



Licensing Committee

Wednesday, 10 October 2018

NOTICE IS HEREBY GIVEN that a Meeting of the **Licensing Committee** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Wednesday, 10 October 2018 at 09:30.**

BUSINESS

- 1 Sederunt**
- 2 Declaration of Group Decisions and Members Interests ***
- 3 Minute of Previous Meeting - 15 August 2018** **5 - 6**
- 4 Written Questions ****
- 5 Application for Late Hours Catering Licence - 18-003** **7 - 12**
Report by the Corporate Director (Corporate Services)
- 6 Application for Late Hours Catering Licence - 18-004** **13 - 18**
Report by the Corporate Director (Corporate Services)
- 7 Application for Late Hours Catering Licence - 18-005** **19 - 24**
Report by the Corporate Director (Corporate Services)
- 8 Application for Late Hours Catering Licence - 18-006** **25 - 30**
- 9 Application for Taxi Driver Licence - 18-003** **31 - 36**
Report by the Corporate Director (Corporate Services)
- 10 Application for Taxi Driver Licence - 18-004** **37 - 42**
Report by the Corporate Director (Corporate Services)

11 Taxi Communications Strategy

43 - 84

Report by the Corporate Director (Corporate Services)

12 Question Time ***

Consider any oral question on matters delegated to the Committee in terms of the Council's Scheme of Administration.

Summary of Licensing Committee functions:

To deal with all aspects of the issue of licenses by Local Authorities as required by Government; to deal with matters of Licensing and registration not falling within the functions of any other Committee.

Any person attending the meeting who requires access assistance should contact customer services on 01343 563217 in advance of the meeting.

* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

** **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

*** **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

Clerk Name: Tracey Sutherland

Clerk Telephone: 01343 563014

Clerk Email: tracey.sutherland@moray.gov.uk

THE MORAY COUNCIL

Licensing Committee

SEDERUNT

Councillor Amy Patience (Chair)
Councillor Louise Laing (Depute Chair)
Councillor James Allan (Member)
Councillor Theresa Coull (Member)
Councillor Gordon Cowie (Member)
Councillor Paula Coy (Member)
Councillor John Divers (Member)
Councillor Ryan Edwards (Member)
Councillor Donald Gatt (Member)
Councillor Marc Macrae (Member)
Councillor Aaron McLean (Member)
Councillor Maria McLean (Member)
Councillor Ron Shepherd (Member)

Clerk Name: Tracey Sutherland
Clerk Telephone: 01343 563014
Clerk Email: tracey.sutherland@moray.gov.uk

Minute of Meeting of the Licensing Committee

Wednesday, 15 August 2018

Council Chambers, Council Office, High Street, Elgin, IV30 1BX

PRESENT

Councillor James Allan, Councillor Theresa Coull, Councillor Gordon Cowie, Councillor Paula Coy, Councillor John Divers, Councillor Ryan Edwards, Councillor Donald Gatt, Councillor Louise Laing, Councillor Aaron McLean, Councillor Maria McLean, Councillor Amy Patience, Councillor Ron Shepherd

APOLOGIES

Councillor Ray McLean

IN ATTENDANCE

Also in attendance at the above meeting was the Legal Services Manager (Litigation and Licensing).

1. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors' Code of Conduct there were no declarations from group leaders or spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

2. Written Questions **

The Committee noted that no written questions had been submitted.

3. Minute of Previous Meeting 16 May 2018

The Minute of the meeting of the Licensing Committee dated 16 May 2018 was submitted and approved.

4. Minute of Previous Meeting 27 June 2018

The Minute of the meeting of the Licensing Committee dated 27 June 2018 was submitted and approved.

5. Taxi Communications Strategy

A report by the Corporate Director (Corporate Services) invited the Committee to consider and approve, with or without amendment, the draft Communications Strategy and instruct the Head of Legal and Democratic Services to undertake consultation on this as set out in section 3.13 of the report and report back to the next Committee meeting.

During discussion of the item, Councillor Edwards asked whether the Council could provide an MOT test as part of the licence fee as he had been made aware of a few taxi drivers who had recently been stopped by the Police for not having an MOT.

In response, the Legal Services Manager (Litigation and Licensing) clarified that her understanding was that taxi/private hire vehicles are exempt from needing an MOT certificate if they have a taxi test certificate and it is part of the taxi licence criteria that they submit their vehicle to the Council's fleet services every 6 months for a taxi test. The only exception to this, is if the car is also used privately, then the driver would be required to also hold an MOT test certificate for the car. She added that the Council's Fleet services would provide an additional MOT test certificate at the same time as a taxi test certificate for a modest additional fee if the operator requested this but it was a decision for the operator whether or not they needed or wanted this from Fleet Services.

She further clarified that she understood that the police database only records information on whether or not a vehicle has an MOT certificate, however if a taxi/private hire driver is stopped, by producing their current Taxi Test Certificate, this should satisfy the Police regarding the MOT.

Following consideration the Committee agreed to approve, without amendment, the draft Communications Strategy and for the Head of Legal and Democratic Services to undertake the consultation as set out in section 3.13 of the report and that a further report will be presented to the next meeting of the Committee.

6. Question Time ***

There were no questions raised.



REPORT TO: LICENSING COMMITTEE ON 10 OCTOBER 2018

SUBJECT: CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR GRANT OF A LATE HOURS CATERING LICENCE (Case No. LHC/18/003)

BY: CORPORATE DIRECTOR (CORPORATE SERVICES)

1. REASON FOR REPORT

- 1.1 To consider an application for the grant of a late hours catering licence received on 9 August 2018 subject to objections received on behalf of the Chief Constable and local residents and a representation from Keith Community Council.
- 1.2 This report is submitted to Committee in terms of Section III (H) (1) and (2) of the Council's Scheme of Administration relating to exercising the function of the Council as licensing authority for the Moray Council area and issuing and suspending, revoking and refusing applications for all licences in terms of the Civic Government (Scotland) Act 1982.

2. RECOMMENDATION

- 2.1 **The Committee is invited to consider the application in light of the matters referred to in this report and the provisions of the Civic Government (Scotland) Act 1982 and thereafter:-**
 - (i) **Grant the licence; or**
 - (ii) **Grant the licence and (either or both):**
 - (a) **disapply or vary any standard conditions applicable to the licence; and/or**
 - (b) **impose conditions in addition to any mandatory or standard conditions to which the licence is subject; or**
 - (ii) **Refuse to grant the licence.**

3. BACKGROUND

- 3.1 The licensing authority must consider each application within 3 months of its having been made and reach a final decision on it within 9 months. The

application must therefore be decided by 9 May 2019. Powers are delegated to the Head of Legal and Democratic Services to grant or where appropriate, renew licences only if there are no adverse representations received from a consultee. In light of circumstances detailed within this report, it is appropriate that this matter be dealt with by the Licensing Committee.

- 3.2 Letters of objection were received on behalf of the Chief Constable and local residents. The letters were received within the statutory time limit. The letters and a copy of the application have been previously circulated to Committee.
- 3.3 A letter of representation was received on behalf of Keith Community Council. The letter was received within the statutory time limit. The letter and a copy of the application have been previously circulated to Committee.
- 3.4 The applicant, the Chief Constable, the local residents and the Community Council have been invited to attend the meeting. The applicant has been provided with a copy of the letters from the Chief Constable, the local residents and the Community Council.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The provisions of licensing directly relate to the priorities within the 10 Year Plan (Moray 2026) in relation to a growing and diverse economy and safer and healthier communities. The various licenseable activities within industry all aid a growing economy in terms of production, retail and the positive effects on tourism. Regulation of the licensed activities contributes to a safer community by ensuring those providing licenseable goods and services are fit to do so.

(b) Policy and Legal

Under the Civic Government (Scotland) Act 1982 where an application for the grant or renewal of a licence is received, a licensing authority can:-

- grant (or renew) the licence; or
- grant (or renew) a licence and in doing so disapply or vary any standard conditions applicable to the licence; or (failing which)
- grant (or renew) a licence and impose additional conditions to the licence; or (failing which)
- refuse to grant (or renew) the licence

Considerations to which the Committee may have regard

In considering whether or not to grant a licensing application, the Committee may have regard to any misconduct on the part of the applicant which in its opinion has a bearing on his fitness to hold a

licence. This includes, but is not limited to, previous and spent convictions.

Granting the Application

The licensing authority is **obliged** to grant the licence unconditionally unless it considers that any of the criteria below apply to justify granting it with conditions or refusing it altogether. In granting the application the Committee may choose to grant a licence and disapply or vary any of the standard conditions (i.e. local conditions agreed by the licensing authority) which ordinarily apply to the licence, if there is a justifiable reason for doing so.

Where the Committee is not minded to grant the application unconditionally, it should first move to consider whether the application should be granted with additional conditions. Additional conditions may include conditions restricting the validity of the licence to an area, for example granting a taxi driver licence for Zone 1 or Zone 2 only. Where the Committee chooses to impose additional conditions to a licence, the additional conditions must be reasonable (Paragraph 5 (2) Schedule 1, 1982 Act) and they must not relate to fire safety or any other matter dealt with under the Fire (Scotland) Act 2005. (Paragraph 5 (2A) Schedule 1, 1982 Act)

In addition, it is important that the removal, variation or addition of conditions is not inconsistent with any of the mandatory licence conditions. (Paragraph 5 (2B) Schedule 1, 1982 Act)

Refusal of an Application

There are certain circumstances under which the Committee is obliged to refuse an application to grant or renew a licence. These are provided at paragraph 5(3) of Schedule 1 to the 1982 Act and are:-

- (a) the applicant or, where the applicant is not a natural person, any director of it or a partner in it or any other persons responsible for its management is either:-
 - (i) for the time being disqualified from holding a licence under section 7(6) of the Act; or
 - (ii) not a fit and proper person to be the holder of the licence.
- (b) the activity to which it relates would be managed by or carried on for the benefit of a person other than the applicant who would be refused the grant or renewal of such a licence if he made the application himself.
- (c) where the licence applied for relates to an activity consisting of or including the use of the premises or a vehicle or a vessel those premises are not or as the case may be that vehicle or

vessel is not suitable or convenient for the conduct of the activity having regard to:-

- (i) the location, character or condition of the premises or the character or the condition of the vehicle or vessel;
 - (ii) the nature and the extent of the proposed activities;
 - (iii) the kind of person likely to be in the premises, vehicle or vessel;
 - (iv) the possibility of undue public nuisance; and
 - (v) public order or public safety or
- (d) there is other good reason for refusing the application.

Where none of these conditions apply, the licensing authority is **obliged** to grant the application.

(c) Financial implications

None

(d) Risk Implications

None

(e) Staffing Implications

None

(f) Property

None

(g) Equalities

In considering this matter the Committee should have regard to the subject's rights under the European Convention on Human Rights (and the Human Rights Act 1998).

In particular:

Article 8 - access to private and sensitive information about the person could give rise to interference with the subject's right to respect for private and family life.

