

LICENSING COMMITTEE

ABERDEEN, 18 January 2022. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Reynolds, Convener; Councillor Malik, Vice Convener; and Councillors Allan, Bell, Delaney, Henrickson, Radley and Townson.

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.

VALEDICTORY

1. Following her announcement that she was retiring, and that this would be her last Licensing Committee meeting, the Convener wished to express his thanks to Sergeant Gillian Flett, Police Scotland for her contribution and support of the Committee over the last few years.

The Committee resolved:-

- (i) to concur with the Convener; and
- (ii) to note that Sergeant Neil Grant would replace Sergeant Gillian Flett as Licensing Sergeant.

DECLARATIONS OF INTEREST

2. There were no declarations of interest intimated.

DEPUTATION BY RUSSELL MCLEOD, RAINBOW CARS LTD

3. The Committee had before it a deputation from Mr Russell McLeod, Rainbow Cars Limited in relation to agenda item 8.1 (Taxi Fare Review 2022).

The Committee resolved:-

to hear the deputation prior to consideration of the report. (Article 13 of this minute refers)

MINUTE OF PREVIOUS MEETING OF 14 DECEMBER 2021, FOR APPROVAL

4. The Committee had before it the minute of its previous meeting of 14 December 2021, for approval.

The Committee resolved:-

to approve the minute.

LICENSING COMMITTEE

18 January 2022

MINUTE OF MEETING OF THE LICENSING SUB COMMITTEE OF 7 JANUARY 2022, FOR APPROVAL

5. The Committee had before it the minute of meeting of the Licensing Sub Committee of 7 January 2022, for approval.

The Committee resolved:-

to approve the minute.

COMMITTEE BUSINESS PLANNER

6. The Committee had before it the Committee Business Planner as prepared by the Chief Officer – Governance.

The Committee resolved:-

to note the content of the Business Planner.

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 82 BACK HILTON ROAD

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

NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 52 BANNERMILL PLACE

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

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 34 TAILOR PLACE

9. The Committee had before it a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reason that one letter of representation had been submitted.

The applicant's agent, Mr Stuart Carnie was in attendance and spoke in support of the application and responded to questions from members of the Committee.

The respondent was not in attendance, nor represented.

The Committee resolved:-

to grant the licence.

LICENSING COMMITTEE

18 January 2022

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 17 WESTBANK

10. The Committee had before it a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reasons that (1) four letters of representation had been submitted; and (2) the necessary upgrading works and certification had not been completed.

By way of preliminary matters, Mrs Jocelyn Janssen, Landlord Registration Officer advised that Mr Robert Kernaghan had withdrawn his representation (Appendix E to the report); and that another responder, Ms Victoria Smith, wished to submit correspondence (dated 16 January 2022) into the proceedings, as she was unable to attend the meeting today.

The applicant and the remaining two responders were not in attendance, nor represented.

The Committee resolved:-
to accept the correspondence into proceedings.

The Committee were also advised that the necessary upgrading works and certification had now been completed.

The Committee resolved:-
to grant the licence.

GRANT OF A STREET TRADER LICENCE - JAMES COLEMAN - RIVERSIDE DRIVE, EAST SIDE 50M NORTH OF STONEHAVEN ROAD

11. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the application required to be determined by 25 January 2022.

The applicant was not in attendance, nor represented.

Mr Andrew Gilchrist, Principal Environmental Health Officer indicated that some minor outstanding work was required to be undertaken by the applicant prior to a Certificate of Compliance being issued.

The Committee resolved:-
to defer consideration of the application until Environmental Health have undertaken a further inspection for the Certificate of Compliance, after which time the Chief Officer - Governance could grant the licence under delegated powers if appropriate, or otherwise that the application be referred to a meeting of the Licensing Sub Committee on 25 January 2022 at 2.00pm, for consideration.

LICENSING COMMITTEE

18 January 2022

RENEWAL OF A TAXI LICENCE - STEWART GILCHRIST

12. The Committee had before it an information note prepared by the Chief Officer – Governance which advised (1) that the application had to be determined by 17 February 2022; (2) that the vehicle had not passed the hackney as required under the Licensing Committee Policy; and (3) that the licence holder had breached Section 11(1) of the Civic Government (Scotland) Act 1982 by not producing the vehicle for testing as required by the Local Authority.

The licence holder was not in attendance, nor represented.

The Committee resolved:-
to refuse the licence.

TAXI FARE REVIEW 2022 - COM/22/008

13. (A) With reference to article 3 of the minute above, the Committee received a deputation from Mr Russell McLeod.

Mr McLeod (1) advised that there was a need to achieve a process where the trade did not have to wait for a Fare Review to be instigated each time Aberdeen International Airport (AIA) decided to increase their charges for Taxi Drivers to drop off and pick up customers from the Airport; (2) explained that in simplistic terms, whatever AIA were charging Taxi Drivers, they should be allowed to pass that on to the customer; (3) referred to Aberdeenshire Council's Taxi Tariff Card, which allowed Aberdeenshire Taxi Drivers to do this and suggested that Aberdeen City Council's Taxi Tariff Card should mirror this; (4) indicated that currently, to pick up a customer at AIA, Aberdeen Taxi Drivers were not permitted to pass on the Car Park Charge to their customers and at present the minimum charge to exit the Airport Car Park was £4; and (5) suggested that a maximum charge of whatever the Drop Off charge was, should be permitted to be passed onto the customer, (currently £3).

