

Public Document Pack



To: Councillor Boulton, Convener; and Councillors Blackman, Corall, Cormie, Forsyth, Grant, Graham, Len Ironside CBE, Kiddie, MacGregor, Malik, Malone, Nathan Morrison, Reynolds and Townson.

Town House,
ABERDEEN 24th August 2012

LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in Council Chamber - Town House on **TUESDAY, 4 SEPTEMBER 2012 at 10.00 am.**

JANE G MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

BUSINESS

1 EXEMPT BUSINESS

1.1 Determination of Exempt Business

2 MINUTES AND INFORMAL BUSINESS

2.1 Minute of Previous Meeting of 6 June 2012 (Pages 5 - 24)

2.2 Minute of Meeting of the Sports Ground Advisory Working Group of 30 May 2012 (Pages 25 - 26)

2.3 Informal Business Statement (Pages 27 - 28)

3 Application for Grant, Renewal or Variation of Licences - List of Applications (Pages 29 - 30)

- 3.1 Application for a Licence for a House in Multiple Occupation - 103 Bannermill Place (Pages 31 - 36)
- 3.2 Application for a Licence for a House in Multiple Occupation - 185 Links Road (Pages 37 - 42)
- 3.3 Application for a Licence for a House in Multiple Occupation - 49 Bedford Place (Pages 43 - 50)
- 3.4 Application for a Licence for a House in Multiple Occupation - 77 Rosehill Drive (Pages 51 - 60)
- 3.5 Application for a Licence for a House in Multiple Occupation - 17 Westbank (Pages 61 - 72)
- 3.6 Application for a Licence for a House in Multiple Occupation - 55 Sunnyside Road (Pages 73 - 76)
- 3.7 Application for a Licence for a House in Multiple Occupation - 35 Kings Crescent (First Floor Flat) (Pages 77 - 80)
- 3.8 Application for a Licence for a House in Multiple Occupation - 191 Broomhill Road (Pages 81 - 84)
- 3.9 Application for a Licence for a House in Multiple Occupation - 119 Craigievar Crescent (Pages 85 - 88)
- 3.10 Application for the Grant of a Theatre Licence - Old Torry Community Centre - Aberdeen City Council
- 3.11 Application for the Renewal of a Street Trader (Ice Cream) Licence - Derek Forbes (Pages 89 - 90)
- 3.12 Application for the Renewal of a Street Trader (Ice Cream) Licence - Gillian Forbes (Pages 91 - 92)
- 3.13 Application for the Grant of a Street Trader (Hot Food) Licence - Jaimeek Bhalani (Pages 93 - 98)
- 3.14 Application for the Grant of a Street Trader (Hot Food) Licence - Sean Murphy T/A S&A Catering Services (Pages 99 - 100)
- 3.15 Application for the Grant of a Taxi Driver Licence - Neil Robertson (Pages 101 - 102)

3.16 Application for the Grant of a Taxi Driver Licence - Paul Whyte (Pages 103 - 104)

4 REPORTS

4.1 Taxi Consultation Group - CG/12/083 (Pages 105 - 110)

5 Committee Business Statement

5.1 Committee Business Statement (Pages 111 - 112)

6 Application for Grant, Renewal or Variation of Licences - List of Applications to be Heard in Private

6.1 Application for the Renewal of a Taxi Driver Licence (Information is Data Protected)

6.2 Application for the Grant of a Taxi Driver Licence

6.3 Application for the Grant of a Taxi Driver Licence

6.4 Application for the Grant of a Street Trader (Hot Food) Licence

Website: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Mark Masson, tel. 52(2989) or e-mail mmasson@aberdeencity.gov.uk

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[REDACTED]
[REDACTED]
[REDACTED]
T: [REDACTED]

Attention: Bill Gordon Esq.
Administrative Assistant
Licensing Team
Legal & Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College
Aberdeen
AB10 1AQ

15/05/2012

Dear Bill

Appeal against Distance from Secondary Schools Trading – Hazlehead Academy

We would like to formally appeal against the decision to allow us to trade 400 yards from the above named school.