Article 1 of Protocol 1 - the decision may also interfere with the right to property, in that, depending on the outcome, the decision may deprive the subject of income as a taxi driver.

Article 6 - the right to a fair trial means the proceedings must be conducted fairly to arrive at a reasoned decision.

Article 8 and Article 1 of Protocol 1 are qualified rights, meaning these can be restricted in order to protect the rights of another or the wider public interest. This will require an objective justification. To be able to objectively justify a decision, the Committee has to demonstrate that any decision is a proportionate means to achieve a legitimate aim.

A legitimate aim must be a real consideration that is legal and not discriminatory.

Examples of legitimate aims include: Public health; Public safety; Efficiency; Enabling elderly people to live at home longer. Saving cost may be relevant but is not an aim in itself.

Any measure taken to achieve the legitimate aim must also be proportionate i.e. necessary and the least intrusive/discriminatory way of achieving the aim.

Lastly, when any of the Articles are engaged, it will also mean Article 14 should be considered. That is the right not to be discriminated against in relation to the convention rights. The definition of discrimination under this Article covers a much wider spectrum than the protected characteristics under the Equality Act 2010. The Committee should therefore have regard to all the subject's circumstances.

(h) Consultations

A letter of objection has been received on behalf of the Chief Constable. A letter of representation has been received from Keith Community Council. Fire Scotland, the Environmental Health Manager, the Development Services Manager and the Licensing Standards Officer have been consulted and have confirmed they have no representations to make regarding the application.

5. CONCLUSION

5.1 That the Committee considers the recommendations set out in section 2 of the report.

Author of Report: Hilary Locker, Solicitor
Background Papers: There are no background papers
Ref: HL/LAC



REPORT TO: LICENSING COMMITTEE ON 10 OCTOBER 2018

SUBJECT: CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR GRANT OF A LATE HOURS CATERING LICENCE (Case No. LHC/18/004)

BY: CORPORATE DIRECTOR (CORPORATE SERVICES)

1. REASON FOR REPORT

- 1.1 To consider an application for the grant of a late hours catering licence received on 15 August 2018 subject to an adverse representation received on behalf of the Chief Constable.
- 1.2 This report is submitted to Committee in terms of Section III (H) (1) and (2) of the Council's Scheme of Administration relating to exercising the function of the Council as licensing authority for the Moray Council area and issuing and suspending, revoking and refusing applications for all licences in terms of the Civic Government (Scotland) Act 1982.

2. RECOMMENDATION

- 2.1 **The Committee is invited to consider the application in light of the matters referred to in this report and the provisions of the Civic Government (Scotland) Act 1982 and thereafter:-**

- (i) **Grant the licence; or**
- (ii) **Grant the licence and (either or both):**
 - (a) **disapply or vary any standard conditions applicable to the licence; and/or**
 - (b) **impose conditions in addition to any mandatory or standard conditions to which the licence is subject; or**
- (ii) **Refuse to grant the licence.**

3. BACKGROUND

- 3.1 The licensing authority must consider each application within 3 months of its having been made and reach a final decision on it within 9 months. The

application must therefore be decided by 15 May 2019. Powers are delegated to the Head of Legal and Democratic Services to grant or where appropriate, renew licences only if there are no adverse representations received from a consultee. In light of circumstances detailed within this report, it is appropriate that this matter be dealt with by the Licensing Committee.

- 3.3 A letter of representation was received on behalf of the Chief Constable. The letter was received within the statutory time limit. The letter and a copy of the application have been previously circulated to Committee.
- 3.4 The applicant and the Chief Constable have been invited to attend the meeting. The applicant has been provided with a copy of the letter from the Chief Constable.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The provisions of licensing directly relate to the priorities within the 10 Year Plan (Moray 2026) in relation to a growing and diverse economy and safer and healthier communities. The various licenseable activities within industry all aid a growing economy in terms of production, retail and the positive effects on tourism. Regulation of the licensed activities contributes to a safer community by ensuring those providing licenseable goods and services are fit to do so.

(b) Policy and Legal

Under the Civic Government (Scotland) Act 1982 where an application for the grant or renewal of a licence is received, a licensing authority can:-

- grant (or renew) the licence; or
- grant (or renew) a licence and in doing so disapply or vary any standard conditions applicable to the licence; or (failing which)
- grant (or renew) a licence and impose additional conditions to the licence; or (failing which)
- refuse to grant (or renew) the licence

Considerations to which the Committee may have regard

In considering whether or not to grant a licensing application, the Committee may have regard to any misconduct on the part of the applicant which in its opinion has a bearing on his fitness to hold a licence. This includes, but is not limited to, previous and spent convictions.

Granting the Application

The licensing authority is **obliged** to grant the licence unconditionally unless it considers that any of the criteria below apply to justify granting it with conditions or refusing it altogether. In granting the application the Committee may choose to grant a licence and disapply or vary any of the standard conditions (i.e. local conditions agreed by the licensing authority) which ordinarily apply to the licence, if there is a justifiable reason for doing so.

Where the Committee is not minded to grant the application unconditionally, it should first move to consider whether the application should be granted with additional conditions. Additional conditions may include conditions restricting the validity of the licence to an area, for example granting a taxi driver licence for Zone 1 or Zone 2 only. Where the Committee chooses to impose additional conditions to a licence, the additional conditions must be reasonable (Paragraph 5 (2) Schedule 1, 1982 Act) and they must not relate to fire safety or any other matter dealt with under the Fire (Scotland) Act 2005. (Paragraph 5 (2A) Schedule 1, 1982 Act)

In addition, it is important that the removal, variation or addition of conditions is not inconsistent with any of the mandatory licence conditions. (Paragraph 5 (2B) Schedule 1, 1982 Act)

Refusal of an Application

There are certain circumstances under which the Committee is obliged to refuse an application to grant or renew a licence. These are provided at paragraph 5(3) of Schedule 1 to the 1982 Act and are:-

- (a) the applicant or, where the applicant is not a natural person, any director of it or a partner in it or any other persons responsible for its management is either:-
 - (i) for the time being disqualified from holding a licence under section 7(6) of the Act; or
 - (ii) not a fit and proper person to be the holder of the licence.
- (b) the activity to which it relates would be managed by or carried on for the benefit of a person other than the applicant who would be refused the grant or renewal of such a licence if he made the application himself.
- (c) where the licence applied for relates to an activity consisting of or including the use of the premises or a vehicle or a vessel those premises are not or as the case may be that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to:-

- (i) the location, character or condition of the premises or the character or the condition of the vehicle or vessel;
 - (ii) the nature and the extent of the proposed activities;
 - (iii) the kind of person likely to be in the premises, vehicle or vessel;
 - (iv) the possibility of undue public nuisance; and
 - (v) public order or public safety or
- (d) there is other good reason for refusing the application.

Where none of these conditions apply, the licensing authority is **obliged** to grant the application.

(c) Financial implications

None

(d) Risk Implications

None

(e) Staffing Implications

None

(f) Property

None

(g) Equalities

In considering this matter the Committee should have regard to the subject's rights under the European Convention on Human Rights (and the Human Rights Act 1998).

In particular:

Article 8 - access to private and sensitive information about the person could give rise to interference with the subject's right to respect for private and family life.

Article 1 of Protocol 1 - the decision may also interfere with the right to property, in that, depending on the outcome, the decision may deprive the subject of income as a taxi driver.

Article 6 - the right to a fair trial means the proceedings must be conducted fairly to arrive at a reasoned decision.

Article 8 and Article 1 of Protocol 1 are qualified rights, meaning these can be restricted in order to protect the rights of another or the wider public interest. This will require an objective justification. To be able to

objectively justify a decision, the Committee has to demonstrate that any decision is a proportionate means to achieve a legitimate aim.

A legitimate aim must be a real consideration that is legal and not discriminatory.

Examples of legitimate aims include: Public health; Public safety; Efficiency; Enabling elderly people to live at home longer. Saving cost may be relevant but is not an aim in itself.

Any measure taken to achieve the legitimate aim must also be proportionate i.e. necessary and the least intrusive/discriminatory way of achieving the aim.

Lastly, when any of the Articles are engaged, it will also mean Article 14 should be considered. That is the right not to be discriminated against in relation to the convention rights. The definition of discrimination under this Article covers a much wider spectrum than the protected characteristics under the Equality Act 2010. The Committee should therefore have regard to all the subject's circumstances.

(h) Consultations

A letter of representation has been received on behalf of the Chief Constable. Fire Scotland, the Environmental Health Manager, the Development Services Manager and the Licensing Standards Officer have been consulted and have confirmed they have no representations to make regarding the application.

5. CONCLUSION

5.1 That the Committee considers the recommendations set out in section 2 of the report.

Author of Report: Sean Hoath, Solicitor
Background Papers: There are no background papers
Ref: SH/LAC



REPORT TO: LICENSING COMMITTEE ON 10 OCTOBER 2018

SUBJECT: CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR GRANT OF A LATE HOURS CATERING LICENCE (Case No. LHC/18/005)

BY: CORPORATE DIRECTOR (CORPORATE SERVICES)

1. REASON FOR REPORT

- 1.1 To consider an application for the grant of a late hours catering licence received on 21 August 2018 subject to objections received from local residents.
- 1.2 This report is submitted to Committee in terms of Section III (H) (1) and (2) of the Council's Scheme of Administration relating to exercising the function of the Council as licensing authority for the Moray Council area and issuing and suspending, revoking and refusing applications for all licences in terms of the Civic Government (Scotland) Act 1982.

2. RECOMMENDATION

- 2.1 **The Committee is invited to consider the application in light of the matters referred to in this report and the provisions of the Civic Government (Scotland) Act 1982 and thereafter:-**

- (i) **Grant the licence; or**
- (ii) **Grant the licence and (either or both):**
 - (a) **disapply or vary any standard conditions applicable to the licence; and/or**
 - (b) **impose conditions in addition to any mandatory or standard conditions to which the licence is subject; or**
- (ii) **Refuse to grant the licence.**

3. BACKGROUND

- 3.1 The licensing authority must consider each application within 3 months of its having been made and reach a final decision on it within 9 months. The

application must therefore be decided by 21 May 2019. Powers are delegated to the Head of Legal and Democratic Services to grant or where appropriate, renew licences only if there are no adverse representations received from a consultee. In light of circumstances detailed within this report, it is appropriate that this matter be dealt with by the Licensing Committee.

- 3.2 Letters of objection were received from local residents. The letters were received within the statutory time limit. The letters and a copy of the application have been previously circulated to Committee.
- 3.4 The applicant and the local residents have been invited to attend the meeting. The applicant has been provided with a copy of the letters from the local residents.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The provisions of licensing directly relate to the priorities within the 10 Year Plan (Moray 2026) in relation to a growing and diverse economy and safer and healthier communities. The various licenseable activities within industry all aid a growing economy in terms of production, retail and the positive effects on tourism. Regulation of the licensed activities contributes to a safer community by ensuring those providing licenseable goods and services are fit to do so.

