

Licensing Committee Annual Effectiveness Report 2023/2024



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1. Introduction from Convener

- 1.1 It is with great pleasure I present the fifth 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 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

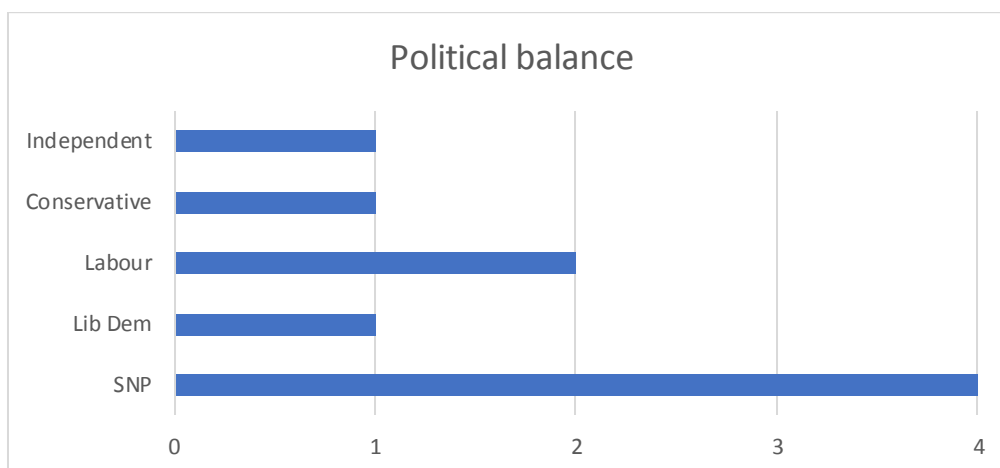
2. The Role of the Committee

- 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 2023/2024

3.1 The Licensing Committee had 13 members, however in February 2024 Council agreed to reduce the number of elected members to 9.

3.2 The Committee composition is presented below:-



4. Membership Changes

4.1 There were no changes to the membership following the reduction of members from 13 to 9.

5. Member Attendance

| Member | Total Anticipated Attendances | Total Attendances | Substitutions (Cllrs) |
|----------------------------------|-------------------------------|-------------------|-----------------------|
| Councillor Al-Samarai (Convener) | 6 | 4 | Copland x 2 |
| Councillor Delaney (VC) | 6 | 6 | |
| Councillor Clark | 6 | 6 | |
| Councillor Henrickson | 6 | 6 | |
| Councillor Lawrence | 6 | 6 | |
| Councillor MacGregor | 6 | 4 | McRae & Copland |
| Councillor McLeod | 6 | 4 | |
| Councillor Graham | 5 | 4 | Malik |
| Councillor van Sweeden | 5 | 5 | |
| Previous Members | | | |
| Councillor Ali | 1 | 1 | |
| Councillor Boulton | 1 | 1 | |
| Councillor Fairfull | 1 | 1 | |
| Councillor Farquhar | 1 | 1 | |
| Councillor Grant | 1 | 0 | |

6. Meeting Content

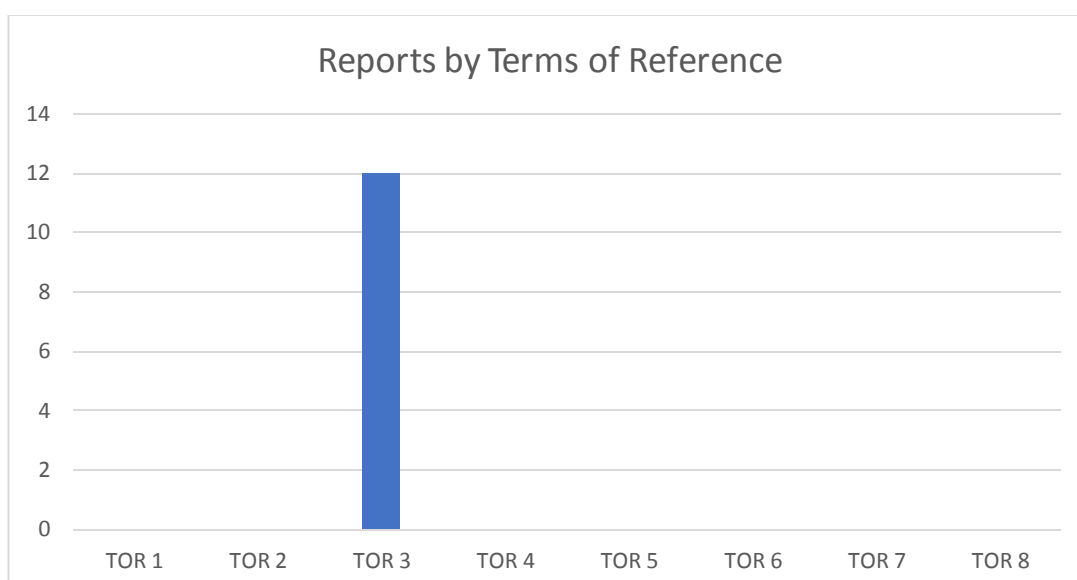
6.1 During the 2023/2024 reporting period (15 October 2023 to 15 October 2024), the Committee had 6 meetings and considered a total of 12 reports.