We would like to appeal as we believe the trader outside St Machar Academy has obtained a licence to trade directly outside the aforementioned school. We do not see how the law can apply in one situation but yet in our own situation we have previously been advised that trading outside the school would be breaking the law. We would be very grateful if you could advise us as to why this is the situation.

We were advised in the letter that we received last year at renewal of our license that as of April 2011, we must not be closer than 400 yards from the school. From day one of this new law, we have adhered to the regulations as set out by your office, although we believe that we were the only ones to adhere to the new rules. We have been at Hazlehead Academy for over 5 years. If a problem as ever arisen, we have been very quick to ensure that we put a solution in place to avoid any problems. So we have been compliant in every way possible to the regulations and of what we have ever been required to do, by both the Board and the School whilst providing a convenient service for the children.

We have not had any explanation as to this new change in the law, even though this is causing us to lose our loyal customers and have a detrimental effect on our income. We aim like every good citizen to earn an honest living to provide for our family. We currently care and provide for our two grandchildren who live with us. We just want the same opportunity as we have had for the last 5 years in continuing to provide for our family and a convenient service to the children at Hazlehead.

We look forward to your response regards this matter and what we feel are the important points we have raised. If there are any underlying reasons that we are not aware for this change then we are very happy to address any situation that would rectify any underlying concerns.

We trust that you find this in order and thank you for your time in considering our request.

Kind Regards
Yours sincerely

DEREK & GILL FORBES
Gills Ices

[REDACTED]
[REDACTED]
[REDACTED]
T: [REDACTED]

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We trust that you find this in order and thank you for your time in considering our request.

Kind Regards
Yours sincerely

DEREK & GILL FORBES
Gills Ices

From: Licensing
To: Jacqui Wallace
Date: 14/08/2012 09:37
Subject: Fwd: FAO: Jacqui Wallace

Licensing
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Any internal legal advice provided herein is for the Client Service only. Written permission must be sought from the author prior to any disclosure to an external organisation or third party

>>> Jaimeek Bhalani <jaimeek.bhalani@googlemail.com> 10/08/2012 10:06 >>>

Dear Jacqui Wallace,

REF: 9/50/11 (b)- jw/2338let

I have been in touch with Union Square Shopping mall and they advised me that land belongs to them. I already submitted an email confirmation from managing agent acting on shopping mall's behalf along with application.

