

# Licensing Committee Annual Effectiveness Report 2022/2023



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## 1. Introduction from Convener

- 1.1 It is with great pleasure I present the fourth annual effectiveness report for the Licensing Committee. This annual report is a good mechanism for the Committee to reflect on the business of the Committee over the past year.
- 1.2 In terms of the business over the last year, the Committee has managed to work on line and in person, working collectively to ensure that its decision-making process was open and transparent, and all parties treated fairly and equally. It was also encouraging to see the responses to the public consultations as a result of greater use of all media channels.
- 1.3 The Committee has also been proactive in reviewing Policy and seeking assurance that it was operating in accordance with legislation and best practice and I am confident that this will continue into the year ahead.



Councillor Gill Al-Samarai  
Convener – Licensing Committee

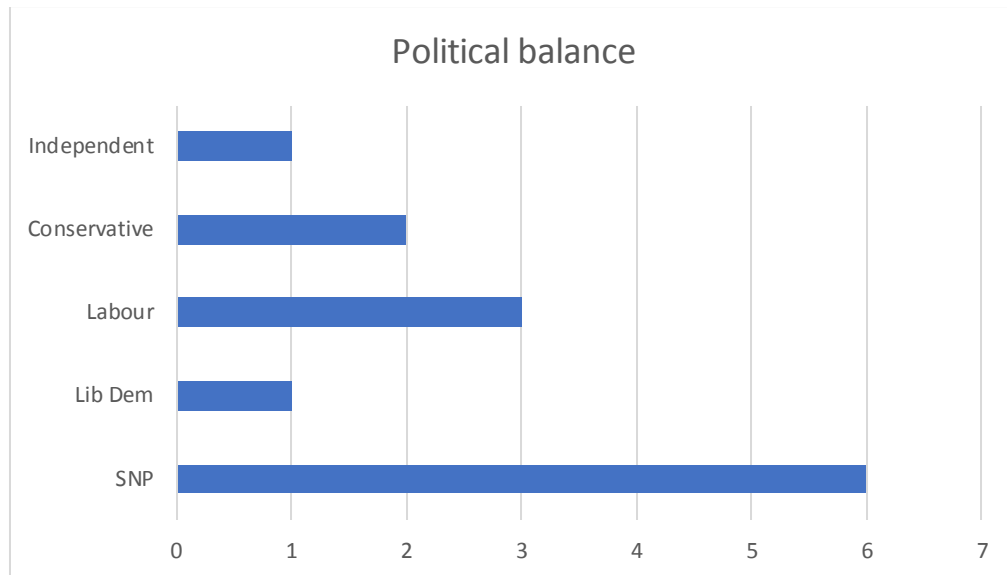
## 2. The Role of the Committee

- 2.1 The Purpose of the Licensing Committee is to deal with the functions of the Council in relation to all licensing matters under the Civic Government (Scotland) Act 1982 and all other Acts (not falling specifically within the remit of the Licensing Board or any other Committee) covering personal or other licences, certificates and permits. This includes but is not restricted to applications for Mandatory and Discretionary Licences under Civic Government (Scotland) Act 1982; and Miscellaneous Licences under other Legislation.
- 2.2 The Remit of the Committee is as follows:-
1. determine applications for the grant, renewal, revocation, variation or suspension of any licence as appropriate;
  2. determine applications and reviews for Houses in Multiple Occupation under the Housing (Scotland) Act 2006 (the responsibility for all other matters relating to the licensing of Houses in Multiple Occupation resting with the Communities, Housing and Public Protection Committee);
  3. determine all other matters relating to licensing including the setting of taxi fares and the designation of taxi stances;
  4. approve and monitor the Council's functions under the Safety of Sports Grounds Act 1975;
  5. determine landlord registration applications under the Antisocial Behaviour Etc (Scotland) Act 2004;
  6. determine film classifications under the Cinemas Act 1985;
  7. determine theatre licences under the Theatres Act 1968; and
  8. determine which of the optional licences they will invoke and which categories of activity within those licence categories shall be licenced under the Civic Government (Scotland) Act 1982.

### 3. Membership of the Committee during 2022/2023

3.1 The Licensing Committee has 13 members.

3.2 The Committee composition is presented below:-



## 4. Membership Changes

- 4.1 There were a number of changes to the membership throughout the reporting period. Councillor Malik replaced Councillor Crockett on 27 June 2023 and Councillors Ali, Grant and Lawrence replaced Councillors Graham, Malik and Tissera from 29 August 2023.

