

LICENSING COMMITTEE

ABERDEEN, 4 September 2012. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Boulton, Convener; and Councillors Blackman, Cormie, Delaney (as substitute for Councillor Malone), Forsyth, Ironside CBE, Kiddie, MacGregor, Malik, McCaig (as substitute for Councillor Corall), Nathan Morrison, Reynolds and Townson.

The agenda and reports associated with this minute can be found at:-

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=2566&Ver=4>

DETERMINATION OF EXEMPT BUSINESS

1. Members were requested to resolve that any exempt business on the agenda be considered with the press and public excluded.

The Clerk advised that in terms of the Data Protection Act 1988 (Principle 1), the press and public would be excluded from the meeting during consideration of the following item of business on the agenda:- 6.1.

The Committee resolved:-

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:- 6.2 to 6.4 so as to avoid disclosure of exempt information of the class described in paragraph 14 of Schedule 7(A) to the Act (Items 2 to 4 of Appendix B to this minute refers).

MINUTE OF PREVIOUS MEETING OF 6 JUNE 2012

2. The Committee had before it the minute of its previous meeting of 6 June, 2012.

With reference to Article 7 of the minute relating to the Review of the Policy on Taxi Licences – Consultation with Equalities and Taxi Trade Representatives, Councillor Kiddie moved as a procedural motion, seconded by Councillor Cormie:-

“that the Committee reconsider the decision taken at the last meeting, which was to amend the wheelchair accessible vehicle policy by requiring that all taxi licence holders to provide a wheelchair accessible vehicle within 5 years of the Committee’s decision and to suspend Standing Order 22 in order to do so”

On a division, there voted:- for the procedural motion (6) – Councillors Cormie, Graham, Kiddie, MacGregor, McCaig and Townson; against the procedural motion (6) – the Convener and Councillors Blackman, Delaney, Forsyth, Ironside and Malik.

There being an equality of votes, the Convener exercised her casting vote against the procedural motion and on this basis it was defeated.

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The Committee resolved:-

to approve the minute.

MINUTE OF MEETING OF THE SPORTS GROUND ADVISORY WORKING GROUP OF 30 MAY 2012

3. The Committee had before it the minute of meeting of the Sports Ground Advisory Group of 30 May, 2012.

The Committee resolved:-

to note the minute.

INFORMAL BUSINESS STATEMENT

4. The Committee had before it details of the business dealt with by the Informal Business Panel since 6 June, 2012.

The Committee resolved:-

to note the informal business.

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

5. 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 are subject to the Council's standard conditions unless otherwise stated.

TAXI CONSULTATION GROUP - CG/12/083

6. With reference to article 12 of the minute of meeting of 14 September, 2011, the Committee had before it for consideration, a report by the Director of Corporate Governance relating to the Committee's decision that a review of the remit, governance and membership of the Taxi Consultation Group be undertaken following the Scottish Local Government Elections in May 2012.

The report recommended:-

that the Committee -

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- (a) agrees the remit of the TCG as outlined in the report at Section 5.1 under exception that each group representing the taxi trade (including licensed booking offices) will provide one member to the group;
- (b) approves the membership of the TCG as outlined in the appendix to the report; and
- (c) agrees that the TCG meet three times a year and that the dates for these meetings be agreed by the Convener of the Group.

The Committee resolved:-

- (i) to approve the recommendations contained within the report; and
- (ii) to request that an audit be carried out of Taxi Licensing and the Taxi Inspection Centre following the organisational changes that took place over the past few years.

COMMITTEE BUSINESS STATEMENT

7. The Committee had before it a statement of Committee Business from the Head of Legal and Democratic Services.

The Committee resolved:-

to remove Item 1 (Taxi Consultation Group) from the Statement.

EXEMPT INFORMATION

In accordance with the information provided under Article 1 of the minute, the following items were considered with the press and public excluded.

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

8. 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 MARIE BOULTON, Convener.

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APPENDIX A

1. APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 3/001
Premises – 103 Bannermill Place

The Committee had before it one letter of representation.

Ally Thain, Private Sector Housing Manager, advised that works on the premises had still to be completed, although this was not the reason it was before the Committee today.

