

Minutes

Licensing Sub-Committee of the Regulatory Committee

9.30am, Tuesday 29 May 2018

Present

Councillors Fullerton (Convener), Booth (substituting for Councillor Burgess), Child (substituting for Councillor Arthur), Dixon, Perry (substituting for Councillor Wilson), Rose, Ross and Smith.

1. Request for Fee Reduction – Market Operator Licence

Details were provided of a request by the meadows Festival Association for a reduction of the fee paid for a Market Operators Licence.

The applicant and the appropriate Council officers were heard.

Decision

- 1) To note the terms of the request.
- 2) To agree a fee of £750.00 for this year.
- 3) To advise the applicant to consider siting of the event outside the Ward 11 boundary in future years or that they should ensure the normal licence fee was included in future budgets for the event.

2. Request for Approval of Clean Motion ZBRS45 – Electric Tricycle as Private Hire Car – eKogoose Ltd

Details were provided of a request by eKogoose Ltd for approval of the Clean Motion ZBRS45 Electric Tricycle, which had capacity to carry two passengers plus a driver, for use as a Private Hire Car.

It was the intention of the applicant to provide tours lasting between 1 – 1.5 hours in the Old and New Town areas. The business hoped to extend to carry passengers for “a variety of other purposes”.

The Clean Motion ZBRS45 Electric Tricycle did not conform to the current licensing conditions, which were not designed to accommodate a vehicle of this type nor the intended operation of the applicant.

If the applicant was successful with the application it was the intention to immediately license a further two vehicles.

Motion

To refuse the application in terms of Paragraph 5(3)(d) of Schedule 1 of the Civic Government (Scotland) Act 1982, being there is other good reason for refusing the

application, as the vehicle does not comply with the Council's licensing conditions for Private Hire Car Vehicles.

- moved by Councillor Fullerton, seconded by Councillor Child.

Amendment

To grant the licence subject to the Council's standard conditions for this category of licence, and additional conditions recommended by the Regulatory Services manager

- moved by Councillor Rose, seconded by Councillor Ross

Voting

For the motion - 5 votes

For the amendment - 2 votes

(For the motion – Councillors Child, Dixon Fullerton, Perry and Smith)

For the amendment – Councillors Ross and Rose.)

Decision

To approve the motion by Councillor Fullerton.

(Reference – Licensing Sub-Committee 13 March 2018 (item 4); report by the Regulatory Services Manager, submitted.)

3. Resolution to Consider in Private

The Sub-Committee, under Section 50(A)(4) of the Local Government (Scotland) Act 1973, excluded the public from the meeting for the following items of business on the grounds that they involved the disclosure of exempt information as defined in Paragraphs 3, 6, 12 and 14 of Part 1 of Schedule 7(A) of the Act.

4. Application for Renewal of Taxi Driver's Licence

The Regulatory Committee agreed at its meeting on 6 February 2018 to revise the Council's policy on Criminal Records Checks. This policy stated that renewal applications from applicants who had previously resided in countries which were unable to provide criminal record information would be processed and referred to the Committee for consideration.

The Sub-Committee was asked to consider an application for the renewal of a Tax Driver's Licence under these circumstances.

Decision

To determine the request as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(References – Regulatory Committee, 6 February 2018 (item 1); report by the Regulatory Services Manager, submitted)

5. Application for Renewal of Private Hire Car Driver's Licence

The Regulatory Committee agreed at its meeting on 6 February 2018 to revise the Council's policy on Criminal Records Checks. This policy stated that renewal applications from

applicants who had previously resided in countries which were unable to provide criminal record information would be processed and referred to the Committee for consideration.

The Sub-Committee was asked to consider an application for the renewal of a Private Hire Driver's Licence under these circumstances.

Decision

To determine the request as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(References – Regulatory Committee, 6 February 2018 (item 1); report by the Regulatory Services Manager, submitted)

6. Suspension of Taxi Driver's Licence

The Executive Director of Place, in consultation with the Convener of the Regulatory Committee, in accordance with Committee Terms of Reference and Delegated Functions 4.1 had suspended a Taxi Driver's licence with immediate effect from 25 April 2018 under Schedule 1 Paragraph 12 of the Civic Government (Scotland) Act 1982.

The Sub-Committee were asked to consider what further action, if any, was required. The Chief Constable had submitted a report requesting that the licence be either revoked or suspended in terms of Schedule 1 Paragraph 11(1) of the Civic Government (Scotland) Act 1982.

Decision

To determine the request as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – report by the Regulatory Services Manager, submitted)

7. Suspension of Private Hire Car Driver's Licence

The Executive Director of Place, in consultation with the Convener of the Regulatory Committee, in accordance with Committee Terms of Reference and Delegated Functions 4.1 had suspended a Private Hire Car Driver's licence with immediate effect from 24 April 2018 under Schedule 1 Paragraph 12 of the Civic Government (Scotland) Act 1982.

The Sub-Committee were asked to consider what further action, if any, was required. The Chief Constable had submitted a report requesting that the licence be either revoked or suspended in terms of Schedule 1 Paragraph 11(1) of the Civic Government (Scotland) Act 1982.

Decision

To determine the request as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – report by the Regulatory Services Manager, submitted)

8. Police Requests for Suspension or Revocation of Licences and Police Comment

The Sub-Committee considered requests by the Chief Constable to suspend or revoke three licences.

Decision

To determine the requests as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – report by the Regulatory Services Manager, submitted)

9. Applications for Miscellaneous Licences – Civic Government (Scotland) Act 1982

Details were provided of 15 applications for miscellaneous licences. The applicants and their agents were heard.

Decision

To determine the applications as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – list of applications, submitted)

10. Application for Grant of New Taxi Licence

The Convener ruled the following item, notice of which had been given at the beginning of the meeting, be considered as a matter of urgency in order that it could be considered timorously.

Details were provided of an application for a new Taxi Licence.

Decision

To determine the application as detailed in the Confidential Schedule, signed by the Convener, with reference to this minute.

(Reference – report by the Regulatory Services Manager, submitted)