

LICENSING COMMITTEE

ABERDEEN, 14 September 2011. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Kirsty West, Convener; and Councillors Boulton, Collie, Cormack, Cormie, Dean, Donnelly (as substitute for Councillor Wisely), Farquharson (as substitute for Councillor Allan), Leslie, MacGregor, Noble, John Stewart, Townson and Yuill (as substitute for Councillor Fletcher).

The agenda and reports associated with this minute can be found at:-
<http://councilcommittees/ieListDocuments.aspx?CId=149&MId=1934&Ver=4>

REQUESTS FOR DEPUTATIONS

1. In accordance with Standing Order 10(1), the Convener advised that a request for deputation had been received from Mr Russell McLeod on behalf of the Aberdeen Taxi Group in relation to the reports on the Taxi Consultation Group and Taxi Fare Review (as detailed at Articles 12 and 13) of this minute.

The Committee resolved:-

to accept and hear the deputations prior to considering the relevant reports.

DETERMINATION OF EXEMPT BUSINESS

2. Prior to considering the matters before the Committee, members were requested to resolve that any exempt business on the agenda be considered with the press and public excluded.

The Convener sought the agreement of the Committee to consider Stanley Beattie's request for permission to substitute a saloon car onto a Taxi Operator's Licence with the press and public excluded from the meeting as a result of additional correspondence being submitted containing information which was data protected (item 9 of Appendix B of this minute refers).

The Committee resolved:-

- (i) to agree to the Convener's request;
- (ii) in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the meeting during consideration of the following items of business so as to avoid disclosure of exempt information of the class described in the following paragraphs of Schedule 7(A) to the Act:- article 16 (paragraphs 6, 8 and 10), and article 17 (paragraph 14); and
- (iii) in terms of the Data Protection Act 1998 (Principle 1) to exclude the press and public from the meeting during consideration of the following items of business due to the personal and sensitive nature of the information contained therein:- 5.2 (Application for the Renewal of a Taxi Driver Licence – James Davidson), 5.3 (Application for the Renewal of a Taxi Driver Licence – Stephen Simpson) and 5.10 (Request for Permission to Substitute a Saloon Car onto a Taxi Operator

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Licence – Stanley Beattie), (Items 2, 3 and 10 of Appendix B to this minute refer).

MINUTE OF PREVIOUS MEETING OF 1ST JUNE 2011

3. The Committee had before it the minute of its previous meeting of 1 June, 2011.

The Committee resolved:-
to approve the minute.

MINUTE OF MEETING OF THE TAXI CONSULTATION GROUP OF 15TH AUGUST 2011

4. The Committee had before it the minute of meeting of the Taxi Consultation Group of 15 August, 2011.

The Committee resolved:-
to note the minute.

MATTER OF URGENCY

The Convener intimated that she had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973 that the Committee consider the following item of business as a matter of urgency in order that the Minute could be considered.

MINUTE OF MEETING OF EVIDENTIAL HEARINGS SUB-COMMITTEE OF 30TH JUNE 2011

5. The Committee had before it the minute of meeting of the Evidential Hearings Sub-Committee of 30 June, 2011.

The Committee resolved:-
to note the minute.

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MINUTE OF MEETING OF SPORTS GROUND ADVISORY WORKING GROUP OF 7TH JULY 2011

6. The Committee had before it the minute of meeting of the Sports Ground Advisory Working Group of 7 July, 2011.

The Committee resolved:-
to note the minute.

STATEMENT OF BUSINESS DEALT WITH INFORMALLY SINCE 1ST JUNE 2011

7. The Committee had before it a statement of the business dealt with informally since 1 June, 2011.

The Committee resolved:-
to note the informal business.

COMMITTEE BUSINESS STATEMENT

8. The Committee had before it a statement of Committee Business prepared by the Head of Legal and Democratic Services.

The Committee resolved:-
to delete item 2 (Request by Aberdeen Taxi Group for a Taxi Fare Review), and item 3 (Request by Aberdeen Taxi Group for a Taxi Demand Survey) from the statement.

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

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

The Convener sought approval from the Committee to consider item 3.1 on the agenda relating to the application for the Grant of a House in Multiple Occupation – 52 Bedford Place, Aberdeen at a later stage on the agenda (item 22 of Appendix A to this minute refers).

The Committee resolved:-
(i) to agree to the Convener's request; and
(ii) 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.

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**LICENSING OF HOUSES IN MULTIPLE OCCUPATION - NEW POWERS -
H&E/11/70**

10. With reference to Article 22 of the minute of meeting of the Housing and Environment Committee of 25 August, 2011, the Committee had before it by way of remit, a report by the Director of Housing and Environment which (1) outlined the provision of Part 5 of the Housing (Scotland) Act 2006 concerning licensing of Houses in Multiple Occupation which would come into effect on 31 August 2011 and (2) advised of the changes that had been introduced by the Private Rented Housing (Scotland) Act 2011.