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Considerations to which the Committee may have regard

In considering whether or not to grant a licensing application, the Committee may have regard to any misconduct on the part of the applicant which in its opinion has a bearing on his fitness to hold a licence. This includes, but is not limited to, previous and spent convictions.

Granting the Application

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Where the Committee is not minded to grant the application unconditionally, it should first move to consider whether the application should be granted with additional conditions. Additional conditions may include conditions restricting the validity of the licence to an area, for example granting a taxi driver licence for Zone 1 or Zone 2 only. Where the Committee chooses to impose additional conditions to a licence, the additional conditions must be reasonable (Paragraph 5 (2) Schedule 1, 1982 Act) and they must not relate to fire safety or any other matter dealt with under the Fire (Scotland) Act 2005. (Paragraph 5 (2A) Schedule 1, 1982 Act)

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 - (i) for the time being disqualified from holding a licence under section 7(6) of the Act; or
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- (c) where the licence applied for relates to an activity consisting of or including the use of the premises or a vehicle or a vessel those premises are not or as the case may be that vehicle or

vessel is not suitable or convenient for the conduct of the activity having regard to:-

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 - (ii) the nature and the extent of the proposed activities;
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 - (iv) the possibility of undue public nuisance; and
 - (v) public order or public safety or
- (d) there is other good reason for refusing the application.

Where none of these conditions apply, the licensing authority is **obliged** to grant the application.

(c) Financial implications

None

(d) Risk Implications

None

(e) Staffing Implications

None

(f) Property

None

(g) Equalities

In considering this matter the Committee should have regard to the subject's rights under the European Convention on Human Rights (and the Human Rights Act 1998).

In particular:

Article 8 - access to private and sensitive information about the person could give rise to interference with the subject's right to respect for private and family life.

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Article 6 - the right to a fair trial means the proceedings must be conducted fairly to arrive at a reasoned decision.

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(h) Consultations

The Chief Constable, Fire Scotland, the Environmental Health Manager, the Development Services Manager and the Licensing Standards Officer have been consulted and have confirmed they have no representations to make regarding the application.

5. CONCLUSION

5.1 That the Committee considers the recommendations set out in section 2 of the report.

Author of Report: Sean Hoath, Senior Solicitor
Background Papers: There are no background papers
Ref: SH/LAC



REPORT TO: LICENSING COMMITTEE ON 10 OCTOBER 2018

SUBJECT: CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR GRANT OF A LATE HOURS CATERING LICENCE (Case No. LHC/18/006)

BY: CORPORATE DIRECTOR (CORPORATE SERVICES)

1. REASON FOR REPORT

- 1.1 To consider an application for the grant of a late hours catering licence received on 3 September 2018.
- 1.2 This report is submitted to Committee in terms of Section III (H) (1) and (2) of the Council's Scheme of Administration relating to exercising the function of the Council as licensing authority for the Moray Council area and issuing and suspending, revoking and refusing applications for all licences in terms of the Civic Government (Scotland) Act 1982.

2. RECOMMENDATION

- 2.1 **The Committee is invited to consider the application in light of the matters referred to in this report and the provisions of the Civic Government (Scotland) Act 1982 and thereafter:-**
 - (i) **Grant the licence; or**
 - (ii) **Grant the licence and (either or both):**
 - (a) **disapply or vary any standard conditions applicable to the licence; and/or**
 - (b) **impose conditions in addition to any mandatory or standard conditions to which the licence is subject; or**
 - (ii) **Refuse to grant the licence.**

3. BACKGROUND

- 3.1 The licensing authority must consider each application within 3 months of its having been made and reach a final decision on it within 9 months. The application must therefore be decided by 3 June 2019.

- 3.2 In light of circumstances detailed within this report, it is appropriate that this matter be dealt with by the Licensing Committee.
- 3.3 At the Committee meeting on the 21st March 2018 (para 6 of the minute refers) the Committee resolved to require foreign convictions certificates form all licence applicants where the applicant had lived outside the UK for a period of 6 months or more.
- 3.4 The applicant originated from outside of the UK but has been in the UK for a considerable time. The applicant has held a licence before. The applicant is of the opinion that the Committee's policy should not apply to him and that he should not be required to produce a foreign convictions certificate. The applicant believes in all the circumstances the requirement is disproportionate and allegedly discriminatory. Further information is set out in the equalities and consultation sections of the report below.
- 3.5 The applicant has been invited to attend the meeting.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The provisions of licensing directly relate to the priorities within the 10 Year Plan (Moray 2026) in relation to a growing and diverse economy and safer and healthier communities. The various licenseable activities within industry all aid a growing economy in terms of production, retail and the positive effects on tourism. Regulation of the licensed activities contributes to a safer community by ensuring those providing licenseable goods and services are fit to do so.

(b) Policy and Legal

Under the Civic Government (Scotland) Act 1982 where an application for the grant or renewal of a licence is received, a licensing authority can:-

- grant (or renew) the licence; or
- grant (or renew) a licence and in doing so disapply or vary any standard conditions applicable to the licence; or (failing which)
- grant (or renew) a licence and impose additional conditions to the licence; or (failing which)
- refuse to grant (or renew) the licence

Considerations to which the Committee may have regard

In considering whether or not to grant a licensing application, the Committee may have regard to any misconduct on the part of the applicant which in its opinion has a bearing on his fitness to hold a licence. This includes, but is not limited to, previous and spent convictions.

Granting the Application

The licensing authority is **obliged** to grant the licence unconditionally unless it considers that any of the criteria below apply to justify granting it with conditions or refusing it altogether. In granting the application the Committee may choose to grant a licence and disapply or vary any of the standard conditions (i.e. local conditions agreed by the licensing authority) which ordinarily apply to the licence, if there is a justifiable reason for doing so.

Where the Committee is not minded to grant the application unconditionally, it should first move to consider whether the application should be granted with additional conditions. Additional conditions may include conditions restricting the validity of the licence to an area, for example granting a taxi driver licence for Zone 1 or Zone 2 only. Where the Committee chooses to impose additional conditions to a licence, the additional conditions must be reasonable (Paragraph 5 (2) Schedule 1, 1982 Act) and they must not relate to fire safety or any other matter dealt with under the Fire (Scotland) Act 2005. (Paragraph 5 (2A) Schedule 1, 1982 Act)

In addition, it is important that the removal, variation or addition of conditions is not inconsistent with any of the mandatory licence conditions. (Paragraph 5 (2B) Schedule 1, 1982 Act)

Refusal of an Application

There are certain circumstances under which the Committee is obliged to refuse an application to grant or renew a licence. These are provided at paragraph 5(3) of Schedule 1 to the 1982 Act and are:-

- (a) the applicant or, where the applicant is not a natural person, any director of it or a partner in it or any other persons responsible for its management is either:-
 - (i) for the time being disqualified from holding a licence under section 7(6) of the Act; or
 - (ii) not a fit and proper person to be the holder of the licence.
- (b) the activity to which it relates would be managed by or carried on for the benefit of a person other than the applicant who would be refused the grant or renewal of such a licence if he made the application himself.
- (c) where the licence applied for relates to an activity consisting of or including the use of the premises or a vehicle or a vessel those premises are not or as the case may be that vehicle or

vessel is not suitable or convenient for the conduct of the activity having regard to:-

- (i) the location, character or condition of the premises or the character or the condition of the vehicle or vessel;
 - (ii) the nature and the extent of the proposed activities;
 - (iii) the kind of person likely to be in the premises, vehicle or vessel;
 - (iv) the possibility of undue public nuisance; and
 - (v) public order or public safety or
- (d) there is other good reason for refusing the application.

Where none of these conditions apply, the licensing authority is **obliged** to grant the application.

(c) Financial implications

None

(d) Risk Implications

None

(e) Staffing Implications

None

(f) Property

None

(g) Equalities

In considering this matter the Committee should have regard to the subject's rights under the European Convention on Human Rights (and the Human Rights Act 1998).

In particular:

Article 8 - access to private and sensitive information about the person could give rise to interference with the subject's right to respect for private and family life.

Article 1 of Protocol 1 - the decision may also interfere with the right to property, in that, depending on the outcome, the decision may deprive the subject of income as a taxi driver.

Article 6 - the right to a fair trial means the proceedings must be conducted fairly to arrive at a reasoned decision.

Article 8 and Article 1 of Protocol 1 are qualified rights, meaning these can be restricted in order to protect the rights of another or the wider public interest. This will require an objective justification. To be able to objectively justify a decision, the Committee has to demonstrate that any decision is a proportionate means to achieve a legitimate aim.

A legitimate aim must be a real consideration that is legal and not discriminatory. Examples of legitimate aims include: Public health; Public safety; Efficiency; Enabling elderly people to live at home longer. Saving cost may be relevant but is not an aim in itself.

Any measure taken to achieve the legitimate aim must also be proportionate i.e. necessary and the least intrusive/discriminatory way of achieving the aim.

Lastly, when any of the Articles are engaged, it will also mean Article 14 should be considered. That is the right not to be discriminated against in relation to the convention rights. The definition of discrimination under this Article covers a much wider spectrum than the protected characteristics under the Equality Act 2010. The Committee should therefore have regard to all the subject's circumstances.

(h) Consultations

The application will be consulted upon with the Chief Constable, Fire Scotland, the Environmental Health Manager, the Development Services Manager and the Licensing Standards Officer.

The Equalities Officer has been consulted in relation to an equality impact assessment and the proportionality of the policy and the results of that assessment have been circulated separately.

5. CONCLUSION

5.1 That the Committee considers the recommendations set out in section 2 of the report.

Author of Report: Sean Hoath, Senior Solicitor
Background Papers: There are no background papers
Ref: SH/LAC



REPORT TO: LICENSING COMMITTEE ON 10 OCTOBER 2018

SUBJECT: CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR GRANT OF A TAXI DRIVER LICENCE (Case No. TD/18/003)

BY: CORPORATE DIRECTOR (CORPORATE SERVICES)

1. REASON FOR REPORT

- 1.1 To consider an application for the grant of a taxi driver licence received on 28 June 2018 subject to an adverse representation received from a consultee.
- 1.2 This report is submitted to Committee in terms of Section III (H) (1) and (2) of the Council's Scheme of Administration relating to exercising the function of the Council as licensing authority for the Moray Council area and issuing and suspending, revoking and refusing applications for all licences in terms of the Civic Government (Scotland) Act 1982.

2. RECOMMENDATION

- 2.1 **The Committee is invited to consider the application in light of the matters referred to in this report and the provisions of the Civic Government (Scotland) Act 1982 and thereafter:-**

- (i) **Grant the licence; or**
- (ii) **Grant the licence and (either or both):**
 - (a) **disapply or vary any standard conditions applicable to the licence; and/or**
 - (b) **impose conditions in addition to any mandatory or standard conditions to which the licence is subject; or**
- (ii) **Refuse to grant the licence.**

3. BACKGROUND

- 3.1 The licensing authority must consider each application within 3 months of its having been made and reach a final decision on it within 9 months. The application must therefore be decided by 28 March 2019. Powers are delegated to the Head of Legal and Democratic Services to grant or where appropriate, renew licences only if there are no objections received from a consultee. In light of circumstances detailed within this report, it is appropriate that this matter be dealt with by the Licensing Committee.