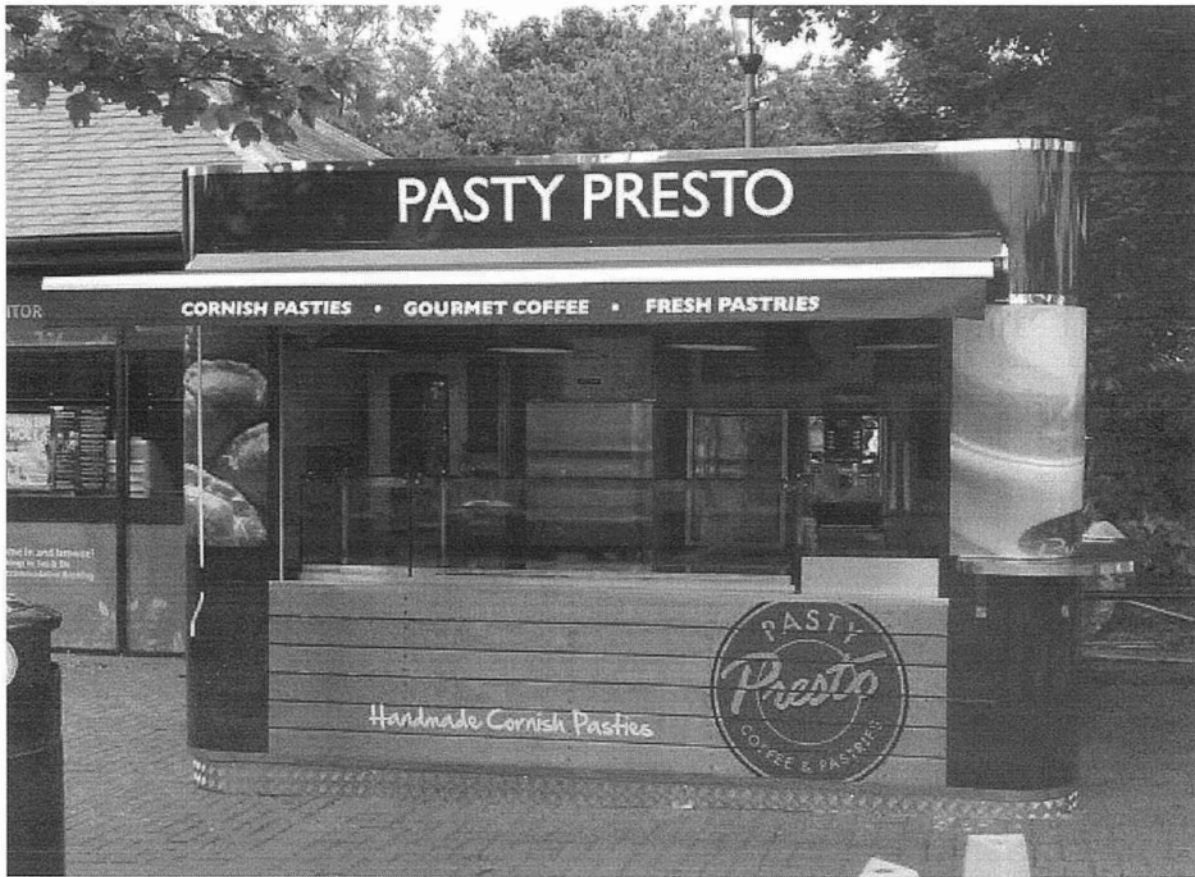
I have also applied for certificate of compliance to environmental services department after consulting with Mr Reymond Morrison. As I do not have Kiosk (have not purchased yet, As I don't have street trading license), he advised me that Environmental services Dept can only issue Certificate of Compliance in principle. Full certificate will be issued once I will have kiosk ready for inspection and then only i will be able to start trading.

Advise me, if you need more information.