The Housing and Environment Committee agreed to refer the report to the meeting of the Licensing Committee on 14 September, 2011 for noting.

The Committee resolved:-
to note the content of the report.

**PROPOSED CHANGE OF LICENCE HOLDER FROM INDIVIDUAL TO
PARTNERSHIP - REQUEST RETENTION OF NON-WHEELCHAIR ACCESSIBLE
VEHICLE**

11. The Committee had before it for consideration, correspondence from Gary and Jane Mair relating to a request to change the licence holder (Jane Mair) from an individual to a partnership (Jane and Gary Mair) and to request retention of a non-wheelchair accessible vehicle.

The Committee heard Eric Anderson, Senior Solicitor, Licensing, provide background information with regard to the request, during which he made reference to the Council's wheelchair accessible taxi policy.

The Committee then heard from Mr Gary Mair on the circumstances surrounding the request.

The Committee resolved:-
to allow Gary and Jane Mair to retain a non-wheelchair accessible taxi vehicle in the event that they submit an application for a Grant of a Taxi Licence (partnership).

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TAXI CONSULTATION GROUP - CG/11/032

12. As agreed at the start of the meeting (Article 1 of this minute refers), the Committee received a deputation from Graeme McColl and Lynne Smith on behalf of the Aberdeen Taxi Group.

Graeme McColl suggested that consideration should be given to including representation from the licensed taxi booking offices and the Disability Advisory Group on the Taxi Consultation Group (TCG). He intimated that each of these bodies should be permitted to have two representatives on the TCG which would allow continuity if one representative could not attend the meeting. He also suggested that the Group meets four times yearly to coincide with the meetings of the Licensing Committee.

The Committee had before it a report by the Director of Corporate Governance which sought approval of the revised remit, governance and membership of the TCG.

The report recommended:-

that the Committee –

- (a) agree the remit of the Taxi Consultation Group as outlined in the report at section 5.1;
- (b) approve the membership of the Group as outlined in the appendix to the report; and
- (c) agree that the TCG meet twice a year (one meeting prior to and the other following the summer recess) and that the dates for these meetings be agreed by the Convener of the Group.

The Convener moved a revised set of recommendations in the following terms:-
that the Committee –

- (a) agrees that the remit for the Taxi Consultation Group is as follows “a working group of the Licensing Committee to be known as the Taxi Consultation Group will be formed. It will consist of a maximum number of five elected members and eight representatives of the taxi trade of whom one will represent the airport operators and two will represent licensed taxi booking offices. The Disability Advisory Group will also have one representative as a member of the Group.

Additional attendees will include the Taxi Inspector, the Fleet Services Manager and a solicitor representing the licensing function. Other relevant representatives will be invited to attend meetings on an ad-hoc basis.

Taxi trade members must represent a specific and recognised interest group. It will be understood that the representatives will report to their members after meetings.

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The Group will meet three times yearly. The Group will act without any powers but will discuss matters of relevance to the taxi trade at the discretion of the Convener and make recommendations to the Licensing Committee as appropriate.

Matters of relevance includes all matters relevant to the taxi trade in Aberdeen that are within the remit of the Licensing Committee.”;

- (b) agrees the voting membership for the Taxi Consultation Group as outlined within the appendix to the report, with the addition of two individuals who represent licensed taxi officers, one individual from the Disability Advisory Group and five elected members and also agrees that the TCG members will be allowed to send a substitute to the meeting should they be unable to attend; and
- (c) agrees that the TCG meets three times a year and that the dates for these meetings be agreed by the Convener.

The Committee resolved:-

- (i) to approve the revised recommendations referred to above; and
- (ii) that a review of the remit, governance and membership of the TCG be undertaken following the Scottish Local Government Elections in May 2012.

TAXI FARE REVIEW - CG/11/084

13. As agreed at the start of the meeting (Article 1 of this minute refers), the Committee received a deputation from Graeme McCall and Lynne Smith on behalf of the Aberdeen Taxi Group (ATG).

Lynne Smith advised that costs for taxi drivers had risen substantially over the past three years due to inflationary increases, the costs for purchase and servicing vehicles and increased fuel prices. She made reference to the formula used by officers to calculate the average fare per mile to cover costs which in her opinion, did not take into account the impact of those taxis caught in traffic.

Graeme McCall agreed with the general comments contained within the report at section 5.8, namely, that in setting fares the Licensing Committee must take account of relevant costs and comparisons to ensure the taxi trade receives an adequate return to enable it to continue to meet the public's requirement for its services.