The Committee heard from the respondent.

The Committee then heard from the applicant, Sandra Reeve, in support of the application.

Lynn May, Solicitor, Litigation and Licensing, made reference to the title deeds for the premises which had been submitted by the respondent. She indicated that the content of the title deeds was a matter on which the owners may wish to seek their own separate legal remedy, as it did not constitute a ground for refusal of the application.

The Committee resolved:-

to defer consideration of the application until the works were completed, after which time officers could grant the application under delegated powers if appropriate.

2. APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 3/002
Premises – 185 Links Road

The Committee had before it one letter of representation.

Ally Thain, Private Sector Housing Manager made reference to the title deeds for the premises which had been submitted by the respondent. He indicated that that the content of the title deeds was a matter on which the owners may wish to seek their own separate legal remedy, as it did not constitute a ground for refusal of the application.

The Committee heard from the respondent.

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The Committee then heard from the applicant's agent Ross Murray in support of the application.

The Committee resolved:-

to grant the application.

3. APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 3/003
Premises – 49 Bedford Place

The Committee had before it one letter of representation.

Ally Thain, Private Sector Housing Manager advised that works on the premises had still to be completed, although this was not the reason it was before the Committee today.

The Committee heard from the respondent.

The Committee then heard from the applicant K. Millar Graham in support of the application.

Councillor Delaney, seconded by Councillor Ironside moved:-

“to refuse the application on the grounds that:-

- (a) there would be the possibility of undue public nuisance; and
- (b) the applicant was considered not to be a fit and proper person to hold an HMO licence”

Councillor Blackman, seconded by Councillor Townson moved as an amendment:-

“that officers grant the application under delegated powers following the completion of the works”

On a division, there voted:- for the motion (2) – Councillors Delaney and Ironside; for the amendment (11) – the Convener; and Councillors Blackman, Cormie, Forsyth, Graham, Kiddie, MacGregor, Malik, McCaig, Reynolds and Townson.

The Committee resolved:-

to adopt the amendment, to defer consideration of the application until the works were completed, after which time officers could grant the application under delegated powers if appropriate.

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4. APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 3/004
Premises – 77 Rosehill Drive

The Committee had before it four letters of representation.

Ally Thain, Private Sector Housing Manager advised that works on the premises had still to be completed, although this was not the reason it was before the Committee today.

The Committee heard from three of the respondents.

The Committee then heard from the applicant Norman Crichton in support of the application.

The Committee resolved:-

to defer consideration of the application until the works were completed, after which time officers could grant the application under delegated powers if appropriate.

DECLARATION OF INTEREST

During the course of discussion for the following item of business, Councillor Townson declared a personal interest in the subject matter but chose not to withdraw from the meeting.

5. APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 3/005
Premises – 17 Westbank

The Committee had before it two letters of representation.

Ally Thain, Private Sector Housing Manager advised that works on the premises had still to be completed, although this was not the reason it was before the Committee today.

The Committee heard from one of the respondents.

The Committee then heard from the applicant Craig Durward and David Souden of Parkhill Properties in support of the application.

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The Committee resolved:-

to defer consideration of the application until the works were completed, after which time officers could grant the application under delegated powers if appropriate.

6. APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 3/006
Premises – 55 Sunnyside Road

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

7. APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 3/007
Premises – 35 Kings Crescent

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

8. APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 3/008
Premises – 191 Broomhill Road

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

9. APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 3/009
Premises – 119 Craigievar Crescent

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

10. APPLICATION FOR THE GRANT OF A THEATRE LICENCE
Application Reference Number – 3/010
Premises – Aberdeen City Council – Old Torry Community Centre

The Committee were advised that works on the premises were still to be completed.

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The Committee resolved:-

to defer consideration of the application until the works were completed, after which time officers could grant the application under delegated powers if appropriate.

