

## Minute

### Licensing Committee

Thursday, 25 January 2018, 11:30.

Council Chamber, Council Offices, School Place, Kirkwall.



### Present

Councillors Barbara Foulkes, Alexander G Cowie, Norman R Craigie, Robin W Crichton, Steven B Heddle, J Harvey Johnston and Owen Tierney.

### Clerk

- Hazel Flett, Senior Committees Officer.

### In Attendance

- Gavin Mitchell, Head of Legal Services.
- Elaine Sinclair, Legal Clerk.

### Police Scotland:

- Sergeant Kenny Walker.

### Apology

- Councillor Duncan A Tullock.

### Declarations of Interest

- No declarations of interest were intimated.

### Chair

- Councillor Barbara Foulkes, Vice Chair.

## 1. Disclosure of Exempt Information

The Committee noted the proposal that the public be excluded from the meeting for consideration of Item 4, as the business to be discussed involved the potential disclosure of exempt information of the classes described in the relevant paragraphs of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

## 2. Taxi Stance, Stromness

After consideration of a report by the Executive Director of Corporate Services, copies of which had been circulated, and after hearing a report from the Head of Legal Services, the Committee:

Noted:

**2.1.** That, in terms of section 19 of the Civic Government (Scotland) Act 1982, subject to specified consultation requirements, licensing authorities had the following powers:

- To appoint stances for taxis.
- To vary the number of taxis permitted to be at each stance.
- To alter the position of such stances.
- To revoke the appointment thereof.

**2.2.** That, on 11 March 1999, the Licensing Sub-committee resolved to appoint, subject to consultation in terms of section 19 of the Civic Government (Scotland) Act 1982, a taxi stance for four vehicles on the south east side of Ferry Road, Stromness, between the South Pier and the Warehouse Pier.

**2.3.** That, on 14 November 2017, the Development and Infrastructure Committee resolved, in terms of delegated powers, that the three existing prohibition of waiting orders covering on-street parking in Stromness be reviewed and consolidated into a single order.

**2.4.** That review and consolidation of the three prohibition of waiting orders covering on-street parking in Stromness would result in the taxi stance, referred to at paragraph 2.2 above, no longer being used as a taxi stance.

**2.5.** That the taxi stance, referred to at paragraph 2.2 above, was physically removed during the period 2011 to 2012 by the Roads Authority.

**2.6.** That the licensing authority required to consider whether to consult on the proposed revocation of the taxi stance referred to at paragraph 2.2 above.

**2.7.** That an alternative taxi stance was available at Stromness Ferry Terminal Car Park.

**2.8.** That, should the Committee determine to consult on the proposed revocation of the taxi stance, consultation with taxi operators would be required in terms of section 19 of the Civic Government (Scotland) Act 1982.

On the motion of Councillor Robin W Crichton, seconded by Councillor J Harvey Johnston, the Committee resolved, in terms of delegated powers:

**2.9.** That the Licensing Committee should consult on the proposed revocation of a taxi stance for four vehicles on the south east side of Ferry Road, Stromness, between the South Pier and the Warehouse Pier, appointed in 1999.

**2.10.** That the Executive Director of Corporate Services should submit a report, to the meeting of the Committee to be held on 8 March 2018, on the outcome of the consultation, referred to at paragraph 2.9 above.

### **3. Request to License Motorised Tricycles for Private Hire**

Antony John Foster was present during consideration of this item.

After consideration of a report by the Executive Director of Corporate Services, copies of which had been circulated, and after hearing a report from the Head of Legal Services, the Committee:

Noted:

**3.1.** That, in terms of the Civic Government (Scotland) Act 1982, the Council licensed taxis and private hire cars and their drivers operating within the Mainland of Orkney and the linked South Isles.

**3.2.** That the Council had received a request to consider licensing motorised tricycles for private hire.

**3.3.** The proposed Vehicle Testing Standards for Motorised Tricycles as Private Hire Cars, attached as Appendix 1 to the report by the Executive Director of Corporate Services.

**3.4.** The proposed Motor Tricycle Private Hire Operator's Licence: Schedule of Conditions, attached as Appendix 2 to the report by the Executive Director of Corporate Services.

**3.5.** That, should the Committee determine that motorised tricycles were suitable and safe for private hire use, subject to conditions, applications may be submitted in the same way as for other types of vehicle.

On the motion of Councillor Owen Tierney, seconded by Councillor Steven B Heddle, the Committee resolved, in terms of delegated powers:

**3.6.** That, subject to conditions, a motorised tricycle be accepted as a type of vehicle suitable and safe for private hire use.

**3.7.** That, accordingly, motorised tricycles should be licensed for private hire in terms of the Civic Government (Scotland) Act 1982.

**3.8.** That the Motor Tricycle Private Hire Operator's Licence: Schedule of Conditions, attached as Appendix 1 to this Minute, be approved.

### **4. Application for Grant of Taxi Driver's Licence**

The applicant and the applicant's representative were present during consideration of this item.

On the motion of Councillor Barbara Foulkes, seconded by Councillor Robin W Crichton, the Committee resolved that the public be excluded from the meeting for this item, as the business to be considered involved the disclosure of exempt information as defined in paragraphs 6 and 14 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

After consideration of a report by the Executive Director of Corporate Services, copies of which had been circulated, and after hearing a report from the Head of Legal Services, the Committee:

Resolved, in terms of delegated powers, what action should be taken with regard to an application for grant of a taxi driver's licence.

**The above constitutes the summary of the Minute in terms of the Local Government (Scotland) Act 1973 section 50C(2) as amended by the Local Government (Access to Information) Act 1985.**

## **5. Conclusion of Meeting**

At 11:55 the Vice Chair declared the meeting concluded

Signed: Barbara Foulkes.