Regards

Jaimeek Bhalani
07877677753

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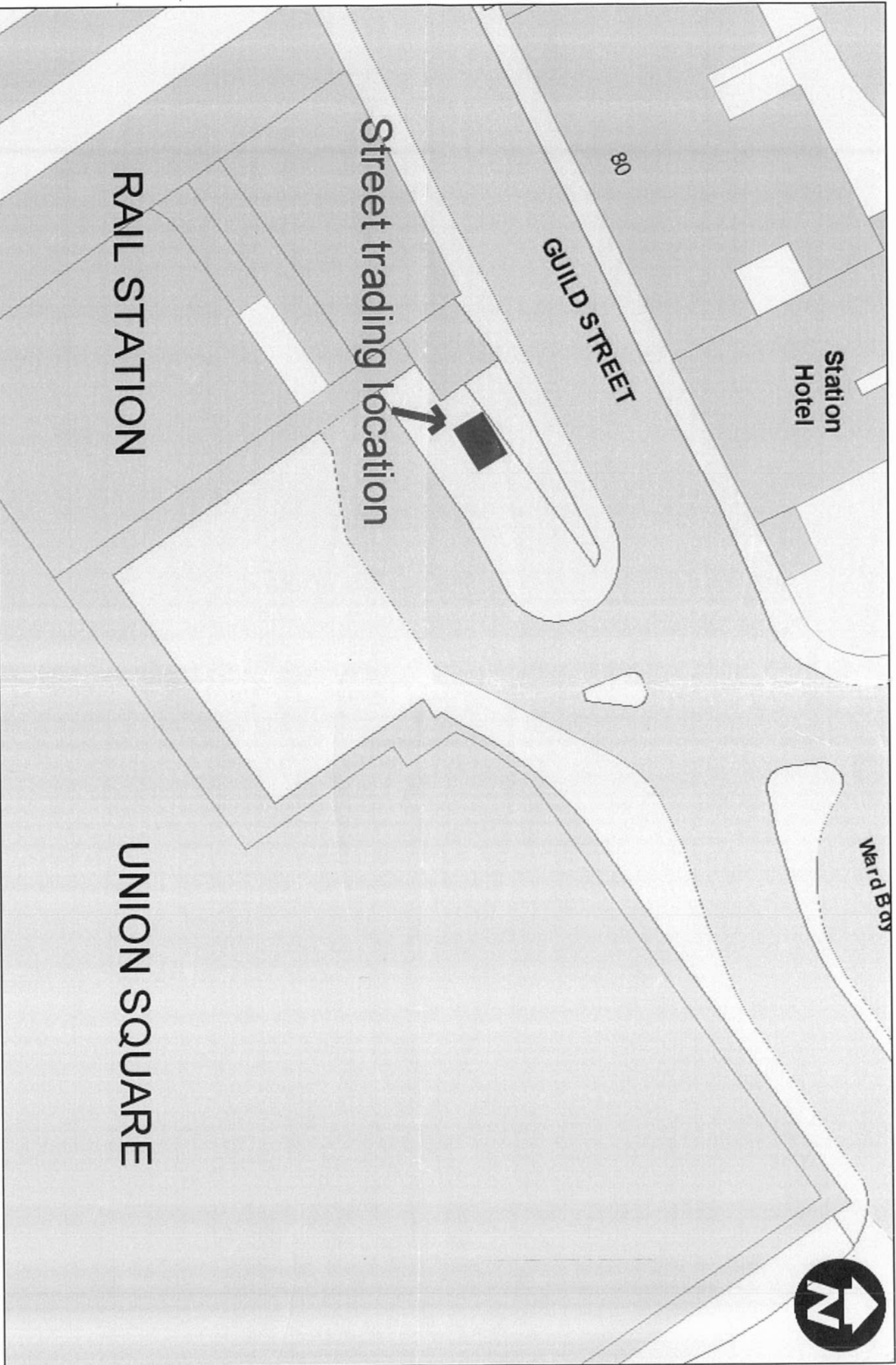


