

Minute

Licensing Committee

Thursday, 1 December 2022, 11:45.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Kristopher D Leask, David Dawson, Rachael A King, W Leslie Manson, Gwenda M Shearer and Owen Tierney.

Clerk

- Angela Kingston, Committees Officer.

In Attendance

- Gavin Mitchell, Head of Legal and Governance.
- Sheila Tulloch, Service Manager (Legal Services).
- Elaine Sinclair, Legal Clerk.

Observing

- Lillian Rendall, Legal Clerk.

Apologies

- Councillor Steven B Heddle.
- Councillor Duncan A Tullock.
- Temporary Sergeant Gavin McDevitt, Police Scotland.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Kristopher D Leask.

1. 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.

2. Disclosure of Exempt Information

The Committee noted the proposal that the public be excluded from the meeting for consideration of Item 5, 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.

3. Review of Fares and Charges

Taxi Services on Mainland Area of Orkney

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 Service Manager (Legal Services), the Committee:

Noted:

3.1. 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 2022, as detailed in Appendix 1 to the report by the Corporate Director for Strategy, Performance and Business Solutions.

3.2. That a statutory consultation process with taxi operators was undertaken during the period 16 August to 14 October 2022, when operators were requested to submit comments or suggestions in respect of the current scales, referred to at paragraph 3.1 above.

3.3. That three representations were received from operators, detailed at sections 4.3 to 4.5 of the report by the Corporate Director for Strategy, Performance and Business Solutions.

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

3.5. The options in respect of considering what action to take with regard to identifying proposed scales, effective from 1 May 2023, for maximum fares and charges for all taxi services within the mainland area of Orkney, including the linked south isles, for approval for public consultation, as detailed in section 5 of the report by the Corporate Director for Strategy, Performance and Business Solutions.

3.6. The proposed new scales, attached as Appendix 2 to the report by the Corporate Director for Strategy, Performance and Business Solutions, based on a representation received from operators, referred to at paragraph 3.3 above, and reflecting the preferred option, namely Option 3.

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

On the motion of Councillor Kristopher D Leask, seconded by Councillor David Dawson, the Committee resolved, in terms of delegated powers:

3.8. That new scales proposed by taxi operators, referred to at paragraph 3.6 above, be approved for public consultation.

3.9. That the Corporate Director for Strategy, Performance and Business Solutions should submit a report, to the meeting of the Committee to be held on 9 March 2023, on the outcome of the public consultation, referred to at paragraph 3.8 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 2023.

4. Exclusion of Public

On the motion of Councillor Kristopher D Leask, seconded by Councillor David Dawson, the Committee resolved that the public be excluded for the remainder of the meeting, as the business to be considered involved the 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.

5. Application for Grant of Taxi Driver's Licence

The applicant was present via a remote link (Microsoft Teams) during consideration of this item.

Under section 50A(4) of the Local Government (Scotland) Act 1973, the public had been 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 Act.

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 Service Manager (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.

6. Conclusion of Meeting

At 12:04 the Vice Chair declared the meeting concluded.

Signed: Kristopher D Leask.