The Convener sought the Committee's approval to circulate and consider correspondence received by Brian Adam, MSP dated 1 September, 2011 regarding a request to discontinue the practice of charging a £1 taxi telephone booking fee. The request to circulate the correspondence was approved.

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The Committee had before it a report by the Director of Corporate Governance which provided details to allow the Committee to reach an informed decision on any changes to be made to the current taxi fare tariff arising from proposals submitted by ATG on behalf of the taxi trade in Aberdeen.

The report recommended:-

that the Committee considers the report and any representations made by members of the trade and –

- (a) agrees in principle to ATG's proposal for a basic charge of £2.40 for the first 950 yards and thereafter a charge of £0.20 for every additional 180.5 yards;
- (b) decides if it wishes to implement the increase in waiting time to £23 per hour;
- (c) decides if it wishes to increase the surcharge for hires commencing at the railway station to £1;
- (d) sets the date on which the new tariff would take effect (and taking into account the statutory consultation period and lodging of any appeal). The earliest date that a change to the tariff can be effected is 8 December, 2011, but this date may be subject to change; and
- (e) instructs the Head of Legal and Democratic Services to advertise the general effect of the proposals and the date when it is proposed that they take effect.

The Convener, seconded by Councillor Boulton moved:-

“that the Committee –

- (a) agrees for the purpose of advertising the proposal, a basic charge of £2.40 for the first 950 yards and thereafter a charge of £0.20 for every additional 180.5 yards;
- (b) agrees for the purpose of advertising the proposal an increase in waiting time to £23 per hour;
- (c) agrees for the purpose of advertising, to make no change to the surcharge for hires commencing at the railway station;
- (d) agrees that the tariff change is effected on 8 December, 2011 or the earliest possible date after this;
- (e) instructs the Head of Legal and Democratic Services to advertise the general effect of the proposals and the date when it is proposed that they take effect; and
- (f) requests that officers bring a report to the Taxi Consultation Group regarding the formula that will be used in future years and that officers report back to the Licensing Committee with final proposals for implementation”.

Councillor Donnelly, seconded by Councillor Cormack moved as an amendment:-

“that the Committee does not agree to an increase in taxi fares, in addition to end the practice to allow a surcharge for hires commencing at the Railway Station and the removal of the £1 telephone booking fee”

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On a division, there voted:- for the motion:- (10) – The Convener; and Councillors Boulton, Collie, Cormie, Dean, Farquharson, MacGregor, Noble, John Stewart and Townson; for the amendment:- (4) – Councillors Cormack, Leslie, Donnelly and Yuill.

The Committee resolved:-
to adopt the motion.

LICENSING COMMITTEE SUB-COMMITTEES AND WORKING GROUPS

14. The Committee had before it details of its Sub-Committees and Working Groups including their remits, meeting schedules and memberships as prepared by the Head of Legal and Democratic Services.

The Convener proposed that the membership of each group be based on the political balance of the Council as follows:-

Name	Membership
Taxi Consultation Group	2 SNP, 1 LibDem, 1 Labour and 1 from either Independent Alliance or Conservative
Sports Ground Advisory Group	2 SNP, 1 LibDem, 1 Labour and 1 from either Independent Alliance or Conservative
Evidential Hearing Sub Committee	2 SNP, 2 LibDem, 1 Labour, 1 Independent Alliance and 1 Conservative
Informal Business Panel	2 SNP, 2 LibDem, 1 Labour, 1 Independent Alliance and 1 Conservative

The Committee resolved:-

- (i) to approve the membership allocation of the Sub-Committee and Working Groups as outlined above; and
- (ii) to instruct the Clerk to write to Group Leaders to ascertain the membership for each of the Sub-Committees and Working Groups.

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PUBLIC PROCESSION - CULTER BOYS BRIGADE

15. The Committee heard Jacqui Wallace, Licensing, explain that a request from Culter Boys Brigade, for a public procession to be held on 18 September, 2011 had been submitted on 9 September, 2011, which did not conform to the 28 day statutory notice required.

She intimated that the Committee if it so wishes, could decide to waive the period of notice and accept the late notification. The Chief Constable, Grampian Police had been consulted and had reported that the police did not object to the late notification and would facilitate the road closure.

The Committee resolved:-

- (i) to waive the 28 day period of notice; and
- (ii) to instruct officers to issue an Order to allow Culter Boys Brigade to hold a public procession on 18 September, 2011.

EXEMPT INFORMATION

In accordance with the decision recorded under Article 2 of this minute, the following items were considered with the press and public excluded.

TAXI DEMAND SURVEY - CG/11/100

16. The Committee had before it a report by the Director of Corporate Governance which provided details of the result of the recent invitation to quote exercise in respect of the undertaking of a taxi survey in Aberdeen.