- 3.2 A letter of representation dated 19 July 2018 was received on behalf of the Chief Constable. The letter was received within the statutory time limit. The letter and a copy of the application have been previously circulated to Committee.
- 3.3 The applicant and the Chief Constable have been invited to attend the meeting. The applicant has been provided with a copy of the Chief Constable's letter.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The provisions of licensing directly relate to the priorities within the 10 Year Plan (Moray 2026) in relation to a growing and diverse economy and safer and healthier communities. The various licenseable activities within industry all aid a growing economy in terms of production, retail and the positive effects on tourism. Regulation of the licensed activities contributes to a safer community by ensuring those providing licenseable goods and services are fit to do so.

(b) Policy and Legal

Under the Civic Government (Scotland) Act 1982 where an application for the grant or renewal of a licence is received, a licensing authority can:-

- grant (or renew) the licence; or
- grant (or renew) a licence and in doing so disapply or vary any standard conditions applicable to the licence; or (failing which)
- grant (or renew) a licence and impose additional conditions to the licence; or (failing which)
- refuse to grant (or renew) the licence

Considerations to which the Committee may have regard

In considering whether or not to grant a licensing application, the Committee may have regard to any misconduct on the part of the applicant which in its opinion has a bearing on his fitness to hold a licence. This includes, but is not limited to, previous and spent convictions.

Granting the Application

The licensing authority is **obliged** to grant the licence unconditionally unless it considers that any of the criteria below apply to justify granting it with conditions or refusing it altogether. In granting the application the Committee may choose to grant a licence and disapply or vary any of the standard conditions (i.e. local conditions agreed by the licensing authority) which ordinarily apply to the licence, if there is a justifiable reason for doing so.

Where the Committee is not minded to grant the application unconditionally, it should first move to consider whether the application should be granted with additional conditions. Additional conditions may include conditions restricting the validity of the licence to an area, for example granting a taxi driver licence for Zone 1 or Zone 2 only. Where

the Committee chooses to impose additional conditions to a licence, the additional conditions must be reasonable (Paragraph 5 (2) Schedule 1, 1982 Act) and they must not relate to fire safety or any other matter dealt with under the Fire (Scotland) Act 2005. (Paragraph 5 (2A) Schedule 1, 1982 Act)

In addition, it is important that the removal, variation or addition of conditions is not inconsistent with any of the mandatory licence conditions. (Paragraph 5 (2B) Schedule 1, 1982 Act)

Refusal of an Application

There are certain circumstances under which the Committee is obliged to refuse an application to grant or renew a licence. These are provided at paragraph 5(3) of Schedule 1 to the 1982 Act and are:-

- (a) the applicant or, where the applicant is not a natural person, any director of it or a partner in it or any other persons responsible for its management is either:-
 - (i) for the time being disqualified from holding a licence under section 7(6) of the Act; or
 - (ii) not a fit and proper person to be the holder of the licence.
- (b) the activity to which it relates would be managed by or carried on for the benefit of a person other than the applicant who would be refused the grant or renewal of such a licence if he made the application himself.
- (c) where the licence applied for relates to an activity consisting of or including the use of the premises or a vehicle or a vessel those premises are not or as the case may be that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to:-
 - (i) the location, character or condition of the premises or the character or the condition of the vehicle or vessel;
 - (ii) the nature and the extent of the proposed activities;
 - (iii) the kind of person likely to be in the premises, vehicle or vessel;
 - (iv) the possibility of undue public nuisance; and
 - (v) public order or public safety or
- (d) there is other good reason for refusing the application.

Where none of these conditions apply, the licensing authority is **obliged** to grant the application.

(c) Financial implications

None

(d) Risk Implications

None

(e) Staffing Implications

None

(f) Property

None

(g) Equalities

In considering this matter the Committee should have regard to the subject's rights under the European Convention on Human Rights (and the Human Rights Act 1998).

In particular:

Article 8 - access to private and sensitive information about the person could give rise to interference with the subject's right to respect for private and family life.

Article 1 of Protocol 1 - the decision may also interfere with the right to property, in that, depending on the outcome, the decision may deprive the subject of income as a taxi driver.

Article 6 - the right to a fair trial means the proceedings must be conducted fairly to arrive at a reasoned decision.

Article 8 and Article 1 of Protocol 1 are qualified rights, meaning these can be restricted in order to protect the rights of another or the wider public interest. This will require an objective justification. To be able to objectively justify a decision, the Committee has to demonstrate that any decision is a proportionate means to achieve a legitimate aim.

A legitimate aim must be a real consideration that is legal and not discriminatory.

Examples of legitimate aims include: Public health; Public safety; Efficiency; Enabling elderly people to live at home longer. Saving cost may be relevant but is not an aim in itself.

Any measure taken to achieve the legitimate aim must also be proportionate i.e. necessary and the least intrusive/discriminatory way of achieving the aim.

Lastly, when any of the Articles are engaged, it will also mean Article 14 should be considered. That is the right not to be discriminated against in relation to the convention rights. The definition of discrimination under this Article covers a much wider spectrum than the protected characteristics under the Equality Act 2010. The Committee should therefore have regard to all the subject's circumstances.

(h) Consultations

The Chief Constable was consulted and has submitted a letter of representation as detailed above. There are no other statutory consultees.

5. CONCLUSION

5.1 That the Committee considers the recommendations set out in section 2 of the report.

Author of Report: Sean Hoath, Solicitor
Background Papers: There are no background papers
Ref: SH/LAC



REPORT TO: LICENSING COMMITTEE ON 10 OCTOBER 2018

SUBJECT: CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR GRANT OF A TAXI DRIVER LICENCE (Case No. TD/18/004)

BY: CORPORATE DIRECTOR (CORPORATE SERVICES)

1. REASON FOR REPORT

- 1.1 To consider an application for the grant of a taxi driver licence received on 31 July 2018 subject to an adverse representation received from a consultee.
- 1.2 This report is submitted to Committee in terms of Section III (H) (1) and (2) of the Council's Scheme of Administration relating to exercising the function of the Council as licensing authority for the Moray Council area and issuing and suspending, revoking and refusing applications for all licences in terms of the Civic Government (Scotland) Act 1982.

2. RECOMMENDATION

- 2.1 **The Committee is invited to consider the application in light of the matters referred to in this report and the provisions of the Civic Government (Scotland) Act 1982 and thereafter:-**

- (i) **Grant the licence; or**
- (ii) **Grant the licence and (either or both):**
 - (a) **disapply or vary any standard conditions applicable to the licence; and/or**
 - (b) **impose conditions in addition to any mandatory or standard conditions to which the licence is subject; or**
- (ii) **Refuse to grant the licence.**

3. BACKGROUND

- 3.1 The licensing authority must consider each application within 3 months of its having been made and reach a final decision on it within 9 months. The application must therefore be decided by 31 April 2019. Powers are delegated to the Head of Legal and Democratic Services to grant or where appropriate, renew licences only if there are no objections received from a consultee. In light of circumstances detailed within this report, it is appropriate that this matter be dealt with by the Licensing Committee.

- 3.2 A letter of representation dated 24 August 2018 was received on behalf of the Chief Constable. The letter was received within the statutory time limit. The letter and a copy of the application have been previously circulated to Committee.
- 3.3 The applicant and the Chief Constable have been invited to attend the meeting. The applicant has been provided with a copy of the Chief Constable's letter.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The provisions of licensing directly relate to the priorities within the 10 Year Plan (Moray 2026) in relation to a growing and diverse economy and safer and healthier communities. The various licenseable activities within industry all aid a growing economy in terms of production, retail and the positive effects on tourism. Regulation of the licensed activities contributes to a safer community by ensuring those providing licenseable goods and services are fit to do so.

(b) Policy and Legal

Under the Civic Government (Scotland) Act 1982 where an application for the grant or renewal of a licence is received, a licensing authority can:-

- grant (or renew) the licence; or
- grant (or renew) a licence and in doing so disapply or vary any standard conditions applicable to the licence; or (failing which)
- grant (or renew) a licence and impose additional conditions to the licence; or (failing which)
- refuse to grant (or renew) the licence

Considerations to which the Committee may have regard

In considering whether or not to grant a licensing application, the Committee may have regard to any misconduct on the part of the applicant which in its opinion has a bearing on his fitness to hold a licence. This includes, but is not limited to, previous and spent convictions.

Granting the Application

The licensing authority is **obliged** to grant the licence unconditionally unless it considers that any of the criteria below apply to justify granting it with conditions or refusing it altogether. In granting the application the Committee may choose to grant a licence and disapply or vary any of the standard conditions (i.e. local conditions agreed by the licensing authority) which ordinarily apply to the licence, if there is a justifiable reason for doing so.

Where the Committee is not minded to grant the application unconditionally, it should first move to consider whether the application should be granted with additional conditions. Additional conditions may

include conditions restricting the validity of the licence to an area, for example granting a taxi driver licence for Zone 1 or Zone 2 only. Where the Committee chooses to impose additional conditions to a licence, the additional conditions must be reasonable (Paragraph 5 (2) Schedule 1, 1982 Act) and they must not relate to fire safety or any other matter dealt with under the Fire (Scotland) Act 2005. (Paragraph 5 (2A) Schedule 1, 1982 Act)

In addition, it is important that the removal, variation or addition of conditions is not inconsistent with any of the mandatory licence conditions. (Paragraph 5 (2B) Schedule 1, 1982 Act)

Refusal of an Application

There are certain circumstances under which the Committee is obliged to refuse an application to grant or renew a licence. These are provided at paragraph 5(3) of Schedule 1 to the 1982 Act and are:-

- (a) the applicant or, where the applicant is not a natural person, any director of it or a partner in it or any other persons responsible for its management is either:-
 - (i) for the time being disqualified from holding a licence under section 7(6) of the Act; or
 - (ii) not a fit and proper person to be the holder of the licence.
- (b) the activity to which it relates would be managed by or carried on for the benefit of a person other than the applicant who would be refused the grant or renewal of such a licence if he made the application himself.
- (c) where the licence applied for relates to an activity consisting of or including the use of the premises or a vehicle or a vessel those premises are not or as the case may be that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to:-
 - (i) the location, character or condition of the premises or the character or the condition of the vehicle or vessel;
 - (ii) the nature and the extent of the proposed activities;
 - (iii) the kind of person likely to be in the premises, vehicle or vessel;
 - (iv) the possibility of undue public nuisance; and
 - (v) public order or public safety or
- (d) there is other good reason for refusing the application.

Where none of these conditions apply, the licensing authority is **obliged** to grant the application.

