. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which (1) advised that the applicant was seeking a variation of a second-hand dealer's licence, requesting that condition 3 on the licence be removed, which provided that the licence holder shall keep all articles in his shop or other place where his ordinary business is carried on. He shall not dispose of any articles acquired by him except goods bought at auction until the expiry of 48 hours (excluding any time on Saturdays and Sundays) after the date on which it shall appear from his books or electronic records that such articles have been purchased or received; (2) indicated that the application required to be determined by 27 November 2023; and (3) appended a letter of objection received from Police Scotland dated 7 March 2023.

Mr Connor Hill, representing the applicant was in attendance, spoke in support of the application and responded to questions from members.

PC Ian Duthie was in attendance and spoke in support of Police Scotland's letter of objection.

Both parties summed up.

The Committee resolved:-

to refuse the variation of the licence.

GRANT OF A PUBLIC ENTERTAINMENT LICENCE - ABERDEEN CITY COUNCIL - BRIMMOND SCHOOL

12. The Committee were advised that the licence had been granted under delegated powers.

REQUEST FOR EXEMPTION FROM THE STREET KNOWLEDGE TEST - KASHIF IFTIKHAR

13. The Committee had before it an information sheet prepared by the Interim Chief Officer – Governance, which advised that the applicant was seeking an exemption to the

Licensing COMMITTEE

3 May 2023

current Committee Policy which stated that all intended applicants for a Taxi Driver Licence must pass the street knowledge test before a grant of a licence can be submitted.

The applicant was not in attendance, nor represented.

The Committee resolved:-

to refuse the request for exemption from the Street Knowledge Test.

RENEWAL OF A STREET TRADER'S LICENCE - ZONE 1, ZONE 5, ZONE 6 SEATON PARK - MOHAMMAD TOHIDUL ALAM

14. With reference to article 14 of the minute of the previous meeting of 15 March 2023, the Committee had before it (1) an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the application required to be determined by 28 August 2023; and (2) a letter of representation submitted by Mr Steven Shaw, Environmental Manager, Aberdeen City Council.

The applicant was in attendance, was supported by an interpreter who both spoke in support of the application and responded to questions from members.

Mr Steven Shaw was in attendance and responded to questions from members in relation to his letter of representation.

Both parties were offered the opportunity to sum up.

Committee resolved:-

to grant the licence which included trading within Seaton Park, seven days a week from 10:00 to 22:00.

REQUEST FOR EXEMPTION FROM THE WHEELCHAIR ACCESSIBLE VEHICLE POLICY - STEVEN WILSON

15. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the licence holder was seeking an exemption to the Committee Policy that states that any new grant application for a taxi must be for a Wheelchair Accessible Vehicle.

The licence holder was in attendance, spoke in support of the application and responded to questions from members.

The Committee resolved:-

to defer consideration of the request in order to await further information and/or advice from the Chief Officer – Strategic Place Planning, in relation to ongoing discussions

Licensing COMMITTEE

3 May 2023

around Low Emission Zone enforcement and exemptions pertaining to taxi and private hire vehicles which may fall below the emission standards.

TAXI FARE REVIEW 2023 - COM/23/145

16. With reference to article 2 of this minute, the Committee received a deputation from Russell McLeod, Chris Douglas and Alan Catto.

Mr McLeod made reference to the previous Taxi Fare Review in 2019, which was implemented in early 2020. He advised that the past 12 months had been difficult for the taxi trade, which included rising fuel costs and the cost of living increases. He made reference to the National Hackney Fares Table for April 2023 and advised that Glasgow and the Highlands, including Inverness had both recently been awarded 20% increases, Aberdeenshire taxi fares had increased by 10% on 1 April 2023.

In addition, Mr McLeod indicated that Aberdeen did not have a Fare Increase in 2022, however drivers were able to pass on any charge Aberdeen International Airport implemented, without having to come back to Committee. He intimated that the taxi trade sought an increase in 2022, although this was refused by the Committee, one month before Russia invaded Ukraine.

Mr McLeod made reference to the existing Taxi Fare Formula, the costs of various vehicles, tyres, parts and labour charges which were all considerably more expensive (in excess of 15%) than they were back in 2019/20. He explained that the trade faced further financial pressures and that many colleagues would be required to invest in newer, greener vehicles to comply with the Low Emission Zone being introduced in the city centre in June 2024.

Mr McLeod outlined their proposal for taxi fares including a request to simplify the Christmas Tariff and urged the Committee to agree to their proposal. He advised of an error in their submission regarding the extra pick-up charge at the Railway Station which should read £1.00 instead of £0.50.

Mr McLeod, Mr Douglas and Mr Catto responded to questions from members of the Committee.

With reference to article 5 of the minute of the previous meeting of 15 March 2023, the Committee had before it a report by the interim Chief Officer – Governance (legal) which provided evidence from the taxi fare tariff calculator that would allow the Committee to reach an informed decision on any changes to be made to the current taxi fare tariff and comply with its duty to review taxi fares under section 17 of the Civic Government (Scotland) Act 1982.