The report recommended:-

that the Committee -

- (a) proceed with a contract for a taxi demand survey;
- (b) appoints TRI Taxi Studies Group (Transport Research Institute, Edinburgh Napier University) as the preferred bidder as specified in the invitation to quote;
- (c) notes that recommendation (b) is subject to the preferred bidder's acceptance of the Council's terms and conditions as set out in the invitation to quote and the conclusion of the appropriate contractual documents; and
- (d) instructs officers in the event that the preferred bidder is not prepared to accept the Committee's terms and conditions to pursue the next bidder in line until a contract is concluded.

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The Convener moved that recommendation (d) above be amended to read:-
“instructs officers in the event that the preferred bidder is not prepared to accept the Committee’s terms and conditions, to pursue the next bidder in line except bidder 4 due to the low evaluated percentage score”.

The Committee resolved:-

- (i) to approve recommendations (a), (b) and (c) of the report; and
- (ii) to agree to amend and approve recommendation (d) as outlined above.

APPLICATIONS FOR GRANT RENEWAL OR VARIATION OF LICENCES - LIST OF APPLICATIONS TO BE HEARD IN PRIVATE

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

The Convener sought approval from the Committee to consider item 5.6 relating to the application for the renewal of a Taxi Driver Licence at an earlier stage on the agenda (item 1 of Appendix B to this minute refers).

The Committee resolved:-

- (i) to agree to the Convener’s request; and
- (ii) 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 KIRSTY WEST, Convener.

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APPENDIX A

DECLARATIONS OF INTEREST

Councillors Allan and Townson declared an interest in the subject matter of the following item of business for the reason that they both know an objector to the application. They left the meeting during consideration thereof.

1. **APPLICATION FOR THE GRANT OF A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 3/002
Premises – 24 Sunnyside Avenue, Aberdeen

The Committee were advised that three letters of objection had been submitted in relation to the application.

The Committee heard from one of the objectors and from a representative of another objector.

The Committee heard from the applicant Mrs. Georgia Kassab in support of her application.

Councillor Donnelly, seconded by the Convener moved:-

“that the application be granted under delegated powers for a maximum occupancy of seven persons subject to the works on the premises being completed.”

Councillor John Stewart, seconded by Councillor Collie moved as an amendment:-

“that the application be granted under delegated powers for a maximum occupancy of five persons subject to the works on the premises being completed.”

On a division, there voted:- for the motion (3) – the Convener; and Councillors Cormie and Donnelly; for the amendment (8) – Councillors Boulton, Collie, Cormack, Farquharson, Leslie, Noble, John Stewart and Yuill.

The Committee resolved:-
to adopt the amendment.

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2. **APPLICATION FOR THE GRANT OF A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 3/003
Premises – 118 Union Grove, Aberdeen

The Committee were advised that five letters of objection had been submitted in relation to the application.

The Committee heard from two objectors.

The Committee heard from the applicant Mrs. Jane Guthrie in support of the application.

The Committee resolved:-

to agree that officers could grant the application under delegated powers subject to the completion of the works on the premises.

3. **APPLICATION FOR THE RENEWAL OF A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 3/004
Premises – 10 Sunnyside Avenue, Aberdeen

The Committee were advised that one letter of objection had been submitted in relation to the application.

The Committee heard from Mr. Richard Thomson, Thomson Properties representing the applicant in support of the application.

The Committee resolved:-

to agree that officers could grant an application for renewal under delegated powers subject to the completion of the works on the premises.

4. **APPLICATION FOR THE GRANT OF A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 3/005
Premises – 48 Elmbank Terrace, Aberdeen

The Committee were advised that one letter of objection had been submitted in relation to the application.

The Committee heard from the applicant, Mr. Andrew Buchan in support of his application.

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The Committee resolved:-
to grant the application.

5. **APPLICATION FOR THE GRANT OF A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 3/006
Premises – 10 Orchard Road, Aberdeen

The Committee were advised that one letter of objection had been received but it was submitted outwith the 28 day statutory period. It was therefore for the Committee to decide whether to accept the letter of objection based on the explanation given by the objector for the late submission and to also consider the response from the applicant in this regard.

The Committee heard from the objector who indicated that he had submitted the letter in good time at the St. Nicholas House reception desk, however, he was advised that the Mail Room was transferring to Marischal College that day which may have resulted in the submission delay.

The Committee then heard from the applicant, Mrs. Maura Robertson, Laserase (Scotland) Limited on the reason why the letter of objection should not be accepted for consideration, specifically as a result that the letter was not submitted in good time.

The Committee agreed to accept the letter of objection for consideration.

The Committee heard from Mr. Clark in relation to his letter of objection.