(c) Financial implications

None

(d) Risk Implications

None

(e) Staffing Implications

None

(f) Property

None

(g) Equalities

In considering this matter the Committee should have regard to the subject's rights under the European Convention on Human Rights (and the Human Rights Act 1998).

In particular:

Article 8 - access to private and sensitive information about the person could give rise to interference with the subject's right to respect for private and family life.

Article 1 of Protocol 1 - the decision may also interfere with the right to property, in that, depending on the outcome, the decision may deprive the subject of income as a taxi driver.

Article 6 - the right to a fair trial means the proceedings must be conducted fairly to arrive at a reasoned decision.

Article 8 and Article 1 of Protocol 1 are qualified rights, meaning these can be restricted in order to protect the rights of another or the wider public interest. This will require an objective justification. To be able to objectively justify a decision, the Committee has to demonstrate that any decision is a proportionate means to achieve a legitimate aim.

A legitimate aim must be a real consideration that is legal and not discriminatory.

Examples of legitimate aims include: Public health; Public safety; Efficiency; Enabling elderly people to live at home longer. Saving cost may be relevant but is not an aim in itself.

Any measure taken to achieve the legitimate aim must also be proportionate i.e. necessary and the least intrusive/discriminatory way of achieving the aim.

Lastly, when any of the Articles are engaged, it will also mean Article 14 should be considered. That is the right not to be discriminated against in relation to the convention rights. The definition of discrimination under this Article covers a much wider spectrum than the protected characteristics under the Equality Act 2010. The Committee should therefore have regard to all the subject's circumstances.

(h) Consultations

The Chief Constable was consulted and has submitted a letter of representation as detailed above. There are no other statutory consultees.

5. CONCLUSION

5.1 That the Committee considers the recommendations set out in section 2 of the report.

Author of Report: Sean Hoath, Solicitor
Background Papers: There are no background papers
Ref: SH/LAC



REPORT TO: LICENSING COMMITTEE ON 10 OCTOBER 2018

SUBJECT: TAXI AND PRIVATE HIRE COMMUNICATIONS STRATEGY

BY: CORPORATE DIRECTOR (CORPORATE SERVICES)

1. REASON FOR REPORT

- 1.1 To present the draft Taxi and Private Hire Communications Strategy for the Committee's approval.
- 1.2. This report is submitted to the Committee in terms of Section III H (1) of the Council's Scheme of Administration relating to the exercise of the function of the Council as Licensing Authority for The Moray Council area.

2. RECOMMENDATIONS

- 2.1 **It is recommended that the Committee approve the Taxi and Private Hire Communications Strategy attached at APPENDIX 1.**

3. BACKGROUND

- 3.1 At its meeting on 21 September 2016, the Committee instructed a review of taxi communications and requested a report be submitted to their next meeting (para. 8 of the minute refers).
- 3.2 At its meeting on 16 November 2016, the Committee reviewed current communications and instructed consultation with stakeholders, development of a draft Taxi Communications Strategy and a report back to Committee on this. During discussions the Committee also agreed that it might be possible to hold meetings with taxi drivers with a view to encouraging better communications. The feeling of the Committee was that one meeting should be held in Elgin with another being held on a circuit basis. (Para. 8 of the minute refers).
- 3.3 At its meeting on 15 August 2018, the Committee agreed the draft Taxi Communications Strategy and instructed the Head of Legal and Democratic services to undertake further consultation as set out in section 3.13 of the report submitted to that meeting and that a further report be presented to the next meeting of the Committee (para. 5 of the draft minute refers).

- 3.4 Following the above Committee, the draft Strategy was issued by email/letter to Community Councils and Local Area Forums; by contact by the Equalities Officer with Equality groups; by email/letter to the trade with the opportunity being taken by the Licensing Standards Officer to raise this and seek feedback when out and about; postings on the Council's website and social media pages and TellmeScotland portal.
- 3.5 One response was received to the consultation from an operator/driver who read the document and thought that it seemed fine, advised that they would check things through the government website and email but liked the idea of face to face meetings in a hall so they could meet other drivers and operators and get a chance to hear their views.
- 3.6 A second response was received from Elgin Community Council who considered the draft and had no suggested amendments to make. They welcome the fact that a formal strategy will be in place and will keep an eye on how it works in the years ahead.
- 3.7 The Committee is now asked to approve the Strategy attached at **APPENDIX 1**.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Regulating taxi vehicles and taxi drivers through the licensing system contributes to a safer community by ensuring they provide safe services for the public. Taxis are a valuable part of a growing and diverse economy. They provide employment opportunities and support the tourism and night economies. Taxis also promote health and independence by providing mobility for the whole community and access to resources.

(b) Policy and Legal

As detailed within the report to Committee on 15 August 2018, the Strategy has been informed by: the Council's Community Engagement Scheme 2012 -16 and Strategy; Scottish Government Guidance "Taxi and Private Hire Car Licensing Best Practice for Licensing Authorities", Second Edition April 2012; and the Scottish Regulators' Strategic Code of Practice (Feb. 2015).

(c) Financial implications

There may be costs involved in implementing the Communications Strategy. These are not likely to be great and it is anticipated that they would be able to be met from current budgets.

(d) Risk Implications

Without a clear and consistent approach to communications there is a risk that the Council does not engage appropriately with stakeholders.

(e) Staffing Implications

It will take staff time to communicate and engage with stakeholders on an ongoing basis. It is anticipated that at current resource levels, implementation of the strategy can be met from existing resources. Licensing officers will also liaise with the Council's Corporate Communications section to draw upon available expertise and resources as required.

(f) Property

There are no anticipated property implications arising from this report.

(g) Equalities/Socio Economic Impact

An Equalities Impact Assessment has been completed and is attached at **APPENDIX 2**.

The strategy recognises the need to identify and overcome the barriers to communication and engagement for all stakeholders.

(h) Consultations

Consultation on this report has taken place with the Equal Opportunities Officer and Tracey Sutherland, Committee Services Officer and comments received have been incorporated.

7. CONCLUSION

7.1 There is a need to improve communications with all stakeholders and the strategy sets out an approach to this going forward.

Author of Report:	Margaret Forrest, Legal Services Manager (Litigation & Licensing)
Background Papers:	Council's Community Engagement Scheme 2012 -16 (http://www.moray.gov.uk/downloads/file85646.pdf) and Strategy (http://www.moray.gov.uk/downloads/file85645.pdf) Report by Napier University for Scottish Government in relation to Taxi and Private Hire Car Market and Local Licensing Regimes across Scotland, April 2013: http://www.gov.scot/resource/0041/00419531.pdf Scottish Government Guidance "Taxi and Private Hire Car Licensing Best Practice for Licensing Authorities", Second Edition April 2012: http://www.gov.scot/resource/0039/00391287.pdf Scottish Development Department Circular 25/1986 Information for Local Licensing Authorities on the Licensing of Taxi and Private Hire Cars and their Drivers (http://www.gov.scot/Publications/2012/04/2261/1) Scottish Regulators' Strategic Code of Practice (Feb. 2015)

<https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwiuk6nowZ7bAhUFa1AKHT5UDQIQFgguMAA&url=https%3A%2F%2Fbeta.gov.scot%2Fpublications%2Fscottish-regulators-strategic-code-of-practice%2FScottish%2520regulators'%2520strategic%2520code%2520of%2520practice.pdf&usg=AOvVaw37fzdqo69gsh7Z3DfufD9T>

Ref:

MAF



Communications Strategy

Taxi/Private Hire Licensing

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**Licensing Team
Moray Council
Council Headquarters
High Street
Elgin
IV30 1BX**



licensing@moray.gov.uk



01343 563027

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Version	Author/reviewer	Date	Amendments
1	Legal Services Manager (Litigation & Licensing)	October 2018	

Foreword

As the Licensing Authority for Moray, we are responsible for regulating the taxi and private hire sector.

A taxi, or cab, is a public transport vehicle, which is licensed to 'ply for hire'. This means it can stand at ranks or be hailed / flagged down by members of the public. Fares are regulated by the council and must be displayed on a meter fitted in the vehicle.

A Private hire vehicle, is a public transport vehicle but must be 'pre-booked' in advance through an operator and cannot 'ply for hire'. Fares for private hire vehicles are not regulated by the council (unless a meter is fitted to the vehicle) - the cost of a journey will or should be agreed with the company before the journey starts.

Licences are applied for and issued in respect of a driver, a vehicle and a booking office.

Regulation is in line with national legislation – the Civic Government (Scotland) Act 1982, to ensure that the public is protected from harm whilst using the services of taxis/private hire vehicles and to guard against the infiltration of the industry by organised crime groups and individuals.

We also recognise the importance of the taxi/private hire sector to our local economy and the essential service that they provide in Moray to both residents and visitors.

Having an informed and engaged trade and public will enable us to effectively perform our role, along with successful and positive relationships with our other stakeholders who have a role in the licensing regime.

This strategy directs how communication will be undertaken over the next few years to support our work.

The strategy will be reviewed every 3 years.

We welcome views on how it can be built on and improved.

Why we need a strategy

We need to communicate effectively and meaningfully with the trade and public, and achieve fuller involvement from them regarding issues that affect them to help inform our policies and practices, and support us in fulfilling statutory obligations. We also need to improve awareness of and understanding of our work.

We need to work with other stakeholders to progress relationships and strengthen their involvement in activity.

Working and communication methods are evolving and the tools available to us now are very different from the past. There is a greater drive for electronic communications and the ever present need to ensure that we use available resources efficiently and effectively.

Consultation and engagement can mean different things to different people, and there are challenges around meeting expectations and demands, addressing concerns over changes/new ways of working and maintaining positive relationships at a time of reducing staff resources.

It is therefore important to be clear about the level and types of consultation and engagement that will be undertaken in relation to taxi/private hire licensing.

This document outlines how we will communicate with the licensed trade, the Moray community and our partners in the regulatory process in relation to taxi and private hire licensing.

Our stakeholders

We consider our stakeholders to be:

Applicants for licences and licence holders

- Taxi/private hire drivers licence holders
- Taxi/private hire vehicle (operators) licence holders
- Booking office licence holders

Moray Community

- Members of the public
- Community Councils
- Local Area Forums
- Equalities Groups

External organisations

- Police Scotland
- Home Office

Decision makers

- Licensing Committee members
- Head of Legal and Democratic Services

Council Staff

- Licensing Standards Officer
- Licensing staff
- Customer Services staff
- Fleet Services staff
- Planning staff

These stakeholders' and details of their areas of interest in taxi/private hire licensing can be seen in the **Appendix**.

Why we communicate

We communicate with stakeholders about applications to ensure there is relevant information available for decision making and to communicate the outcome of applications.

We communicate with stakeholders about the issues that do, or that may, impact upon them and to gather views to inform our policies and practices.

We communicate to raise awareness and understanding of how we operate and changes that are coming to our processes through new legislation or policy.

Legislation places several specific duties on us to communicate and engage with our stakeholders on certain matters, for example for taxi fare reviews and for assessing the impact on groups with various protected characteristics (equalities) when developing policies.