6.1.1 The Committee also considered 48 applications, 40 Requests for Exemption from Committee Policy and 8 Complaints made against licence holders.

6.1.2 There was 6 meetings of the Licensing Sub Committee during the reporting period, this was mainly due to the arrangements required to consider Short Term Let applications in terms of the Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022.

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 2023/2024 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, no changes to the Terms of Reference were made following the 2024 Scheme of Governance review. 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 | 12 | 100% |
| Number of reports or service updates requested during the consideration of another report to provide additional assurance and not in business planner | 0 | N/A |
| 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 | 1 (SO 40.2 – length of meeting) |
| Specific Standing Orders suspended | N/A |
| Number of deputations requested | 0 |
| Number of deputations heard | 0 |
| Number of petitions considered | 0 |

8. Reports with links to the Local Outcome Improvement Plan

- 8.1 All 12 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 There were no declarations of interest intimated and there were 9 transparency statements 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 survey exercise has commenced on the availability/demand for taxi and private hire vehicles as well as a review of taxi rank provision in the city.
- 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. In addition, a working group was set up with members of the Consultation Group plus external members to examine the content of the Street Knowledge Test for taxi and private hire drivers.
- 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.
- 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

| Economy | |
|---|--|
| 1. | 20% reduction in the percentage of people who report they have been worried they would not have enough food to eat and/ or not be able to heat their home by 2026 |
| 2. | 74% employment rate for Aberdeen City by 2026 |
| People (Children & Young People) | |
| 3. | 95% of all children will reach their expected developmental milestones by their 27-30 month review by 2026 |
| 4. | 90% of children and young people report they feel listened to all of the time by 2026 |
| 5. | By meeting the health and emotional wellbeing needs of our care experienced children and young people they will have the same levels of attainment in education and positive destinations as their peers by 2026 |
| 6. | 95% of children living in our priority neighbourhoods (Quintiles 1 & 2) will sustain a positive destination upon leaving school by 2026 |
| 7. | 83.5% fewer young people (under 18) charged with an offence by 2026 |
| 8. | 100% of our children with Additional Support Needs/disabilities will experience a positive destination |
| People (Adults) | |
| 9. | 10% fewer adults (over 18) charged with more than one offence by 2026 |
| 10. | Healthy life expectancy (time lived in good health) is five years longer by 2026 |
| 11. | Reduce the rate of both alcohol related deaths and drug related deaths by 10% by 2026 |
| 12. | Reduce homelessness by 10% and youth homelessness by 6% by 2026, ensuring it is rare, brief and non-recurring with a longer term ambition to end homelessness in Aberdeen City. |
| Place | |
| 13. | Addressing climate change by reducing Aberdeen's carbon emissions by at least 61% by 2026 and adapting to the impacts of our changing climate |
| 14. | Increase sustainable travel: 38% of people walking; 5% of people cycling and wheeling as main mode of travel and a 5% reduction in car miles by 2026 |
| 15. | 26% of Aberdeen's area will be protected and/or managed for nature and 60% of people report they feel that spaces and buildings are well cared for by 2026 |
| Community Empowerment | |
| 16. | 100% increase in the proportion of citizens who feel able to participate in decisions that help change things for the better by 2026 |