## 5. Member Attendance

Member	Total Anticipated Attendances	Total Attendances	Substitutions
Councillor Al-Samarai (Convener)	7	7	
Councillor Delaney (VC)	7	7	
Councillor Ali	1	1	
Councillor Boulton	7	6	
Councillor Clark	7	7	
Councillor Fairfull	7	7	
Councillor Farquhar	7	7	
Councillor Grant	1	0	
Councillor Henrickson	7	7	
Councillor Lawrence	1	1	
Councillor MacGregor	7	6	
Councillor McLeod	7	7	
Councillor Van Sweeden	7	5	Councillor McRae & Cooke
Councillor Crockett	6	5	
Councillor Graham	6	5	
Councillor Tissera	6	4	Councillor Malik
Councillor Malik	1	0	

## 6. Meeting Content

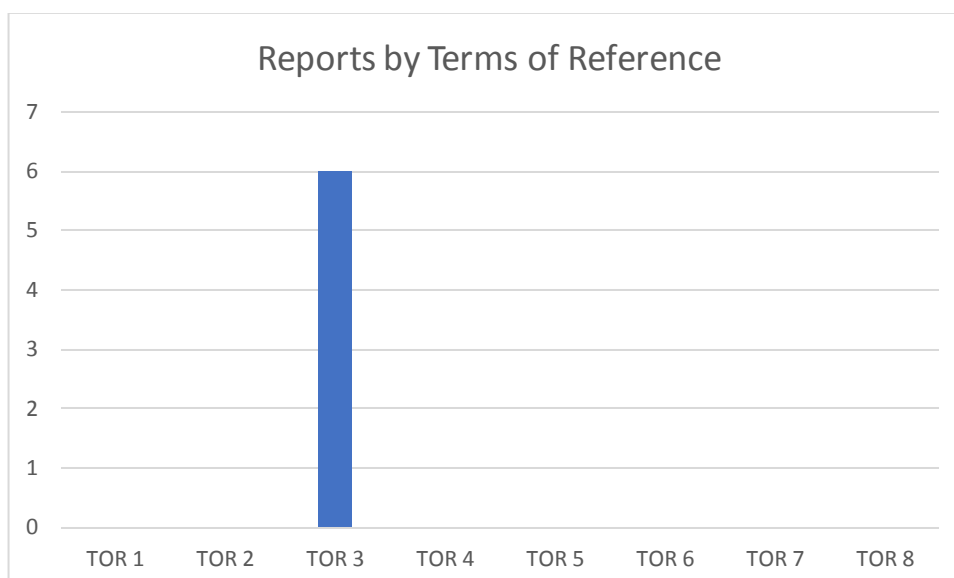
6.1 During the 2022/2023 reporting period (14 October 2022 to 14 October 2023), the Committee had 7 meetings, 1 of which was a Special Meeting and considered a total of 6 reports.

6.1.1 The Committee also considered 63 applications, 23 Requests for Exemption from Committee Policy and 6 Complaints made against licence holders.

6.1.2 There was only 1 meeting of the Licensing Sub Committee during the reporting period which was held on 7 August 2023 to consider a relaxation of taxi zones for Offshore Europe 2023.

### 6.2 Terms of Reference

6.2.1 The following chart details how reports aligned to the Terms of Reference (set out at section 2 above) for the Committee.



6.2.2 During the course of 2022/2023 the Committee received reports under only one of its main Terms of Reference (TOR 3 – to determine all other matters relating to licensing including the setting of taxi fares and the designation of taxi stances).

6.2.3 As you would expect, the majority of the other remits of the Committee’s Terms of Reference were reported to the Committee by means of licensing applications, requests for exemption from Policy and Complaints. This would indicate that the Committee has discharged its role throughout the course of the reporting period.

6.2.4 As the committee structure was reviewed in late 2022, very few changes to the Terms of Reference were made following the June 2023 Scheme of Governance review. Any changes made were generally to provide clarity where required and ensure consistency between committees. The new Terms of Reference will continue to be

monitored throughout the year, in preparation for the 2024 Scheme of Governance review.

## 7. Reports and Decisions

7.1 The following information relates to the committee reports and Notices of Motion presented to Committee throughout the reporting period, as well as the use of Standing Orders and engagement with members of the public.

	Total	Total Percentage of Reports
Confidential Reports	0	N/A
Exempt Reports	0	N/A
Number of reports where the Committee amended officer recommendations	0	N/A
Number of reports approved unanimously	5	83.3%
Number of reports or service updates requested during the consideration of another report to provide additional assurance and not in business planner	1	16.7%
Number of reports delayed for further information	0	N/A
Number of times the Convener has had to remind Members about acceptable behaviour in terms of the Code of Conduct	0	N/A
Late reports received (i.e. reports not available for inspection at least 3 clear days before the meeting)	0	N/A
Number of referrals to Council under SO 34.1	0	N/A

Notices of Motion, Suspension of Standing Orders, Interface with the Public	
Number of Notices of Motion to Committee	0
Number of times Standing Orders suspended	0
Specific Standing Orders suspended	N/A
Number of deputations requested	2
Number of deputations heard	2
Number of petitions considered	0



## 8. Reports with links to the Local Outcome Improvement Plan

- 8.1 All six reports considered by the Committee had no impact to the Local Outcome Improvement Plan.

## 9. Training and Development

- 9.1 Training was provided for Councillors prior to their first meeting as members of the Committee.
- 9.2 Further development opportunities will be considered for next year based on Committee business throughout the year, Executive Lead proposals and Member feedback on what may be required to assist them in performing their roles.