11. APPLICATION FOR THE RENEWAL OF A STREET TRADER (ICE CREAM) LICENCE – DEREK FORBES

Application Reference Number – 3/011

Site – Zones 1 & 4

Days/Times – Seven Days, 10:00 to 22:00

The Committee had before it a letter dated 15th May 2012 from Derek and Gillian Forbes which sought the Committee's approval to waive condition 21 applicable to a Street Trader's Licence. Condition 21 being as follows:- "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) metre radius of the outer boundary 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 Gillian Forbes speak on behalf of the applicant Derek Forbes in support of the application and referred to the content of the letter.

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 TRADER (ICE CREAM) LICENCE – GILLIAN FORBES

Application Reference Number – 3/012

Site – Zones 1 & 4

Days/Times – Seven Days, 10:00 to 22:00

The Committee had before it a letter dated 15th May 2012 from Derek and Gillian Forbes which sought the Committee's approval to waive condition 21 applicable to a Street Trader's Licence. Condition 21 being as follows:- "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

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food and/or drinks within a four hundred (400) metre radius of the outer boundary 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 the applicant speak in support of her application and referred to the content of the letter.

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.

13. APPLICATION FOR THE GRANT OF A STREET TRADER (HOT FOOD) LICENCE – JAIMEEK BHALANI

Application Reference Number – 3/013

Site – Paving between Union Square and Guild Street at foot of steps leading to pedestrian crossing on Guild Street outside Station Hotel

Days/Times – Seven Days, 07:00 to 19:00

The Committee were advised that the applicant did not have a certificate of compliance from the food authority.

Andrew Gilchrist, Principal Environmental Health Officer, advised that it had not been possible to issue a certificate of compliance as the applicant had not yet acquired a vehicle for them to inspect.

Louise Trayner, Asset Management and Operations (Roads), advised of their concerns regarding the potential location of the applicant’s vehicle with regard to public safety.

The Committee heard the applicant in support of his application.

The Committee resolved:-

to refuse the application.

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14. **APPLICATION FOR THE GRANT OF A STREET TRADER (HOT FOOD) LICENCE – SEAN MURPHY TRADING AS S&A CATERING SERVICES**
Application Reference Number – 3/014
Site – North side 180m east of the King Street/Esplanade Junction
Days/Times – Seven Days, 07:00 to 16:00

The Committee were advised that the application before it was for a new location.

The applicant was in attendance at the meeting.

The Committee resolved:-

to grant the application.

15. **APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE – NEIL ROBERTSON**
Application Reference Number – 3/015

The Committee heard from Sergeant Keith Middler, Grampian Police, on behalf of the Chief Constable who indicated that the applicant failed to attend his appointment for the Street Knowledge Test.

The applicant was not in attendance at the meeting.

The Committee resolved:-

to refuse the application

16. **APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE – PAUL WHYTE**
Application Reference Number – 3/016

The Committee heard from Sergeant Keith Middler, Grampian Police, on behalf of the Chief Constable who indicated that the applicant failed to attend his appointments for the Street Knowledge Test.

The applicant was not in attendance at the meeting.

The Committee resolved:-

to refuse the application.

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APPENDIX B

1. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE
Application Reference Number – 6/001

The Committee heard from Paul Connolly, Solicitor, Litigation and Licensing who provided background information relating to the applicant.

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

The Committee resolved:-

to grant the application with the condition that the applicant attends a medical assessment every 12 months.

2. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE
Application Reference Number – 6/002

The applicant was not in attendance at the meeting.

The Committee had before it a letter of objection dated 5 June, 2012 from the Chief Constable, Grampian Police and heard Sergeant Keith Middler speak in its support.

The Committee resolved:-

to refuse the application.

3. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE
Application Reference Number – 6/003

The applicant was not in attendance at the meeting.

The Committee had before it a letter of objection dated 18 June, 2012 from the Chief Constable, Grampian Police and heard Sergeant Keith Middler speak in its support.

The Committee resolved:-

to refuse the application.

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4. APPLICATION FOR THE GRANT OF A STREET TRADER (HOT FOOD) LICENCE

Application Reference Number – 6/004

The applicant was not in attendance at the meeting.

The Committee had before it a letter of objection dated 18 May, 2012 from the Chief Constable, Grampian Police and heard Sergeant Keith Middler speak, on behalf of the General Enquiries Department, in its support.

The Committee resolved:-
to refuse the application.