

LICENSING COMMITTEE

ABERDEEN, 6 April 2016. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Carle, Convener; and Councillors Allan, Copland, Corall (as a substitute for Councillor Samarai), Lesley Dunbar, Graham, Grant (as a substitute for Councillor Nathan Morrison), Hutchison, Lawrence (as a substitute for Councillor Crockett), Malik, Malone, MacGregor, Nicoll, Reynolds, Townson and Young (as a substitute for Councillor Boulton).

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MI d=4191&Ver=4>

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DECLARATIONS OF INTEREST

The Convener and Councillors Allan, Graham, Grant, Malik and Young declared interests as members of Unite. None of the members felt it necessary to leave the meeting during the Committee's deliberations.

REQUESTS FOR DEPUTATION

1. The Committee had before it a number of requests for deputation as follows:
 - (i) Mr Campbell (Unite), in relation to 2.1 (Review of Accessible Vehicle Policy);
 - (ii) Mr McColl (Aberdeen Taxi Group), in relation to item 2.1 (Review of Accessible Vehicle Policy);
 - (iii) Mr McColl (Aberdeen Taxi Group), in relation to item 2.2 (Age of Vehicles – Clarification of Policy); and
 - (iv) Mr Wilson in relation to item 2.1 (Review of Accessible Vehicle Policy) – the request was received outwith the timescales stated in Standing Order 10(1).

The Committee resolved:-

- (i) to hear the deputations from Mr Campbell (Unite) and Mr McColl (Aberdeen Taxi Group) in relation to item 2.1 (Review of Accessible Vehicle Policy) immediately prior to consideration of the report;
- (ii) to suspend Standing Order 10(1) to enable the deputation from Mr Wilson to be heard in relation to item 2.1 (Review of Accessible Vehicle Policy) on the agenda, and to hear the deputation immediately prior to consideration of the report; and

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- (iii) to hear the deputation from Mr McColl (Aberdeen Taxi Group) in relation to item 2.2 (Age of Vehicles – Clarification of Policy) immediately prior to consideration of the report.

REVIEW OF ACCESSIBLE VEHICLE POLICY - CG/16/053

2. (A) In terms of Standing Order 10(1), the Committee received a deputation from Mr Campbell and Mr Robertson, Unite representatives.

Mr Robertson referred to recent statements made in the press which he and other Unite members felt were unfair to the taxi trade and had negative implications for the trade. He went on to advise that they felt the accessible vehicle policy was contradictory and that a 100% accessible taxi fleet was unfair on those who could not use an accessible vehicle as it provided them with no choice and would create an additional cost for them as they would have no alternative to using a private hire vehicle which levied an additional £1 booking charge.

He explained that the trade had undertaken an informal consultation with passengers on the policy, and with approximately 700 responses it was clear to the taxi trade that a 100% accessible vehicle fleet would not meet the needs of everyone.

Thereafter, Mr Campbell explained that Unite appreciated that the Council had a policy which required all taxi vehicles to be accessible by June 2017, however requested, following discussions with taxi drivers and passengers, that the Committee conduct a review of the policy to ensure that it provided fairness and equality for all. He also questioned the position in respect of taxi drivers who could be exempt from the policy on medical grounds.

Members asked a number of questions of Mr Campbell and Mr Robertson.

- (B) In terms of Standing Order 10(1), the Committee received a deputation from Mr McColl, Aberdeen Taxi Group, who advised that there was division within the trade regarding the Council's policy of a 100% accessible taxi fleet by June 2017 and given this position it was felt that further consultation on the policy was the correct action at this time.

He explained that as in 2012, the Aberdeen Taxi Group did not believe that a 100% accessible vehicle fleet was required and would welcome the opportunity for further consultation on this policy prior to it being implemented.

Mr McColl went on to advise that the taxi fleet was now substantially different to the fleet at the time of the decision being taken, with 54% of the fleet now being accessible vehicles. He questioned whether 54% of the fleet being accessible vehicles was sufficient and proposed that that could be answered through further consultation.