## 10. Code of Conduct Declarations and Transparency Statements

- 10.1 8 declarations of interest and 2 transparency statements were made by Members during the reporting period. Information in respect of declarations of interest and transparency statements is measured to evidence awareness of the requirements to adhere to the Councillors' Code of Conduct and the responsibility to ensure fair decision-making.

## 11. Civic Engagement

- 11.1 The Committee's focus throughout the reporting period has largely been on compliance with the licensing legislation. A number of public consultations have been undertaken by the Committee in order to engage with the wider public to inform the development and approval of policy, in particular regarding Street Trading at the beachfront and various taxi policies. In doing so, there has been greater use of all available media channels to increase participation and ensure a wider audience and range of responses.
- 11.2 The Committee also liaises directly with representatives of the taxi and private hire car vehicle trade by way of the Council's Taxi and Private Hire Car Consultation Group throughout the year to discuss matters of interest to the trade. The Committee agreed to increase the frequency of those meetings starting next year. Any recommendations from the Consultation Group were considered by the Committee.
- 11.3 The Committee has also engaged with statutory partners such as Police Scotland, Scottish Fire and Rescue Service, Roads Authority, Environmental Health and Building Standards to ensure all public safety matters are being brought to the Committee's attention.

## 12. Executive Lead to the Committee - Commentary

- 12.1 The Committee would appear to be working effectively noting that:-

- Any delays in considering reports were as a result of additional information being requested to ensure all decisions are fully informed;
  - One of the main terms of reference was engaged;
  - All applications were considered by the Committee in accordance with the statutory requirements; and
  - All committee reports were able to be considered in public;
- 12.2 No late reports were submitted to the Committee showing evidence that Committee business was being appropriately managed and scheduled.
- 12.3 All applications were determined under delegated powers or referred to Committee within statutory time limits. Additional online facilities have been introduced to assist applicants to minimise any disruption caused by licensing officers having to work outwith the Council offices.
- 12.4 Throughout the next reporting period we will continue to review the Committee's business against the Terms of Reference and any changes proposed will be considered as part of the annual review of the Council's Scheme of Governance.

## 13. The Year Ahead

- 13.1 The Committee will continue to discharge functions by licensing legislation with any changes to existing legislation, or new legislation being reported to the Committee in a timely manner. Policies will also be kept under review and consulted upon, where applicable, to ensure they remain fit for purpose; comply with legislation and align to the Council's strategies (including the refreshed Local Outcome Improvement Plan).
- 13.2 In considering the review of policies when required by legislative changes as well as matters arising from the business planner the Committee will continue to consider how those decisions can integrate with and support the Council's Policy Statement. This will include ensuring the taxi and private hire trade play an important part in the local transport strategy and are well placed to contribute to the accessibility of all parts of the city to visitors and residents alike, and that all licensable activity is carried out in a manner designed to safeguard public safety.
- 13.3 In terms of legislation, licensing income must be generally equivalent to licensing expenditure. The Committee is responsible for the setting of taxi fares and a report on the review of the existing taxi fare formula, including surcharges, was submitted for the Committee's consideration in 2023.
- 13.4 Annual refresher training covering all areas of the Committee's Terms of Reference will be provided.
- 13.5 A new licensing regime for Short Term Lets came into force on 1 October 2023 and this will result in new applications coming before Committee and the regime will be monitored to ensure the licensing objectives are being upheld.

## Appendix 1 – Local Outcome Improvement Plan Stretch Outcomes

<b>Economy</b>	
1.	No one will suffer due to poverty by 2026
2.	400 unemployed people supported into fair work
3.	500 people skilled/ reskilled
<b>People (Children &amp; Young People)</b>	
4.	95% of children will reach their expected developmental milestones
5.	90% of children and young people will report that their experiences of mental health and wellbeing have been listened to
6.	95% of care experienced children and young people will have the same levels of attainment in education, health and emotional wellbeing, and positive destinations as their peers
7.	95% of children living in our priority neighbourhoods will sustain a positive destination upon leaving school
8.	Child friendly city where all decisions which impact on children and young people are informed by them
9.	30% fewer young people (under 18) charged with an offence
<b>People (Adults)</b>	
10.	25% fewer people receiving a first ever Court conviction and 2% fewer people reconvicted within one year
11.	Healthy life expectancy (time lived in good health) is 5 years longer
12.	Rate of harmful levels of alcohol consumption reduced by 4% and drug related deaths lower than Scotland
<b>Place</b>	
13.	Addressing climate change by reducing Aberdeen's carbon emissions by at least 61% and adapting to the impacts of our changing climate
14.	Increase sustainable travel: 38% of people walking and 5% of people cycling as main mode of travel
15.	Addressing the nature crisis by protecting/ managing 26% of Aberdeen's area for nature by 2026
<b>Community Empowerment</b>	
16.	100% increase in the proportion of citizens who feel able to participate in decisions that help change things for the better by 2026