Size: 3m X 3m

ALL THE ABOVE UNITS INCLUDE THE FOLLOWING:-

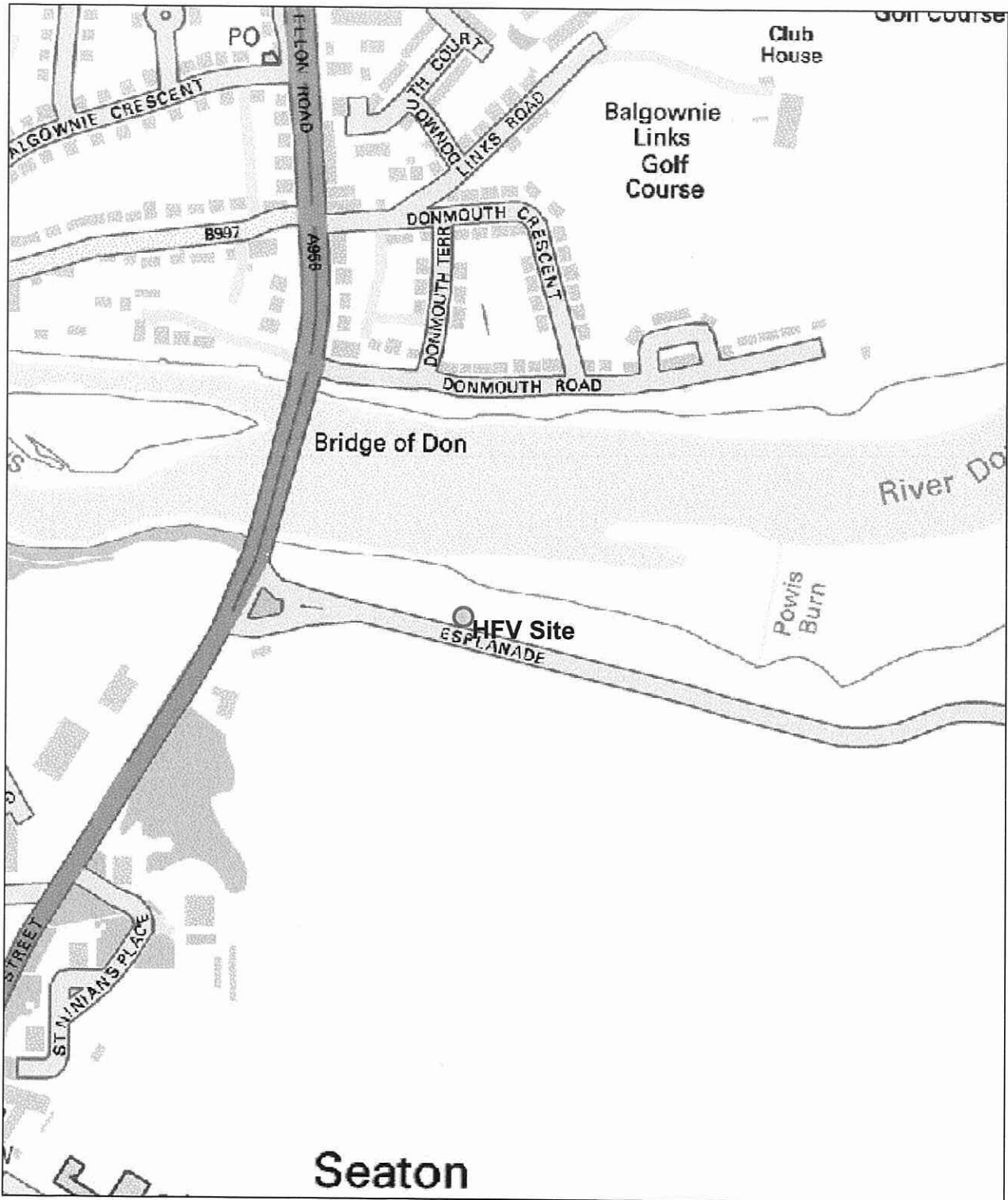
- Access Door
- Two full length high grade stainless steel counters
- Non – Slip Vinyl Flooring, Stainless steel sink
- Instant regulated hot water system including: Mixer taps, 230v Electrically operated water pump
- Fresh water container
- Waste water container & Fold away stainless steel counter extension.

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Roads Policing Department
Nelson Street
Aberdeen
AB24 5EQ



GRAMPIAN
P.O.L.I.C.E

Keeping our communities safe

Our Ref: RPD 40 - 2012/13
Your Ref:

Date: 1 August 2012



Tel: 01224 489300
Fax: 01224 491842
Keith.Middler@grampian.pnn.police.uk
www.grampian.police.uk

The Licensing Team
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College
Aberdeen
AB10 1AQ

FOR THE ATTENTION OF MR ERIC ANDERSON

Dear Mr Anderson

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – LICENSING OF TAXIS AND PRIVATE HIRE CARS AND DRIVERS – OBSERVATION TO THE GRANT OF TAXI DRIVER'S LICENCE – NEIL ROBERTSON

I refer to the above application which was lodged on 13 March 2012 and wish to bring to the Committee's notice the following circumstances concerning the application.

This application requires to be dealt with by 12 September 2012 to prevent it becoming a 'deemed grant'.

Mr Robertson was due to sit his street knowledge test on 26 June 2012 but he failed to attend. There has been no further contact from him.

This report is submitted to the Committee for any action they deem appropriate.

