

Minute

Licensing Committee

Thursday, 21 March 2024, 10:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

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

Clerk

- Katy Russell-Duff, Committees Officer.

In Attendance

- Gavin Mitchell, Head of Legal and Governance.
- Karen Bevilacqua, Service Manager (Legal Services).
- Hazel Flett, Service Manager (Governance).
- Pat Robinson, Service Manager (Accounting).
- Lillian Rendall, Legal Clerk.

Apology

- Councillor Steven B Heddle.

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 Service Manager (Legal Services), the Committee:

Noted:

1.1. That, on 7 December 2023, the Licensing Committee resolved that the proposed scales for maximum fares and charges from 1 May 2024 for all taxi services within the Mainland area of Orkney, including the linked south isles, which were the same as the current scales, be approved for public consultation.

1.2. That the statutory consultation process was undertaken during the period 4 January to 5 February 2024, when the public were requested to submit representations in respect of the proposed scales, referred to at paragraph 1.1 above.

1.3. That no representations were received from the public.

The Committee resolved, in terms of delegated powers:

1.4. That the new scales for maximum fares and charges for all taxi services within the mainland area of Orkney, including the linked south isles, attached as Appendix 1 to this Minute, be approved, to take effect from 1 May 2024.

2. Review of Licensing Fees

After consideration of a joint report by the Corporate Director for Strategy, Performance and Business Solutions and the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, and after hearing a report from the Service Manager (Legal Services), the Committee:

Noted:

2.1. That, on 27 February 2024, when considering the revenue budget for 2024/25, the Policy and Resources Committee recommended that Corporate Directors should increase existing charges by a minimum of 6.7%, from 1 April 2024, if possible to do so, or as early as possible thereafter, with exceptions, where alternative arrangements were required.

2.2. That the exceptions to increasing existing charges by a minimum of 6.7%, from 1 April 2024, included licensing fees.

2.3. That a comparison of fees charged by the Council with fees charged for similar types of licences or approvals by other local authorities in the north of Scotland had been undertaken, with the outcome detailed in Appendix 1 to the joint report by the Corporate Director for Strategy, Performance and Business Solutions and the Corporate Director for Neighbourhood Services and Infrastructure.

2.4. The proposal that, where the Council had discretion, licensing fees be increased by a minimum of 6.7% with effect from 1 April 2024, in accordance with the guidance outlined in section 4 of the joint report by the Corporate Director for Strategy, Performance and Business Solutions and the Corporate Director for Neighbourhood Services and Infrastructure.

Councillor Duncan A Tullock, seconded by Councillor David Dawson, moved that, where the Council had discretion, with effect from 1 April 2024, licensing fees be increased by a minimum of 6.7%.

Councillor Kristopher D Leask, seconded by Councillor W Leslie Manson, moved an amendment that:

- Where the Council had discretion, with effect from 1 April 2024, licensing fees be increased by a minimum of 6.7%.
- Licensing fees for Houses in Multiple Occupation be set at 20% below licensing fees for short-term let licences of the nearest capacity banding.

On a vote being taken 4 members voted for the amendment and 3 for the motion, and the Committee:

Resolved, in terms of delegated powers:

2.5. That, where the Council had discretion, with effect from 1 April 2024, licensing fees be increased by a minimum of 6.7%, resulting in the fee levels detailed in Appendix 2 to this Minute, subject to the modification in paragraph 2.6 below.

2.6. That licensing fees for Houses in Multiple Occupation be set at 20% below licensing fees for short-term let licences of the nearest capacity banding.

3. Review of Fees for Short-term Let Licences

After consideration of a joint report by the Corporate Director for Strategy, Performance and Business Solutions and the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, and after hearing a report from the Service Manager (Legal Services), the Committee:

Noted:

3.1. That, on 1 September 2022, when considering proposed fees, effective from 1 October 2022, for the short-term let licensing scheme in Orkney, the Licensing Committee resolved:

- That licences for short-term lets should have a duration of three years at first application and on renewal.
- That, where an application for a short-term let licence had been unsuccessful and a licence refused, the non-refundable element of the application fee should be capped at £240.
- That the fees for the short-term let licensing scheme, to be introduced on 1 October 2022, attached as Appendix 3 to the Minute, be approved.
- That the fees for the short-term let licensing scheme be reviewed annually, commencing in March 2024.

3.2. That a comparison of the proposed fees being charged by the Council with those being charged by other local authorities in Scotland had been undertaken, with the outcome detailed in Appendix 2 to the joint report by the Corporate Director for Strategy, Performance and Business Solutions and the Corporate Director for Neighbourhood Services and Infrastructure.

3.3. That a review of the cashflows for the fees for licences for short-term lets, as detailed in section 6 of the joint report by the Corporate Director for Strategy, Performance and Business Solutions and the Corporate Director for Neighbourhood Services and Infrastructure, indicated that the current fee structure was in line with previous projections.

Councillor David Dawson, seconded by Councillor Owen Tierney, moved that:

- Fees for licences for short-term lets should remain unchanged from those approved on 1 September 2022.
- Where an application for a short-term let licence had been unsuccessful and a licence refused, the non-refundable element of the application fee should remain capped at £240.

Councillor W Leslie Manson, seconded by Councillor Kristopher D Leask, moved an amendment that:

- With effect from 1 April 2024, fees for licences for short-term lets should be increased by 6.7%.
- Where an application for a short-term let licence had been unsuccessful and a licence refused, the non-refundable element of the application fee should remain capped at £240.

On a vote being taken 2 members voted for the amendment and 5 for the motion, and the Committee:

Resolved, in terms of delegated powers:

3.4. That fees for licences for short-term lets should remain unchanged from those approved on 1 September 2022.

3.5. That, where an application for a short-term let licence had been unsuccessful and a licence refused, the non-refundable element of the application fee should remain capped at £240.

4. Conclusion of Meeting

At 10:58 the Chair declared the meeting concluded.

Signed: Duncan Tullock.