The Committee then heard from Mrs. Maura Robertson, in support of the application.

The Committee resolved:-
to agree that officers could grant the application under delegated powers subject to the completion of the works on the premises.

6. **APPLICATION FOR THE GRANT OF A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 3/007
Premises – 38 Elmfield Terrace, Aberdeen

The Committee were advised that the application was before the Committee today as a letter of representation had been submitted, however, this letter had recently been withdrawn.

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The Committee resolved:-

to agree that officers could grant the application under delegated powers subject to the completion of the works on the premises.

7. **APPLICATION FOR THE GRANT OF A SECOND HAND DEALERS LICENCE**

Application Ref No. 3/008

Applicant – Adil Ozkapici

The Committee were advised that the application had been granted under delegated powers.

8. **APPLICATION FOR THE RENEWAL OF A STREET TRADERS (GENERAL) LICENCE**

Application Ref No. 3/009

Sites – (1) Stockethill, Danestone, Ferryhill and Bridge of Don

(2) Pitmedden, Dyce, Kingswells and Milltimber

Days/Times – (1) Tuesday, 08:00 to 18:00

(2) Wednesday, 08:00 to 18:00

The Committee were reminded of the recent changes to its standard conditions applicable to Street Trader's Licences and in particular the addition of the following condition: "subject to the explicit consent in writing from the Licensing Authority, no street trader shall engage in the hawking, selling or offering or exposing for sale any type of food and/or drinks within a four hundred (400) metres radius of a secondary school at any time. Without prejudice to any statutory rights that the licence holder may have, the Council shall be the ultimate arbiter in determining what may constitute the outer boundary of a school for this purpose".

The Committee resolved:-

(i) to grant the application subject to its standard conditions; but

(ii) to allow the applicant to trade within 400 metres of the boundary of secondary schools.

9. **APPLICATION FOR THE RENEWAL OF A STREET TRADERS (ICE CREAM) LICENCE**

Application Ref No. 3/010

Sites – Zones 1, 2, 6 and 7

Days/Times – Monday to Sunday, 12:00 to 22:00

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The Committee were reminded of the recent changes to its standard conditions applicable to Street Trader's Licences and in particular the addition of the following condition: "subject to the explicit consent in writing from the Licensing Authority, no street trader shall engage in the hawking, selling or offering or exposing for sale any type of food and/or drinks within a four hundred (400) metres radius of a secondary school at any time. Without prejudice to any statutory rights that the licence holder may have, the Council shall be the ultimate arbiter in determining what may constitute the outer boundary of a school for this purpose".

The Committee resolved:-

- (i) to grant the application subject to its updated standard conditions; and
- (ii) to note that it would not be permissible for the applicant to trade within 400 metres of the secondary school.

10. **APPLICATION FOR THE RENEWAL OF A STREET TRADERS (HOT FOOD) LICENCE**

Application Ref No. 3/011**Sites – (1) Bedford Avenue – Junction with St. Machar Drive****(2) Gardiner Drive at entrance to shops****(3) Oldcroft Place across from shop****(4) Stance at Links Golf Course****Days/Times – Monday to Sunday, 08:00 to 19:00**

The Committee heard Eric Anderson, Senior Solicitor, Licensing, advise that the applicant had failed to provide a certificate by the food authority stating that the applicant's van complies with the appropriate requirements.

The Committee resolved:-

to refuse the renewal application.

11. **APPLICATION FOR THE RENEWAL OF A STREET TRADERS (ICE CREAM) LICENCE**

Application Ref No. 3/012**Sites – Zones 1 and 4****Days/Times – Monday to Sunday, 10:00 to 22:00**

The Committee were reminded of the recent changes to its standard conditions applicable to Street Trader's Licences and in particular the addition of the following condition: "subject to the explicit consent in writing from the Licensing Authority, no street trader shall engage in the hawking, selling or offering or exposing for sale any type of food and/or drinks within a four hundred (400)

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metres radius of a secondary school at any time. Without prejudice to any statutory rights that the licence holder may have, the Council shall be the ultimate arbiter in determining what may constitute the outer boundary of a school for this purpose”.

The Committee resolved:-

- (i) to grant the application subject to its standard conditions; and
- (ii) to note that it would not be permissible for the applicant to trade within 400 metres of the secondary school.

12. **APPLICATION FOR THE RENEWAL OF A STREET TRADERS EMPLOYEE (ICE-CREAM) LICENCE**

Application Ref No. 3/013

Sites – Zones 1 and 4

Days/Times – Monday to Sunday, 10:00 to 22:00

The Committee were reminded of the recent changes to its standard conditions applicable to Street Trader’s Licences and in particular the addition of the following condition: “subject to the explicit consent in writing from the Licensing Authority, no street trader shall engage in the hawking, selling or offering or exposing for sale any type of food and/or drinks within a four hundred (400) metres radius of a secondary school at any time. Without prejudice to any statutory rights that the licence holder may have, the Council shall be the ultimate arbiter in determining what may constitute the outer boundary of a school for this purpose”.