Yours faithfully,

Kevin Wallace
Roads Policing Inspector

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Roads Policing Department
Nelson Street
Aberdeen
AB24 5EQ



GRAMPIAN
P · O · L · I · C · E

Keeping our communities safe

Our Ref: RPD 39 - 2012/13
Your Ref:

Date: 1 August 2012



Tel: 01224 489300

Fax: 01224 491842

Keith.Middler@grampian.pnn.police.uk

www.grampian.police.uk

The Licensing Team
Legal and Democratic Services
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Aberdeen City Council
Business Hub 6 L1S
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AB10 1AQ

FOR THE ATTENTION OF MR ERIC ANDERSON

Dear Mr Anderson

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – LICENSING OF TAXIS AND PRIVATE HIRE CARS AND DRIVERS – OBSERVATION TO THE GRANT OF TAXI DRIVER'S LICENCE – PAUL WHYTE

I refer to the above application which was lodged on 16 March 2012 and wish to bring to the Committee's notice the following circumstances concerning the application.

This application requires to be dealt with by 15 September 2012 to prevent it becoming a 'deemed grant'.

Mr Whyte has been given dates to sit his street knowledge test but on each occasion he has cancelled them. He is not currently scheduled to attend to sit his test.

This report is submitted to the Committee for any action they deem appropriate.

Yours faithfully,

RP
Kevin Wallace
Roads Policing Inspector

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ABERDEEN CITY COUNCIL

COMMITTEE:	Licensing Committee
DATE:	4 September 2012
DIRECTOR:	Stewart Carruth
TITLE OF REPORT:	Taxi Consultation Group ("the TCG")
REPORT NUMBER:	CG/12/083

1. PURPOSE OF REPORT

The purpose of this report is to follow the Licensing Committee's recommendation that a review of the remit, governance and membership of the TCG be undertaken following the Scottish Local Government Elections in May 2012.

2. RECOMMENDATION(S)

That the Licensing Committee:

- (a) agree 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) approve the membership of the TCG as outlined in the appendix to the report; and
- (c) agree that the TCG meet three times a year and that the dates for these meetings be agreed by the Convener of the Group.

3. FINANCIAL IMPLICATIONS

- 3.1 If the Committee decides not to agree recommendation (c) above, and instead decide upon a greater number of meetings, there would be revenue implications resulting from increased costs associated with officer's workload as outlined in 5.3 of this report.

There are no capital implications for current and future years.

4. OTHER IMPLICATIONS

- 4.1 Meetings of the TCG require the attendance of a Solicitor from Legal Services to prepare various agenda items, to provide advice to elected members and to answer queries regarding taxi matters. An officer from

Committee Services is required to prepare agendas, attend meetings and produce minutes in keeping with the principles of the Council's Standing Orders and to provide advice thereon.

5. MAIN ISSUES

5.1 Remit

On 14 September 2011, the Licensing Committee agreed the TCG with the following remit:-

“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.

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” include all matters relevant to the taxi trade in Aberdeen that are within the remit of the Licensing Committee.”

The Committee agreed the above following a deputation (at the meeting on 14 September 2012) from the Aberdeen Taxi Group. The Committee agreed to increase the membership by permitting two representatives of licensed taxi booking offices.

Representatives of Unite the Union thereafter alleged that it was unfair that the licensed booking offices had two members whilst other taxi representative groups only have one member. They therefore requested an additional representative for Unite the Union.

It is therefore recommended in the interests of fairness and balance that the taxi representative groups are permitted only one representative each.

This is also consistent with the aim to have a smaller group to facilitate focused discussion at meetings.

5.2 Membership

Under paragraph 30(2) of the Council's Standing Orders, the Licensing Committee has the power to appoint Consultative Groups without delegated powers consisting of its own members and such other persons as it thinks fit.

