

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%.
- 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.

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.



Scales of Maximum Fares and Charges in respect of all Taxi Services in the Mainland Area of Orkney and Linked South Isles 2024/25.

Description.			
First mile.	Tariff 1. £5.00.	Tariff 2. £6.00.	Tariff 3. £7.00.
For each mile thereafter.	Tariff 1. £2.00.	Tariff 2. £2.40.	Tariff 3. £2.90.
Extras – all tariffs.		£2.00.	
Waiting time – all tariffs.		£27.00 per hour.	
Additional.			
Car fouling – all tariffs.		£150.00.	
Touring rate – all tariffs – vehicles licensed to carry up to 4 passengers.		£50.00 per hour.	
Touring rate – all tariffs – vehicles licensed to carry more than 4 passengers (maximum of 8 passengers).		£75.00 per hour.	
Vehicles carrying more than 4 passengers (maximum of 8 passengers).		All tariffs multiplied by 1.5.	
Tariff Information.			
Tariff 1.	normal operating times – 07:00 to 20:59 daily except as otherwise stated herein.		
Tariff 2.	21:00 to 06:59 daily. 21:00 Saturday until 06:59 Monday. 07:00 to 20:59 County Show Day.		
Tariff 3.	County Show Day 21:00 to 06:59 the next day. Christmas holiday 19:00 on 24 December to 06:59 on 27 December. New Year holiday 19:00 on 31 December to 06:59 on 3 January.		

Extras.	
(a)	carriage of animals (excluding assistance dogs).
(b)	journeys to and from Airport.
A limit of £2.00 for extras will apply.	
In addition, provision has been made for a supplementary booking charge of up to a maximum of £20.00 to compensate for the cost of the outward journey for hires which commence 3 miles or more away from the taxi or taxi base (whichever is the nearer) and the customer wishes to travel further away. This charge may only be demanded if the customer is informed of the amount of the charge at the time of booking.	
When a taxi (or a private hire car fitted with a taxi meter) is called but not used, a charge shall be allowed as if it had been occupied from the time it left the stance or garage.	
Car Fouling.	
Maximum of £150.00 payable by an offending passenger, where a vehicle requires to be removed from service for cleaning in order for it to be restored to a usable state and condition.	
Touring Rate.	
Vehicles licensed to carry up to 4 passengers – minimum charge of £50.00.	
Vehicles licensed to carry more than 4 passengers (maximum of 8 passengers) – minimum charge of £75.00.	
Agreed:	
Effective From:	

Appendix 2.**Licences, Approvals, Registrations and Permits.**

Licensing Fees.	2024/25 £.
Animal boarding for 1 year.	173.00.
Breeding of dogs for 1 year.	173.00.
Caravan sites for 5 years (other than holiday sites).	938.00.
Caravan sites renewal for 5 years (other than holiday sites).	50% of fee current at time.
Cinemas for 1 year (capacity up to 100 persons).	180.00.
Cinemas for 1 year (capacity over 100 persons).	353.00.
Dangerous wild animals for 1 year.	173.00.
Houses in multiple occupation for 3 years (capacity up to 9 occupants).	20% below STL of nearest capacity banding.
Houses in multiple occupation for 3 years (capacity for 10 or more occupants).	20% below STL of nearest capacity banding.
*Indoor sports entertainment for 1 year.	167.00.
Indoor sports entertainment for 3 years.	441.00.
*Knife dealers for 1 year.	142.00.
Knife dealers for 3 years.	374.00.
*Late hours catering for 1 year.	212.00.
Late hours catering for 3 years.	560.00.
*Market operators for 1 year.	320.00.
Market operators for 3 years.	552.00.
*Metal dealers for 1 year.	167.00.
Metal dealers for 3 years.	441.00.
Performing animals for life of animal.	168.00.
Performing animals – additional – for life of animal.	50% of fee current at time.
Pet shop for 1 year.	173.00.
*Public entertainment for 1 year.	180.00.
Public entertainment for 3 years.	465.00.
Raised structures.	106.00.
Riding establishments for 1 year.	173.00.
*Second hand dealers for 1 year.	167.00.
Second hand dealers for 3 years.	441.00.
Sex shops for 1 year.	2468.00.
*Skin piercing and tattooing for 1 year.	277.00.
Skin piercing and tattooing for 3 years.	730.00.

Licensing Fees.	2024/25 £.
*Street traders for 1 year including ID badges.	167.00.
Street traders for 3 years including ID badges.	441.00.
*Taxi and private hire car booking offices for 1 year.	180.00.
Taxi and private hire car booking offices for 3 years.	485.00.
*Taxi or private hire car licences for 1 year including plates.	300.00.
Taxi or private hire car licences for 3 years including plates.	790.00.
Taxi or private hire car licence plate – external.	44.90.
Taxi or private hire car licence plate – internal.	22.50.
*Taxi or private hire car drivers for 1 year including ID badges.	83.50.
Taxi or private hire car drivers for 3 years including ID badges.	212.00.
Venison dealers for 3 years.	125.00.
*Window cleaners for 1 year including ID badges.	83.50.
Window cleaners for 3 years including ID badges.	219.00.
Zoos for 4 years.	596.00.
General	
Replacement / copy licence.	37.40.
ID Badge including replacement.	37.40.

Information:

Licence fees are non-refundable.

Advertisement costs and third-party costs with related administration are met directly by applicants or licence holders.

*The fee payable in respect of the substitution or variation to any type of licence so marked, together with the following matters, are the same as the fee for the appropriate licence type for one year:

- Temporary licences (which cannot exceed 6 weeks).
- Certified duplicate or true copy licences.
- Consideration of any material change of circumstances, including premises, vehicles or vessels.

21 March 2024.