What we mean by inform, consult and engage

It is helpful to have a shared understanding of what we mean by the terms information, consultation and engagement and to have awareness that these are progressive levels, each requiring a different commitment from those involved.

The following table demonstrates the levels of communication and range of tools that can be used.

	LEVEL	DESCRIPTION	TOOLS
1	Inform (giving information)	Providing stakeholders with appropriate information about our work, processes, policies, decisions and changes that will affect them.	<ul style="list-style-type: none">• Letters/Email• Newsletters/Leaflets• Website• Social media• Telephone• Face to face meetings
2	Consult (asking opinions)	All activities designed to gather, understand and discuss the experiences, views, ideas and priorities of stakeholders. The information gathered will be used to inform decision making.	<ul style="list-style-type: none">• Letters/Email• Newsletters/Leaflets• Face to face meetings• Focus groups• Self-completed questionnaires• Feedback channels• Press notices/ advertisements• Social media
3	Engage (working together)	Working in partnership with stakeholders and involving them fully in the decision making process.	<ul style="list-style-type: none">• Working groups• Workshops• Forums

We communicate with stakeholders at different levels and at different times for different purposes.

Stakeholders too, may want to communicate at different levels and at different times. We recognise the importance of stakeholders having opportunities to communicate in ways that suit them and to shift between levels. For example, some stakeholders simply want to be kept informed, others want a means of sharing their thoughts and experiences with us, while some others want to be actively involved in shaping new policies.

Where we are now

Current tools that are used to communicate

There are a number of tools already in place to support communication.

Council website

The Moray Council has its own [website](#) and part of this is dedicated to taxi licensing. It provides instant electronic access to a variety of information e.g. application forms, guidance, fee tables, licensing processes, information about dress code, medical exams, and consultations. It has FAQ and news pages.

In addition, all Licensing Committee agendas, reports and minutes are published on the Council's website.

Council Licensing system – Public Access

This is accessed from the Council taxi web pages and is the on line public access part of the Council's licensing IT system. This enables applicants to track online the progress with their application and enables the public to view the Statutory Public Registers for information about licences being processed, comment on these and also access information about ones that have been granted.

Council Licensing system – Consultee Access

This is accessed from the Council taxi web pages and is the on line consultee access part of the Council's licensing IT system. Access is restricted to consultees and this enables them to view and comment on applications. Planning officers receive notice of all booking office applications received via this system.

Tell me Scotland

Tellmesotland is a national portal that has been developed as an alternative way for local authorities and other public bodies to share

information with the public via the internet. Moray Council has been using the portal since 2010 and to date it has been well used by licensing. We have a statutory obligation to publish certain notices in the local press, and have been using tellmescotland in tandem with the press for those notices. More recently the portal has been used to advise the public of current consultations.

Tellmescotland is free to use, thereby helping the Council to reduce it's spending on press advertising, and is available to all Council services, providing the opportunity to share information such as events, consultations/engagement, with customers.

Trade Meetings

Meetings between the trade and the Chair of the Council's Licensing Committee and other Committee members, supported by licensing officers, have been organised from time to time and typically to discuss such matters as dress code, medical requirements and examinations, DVLA driver records, guide dogs, unlicensed drivers and enforcement.

Other Stakeholder Meetings

Licensing officers meet quarterly with Fleet services officers, officers from Customer Services and Licensing Standards Officers to discuss various operational issues. For example, arrangements for taxi meter checks and resealing following a taxi fare review, changes arising from new legislation such as right to work checks.

Meetings take place as needed with Police Scotland Officers to discuss such matters as complaints and local operations.

Licensing Committee policy working group

A working group is set up by the Committee from time to time to meet with licensing officers and other involved parties to provide input and recommendations in respect of certain matters during the preparation and revision of various policies. Various matters have been referred to a working group e.g. a review of taxi licence conditions, a fee review, and for some matters decisions as to consultation requirements have been left to the working group.

Moray Equalities Groups

There are various groups representing the various characteristics protected under the Equality Act 2010. These can be involved in consultations on policies through the Council's Equal Opportunities Officer.

Letter/email/SMS text messaging

Community Councils and Local Area Forums are consulted via email and letter on various policy matters, for example, regarding taxi fare reviews.

Police Scotland is a statutory consultee for taxi licences and as such receives notice of all applications received via email. They are also advised of consultations and their views sought e.g. on the process for checking an applicant's DVLA driver record.

Within the Council, Fleet services officers are consulted on relevant matters by email e.g. taxi fare reviews.

Work has been underway for some time to gather email addresses for licence holders to facilitate electronic communications with them. Email communications have been used for such matters as notification of forthcoming changes, e.g. an email with a message that news and information has been posted on the Council's website or that a consultation is live.

Reminders to renew licences are issued automatically to licence holders from the Council's licensing IT system by email as well as by SMS text message, and where neither email nor mobile telephone numbers are held, by letter.

Letters are also still issued to applicants for licences at various parts of the application process e.g. acknowledging receipt of an application, advising of a committee hearing/decision and to issue licences granted.

There is a dedicated email address for licensing generally:

licensing@moray.gov.uk

And a specific one for the Licensing Standards Officer:

LicStandardsOfficers@moray.gov.uk

These are used by licensing staff to send and receive electronic communications.

Telephone calls

There is a dedicated telephone number for taxi/private hire licensing generally:

01343 563027

And a specific one for the Licensing Standards Officer:

01343 563030

All calls to these numbers are received within the Council's Contact Centre. Customer Services staff will deal with the call if they can or transfer it on to an appropriate licensing staff member.

Local media

From time to time, press notices, adverts and releases are used. For example, public notice of taxi fare reviews must be given by way of press advertisement and press releases have been issued when new information is available for viewing on the Council's website.

Social media

The Council has a facebook page and twitter account, which have been used to promote consultations and news.

Printed material

In addition to the material available on the Council's website, news and updates are provided to the Trade via Newsletters and Guidance Notes.

Insights gathered from stakeholders

During 2017 through to early 2018 a communications survey was issued (along with our regular satisfaction survey) to the trade and opportunities were taken at trade and other stakeholder meetings to gather comments and views on communication. The purpose was to find out how we could improve communications, progress relationships and ensure that future activity reached and engaged everyone that it should. There was also consultation on a draft of this Strategy.

Trade

There was a low response rate (4.1%) to the trade survey. This makes it difficult to draw representative conclusions, but there is some data to indicate how communication is perceived by those that responded.

Respondents were generally satisfied with the information they received on licensing and that the Council seeks their views on matters that affect them. However, there was a significant minority who were dissatisfied with this and in particular that the council did not listen to their views.

Most respondents wanted information on the application process, followed closely by updates on changes to licensing conditions, laws, fares and charges and policy. Respondents also requested more information on police checks and monitoring of regulations, and better face-to-face communications.

Most respondents said they obtained licensing information through word-of-mouth, Council e-mails and letters, and then from the Council website. Council e-mails and letters are the 2 sources depended on by most respondents for staying informed about licensing matters. People who preferred e-mails liked their convenience and the ability to retain a record, while those who preferred letters liked the formality of written correspondence, especially for important information.

In relation to e-mails, of those that received them, most read them in full, thought the content was about right, but were equally split on whether the frequency was about right or not frequent enough.

The most popular method for being consulted on issues was by e-mail or letter, with newsletters/leaflets and SMS texting next. There was relatively little support for meetings or using the Council's website. The majority of respondents used e-mails and texts for communicating, and

just under half used social media. LinkedIn and twitter were not commonly used, and neither were visits to the Council's website. Visitors to the Licensing pages were rare and the few comments received on the value of the page were mixed. Half the respondents offered suggestions for improving the page including providing a way to contact staff along with more regular updates. One person suggested using the website as a way of making complaints, and another as an anonymous tip-off line to report unlicensed or over-charging operators.

The Tellmesotland portal and the Public Access part of the Licensing System were relatively unknown by respondents (particularly the Tellmesotland site). Of the very few who had used the Public Access element half found it useful.

Despite the lack of support for meetings as a way of consulting on new issues there was very strong support (79%) for trade meetings, although only half the respondents thought they would be able to attend.

Attendance at subsequent trade meetings was also low (5.3%); however comments received indicated that email communications were best for some, letters best for others, and that meetings and newsletters would be good with some saying that they would follow a dedicated licensing Facebook page for information.

We have separately received complaints for calling meetings at short notice, not giving people enough time to get organised to attend, communication has been sent to old addresses and that our records are not up to date and sending multiple letters to licence holders where they hold more than one licence when one would do.

One response was received from the trade to consultation on a draft of this Strategy. This indicated that the individual would check things through the government website and email but liked the idea of face to face meetings in a hall so they could meet other drivers and operators and get a chance to hear their views.

Other stakeholders

Police Scotland and other council officers indicated that stakeholder meetings would be good to discuss issues, changes and developments.

Police Scotland is also keen to be part of meetings organised with the trade.

Some Licensing Committee members previously indicated support for:-

- Committee and trade meetings twice per year, one in Elgin and another to circuit around Moray with consideration of evening and weekend options for timings.
- Use of a dedicated taxi licensing Facebook page.
- Looking to the Licensing Standards Officer for a communications role.

One Community Council advised that they welcomed a formal strategy and will keep an eye on how it works in the years ahead.

Conclusions

Activity is being undertaken but this is failing to secure the engagement of a majority of trade stakeholders. Neither is there one common, preferred approach for communications.

Where we want to be

We want to have ongoing, effective communication with our varied stakeholders.

In particular, we want to:

- Do more to understand our stakeholders who are impacted by our work;
- Keep stakeholders well informed;
- Promote understanding of our work and activities;
- Employ appropriate and varied opportunities for communication;
- Be cost effective in communications so that we can keep licence costs reasonable.
- Maintain a two-way communication with our stakeholders to ensure that feedback is consistently fed into planning and delivery;
- Promote respect and trust between the Council and our stakeholders;
- Promote trade engagement, including increased trade engagement levels with surveys and meetings; and
- Make good use of the Licensing Standards Officer to communicate with the trade and to provide advice and support.

How we will get there

What we will do

We will ensure that our communication activities are relevant and meaningful to the stakeholders taking part. With this in mind, we have adopted 3 different communication levels:

1 = Informing: Providing stakeholders with appropriate information about our work, processes, policies, decisions and changes that will affect them.

2 = Consulting: All activities designed to gather, understand and discuss the experiences, views, ideas and priorities of stakeholders. The information gathered will be used to inform decision making.

3 = Engaging: Working in partnership with stakeholders and involving them fully in the decision making process.

We recognise that different approaches will be needed to reach different stakeholders and communication methods will vary depending on the communication level, stakeholder and issue involved.

The communication levels and methods that we will adopt for each stakeholder/area of interest are detailed in the **Appendix**.

Where various communication methods are indicated we will start with the most direct, cost effective one(s), progressing on to others as needed to reach stakeholders not reached by previous means.