The Committee resolved:-

- (i) to grant the application subject to its updated conditions; and
- (ii) to note that it would not be permissible for the applicant to trade within 400 metres of the secondary school.

13. **APPLICATION FOR THE RENEWAL OF A STREET TRADERS (ICE-CREAM) LICENCE**

Application Ref No. 3/014

Sites – Zones 1, 2 and 6

Days/Times – Monday to Sunday, 10:00 to 22:00

The Committee were reminded of the recent changes to its standard conditions applicable to Street Trader’s Licences and in particular the addition of the following condition: “subject to the explicit consent in writing from the Licensing Authority, no street trader shall engage in the hawking, selling or offering or exposing for sale any type of food and/or drinks within a four hundred (400)

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metres radius of a secondary school at any time. Without prejudice to any statutory rights that the licence holder may have, the Council shall be the ultimate arbiter in determining what may constitute the outer boundary of a school for this purpose”.

The Committee heard from the applicant Alexander Thomas Jack in support of his application.

The Committee resolved:-

- (i) to grant the application subject to its standard conditions; and
- (ii) to note that it would not be permissible for the applicant to trade within 400 metres of the secondary school.

14. APPLICATION FOR THE RENEWAL OF A STREET TRADERS (ICE-CREAM) LICENCE

Application Ref No. 3/015

Sites – Zones 1 and 2

Days/Times – Monday to Sunday, 11:00 to 23:00

The Committee were reminded of the recent changes to its standard conditions applicable to Street Trader’s Licences and in particular the addition of the following condition: “subject to the explicit consent in writing from the Licensing Authority, no street trader shall engage in the hawking, selling or offering or exposing for sale any type of food and/or drinks within a four hundred (400) metres radius of a secondary school at any time. Without prejudice to any statutory rights that the licence holder may have, the Council shall be the ultimate arbiter in determining what may constitute the outer boundary of a school for this purpose”.

The Committee resolved:-

- (i) to grant the application subject to its standard conditions; and
- (ii) to note that it would not be permissible for the applicant to trade within 400 metres of the secondary school.

15. APPLICATION FOR THE RENEWAL OF A STREET TRADERS (GENERAL) LICENCE

Application Ref No. 3/016

Sites – (1) Tullos

(2) Altens

(3) Woodend

Days/Times – (1) Monday to Saturday, 07:00 to 10:30

(2) Monday to Saturday, 10:30 to 13:30

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(3) Tuesday to Friday, 14:00 to 15:00

The Committee were reminded of the recent changes to its standard conditions applicable to Street Trader's Licences and in particular the addition of the following condition: "subject to the explicit consent in writing from the Licensing Authority, no street trader shall engage in the hawking, selling or offering or exposing for sale any type of food and/or drinks within a four hundred (400) metres radius of a secondary school at any time. Without prejudice to any statutory rights that the licence holder may have, the Council shall be the ultimate arbiter in determining what may constitute the outer boundary of a school for this purpose".

The Committee resolved:-

- (i) to grant the application subject to its updated conditions; and
- (ii) to note that it would not be permissible for the applicant to trade within 400 metres of the secondary school.

16. **APPLICATION FOR THE RENEWAL OF A STREET TRADERS (GENERAL) LICENCE**

Application Ref No. 3/017**Sites – (1) Tullos****(2) Altens****(3) Woodend****Days/Times – (1) Monday to Saturday, 07:00 to 10:30****(2) Monday to Saturday, 10:30 to 13:30****(3) Tuesday to Friday, 14:00 to 15:00**

The Committee were reminded of the recent changes to its standard conditions applicable to Street Trader's Licences and in particular the addition of the following condition: "subject to the explicit consent in writing from the Licensing Authority, no street trader shall engage in the hawking, selling or offering or exposing for sale any type of food and/or drinks within a four hundred (400) metres radius of a secondary school at any time. Without prejudice to any statutory rights that the licence holder may have, the Council shall be the ultimate arbiter in determining what may constitute the outer boundary of a school for this purpose".

The Committee resolved:-

- (i) to grant the application subject to its standard conditions; and
- (ii) to note that it would not be permissible for the applicant to trade within 400 metres of the secondary school.

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17. APPLICATION FOR THE RENEWAL OF A STREET TRADERS (HOT FOOD) LICENCE**Application Ref No. 3/018****Sites – South Esplanade East, 205 metres east of Victoria Road****Days/Times – Monday to Friday, 07:00 to 14:00**

The Committee heard Eric Anderson, Senior Solicitor, Licensing, advise that the applicant had failed to provide a certificate by the food authority stating that the applicant's van complies with the appropriate requirement.

