

LICENSING COMMITTEE

ABERDEEN: Wednesday, 19 January 2011 Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Reynolds, Convener; and Councillors Allan, Boulton, Clark, Collie, Corall, Crockett, Dunbar, Fletcher, Hunter, Milne, Noble, John Stewart and Kirsty West.

1 MINUTE OF MEETING OF 17 NOVEMBER 2010

The Committee had before it the minute of meeting of 17 November 2010.

The Committee resolved:-

to approve the minute.

2 MINUTE OF MEETING OF EVIDENTIAL HEARING SUB COMMITTEE OF 21 SEPTEMBER 2010

The Committee had before it the minute of the Evidential Hearing Sub-Committee of 21 September 2010.

The Committee resolved:-

to note the minute.

3 COMMITTEE BUSINESS STATEMENT

The Committee had before it, for its consideration, the Committee Business Statement.

The Committee was advised that in relation to item 1 on the Business Statement – “Variation of Condition on Airport Zone Taxi Licences”, that the report is due on the 1 June 2011 and not 23 March as noted on the Statement.

The Committee resolved:-

to note the Business Statement.

4 INFORMAL BUSINESS

The Committee had before it a statement of business dealt with informally since 17 November 2010.

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The Committee resolved:-
to note the informal business.

**5 APPLICATIONS FOR GRANT, RENEWAL OR VARIATION OF LICENCES -
LIST OF APPLICATIONS**

The Committee had before it, for its consideration, the applications listed in Appendix A to this minute.

The Committee resolved:-
that all applications be determined on the basis shown in Appendix A and that all licences be subject to the Council's normal conditions unless otherwise stated.

6 REQUEST TO HOLD A PUBLIC CHARITABLE COLLECTION

The Committee was advised that the request was before it because the applicant is seeking to hold the collection on a Sunday and current guidelines prohibit this.

The Committee resolved:-
to grant permission to hold the public charitable collection.

**7 REQUEST FOR A PARTIAL REFUND OF FEE FOR A TEMPORARY PUBLIC
ENTERTAINMENT LICENCE APPLICATION (NO PAPERS)**

The Committee was advised that the request had been withdrawn.

**8 APPLICATIONS FOR GRANT, RENEWAL OR VARIATION OF LICENCES -
LIST OF APPLICATIONS TO BE HEARD IN CONFIDENCE**

EXEMPT INFORMATION

The Committee resolved in relation to items 5.1 and 5.2 that members of the public and the press be excluded from the meeting during discussion of the applications on the grounds that there would be disclosure to them

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of information of the class described in paragraph 14 of Schedule 7(A) to the Local Government (Scotland) Act 1973.

The Committee had before it for its consideration, the applications listed in Appendix B to this minute.

The Committee resolved:-

that all applications be determined on the basis shown in Appendix B and that all licences be subject to the Council's normal conditions unless otherwise stated.

- **COUNCILLOR JOHN REYNOLDS, Convener.**

APPENDIX A

1. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**

Application Ref No. 2/001

Premises – 256a Holburn Street, Aberdeen

The Committee was advised that the application had been granted by delegated powers.

2. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**

Application Ref No. 2/002

Premises – 72 Faulds Gate, Aberdeen

The Committee heard from Alastair Thain, Private Sector Housing Manager, who spoke to his memo of 07 January, 2011. Mr. Thain advised the Committee that this was a Council property and there were still outstanding works to be done before a licence could be granted.

Thereafter the Committee heard from Graham Souter, Housing Manager, who explained that there had initially been issues regarding the funding of the necessary works. This had now been resolved and most of the items identified in Mr. Thain's memo had been addressed.

The Convener expressed disappointment in the fact that funding had not been timeously arranged, resulting in the need for the application to come before the Committee.

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Thereafter, the Committee resolved:-

to defer consideration of the application to allow the works to be completed.

3. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**

Application Ref No. 2/003

Premises – 176c Clifton Road, Aberdeen

The Committee was advised that the application had been granted by delegated powers.

4. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**

Application Ref No. 2/004

Premises – 79 Linksfield Gardens, Aberdeen

The Committee was advised that the application had been granted by delegated powers.

5. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**

Application Ref No. 2/005

Premises – 261 Clifton Road, Aberdeen

The Committee was advised that the application had been granted by delegated powers.

6. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**

Application Ref No. 2/006

Premises – 627 King Street, Aberdeen

The Committee was advised that the application had been granted by delegated powers.