We will ensure that our communications are timely, clear, jargon-free, in plain English, and easy to understand and that the message is the same for all relevant audiences.

We will communicate regularly with trade stakeholders by planning a programme of trade meetings, which will include two meetings per year with the Chair of the Licensing Committee and other selected Committee

members, one meeting in Elgin and another in Forres/Keith/Buckie/Lossmouth on a rota basis. We will also make use of drop in sessions to enable trade members to seek information and share their views outwith more formal meeting settings. We will seek to include other stakeholders in trade meetings/drop in sessions where appropriate.

We will make full use of the Licensing Standards Officer role to communicate with the trade and to provide information and guidance to the trade. This will involve face to face communications where possible and taking opportunities during visits to check contact details, promote use of the Council's website, particularly the news pages, and advise of upcoming meetings/events/changes and feedback from consultation and engagement.

We will plan all significant activity, including consultations and trade meetings, ensuring sufficient time is allowed for stakeholders to share their experiences, contribute their ideas, opinions and views about issues and for feedback to be provided.

We will strive to be as inclusive as possible in our reach to ensure that individuals or groups whose voices are not traditionally as strongly heard or represented are identified and involved so we do not miss out on their contribution.

We will remind all licence holders of their legal obligation to notify us of any changes in their contact details and urge them to assist us in maintaining contact with them. We will ensure that when we do receive notification of a change that our records are updated appropriately and that when issuing mail we cross check mailing lists to ensure that licence holders with multiple licences receive relevant information once.

There is scope for the Tellmesotland portal it to be used to a greater extent for general information notices. This will be used, in addition to other methods, for all public communications.

The use of social media such as Twitter and Facebook has become the norm for people of all ages and this is now a quick and efficient way to reach a large audience although we need to be mindful of inclusion and consider the needs of stakeholders who may not have access to digital channels. We will therefore continue to make use of the Council's general Facebook page and Twitter account and this will complement other additional communication methods.

What we expect from stakeholders

We alone cannot successfully make changes as to how we engage with people and stakeholders have a part to play to strengthen their involvement in activity. In particular, all stakeholders need to notify us of any changes in their contact details to assist us in maintaining contact with them and when they have something to contribute, take the opportunities available to do this.

Conclusion

This strategy provides an opportunity to clarify, simplify and reduce the costs of communications.

The delivery of this strategy is based on the required resources being in place to ensure our communication objectives can be taken forward.

To test the success of this strategy we will carry out a further communications survey in three years' time. We will also establish a set of measures to monitor take up of activity and continue to identify stakeholder engagement preferences. Communication methods will continue to be developed and improved to ensure they meet the needs of our varied stakeholders.

Actions Summary:

- Review all communication for plain English.
- Maintain and develop the Council website, including a dedicated news page, and promote its use.
- Develop annually a programme of stakeholder meetings/drop in sessions.
- Include other stakeholders in trade meetings/drop in sessions as appropriate.
- Continue to expand use of the Council's social media sites.
- Plan significant activity.
- Develop the information and guidance role of Licensing Standards Officer and wherever possible use this officer as the main conduit of information to the trade.
- Remind all licence holders of their legal obligation to notify us of any changes in their contact details and urge them to assist us in this so that we can maintain contact with them.
- Ensure that when we do receive such notification that our records are updated with the new contact details.
- Ensure that all mailing lists are cross checked to ensure that licence holders with multiple licences receive information once.
- Survey communication needs in advance of reviewing this strategy.
- Establish a set of measures to monitor take up of activity and satisfaction with this to continue to identify stakeholder engagement preferences.
- Following engagement, capture what changed as a result and feed this back to stakeholders.

Interaction with the Council's Corporate Communications Section (CCS)

We will liaise with the CCS to ensure that our activity is managed and co-ordinated to avoid duplication and will draw upon their expertise and resources. We will feed in to the Corporate Engagement calendar, which lists activity that will be hosted on the intranet and internet, co-ordinates activity and informs the community about opportunities to get involved.

Appendix 1

Communications Matrix

Stakeholders	Areas of interest	Communication level ¹	Communication method ²
Trade			
Applicants for licences	Application forms, fees, process, guidance.	1	Council website. Phone. Face to face - Licensing Standards Officer.
	Progress with an application	1	Council Licensing system - Public Access. Email/letter. Phone.
	Decision on an application	1	Letter/email. Council Licensing system - Public Access.
All licence holders	Changes to fees following a fee review	1	Council website. Social media.
	Taxi stances	2	Council website. Social media. Email/letter. Trade meetings.
	Road closures/ incidents affecting taxi stances	1	Council website. Social media. Email/letter. Face to face – Licensing Standards Officers

¹ Communication levels:

1 = Informing: Providing stakeholders with appropriate information about our work, processes, policies, decisions and changes that will affect them.

2 = Consulting: All activities designed to gather, understand and discuss the experiences, views, ideas and priorities of stakeholders. The information gathered will be used to inform decision making.

3 = Engaging: Working in partnership with stakeholders and involving them fully in the decision making process.

² This will vary depending on the stakeholder and issue involved.

Stakeholders	Areas of interest	Communication level ³	Communication method ⁴
	Policy and policy changes (including changes to conditions)	2	Council website. Social media. Email/letter. Trade meetings/drop in sessions. Licensing Standards Officer visits.
	Legal changes and issues	1	Council website. Social media. Email/letter. Trade meetings/drop in sessions. Licensing Standards Officer visits.
	Complaints	1, 2 and 3	Email/letter. Phone. Face to face – Licensing Standards Officer. Licensing Standards Officer visits.
	Enforcement issues	1, 2 and 3	Email/letter. Phone. Face to face – Licensing Standards Officer. Licensing Standards Officer visits. Trade meetings.
	Renewal reminders	1	Email/letter. SMS text message.

¹ Communication levels:

1 = Informing: Providing stakeholders with appropriate information about our work, processes, policies, decisions and changes that will affect them.

2 = Consulting: All activities designed to gather, understand and discuss the experiences, views, ideas and priorities of stakeholders. The information gathered will be used to inform decision making.

3 = Engaging: Working in partnership with stakeholders and involving them fully in the decision making process.

² This will vary depending on the stakeholder and issue involved.

Stakeholders	Areas of interest	Communication level ⁵	Communication method ⁶
	Feedback on consultations.	1	Council website. Social media. Email/letter. Trade meetings. Licensing Standards Officer visits.
	Satisfaction with service and communications.	2	Biennial survey issued by email/letter. Trade meetings/drop in sessions. Council website.
Operators	Taxi/private hire fare review. Every 18 months.	2	Email/letter. Council website. Local media. Trade meetings/drop in sessions. Face to face – Licensing Standards Officer.
Moray community			
Public	New applications	1	Council Licensing system - Public Access, which provides our public register.
	Policy and policy changes	2	Council website. Local media. Social media. TellmeScotland
	Taxi Fare Review. Every 18 months.	2	Council website. Local media. (Press advert - statutory requirement, 1 month period). Social media. TellmeScotland

¹ Communication levels:

1 = Informing: Providing stakeholders with appropriate information about our work, processes, policies, decisions and changes that will affect them.

2 = Consulting: All activities designed to gather, understand and discuss the experiences, views, ideas and priorities of stakeholders. The information gathered will be used to inform decision making.

3 = Engaging: Working in partnership with stakeholders and involving them fully in the decision making process.

² This will vary depending on the stakeholder and issue involved.

Stakeholders	Areas of interest	Communication level ⁷	Communication method ⁸
	Taxi stances	2	Council website. Local media. Social media. TellmeScotland
	Road closures/ incidents affecting taxi stances	1	Council website. Social media.
	Complaints/ Enforcement issues	1, 2 and 3	Email/letter. Phone. Face to face – Licensing Standards Officer.
	Feedback on consultations.	1	Council website. Local media. Social media. TellmeScotland
Community Councils	Taxi Fare Review. Every 18 months.	2	Email/letter.
	Policy and policy changes	2	Email/letter. Face to face at meetings.
	Complaints/ Enforcement issues	1, 2 and 3	Email/letter. Phone. Face to face – Licensing Standards Officer.
	Feedback on consultations.	1	Email/letter.
Local Area Forums	Taxi Fare Review. Every 18 months.	2	Email/letter.
	Policy and policy Changes	2	Email/letter.

¹ Communication levels:

1 = Informing: Providing stakeholders with appropriate information about our work, processes, policies, decisions and changes that will affect them.

2 = Consulting: All activities designed to gather, understand and discuss the experiences, views, ideas and priorities of stakeholders. The information gathered will be used to inform decision making.

3 = Engaging: Working in partnership with stakeholders and involving them fully in the decision making process.

² This will vary depending on the stakeholder and issue involved.

Stakeholders	Areas of interest	Communication level ⁹	Communication method ¹⁰
	Feedback on consultations.	1	Email/letter.
Equalities Groups	Policy and policy changes	2	Via Council's Equal Opportunities Officer
	Feedback on consultations.	1	Via Council's Equal Opportunities Officer.
	Taxi Stances	2	Via Council's Equal Opportunities Officer.
External Bodies			
Police Scotland	Applications	2	Email. Council Licensing system - Consultee Access.
	Decision on an application	1	Email. Council Licensing system – Consultee and Public Access.
	Licensing offences	1	Email. Telephone.
	Policy development and changes	2	Email. Stakeholder meeting.
	Taxi stances	2	Email. Stakeholder meeting.
	Issues/developments	3	Email. Stakeholder meeting.
	Feedback on consultations.	1	Email. Stakeholder meeting.
Home Office	Illegal workers	1 and 2	Email/letter.

¹ Communication levels:

1 = Informing: Providing stakeholders with appropriate information about our work, processes, policies, decisions and changes that will affect them.

2 = Consulting: All activities designed to gather, understand and discuss the experiences, views, ideas and priorities of stakeholders. The information gathered will be used to inform decision making.

3 = Engaging: Working in partnership with stakeholders and involving them fully in the decision making process.

²This will vary depending on the stakeholder and issue involved.

Stakeholders	Areas of interest	Communication level ¹¹	Communication method ¹²
Decision makers			
Members of the Council's Licensing Committee	Applications granted under powers delegated to officers	1	Quarterly information report.
	Policy development and changes	3	Working Group and Committee meetings.
	Trade views and comments	2	Annual meetings between chair of committee and selected members with trade, supported by licensing officers. One meeting in Elgin and another in Forres/Keith/Buckie/Losiemouth on a rota basis. Notes of meetings forwarded to all members for information.
	Feedback on consultations.	1	Working Group and Committee meetings.
Chair of Committee	Press and media releases	1 and 2	An as-and-when email consulting and confirming licensing related press releases as they are sent to the press.
Head of Legal and Democratic Services, Moray Council	Press and media releases	1 and 2	An as-and-when email consulting and confirming licensing related press releases as they are sent to the press.
Moray Council staff			
Licensing Standards Officer	Application forms, fees, process, guidance.	1	Council website. Licensing staff.
	Applications.	2	Council Licensing system.
	Decision on an application	1	Council Licensing system.

