

ANGUS COUNCIL

MINUTE of HYBRID MEETING of the **CIVIC LICENSING COMMITTEE** held in the Town and County Hall, Forfar on Thursday 14 September 2023 at 11.10am.

Present: Councillors GEORGE MEECHAN, LLOYD MELVILLE, KENNY BRAES, LINDA CLARK, BRENDA DURNO, CRAIG FOTHERINGHAM, GAVIN NICOL, ROSS GREG, JILL SCOTT and BETH WHITESIDE.

Councillor MEECHAN, Convener, in the Chair.

1. APOLOGIES

There were no apologies of absence intimated.

2. DECLARATIONS OF INTEREST AND STATEMENTS OF TRANSPARENCY

Councillor Braes made a statement of transparency in relation to Item 8 Report No 249/23 as he had received correspondence regarding the matter. He indicated that he would take part in any discussion and voting.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 17 August 2023 was approved as a correct record and signed by the Convener.

4. DELEGATED APPROVALS

There was submitted Report No 245/23 by the Director of Legal, Governance and Change detailing applications for licences under the Civic Government (Scotland) Act 1982 and other miscellaneous Acts which had been granted/renewed by the Director of Legal and Democratic Services in accordance with the Scheme of Delegation appended to Standing Orders.

The Committee agreed to note the applications detailed in the Appendix to the Report, which had been granted/renewed under delegated powers during the period 13 July 2023 to 23 August 2023.

5. TAXI FARES REVIEW

With reference to Article 6 of the minute of meeting of this Committee of 18 August 2022, there was submitted Report No 246/23 by the Director of Legal, Governance & Change regarding the legal requirements on licensing authorities in respect of the fixing of scales for the fares and other charges in connection with the hire or with the arrangements for the hire of a taxi in terms of Section 17 of the Civic Government (Scotland) Act 1982.

The Committee agreed: -

- (i) to note the legal requirements on licensing authorities in respect of the fixing of scales for the fares and other charges in connection with the hire or with the arrangements for the hire of a taxi in terms of Section 17 of the Civic Government (Scotland) Act 1982,
- (ii) to note the process of reviewing the fares and other charges in connection with the hire or with the arrangements for the hire of a taxi; and
- (iii) to commence the process of reviewing the fares and other charges in connection with the hire or with the arrangements for the hire of a taxi and that all taxi operators licensed in Angus would be written to by email and/or post and asked for their proposals, noting that operators would be given one calendar month to respond and that the "Have Your Say" section of Angus Council's website would be used, in addition to messages being placed on Angus Council's Facebook page and Twitter feed.

6. TAXI AND PRIVATE HIRE LICENCES

With reference to Article 5 of the minute of meeting of this Committee of 15 September 2022, there was submitted Report No 247/23 by the Director of Legal, Governance and Change which presented to the Committee financial information for the period 2022/23 and estimated budget for 2023/2024 in relation to the income and expenditure in respect of taxis and private hire driver and operator licences and asked members to determine the fees to be applied to taxi and private hire driver and operator licences with effect from 1 September 2023.

The Committee noted the actual income and expenditure in respect of the financial year 2022/2023 and the estimated budget 2023/2024 in respect of taxi and private hire driver and operator licences as detailed in Appendix 1 to the Report.

The Committee agreed: -

- (i) to note the legal obligations incumbent upon the Council in relation to fees in respect of taxi and private hire driver and operator licences;
- (ii) to note the actual 2022/2023 and estimated budget 2023/2024, income received, and expenditure incurred in respect of taxi and private hire driver and operator licences as contained in Appendix 1 to the Report;
- (iii) to make no change to the fees to be charged in respect of taxi and private hire operator and driver licences in respect of the period 1 September 2023 to 31 August 2024; and
- (iv) to note that the fees in respect of taxi and private hire licences would be reviewed following the end of financial year 2023/24 with a view to setting fees to be applied with effect from 1 September 2024.

7. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - LICENSING OF SHORT-TERM LETS

With reference to Article 6 of the minute of meeting of this Committee of 15 September 2022, there was submitted Report No 248/23 by the Director of Legal, Governance and Change which updated members on the number of applications received, number granted and number currently in process for Short Term Lets.

Following some discussion, the Committee agreed: -

- (i) to note the number of applications received, number granted and number currently in process for Short Term Lets;
- (ii) to note the number of anticipated applications for the Angus Council area with the date of 1 October 2023 being the date by which these applications should be submitted; and
- (iii) to note that the public register of licences in the Angus area was available on the Council's webpage at https://www.angus.gov.uk/media/short_term_lets_register

8. EXCEPTION TO CINEMA LICENCE CONDITIONS

There was submitted Report No 249/23 by the Director of Legal, Governance and Change regarding a request from The Montrose Playhouse Project Limited (Licence Number CL6) to permit the exhibition of twenty (20) unclassified films as detailed in Appendix 1 to the Report.

Mr Buchanan, Venue Manager, Montrose Playhouse addressed the Committee following which Ms Caplan, Co-Producer, Montrose LandxSea Film Fest spoke.

It was noted that five members of the Committee had viewed all the films and had no issues with the contents of the unclassified films.

The Committee agreed to permit the exhibition of twenty (20) unclassified films and applied no additional conditions to the permission.

9. EXCLUSION OF PUBLIC AND PRESS

The Committee resolved that the public and press be excluded from the meeting during consideration of the following item, so as to avoid disclosing confidential information in terms of Section 50A(2) and (3)(b) to the Local Government (Scotland) Act 1973.

10. NEW APPLICATION

There was submitted Report No 250/23 by the Director of Legal, Governance and Change regarding an application received for a new licence under the Civic Government (Scotland) Act 1982 which required to be determined by the Committee, as detailed in the Appendix to the Report.

(a) Private Hire Drivers Application (PHCD 56)

The Committee considered a letter of objection received from Police Scotland dated 3 August 2023, in relation to an application for a Private Hire Taxi Driver's licence (PHCD56) received on 31 July 2023.

The applicant was present and addressed the Committee.

Constable Simpson, Police Scotland, then addressed the Committee on the contents of the letter from Police Scotland dated 3 August 2023 which had been circulated to members prior to the meeting.

Members then asked the applicant a number of questions.

The applicant then summed up.

Councillor Fotheringham seconded by Councillor Scott moved that the Private Hire Taxi Driver's licence (PHCD56) be granted subject to standard conditions.

COUNCILLOR WHITESIDE SECONDED BY COUNCILLOR BRAES, MOVED AS AN AMENDMENT THAT THE PRIVATE HIRE CAR DRIVERS LICENCE BE REFUSED ON THE GROUNDS THAT THE APPLICANT WAS NOT A FIT AND PROPER PERSON TO HOLD A LICENCE.

On a vote being taken, the members voted: -

For the motion: -

Councillors Fotheringham, Greig and Scott (3).

For the amendment: -

Councillors Meechan, Melville, Clark, Durno, Nicol and Whiteside (7).

The amendment was declared carried resulting in the licence being refused on the grounds that the applicant was not a fit and proper person to hold a Private Hire Car Drivers licence.