Accordingly it is proposed that the membership of the TCG be as outlined in the appendix to this report and that each representative group shall be written to requesting that they confirm in writing its nominee. Taxi trade membership of the TCG would be for a fixed period of three years, after which time, correspondence seeking a further fixed term representation will be issued to all current taxi trade groups.

Changes to the nominated representative should be notified to the Clerk in writing.

It is also proposed that a member of the TCG would be entitled to nominate in advance of the meeting a substitute member to attend meetings only in the event that he/she was unable to attend.

The intention is to write to the approved membership of the Group ten days in advance of each meeting seeking items for the agenda.

It is also proposed that the meeting dates for 2012/13 will be arranged with the agreement of the Convener.

5.3 Frequency of Meetings

The TCG used to meet four times a year. As these meetings had a significant impact on the workload of officers they were reduced to 3 meetings per year by the Committee at its meeting on 14 September 2011. Whilst it is recommended that the number of meetings remain at 3, it should be noted that the same matters are often raised by the taxi representatives at the TCG meetings and then again by deputation at the main Licensing Committee meetings. It is anticipated that the taxi representatives shall continue to submit deputations to the Licensing Committee on important matters.

5.4 Consultation with Trade Members of the Group

The current membership of the TCG was consulted on 31 July 2012 using the email list set up for the purpose of such consultation exercises, as follows:

“Dear Taxi Representatives,

Please find attached a draft report on the remit, governance and membership of the Taxi Consultation Group. It will be considered at the next meeting of the Licensing Committee on 4 September 2012.

You will note that the terms of the report generally reflect what was agreed by the Committee at its meeting of 14 September 2011 with the exception that it is proposed that the taxi representative groups (including Licensed Taxi Offices) provide only one member each.

Please provide any comments you wish to make regarding this report by Tuesday 14 August 2012.

It would be of assistance if you provide an update as to the number of members of the trade you represent.”

One response was received from Unite the Union by email on 10 August 2012, as follows:

“We have had a Union Taxi Drivers Reps mtg and our view is that there are some groups listed that may not be meeting on a regular basis and we wonder if they have given ACC evidence in the past consultation exercise of how they operate their democratic governance

1/ Taxi Badge Holders Assoc

2/ Independent Drivers Group (please note that in the UNITE survey of drivers last Xmas only a handful of taxi drivers were interested in representing themselves so they are not really a group as such)

3/ ATG - is this not predominately made up of the Licensing Taxi Offices thus raising the question if there is duplication of representation between these two identified groups

In respect of any groups/associations that the council finally determines should be on the TCG then we feel that there should be two delegates from each group/association

Finally can we have a date for the next TCG as we have quite a few matters we wish to discuss with others in the Trade and the Councillors and Council Officers.”

6. IMPACT

Establishing a TCG ensures dialogue and consultation with the taxi trade. This enables the Council to bring issues of relevance to the fore and allow discussion in a more informal way.

The inclusion of a representative of the Disability Advisory Group assists the TCG in considering disabled taxi passengers’ requirements.

There is no particular interest for the public in the work of this Group as it has no delegated powers from the parent Committee, although as potential passengers, the public may be interested in some issues which may be referred from this Group to the Committee.

7. BACKGROUND PAPERS

None.

8. REPORT AUTHOR DETAILS

Eric Anderson,
Senior Solicitor
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Paul Connolly,
Solicitor
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01224 522357

Appendix 1

MEMBERSHIP OF THE TAXI CONSULTATION GROUP

Group/Organisation etc	Name of Representative	Representing (Approx. no. of members)
<u>5 Elected Members</u> (plus one representative of each of the following)	Boulton (Conv.) and Cllrs. Forsyth, MacGregor, Malone and Nathan Morrison	N/A
Aberdeen Airport Drivers	TBC	
Taxi Badge Holders' Association	TBC	
Independent Drivers	TBC	
Unite Union	TBC	
Aberdeen Rail Taxi Drivers' Association	TBC	
Aberdeen Taxi Group	TBC	
Disability Advisory Group	TBC	
Licensing Taxi Offices	TBC	