

Minute

Licensing Committee

Tuesday, 1 December 2020, 10:30.

Microsoft Teams.



Present

Councillors Duncan A Tullock, 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

- Karen Bevilacqua, Solicitor.
- Elaine Sinclair, Legal Clerk.

Police Scotland:

- Sergeant Richard Morris (for Items 5 and 6).

Observing

- Angela Kingston, Committees Officer.
- Lillian Rendall, Legal Clerk.
- Rebecca McAuliffe, Press Officer (for Items 1 to 5).

Declaration of Interest

- Councillor Robin W Crichton – Item 6.

Chair

- Councillor Duncan A Tullock.

1. Disclosure of Exempt Information

The Committee noted the proposal that the public be excluded from the meeting for consideration of Item 6, 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. Suspension of Standing Orders

The Committee **suspended Standing Order 8.11** to enable members to participate in the meeting from a remote location, as a party had the right to be heard in person or through a representative and the decision to be made was as a result of a quasi-judicial or regulatory hearings process, such as a planning application or an appeal.

3. Form of Voting

The Committee resolved that, should a vote be required in respect of the application to be considered at this meeting, notwithstanding Standing Order 21.4, the form of voting should be by calling the roll or recorded vote.

4. Review of Fares and Charges

Taxi Services on Mainland Area of Orkney

After consideration of a report by the Chief Executive, copies of which had been circulated, and after hearing a report from the Solicitor, the Committee:

Noted:

4.1. The current scales for maximum fares and charges for all taxi services within the Mainland area of Orkney, including the linked south isles, effective from 1 May 2020, as detailed in Appendix 1 to the report by the Chief Executive.

4.2. That a statutory consultation process with taxi operators was undertaken during the period 18 August to 16 October 2020, when operators were requested to submit comments or suggestions in respect of the current scales, referred to at paragraph 4.1 above.

4.3. That one representation was received from operators, attached as Appendix 2 to the report by the Chief Executive.

4.4. That the licensing authority was required, at intervals not exceeding 18 months, to propose new scales, whether at altered rates or the same rates.

4.5. The proposed new scales, attached as Appendix 3 to the report by the Chief Executive, based on the representation received from operators, referred to at paragraph 4.3 above.

4.6. That the proposals required to be advertised to allow the public a period of at least one month to submit representations.

The Committee resolved, in terms of delegated powers:

4.7. That the new scales proposed by taxi operators, referred to at paragraph 4.5 above, be approved for public consultation.

4.8. That the Chief Executive should submit a report, to the meeting of the Committee to be held on 4 March 2021, on the outcome of the public consultation, referred to at paragraph 4.7 above, together with proposed scales for the maximum fares and charges for all taxi services within the mainland area of Orkney, including the linked south isles, to be effective from 1 May 2021.

5. Taxi Stances – Broad Street and Castle Street, Kirkwall

After consideration of a report by the Chief Executive, copies of which had been circulated, and after hearing a report from the Solicitor, the Committee:

Noted:

5.1. 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.

5.2. That, on 2 June 1994, following consultation in terms of section 19 of the Civic Government (Scotland) Act 1982, the Licensing Sub-committee appointed a taxi stance for three vehicles on Broad Street, Kirkwall, to be used only between the hours of 08:30 and 20:30.

5.3. That, on 10 November 2020, the Development and Infrastructure Committee considered a report reviewing on-street parking in Kirkwall Town Centre, which included information regarding relocation of the taxi stance from Broad Street to Castle Street, Kirkwall, and subsequently resolved, in terms of delegated powers:

- That the existing prohibition of waiting orders covering on-street parking on streets including Broad Street and Castle Street be consolidated into one single order.
- That powers be delegated to the Executive Director of Development and Infrastructure to make the new order, referred to above, should no adverse comments be received during the consultation process in respect of the proposals.

The Committee resolved, in terms of delegated powers:

5.4. That the Licensing Committee should consult on:

- Revocation of the appointment of a taxi stance for three vehicles on Broad Street, Kirkwall.
- Appointment of a taxi stance for three vehicles on Castle Street, Kirkwall.

5.5. That the Chief Executive should submit a report, to the meeting of the Licensing Committee to be held on 4 March 2021, on the outcome of the consultation, referred to at paragraph 5.4 above.

6. Application for Renewal of Taxi Driver's Licence

The applicant was present during consideration of this item.

Councillor Robin W Crichton declared a non-financial interest in this item, being the holder of a taxi driver's licence, but concluded that his interest did not preclude his involvement in the discussion.

On the motion of Councillor Duncan A Tullock, seconded by Councillor Barbara Foulkes, the Committee resolved that the public be excluded from the meeting for this item on the grounds that it 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 Chief Executive, copies of which had been circulated, and after hearing a report from the Solicitor, the Committee:

Resolved, in terms of delegated powers, what action should be taken with regard to an application or renewal 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.

7. Conclusion of Meeting

At 11:30 the Chair declared the meeting concluded.

Signed: (Chair's signature).