Mr McLeod sought a change to the fare following two years of a global pandemic. He made reference to average national earnings, vehicle costs, low hybrid and electric taxi car fleet usage, fuel costs, the furlough scheme, job losses, loss of earnings and the predicted cost-of-living increase.

Mr McLeod requested that the Committee consider the following taxi fare changes:-

- First 940 Yards: £2.80 (currently £2.60);
- Every Additional 160 Yards: £0.20 (unchanged);
- Waiting: £26.00 per hour (currently £24.60)
- Tariff Card should allow driver to add whatever the current Third Part Charge was for dropping at AIA;

LICENSING COMMITTEE

18 January 2022

- Any pre-booked hire from the Airport, the driver should be permitted to charge whatever the current rate was for drop off area as a maximum charge; and
- Taxi Fare Review to be undertaken every 12 months (currently 18 months).

Mr McLeod responded to questions from the Committee.

The Committee resolved:-

to note the deputation by Mr McLeod and to thank him for his contribution.

(B) The Committee had before it a report by the Chief Officer – Governance, which provided evidence from the taxi fare tariff calculator that will allow it 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 –

- approve either Option A or Option B detailed at section 3.4 of this 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;
- 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
- instruct the Chief Officer - Governance to submit a report to the Licensing Committee on 22 March 2022 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 May 2022.

The Convener, seconded by the Vice Convener moved:-

that the Committee –

- approve Option A detailed at section 3.4 of the report as the proposed scale to be advertised for the taxi fare review in terms of section 17 of the Civic Government (Scotland) Act 1982, subject to replacing the wording at conditions (7) and (8) of the current Taxi Fare Tariff, to read “Airport Booking Fee – Taxi Drivers may add any current charge incurred at Airports when either dropping off or picking up passengers. Drivers must make passengers aware in advance that extra charges may be added to the fare; and
- otherwise approve recommendations (b) and (c) above.

Councillor Delaney, moved as an amendment:-

that the Committee –

- approve Option A detailed at section 3.4 of the report as the proposed scale to be advertised for the taxi fare review in terms of section 17 of the Civic Government (Scotland) Act 1982, subject to amending the wording in the Taxi Fare Tariff to include the Airport drop off charge (as set by Aberdeen

LICENSING COMMITTEE

18 January 2022

- International Airport) and a charge, equivalent to that same amount, for picking up from the Airport; and
- (2) otherwise approve recommendations (b) and (c) above.

In terms of Standing Order 29.12, as Councillor Delaney had no seconders, the amendment fell.

The Committee resolved:-

- (i) to approve Option A detailed at section 3.4 of the report as the proposed scale to be advertised for the taxi fare review in terms of section 17 of the Civic Government (Scotland) Act 1982, subject to replacing the wording at conditions (7) and (8) of the current Taxi Fare Tariff, to read “Airport Booking Fee – Taxi Drivers may add any current charge incurred at Airports when either dropping off or picking up passengers. Drivers must make passengers aware in advance that extra charges may be added to the fare”; and
- (ii) to otherwise approve recommendations (b) and (c) above.

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.

RENEWAL OF A STREET TRADER LICENCE (AGENDA ITEM 9.1)

14. The Committee had before it (1) an information note prepared by the Chief Officer – Governance in respect of the application; (2) two character reference letters from NHS Grampian and Aberdeenshire Health and Social Care Partnership dated 12 and 18 January 2022; and (3) a letter of representation from the Chief Superintendent, Police Scotland, c/o North East Division, dated 22 December 2021.

The licence holder was in attendance and spoke in support of her application.

Sergeant Flett was in attendance and spoke in support of Police Scotland’s letter of representation.

Sergeant Flett and the applicant both summed up.

The Committee resolved:-

to grant the licence.

LICENSING COMMITTEE

18 January 2022

RENEWAL OF A TAXI DRIVER LICENCE (AGENDA ITEM 9.2)

15. The Committee had before it an information note prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 8 March 2022.

The licence holder was not in attendance, nor represented.

The Committee resolved:-
to refuse the licence.

REQUEST FOR EXEMPTION FROM AGE OF VEHICLE POLICY (AGENDA ITEM 9.3)

16. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the applicant was seeking an exemption to the current Committee Policy which stated that any saloon vehicle to be licensed as a taxi or private hire car must be no older than 5 years old from the date of registration.

The applicant was in attendance and spoke in support of his request and answered questions from members of the Committee.

The Committee resolved:-
to approve the request for exemption from the Age of Vehicle Policy.

BOOKING OFFICE LICENCE (AGENDA ITEM 9.4)

17. The Committee were advised that this item had been deferred until the next meeting.

- **COUNCILLOR JOHN REYNOLDS, Convener.**