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Thereafter, he explained that a number of drivers had already moved to an accessible vehicle in order to comply with the policy prior to its implementation in June 2017 and they would have a potential grievance should this policy be overturned. Therefore, he requested that whatever policy was agreed in respect of the taxi fleet and accessible vehicles that it be made in accordance with legal obligations and ensured that the risk of legal challenge was minimal.

Members asked a number of questions of Mr McColl.

(C) In terms of Standing Order 10(1), the Committee received a deputation from Mr Wilson, who provided an overview of his involvement in the taxi trade and the wheelchair accessible group. He advised that he fully supported the Council's policy of a 100% accessible taxi fleet by June 2017 and provided a detailed rationale for his support of the policy.

Thereafter, he raised a number of issues which he felt could arise should the Committee review and amend its current policy to which many taxi drivers had already implemented in advance of the June 2017 deadline.

Members asked a number of questions of Mr Wilson.

(D) With reference to article 5 of the minute of the meeting of the Licensing Committee of 8 March 2016, the Committee had before it a report by the Director of Corporate Governance which outlined the implications for Aberdeen City Council if the Committee set aside its policy requiring all taxis to be accessible by 6 June 2017.

The report recommended:-

that the Committee -

- (a) agree to continue with the implementation of the Committee's policy requiring that all taxi vehicles be accessible by 6 June 2017; and
- (b) instruct the Head of Legal and Democratic Services to write to all holders of taxi licences informing them of the decision and the implications of same.

The Convener, seconded by Councillor Graham moved:-

that the Committee approve the recommendations in the report, subject to the following amendments:

- (a) to note the previous decision of the Licensing Committee and the consultation as narrated in the report together with the decisions in the cases of *Wilson v Aberdeen City Council* and *R v Newcastle x parte Blake*;
- (b) to note the Council's duties under equalities legislation to promote the public sector equality duty and that any move to set aside the policy would have a negative impact on the Council's equality outcomes; and
- (c) to amend recommendation (b) to include a reminder in the letter to licence holders of their conditions of licence in relation to the assistance of all passengers.

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Councillor Reynolds, seconded by Councillor Hutchison moved as an amendment:- that the Committee defer making a decision until the next suitable meeting in accordance with Standing Orders, following full consultation and further information relating to the Dundee City mixed fleet and to request officers to provide a reminder to licence holders of their conditions of licence in relation to the assistance of all passengers.

On a division, there voted:- for the motion (9) – the Convener and Councillors Allan, Lesley Dunbar, Graham, Grant, Lawrence, Malik, Malone and Young; for the amendment (7) Councillors Copland, Corall, Hutchison, MacGregor, Nicoll, Reynolds and Townson.

The Committee resolved:

to adopt the motion.

In terms of Standing Order 36(3), Councillor Hutchison intimated he would like this matter to be referred to full Council in order for a final decision to be taken. Councillor Hutchison was supported by Councillors Copland, Corall, MacGregor, Nicoll and Reynolds.

AGE OF VEHICLES - CLARIFICATION OF POLICY - CG/16/054

3. With reference to article 3 of appendix A of the minute of the meeting of the Licensing Committee of 8 March 2016, the Committee had before it a report by the Director of Corporate Governance which sought to clarify and simplify the age limit for taxis and private hire cars.

The report recommended:-

that the Committee -

- (a) approve the proposed new policy;
- (b) instruct officers from Legal and Democratic Services to publish same; and
- (c) instruct officers from Legal and Democratic Services to monitor the situation following the implementation of the accessible vehicle policy on 6 June 2017 and report back to Committee once a period of twelve months had passed from that date with further recommendations if appropriate.

The Committee resolved:

to refer the report simpliciter to Council and to advise that the request for deputation from Mr McColl could be resubmitted to the meeting of full Council at which the report would be considered.

- COUNCILLOR SCOTT CARLE, Convener