

Minute

Licensing Committee

Thursday, 7 December 2023, 10:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Duncan A Tullock, David Dawson, W Leslie Manson, Gwenda M Shearer and Owen Tierney.

Clerk

- Hazel Flett, Service Manager (Governance).

In Attendance

- Gavin Mitchell, Head of Legal and Governance.
- Stuart Bevan, Solicitor.
- Lillian Rendall, Legal Clerk.
- Katy Russell-Duff, Committees Officer.

Apologies

- Councillor Steven B Heddle.
- Councillor Rachael A King.
- Councillor Kristopher D Leask.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Duncan A Tullock.

1. Review of Fares and Charges in Respect of Taxi Services

After consideration of a report by the Corporate Director for Strategy, Performance and Business Solutions, copies of which had been circulated, and after hearing a report from the Solicitor, the Committee:

Noted:

1.1. 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 2023, as detailed in Appendix 1 to the report by the Corporate Director for Strategy, Performance and Business Solutions.

1.2. That a statutory consultation process with taxi operators had been undertaken during the period 15 August to 13 October 2023, when operators were requested to submit comments or suggestions in respect of the current scales, referred to at paragraph 1.1 above.

1.3. That one representation was received from an operator, detailed at section 4.3 of the report by the Corporate Director for Strategy, Performance and Business Solutions.

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

1.5. 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:

1.6. That the new scales, which were the same as the current scales for maximum fares and charges for all taxi services, referred to at paragraph 1.1 above, be approved for public consultation.

1.7. That the Corporate Director for Strategy, Performance and Business Solutions should submit a report, to the meeting of the Licensing Committee to be held on 21 March 2024, on the outcome of the public consultation, referred to at paragraph 1.6 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 2024.

2. Short Term Lets – Licence Conditions

After consideration of a report by the Corporate Director for Strategy, Performance and Business Solutions, copies of which had been circulated, and after hearing a report from the Solicitor, the Committee:

Noted:

2.1. The mandatory licence conditions, attached as Appendix 1 to the report by the Corporate Director of Strategy, Performance and Business Solutions, which applied to licences for short-term lets.

2.2. That, on 22 June 2022, the Licensing Committee resolved that no additional standard conditions for licences for short-term lets should be determined at that time.

2.3. That, on 16 October 2023, the Council received intimation from the Scottish Courts and Tribunals Service of a Sheriff's Determination in a Fatal Accident Inquiry which contained recommendations in relation to provision by short-term let licence holders to guests of specific gas safety information.

2.4. That the Council was not a participant at the above Fatal Accident Inquiry.

2.5. That, in accordance with Section 28 of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2018, a person who was not a participant in a Fatal Accident Inquiry but was a person to whom a recommendation in the Sheriff's Determination was addressed, may give the Scottish Courts and Tribunals Service a response in writing, and if it did so, must give its response within the period of eight weeks beginning with the date on which a copy of the Determination containing the recommendation was received.

2.6. That, accordingly, should the Council wish to provide the Scottish Courts and Tribunals Service with a response to the recommendations contained in the Sheriff's Determination, the Council had until 11 December 2023 to do so.

2.7. That, in accordance with Section 28 of the Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2018, the Council's response must set out details of what it had done, or proposed to do, in response to the Sheriff's recommendations, or, if it had not done, or did not intend to do anything in response to the recommendations, the reasons for that.

The Committee resolved, in terms of delegated powers:

2.8. That the Council henceforth make it an additional standard condition of any licence issued in terms of the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 that licence holders provide specific gas safety information to guests, namely:

- Written advice and guidance on what to do in the event of a carbon monoxide alarm sounding.
- If there was a mobile gas cabinet heater in the accommodation, the manufacturer's instruction manual should be provided along with a warning that any such appliance should not be moved.

2.9. That, in respect of existing licences issued in terms of the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, the Council should request licence holders to provide guests with the information, referred to above, and advise licence holders that the provision of such information shall be a condition of the licence upon its renewal.

2.10. That the Corporate Director for Strategy, Performance and Business Solutions should, no later than 11 December 2023, write to the Scottish Courts and Tribunals Service advising that the above steps were being taken by the Council in response to the Sheriff's recommendations.

3. Conclusion of Meeting

At 10:43 the Chair declared the meeting concluded.

Signed: Duncan A Tullock.