¹ Communication levels:

1 = Informing: Providing stakeholders with appropriate information about our work, processes, policies, decisions and changes that will affect them.

2 = Consulting: All activities designed to gather, understand and discuss the experiences, views, ideas and priorities of stakeholders. The information gathered will be used to inform decision making.

3 = Engaging: Working in partnership with stakeholders and involving them fully in the decision making process.

² This will vary depending on the stakeholder and issue involved.

Stakeholders	Areas of interest	Communication level ¹³	Communication method ¹⁴
	Complaints/enforcement issues	1	Email. Quarterly stakeholder meetings.
	General issues and updates	1, 2 and 3	Email. Quarterly stakeholder meetings.
	Policy and policy changes.	2 and 3	Email. Quarterly stakeholder meetings.
	Legal changes and issues.	1 and 2	Email. Quarterly stakeholder meetings.
	Changes to fees following a fee review	1	Council website. Quarterly stakeholder meetings.
	Taxi stances	2	Email. Quarterly stakeholder meetings.
	Feedback on consultations.	1	Email. Quarterly Stakeholder meeting.
Customer Services staff	General issues and updates	1, 2 and 3	Quarterly stakeholder meetings.
	Policy and policy changes.	2 and 3	Email. Quarterly stakeholder meetings.
	Legal changes and issues.	1 and 2	Email. Quarterly stakeholder meetings.
	Changes to fees following a fee review	1	Council website. Quarterly stakeholder meetings.

¹ Communication levels:

1 = Informing: Providing stakeholders with appropriate information about our work, processes, policies, decisions and changes that will affect them.

2 = Consulting: All activities designed to gather, understand and discuss the experiences, views, ideas and priorities of stakeholders. The information gathered will be used to inform decision making.

3 = Engaging: Working in partnership with stakeholders and involving them fully in the decision making process.

² This will vary depending on the stakeholder and issue involved.

Stakeholders	Areas of interest	Communication level ¹⁵	Communication method ¹⁶
	Consultations/surveys.	1	Email. Quarterly stakeholder meetings.
	Feedback on consultations.	1	Email. Quarterly stakeholder meetings.
Fleet Services staff	Taxi Fare Reviews	1 and 2	Email. Phone. Quarterly stakeholder meetings.
	Policy development and changes	1, 2 and 3	Phone. Quarterly stakeholder meetings.
	Inspection information/feedback	1	Phone. Face to face - Licensing Standards Officer.
Planning staff	Booking office applications	2	Council Licensing system - Consultee Access.
	Decision on Booking Office application.	1	Council Licensing system - Consultee Access.
	Policy development and changes	2	Email. Six monthly stakeholder meetings.
Roads staff	Taxi Stances	1, 2, and 3	Email. Phone. Quarterly stakeholder meetings.

1Communication levels:

1 = Informing: Providing stakeholders with appropriate information about our work, processes, policies, decisions and changes that will affect them.

2 = Consulting: All activities designed to gather, understand and discuss the experiences, views, ideas and priorities of stakeholders. The information gathered will be used to inform decision making.

3 = Engaging: Working in partnership with stakeholders and involving them fully in the decision making process.

2 This will vary depending on the stakeholder and issue involved.

Moray Council Equality Impact Assessment

Important

Under the Equality Act 2010 we must assure that all decisions are taken only after an active assessment of the impact of the decision on people affected by the decision. Where necessary, those who may be affected should be consulted beforehand.

If this is not done, the decision could be unlawful and the council can be prevented from acting upon the decision until the impact has been assessed. This will result in major delays in the implementation as well as financial, reputational and other potential damage and loss to the council.

London Councils had decided to cut £10 million from their grants budget of £26 million. No act of consideration or assessment was given of the impact of the decision on the users of services supported by the grants. Court action was taken by the users against the councils. The Court decided in January 2011 that the decision was unlawful and instructed the councils to assess the impact of the decision. The Court also decided that no grant was to be terminated until 3 months after the conclusion of the assessment exercise.

Service: Litigation & Licensing

Department: Corporate Services

Title of policy/activity: Communications Strategy – Taxi/Private Hire Licensing

1. What are the aims and objectives of the policy/activity?

As the Licensing Authority for Moray, we are responsible for regulating the taxi and private hire sector.

A taxi, or cab, is a public transport vehicle, which is licensed to 'ply for hire'. This means it can stand at ranks or be hailed / flagged down by members of the public. Fares are regulated by the council and must be displayed on a meter fitted in the vehicle.

A Private hire vehicle, is a public transport vehicle but must be 'pre-booked' in advance through an operator and cannot 'ply for hire'. Fares for private hire vehicles are not regulated by the council (unless a meter is fitted to the vehicle) - the cost of a journey will or should be agreed with the company before the journey starts.

Licences are applied for and issued in respect of a driver, a vehicle and a booking office.

Regulation is in line with national legislation – the Civic Government (Scotland) Act

1982, to ensure that the public is protected from harm whilst using the services of taxis/private hire vehicles and to guard against the infiltration of the industry by organised crime groups and individuals. We also recognise the importance of the taxi/private hire sector to our local economy and the essential service that they provide in Moray to both residents and visitors.

Having an informed and engaged trade and public will enable us to effectively perform our role, along with successful and positive relationships with our other stakeholders who have a role in the licensing regime.

We want to have ongoing, effective communication with our varied stakeholders:- applicants for licences and licence holders (trade); the Moray Community; Police Scotland; the Home Office; Council decision makers and staff.

In particular, we want to:

- Do more to understand our stakeholders who are impacted by our work;
- Keep stakeholders well informed;
- Promote understanding of our work and activities;
- Employ appropriate and varied opportunities for communication;
- Be cost effective in communications with our stakeholders so that we can keep licence costs reasonable;
- Maintain a two-way communication with our stakeholders to ensure that feedback is consistently fed into planning and delivery;
- Promote respect and trust between the Council and our stakeholders;
- Promote trade engagement, including increased trade engagement levels with surveys and meetings; and
- Make good use of the Licensing Standards Officer to communicate with the trade and to provide advice and support.

We want to achieve fuller involvement from the trade and public regarding issues that affect them to help inform our policies and practices, and support us in fulfilling statutory obligations.

Working and communication methods are evolving and the tools available to us now are very different from the past. There is a greater drive for electronic communications and the ever present need to ensure that we use available resources efficiently and effectively.

Consultation and engagement can mean different things to different people, and there are challenges around meeting expectations and demands, addressing concerns over changes/new ways of working and maintaining positive relationships at a time of reducing staff resources.

We need to be clear about the level and types of consultation and engagement that will be undertaken in relation to taxi/private hire licensing.

The strategy document outlines how we will communicate with the licensed trade, the Moray community and our partners in the regulatory process in relation to taxi and private hire licensing.

2. List the evidence that has been used in this assessment

Internal data (customer satisfaction surveys; equality monitoring data; customer complaints)	Trade Communications Survey and Report. Feedback from trade meetings. Complaints. Council's Community Engagement Scheme 2012-16 and Strategy. Feedback from consultation on the draft strategy.
Consultation with officers or partner organisations	Feedback from stakeholder meetings with Police Scotland and Council officers.
Consultation with community groups	Community Councils. Local Area Forums. Equality Groups via Equalities Officer.
External data (statistics, census, research)	National research commissioned by the Scottish Government in 2012 into Taxi and Private Hire Car Market and Local Licensing Regimes across Scotland that looked at both current practice and context. This research was undertaken by Edinburgh Napier University, whose report was published in April 2013. Scottish Government Guidance "Taxi and Private Hire Car Licensing Best Practice for Licensing Authorities", Second Edition April 2012. Scottish Regulators' Strategic Code of Practice (Feb. 2015).
Other	

3. Detail any gaps in the information that is currently available?

The strategy contains the objective to seek further feedback

4. What measures will be taken to fill the information gaps before the policy/ activity is implemented? These should be included in the action plan

Measure	Timescale

5. Are there potential impacts on protected groups? Tick as appropriate

	Positive	Negative	None	Unknown
Age – young			✓	
Age – elderly				✓
Disability	✓ SMS text messaging is one of the preferred methods of contact within the deaf community.	Access to info if visually impaired - Council's interpretation and translation service available for this.		
Race		Language barriers - Council's interpretation and translation service available. Strategy statement that we will ensure that our communications are clear, jargon-free, in plain English, and easy to understand.		
Religion or belief			✓	
Sex			✓	
Pregnancy and maternity			✓	
Sexual orientation			✓	
Gender reassignment			✓	
Marriage and civil partnership			✓	

6. What are the potential negative impacts?

The strategy recognises the need to identify and overcome the barriers to communication and engagement for all stakeholders. It also recognises the need to:

- Survey communication needs in advance of reviewing this strategy.
- Establish a set of measures to monitor take up of activity and satisfaction with this to continue to identify stakeholder engagement preferences.

7. Have any of the affected groups been consulted. If yes, please give details of how this was done and what the results were. If no, how have you ensured that you can make an informed decision about mitigating steps.

The consultation documents have been sent to various equality groups, in liason with the Equal Opportunities Officer. These included groups representing various physical and sensory impairments, women and elderly people. In addition, information was used from the consultation about Moray Council's BSL plan.

8. What mitigating steps will be taken to remove those impacts? These should be included in the action plan.

Mitigating step	Timescale
See question 5	

9. What steps can be taken to promote good relations between various groups? These should be included in the action plan.

NA

10. How does the policy/activity create opportunities for advancing equality of opportunity?

See under question 5 and 6

11. What monitoring arrangements will be put in place? These should be included in the action plan.

NA

12. What is the outcome of the assessment? Tick as appropriate.

1	No impacts have been identified	
2	Impacts have been identified, these can be mitigated as outlined in question 8	√
3	Positive impacts have been identified in relation to the need to:	
	a) Eliminate discrimination, harassment, victimisation and other behaviour prohibited by the Equality Act 2010	
	b) Promote equality of opportunity	
	c) Foster good relations between groups who share a protected characteristic and those who don't.	
4	The activity will have negative impacts which cannot be mitigated fully	

13. Set out the justification that the activity can and should go ahead despite the negative impact?

NA

Sign off and authorisation

Department	Corporate Services
Title of Policy/activity	Communications Strategy – Taxi/Private Hire Licensing
We have completed the equality impact assessment for this policy/activity.	Name: Margaret Forrest Position: Legal Services Manager (Litigation & Licensing) Date: 25 September 2018
Authorisation by Director or Head of Service	Name: Alasdair McEachan Position: Head of Legal and Democratic

	Services Date: 2 October 2018
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The impact assessment should now be authorised by either the Director or Head of Service.

Please return this form, along with the completed screening process and full assessment forms, to the Equal Opportunities Officer, Chief Executive's Office.

Action plan

Action	Start	Complete	Lead Officer	Expected Outcome	Resource Implications