The Committee resolved:-

to refuse the renewal application.

18. APPLICATION FOR THE RENEWAL OF A STREET TRADERS (ICE CREAM) LICENCE**Application Ref No. 3/019****Sites – Zones 5, 6 and 7****Days/Times – Monday to Sunday, 12:30 to 20:00**

The Committee were reminded of the recent changes to its standard conditions applicable to Street Trader's Licences and in particular the addition of the following condition: "subject to the explicit consent in writing from the Licensing Authority, no street trader shall engage in the hawking, selling or offering or exposing for sale any type of food and/or drinks within a four hundred (400) metres radius of a secondary school at any time. Without prejudice to any statutory rights that the licence holder may have, the Council shall be the ultimate arbiter in determining what may constitute the outer boundary of a school for this purpose".

The Committee resolved:-

- (i) to grant the application subject to its standard conditions; and
- (ii) to note that it would not be permissible for the applicant to trade within 400 metres of the secondary school.

19. APPLICATION FOR THE RENEWAL OF A STREET TRADERS (GENERAL) LICENCE**Application Ref No. 3/020****Sites – All Zones except Zone 9****Days/Times – Monday to Sunday, 09:00 to 17:30**

The Committee were reminded of the recent changes to its standard conditions applicable to Street Trader's Licences and in particular the addition of the

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following condition: “subject to the explicit consent in writing from the Licensing Authority, no street trader shall engage in the hawking, selling or offering or exposing for sale any type of food and/or drinks within a four hundred (400) metres radius of a secondary school at any time. Without prejudice to any statutory rights that the licence holder may have, the Council shall be the ultimate arbiter in determining what may constitute the outer boundary of a school for this purpose”.

The Committee resolved:-

- (i) to grant the application subject to its standard conditions; but
- (ii) to allow the applicant to trade within 400 metres of the boundary of secondary schools.

20. **APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE**

Application Ref No. 3/021

Premises – Kordoba Takeaway, 311 George Street, Aberdeen

Days/Times – Sunday to Thursday, 23:00 to 00:00

Friday and Saturday, 23:00 to 01:00

The Committee were advised that the application was before it because the hours the applicant was seeking to trade were outwith the guidelines for premises located outwith the city centre.

The Committee resolved:-

to grant the application subject to the terminal hour being amended to 00:00.

21. **APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE**

Application Ref No. 3/022

Premises – Pizza Home Delivery, Unit 8, 50 Cotton Street, Aberdeen

Days/Times – Monday to Sunday, 23:00 to 01:00

The Committee were advised that the application had been withdrawn.

DECLARATION OF INTEREST

Councillor John Stewart declared an interest in the subject matter of the following item of business for the reason that the applicants representative had reported him to the Commissioner of Ethical Standards. Councillor John Stewart left the meeting during consideration thereof.

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22. **APPLICATION FOR THE GRANT OF A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 3/001
Premises – 52 Bedford Place, Aberdeen

Mr. David Thomson, representing the applicant, requested that the application be considered in private. The Committee declined the request as no suitable reason was given by Mr. Thomson in support of his request, specifically that the information considered or discussed would not be exempt in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973.

Mr. Thomson informed the Committee that he had submitted a complaint to the Commissioner of Ethical Standards against certain members of the committee and requested that the application be deferred for a period of six months.

The Committee were advised that the application had been received on 14th February, 2011, therefore in terms of the Civic Government (Scotland) Act 1982, a decision must be determined by the Committee due to statutory requirements which was within the six month period to allow the Commissioner to reach a decision.

The Committee resolved:-

to defer consideration of the application until the next meeting of the Committee.

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APPENDIX B

1. **APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE**
Application Ref No. 5/006

The Committee heard from Sergeant Keith Middler, Grampian Police, who referred to the Chief Constable's letter of observation dated 18th July, 2011.

The Committee heard from Mrs. Hayley Mitchell, Solicitor, on behalf of the applicant, in support of the application.

Councillor Donnelly, seconded by Councillor Collie moved:-

“that the application be granted for a period of one year.”

Councillor John Stewart, seconded by Councillor Yuill moved as an amendment:-

“that the application be refused on the grounds that the applicant was not a fit and proper person to hold a licence.”

On a division, there voted:- for the motion (9) – the Convener and Councillors Collie, Cormie, Dean, Donnelly, Farquharson, Leslie, Noble and Townson; for the amendment (5) – Councillors Boulton, Cormack, MacGregor, John Stewart and Yuill.

The Committee resolved:-

to adopt the motion and to grant the application for a one year period.