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7. APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**Application Ref No. 2/007****Premises – 130 Hamilton Place, Aberdeen**

The Committee was advised that this application was before it because it had been less than one year since a similar application for the same premises had been refused. The Committee must decide whether, in its opinion, there has been a material change in circumstances that will allow it to consider this current application. The Committee then heard from the applicant who stated that it was his opinion that there had been a material change in circumstances because all of the necessary works which were outstanding, and on which basis the previous application was refused, had now been completed.

Councillor West stated that a similar application had been before the Committee recently and in that instance the Committee had decided that outstanding works did constitute a material change.

Councillor Boulton, seconded by Councillor John Stewart, moved that the application should not be considered as there had been no material change in circumstances.

Councillor Kirsty West, seconded by the Convener, moved as an amendment that the application should be considered as there had been a material change in circumstances.

On a division, there voted:- for the motion (5) – Councillors Boulton, Dunbar, Fletcher, Milne and John Stewart; for the amendment (9) – the Convener; and Councillors Allan, Clark, Collie, Corall, Crockett, Hunter, Noble and Kirsty West.

The Committee resolved:-

to adopt the motion and allow the application to be considered.

The Committee then proceeded to consider the application.

The Committee heard from Alastair Thain, Private Sector Housing Manager, that an inspection had taken place on 18 January 2011 and that all the works had been completed and the necessary documents submitted. Thereafter the Committee heard from the applicant.

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The Committee was concerned that the applicant was not registered under the Landlord Registration Scheme for this particular property. The applicant explained that he had not realised that registration was required for each property and that he would attend to this matter immediately.

The Committee resolved:-

to grant the application.

8. **APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE**

Application Ref No. 2/008

Premises – Playzone, 168 Victoria Road, Aberdeen

The Committee was advised that the application had been granted by delegated powers.

9. **APPLICATION FOR THE GRANT OF A STREET TRADERS (HOT FOODS) LICENCE**

Application Ref No. 2/009

Site – South Esplanade West, 200 metres east of Queen Elizabeth Bridge

The Committee was advised that the application was before it because the applicant had failed to pay the necessary fee for advertising the application.

In the absence of the applicant,

The Committee resolved:-

to refuse the application.

DECLARATION OF INTEREST

Prior to consideration of the following article, Councillor Kirsty West declared an interest by virtue of knowing the applicant and withdrew from the meeting while the application was considered.

10. **APPLICATION FOR THE GRANT OF A STREET TRADERS (GENERAL) LICENCE**

Application Ref No. 2/010

Sites – All Zones

Times – 7 days, 07:00 - 19:00

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The Committee heard from Brenda Flaherty, Legal Manager, that the application was before the Committee because the applicant was seeking to trade in all zones including the city centre (Zone 9)

Thereafter the Committee heard from the applicant, who explained that he would be going door to door but also by pre-arrangement to premises and driveways.

The Committee was concerned that by allowing the applicant to trade in the city centre (Zone 9), this would result in disruption to the flow of traffic.

The Committee resolved:-
to grant the application for all zones except Zone 9.

11. **APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE**
Application Ref No. 2/011

The Committee was advised that the application had been withdrawn.

12. **APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE**
Application Ref No. 2/012

The Committee was advised that the application had been withdrawn.

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APPENDIX B

1. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 5/001

The Committee heard from Alastair Thain, Private Sector Housing Manager, who spoke to his memo of 07 January 2011. Mr. Thain advised the Committee that this was a Council property and there were still outstanding works to be done before a licence could be granted.

Thereafter, the Committee heard from Graham Souter, Housing Manager, who explained that there had initially been issues regarding the funding of the necessary works. This had now been resolved and most of the works identified in Mr Thain's memo had now been addressed. The rest of the works were due to be completed by the end of this month.

The Committee resolved to:-

- (i) give delegated powers to grant the application once the outstanding works have been completed; and
- (ii) instruct the Director of Housing and Environment to personally email all the Committee members to assure them that funding would be in place for all Council HMO licensed properties so that they are maintained to the required standard.

2. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 5/002

The Committee heard from Alastair Thain, Private Sector Housing Manager, who spoke to his memo of 07 January 2011. Mr. Thain advised the Committee that this was a Council property and there were still outstanding works to be done before a licence could be granted.

Thereafter, the Committee heard from Graham Souter, Housing Manager, who explained that there had initially been issues regarding the funding of the necessary works however most of the works have now been completed.

The Committee resolved:-

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to give delegated powers to grant the application once the outstanding works had been completed.