The report recommended:-
that the Committee –

Licensing COMMITTEE

3 May 2023

- (a) approve either Option A or Option B detailed at section 3.4 of the report as the proposed scales to be advertised for the taxi fare review in terms of section 17 of the Civic Government (Scotland) Act 1982
- (b) to instruct the Chief Officer - Governance to advertise the proposed scales agreed in a newspaper circulating in its area for at least one month together with the general effect of the proposed scales and the date when it is proposed that they will take effect; and
- (c) to instruct the Chief Officer - Governance to submit a report to the Licensing Committee on 28 June 2023 on the outcome of the consultation on the proposed scales and seeking a final decision on the future taxi fare levels to be adopted from 31 July 2023.

The Convener, seconded by Councillor Boulton moved:-
that the Committee –

- (1) approve the tariff option submitted by the Taxi Trade as part of the consultation process and that the scales proposed be advertised for the taxi fare review in terms of section 17 of the Civic Government (Scotland) Act 1982; and
- (2) approve recommendations (b) and (c) within the report.

The Vice Convener moved as an amendment:-
that the Committee –

- (1) approve Option A detailed at section 3.4 of the report as the proposed scales to be advertised for the taxi fare review in terms of section 17 of the Civic Government (Scotland) Act 1982; and
- (2) approve recommendations (b) and (c) within the report.

The Vice Convener's amendment was not seconded, therefore in terms of standing order 29.12, the amendment fell.

The Committee resolved:-

to adopt the motion.

CONFIDENTIAL INFORMATION

The press and public were excluded from the meeting for consideration of the following items which contained confidential information in terms of Section 50A 3(b) of the Local Government (Scotland) Act 1973.

TAXI DRIVER'S LICENCE COMPLAINT (AGENDA ITEM 10.1)

17. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the licence holder had received a number of complaints regarding the overcharging of fares.

Licensing COMMITTEE

3 May 2023

The licence holder and his representative Mr Joe Clark (Unite) was in attendance, spoke in support of the application and responded to questions from members.

The Committee resolved:-

- (i) to issue a warning to the licence holder that any similar conduct in this regard may result in the suspension or revocation of the licence; and
- (ii) to agree to take no further action.

TAXI DRIVER'S LICENCE COMPLAINT (AGENDA ITEM 10.2)

18. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the licence holder had received a complaint regarding the overcharging of a fare.

The licence holder was in attendance, spoke in support of the application and responded to questions from members.

The Committee resolved:-

- (i) to issue a warning to the licence holder that any similar conduct in this regard may result in the suspension or revocation of the licence; and
- (ii) to agree to take no further action.

TAXI DRIVER'S LICENCE COMPLAINT (AGENDA ITEM 10.3)

19. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the licence holder had received a number of complaints regarding the overcharging of fares.

The licence holder and his representative Mr Joe Clark (Unite) was in attendance, spoke in support of the application and responded to questions from members.

The Committee resolved:-

- (i) to issue a warning to the licence holder that any similar conduct in this regard may result in the suspension or revocation of the licence; and
- (ii) to agree to take no further action.

TAXI DRIVER'S LICENCE COMPLAINT (AGENDA ITEM 10.4)

20. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the licence holder had received a number of complaints regarding the overcharging of fares.

Licensing COMMITTEE

3 May 2023

The licence holder and their representative Mr Joe Clark (Unite) was in attendance, spoke in support of the application and responded to questions from members.

The Committee resolved:-

- (i) to issue a warning to the licence holder that any similar conduct in this regard may result in the suspension or revocation of the licence; and
- (ii) to agree to take no further action.

REQUEST FOR EXEMPTION FROM THE AGE OF VEHICLE POLICY (AGENDA ITEM 10.5)

21. The Committee had before it an information sheet prepared by the Interim Chief Officer – Governance, which advised that the applicant was seeking an exemption to the current Committee Policy which stated that any vehicle being licensed as part of a Grant of Licence, Temporary Licence or Substitution application must be 5 years old or less on the day the application is submitted.

The licence holder was not in attendance, nor represented.

The Committee resolved:-

to defer consideration of the application to the next meeting of the Committee, to allow the applicant to attend.

REQUEST FOR EXEMPTION FROM THE WHEELCHAIR ACCESSIBLE VEHICLE POLICY (AGENDA ITEM 10.6)

22. The Committee had before it an information note prepared by the interim Chief Officer – Governance, which advised that the licence holder was seeking an exemption to the Committee Policy that states that any new grant application for a taxi must be for a Wheelchair Accessible Vehicle.

The licence holder was in attendance, spoke in support of the application and responded to questions from members.

The Committee resolved:-

to refuse the request for exemption from the Wheelchair Accessible Vehicle Policy, noting that there was no sufficient medical information submitted at this time.

REQUEST FOR EXEMPTION FROM THE WHEELCHAIR ACCESSIBLE VEHICLE POLICY (AGENDA ITEM 10.7)

23. The Committee had before it an information note prepared by the interim Chief Officer – Governance, which advised that the licence holder was seeking an exemption

Licensing COMMITTEE

3 May 2023

to the Committee Policy that states that any new grant application for a taxi must be for a Wheelchair Accessible Vehicle.

The licence holder was in attendance, spoke in support of the application and responded to questions from members.

The Committee resolved:-

to approve the request for exemption from the Wheelchair Accessible Vehicle Policy.

- **COUNCILLOR GILL AL-SAMARAI, Convener.**