2. **APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE**
Application Ref No. 5/002

The Committee was advised that the application was before it because the applicant had disclosed a medical condition and been referred to the Council's Occupational Health Service provider to see if he met required medical standard to undertake his duties as a taxi driver. Serco had been unable to confirm that he is fit, but this is the last meeting which the application could be considered.

Officers tabled a further letter from Serco Occupational Health dated 5th September 2011.

The Committee heard from Eric Anderson, Senior Solicitor, Licensing, who outlined the options available for the Committee to consider.

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The Committee heard from the applicant in support of the application.

The Committee resolved:-

- (i) that the application be granted for a period of six months to await further information from SERCO in relation to the applicant's health; and
- (ii) to agree to waive the renewal fee, if the applicant reappplies at the end of the six month period.

3. **APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE**
Application Ref No. 5/003

The Committee were advised that the application had been granted under delegated powers.

4. **APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE**
Application Ref No. 5/004

The Committee heard from Sergeant Keith Middler, Grampian Police, who referred to the Chief Constable's letter of observation dated 14th June, 2011.

The Committee heard from the applicant in support of the application.

The Committee resolved:-

to agree that officers could grant the application under delegated powers subject to the applicant passing his taxi tests.

5. **APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE**
Application Ref No. 5/005

The Committee heard from Sergeant Keith Middler, Grampian Police, who referred to the Chief Constable's letter of objection dated 20th June, 2011.

The Committee resolved:-

to refuse the application on the grounds that the applicant was not a fit and proper person.

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6. **APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE**

Application Ref No. 5/007

Sergeant Keith Middler, Grampian Police, sought the Committee's approval to introduce details of the applicant's spent convictions as it was felt that the nature of the convictions should be considered by the Committee.

The Committee agreed to the request.

The Committee heard from Sergeant Keith Middler who referred to the Chief Constable's letter of observation dated 22nd July, 2011 and the schedule of previous convictions.

The Committee heard from the applicant in support of the application.

The Committee resolved:-

to grant the application for a period of one year.

7. **APPLICATION FOR A TEMPORARY TAXI DRIVER LICENCE**

Application Ref No. 5/008

The Committee heard from Sergeant Keith Middler, Grampian Police, who referred to the Chief Constable's letter of observation dated 30th August, 2011.

The Committee heard from the applicant in support of the application.

The Committee resolved:-

to refuse the application on the grounds that the applicant was not a fit and proper person.

DECLARATION OF INTEREST

Councillor Cormack declared an interest in the subject matter of the following item of business due to her using the services provided by the applicant. Councillor Cormack left the meeting during consideration thereof.

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8. APPLICATION FOR THE GRANT OF A WINDOW CLEANERS LICENCE
Application Ref No. 5/009

The Committee heard from Sergeant Barry Skinner, Grampian Police, who referred to the Chief Constable's letter of objection dated 15th May, 2011.

The Committee heard from both directors in support of the application.

Councillor Donnelly, seconded by Councillor Townson moved:-
"to grant the application."

Councillor Dean, seconded by Councillor MacGregor moved as an amendment:-
"to refuse the application on the grounds that the applicant was not a fit and proper person to hold a licence."

On a division, there voted:- for the motion (5) – Councillors Cormie, Donnelly, Noble, John Stewart and Townson; for the amendment (7) – the Convener and Councillors Boulton, Dean, Farquharson, Leslie, MacGregor and Yuill.

The Committee resolved:-

to adopt the amendment and refuse the application.

9. REQUEST FOR PERMISSION TO SUBSTITUTE A SALOON CAR ONTO A TAXI OPERATOR'S LICENCE – STANLEY BEATTIE
Application Ref No. 5/010

The Committee had before it two letters, one submitted by the applicant dated 2nd August, 2011 requesting permission to substitute a saloon car onto a Taxi Operator's Licence and the other from the applicant's GP, dated 22nd August, 2011 providing details relating to the applicant's medical condition.

The Committee heard from Eric Anderson, Senior Solicitor, Licensing, who provided details in relation to the Council's Wheelchair Accessible Taxi policy.

The Committee heard from the applicant in support of his request.

Councillor John Stewart, seconded by Councillor Dean moved:-
"to grant the request."

The Convener, seconded by Councillor Cormie moved as an amendment:-
"to refuse the request in terms of the Council's Wheelchair Accessible Taxi policy."

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On a division, there voted:- for the motion (11) – Councillors Boulton, Cormack, Dean, Donnelly, Farquharson, Leslie, MacGregor, Noble, John Stewart, Townson and Yuill; for the amendment (2) – the Convener and Councillor Cormie.

The Committee resolved:-

to adopt the motion and grant the request.