

LICENSING COMMITTEE

ABERDEEN, 26 March 2013. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Boulton, Convener; and Councillors Blackman, Corall, Cormie, Forsyth, Ironside CBE, Kiddie, MacGregor, Malik, Malone, 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=2569&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 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:- 5.1 to 5.2 so as to avoid disclosure of exempt information of the class described in paragraph 14 of Schedule 7(A) to the Act (Items 1 and 2 of Appendix B to this minute refers).

ORDER OF AGENDA

2. The Convener proposed that item 2.7 (Notification of a Proposed Procession – Aberdeen Students' Charities Campaign) be considered as the first item on the agenda under the heading Applications for Licences/ Notification of Procession.

The Committee resolved:-

to agree to the proposal.

MINUTE OF PREVIOUS MEETING OF 29 JANUARY 2013

3. The Committee had before it the minute of its previous meeting of 29 January, 2013.

The Committee resolved:-

to approve the minute.

MINUTE OF MEETING OF THE TAXI CONSULTATION GROUP OF 4 MARCH 2013

4. The Committee had before it the minute of meeting of the Taxi Consultation Group of 4 March, 2013.

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The Committee resolved:-

- (i) to agree to the recommendation by the Taxi Consultation Group to instruct a report on the issue of roof signs for consideration at a future Licensing Committee and to a moratorium on the specific operation of illuminated roof signs until after consideration of the aforesaid report; and
- (ii) to otherwise note the minute.

APPLICATIONS FOR LICENCES / NOTIFICATION OF PROCESSION - 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.

LICENCE APPLICATION FEES: APRIL 2013 TO MARCH 2014 - CG/13/035

6. With reference to article 2 of the minute of the meeting of 27 March 2012, the Committee had before it a report by the Director of Corporate Governance which presented the proposed level of application fees for licences administered under the Civic Government (Scotland) Act 1982, and other miscellaneous statutes, with a recommendation that the fees come into effect on 1 April 2013.

The report recommended:-

that the Committee –

- (a) approves the fees set out in Appendices 1 and 2B of the report; and
- (b) agrees that all other existing fees remain at the current level.

The Committee resolved:-

to approve the recommendations.

VARIATION OF TAXI AND PRIVATE HIRE DRIVERS LICENCE CONDITIONS - STATUTORY UPDATES IN RESPECT OF MEDICAL EXEMPTIONS - CG/13/034

7. With reference to article 7 of the minute of the previous meeting of 29 January 2013, the Committee had before it a report by the Director of Corporate Governance, which sought ratification to (1) the Conditions Applicable to Taxi Drivers' Licences (attached as appendix 1 to the report); and (2) the Conditions Applicable to Private Hire Car Drivers' Licences (attached as appendix 2 to the report).

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The report recommended:-

that the Committee –

- (a) ratify the proposed amendments to the conditions;
- (b) instruct officers to complete the statutory variation procedures; and
- (c) instruct officers to confirm the legal requirements and procedures for exemptions when issuing the updated conditions to licence holders.

The Committee resolved:-

to approve the recommendations.

COMMITTEE BUSINESS STATEMENT

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

The Committee resolved:-

- (i) to suspend Standing Order 22(1) to enable it to agree to receive a report sooner (on 17 September 2013) in relation to the process to review the Taxi Licence Limit (item 4); and
- (ii) to remove item 5 (Variation of Taxi and Private Hire Drivers' Licence Conditions - Statutory Updates in Respect of Medical Exemptions 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

9. 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. NOTIFICATION OF A PROPOSED PROCESSION – ABERDEEN STUDENTS' CHARITIES CAMPAIGN

The Committee had before it (1) a notification of public procession from Adam Khan, on behalf of Aberdeen Students Charities Campaign; (2) a risk assessment form in that regard, completed by the organiser; (3) a response from Grampian Police in relation to the notification; (4) a response from the Council's City Events team in relation to the notification; and (5) a response from Rosemount and Mile-End Community Council in relation to the notification.

Within the notification, it was proposed that the collection for charitable causes event would be held on 27 April 2013, at 7.30pm commencing from Schoolhill to King Street.

The Committee heard Eric Anderson, Senior Solicitor, Litigation and Licensing advise that Grampian Police had submitted a number of recommendations which had been agreed by the organiser, including an earlier start (6.30pm), with the exception of the route of the procession.

The Committee heard from Sergeant David Paterson, Grampian Police, in support of the recommendation for a shorter procession route starting at Queens Cross on the basis of an overarching concern for public safety, public order and to minimise disruption to the community.

The Committee then heard from Mhari McIntyre and Bryan Snelling, Aberdeen University, Charity Event Organisers in support of the traditional route for the public procession.

The Committee also heard from Colin Thompson, Roads service.

The Committee resolved:-

- (i) to allow the public procession to proceed along the traditional route as set out in the notification commencing at 18.30 hours; and
- (ii) to make an Order imposing the conditions which had been proposed by the police and agreed to by the organiser.

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2. **APPLICATION FOR THE RENEWAL OF AN INDOOR SPORTS ENTERTAINMENT LICENCE**
Application Reference Number – 2/001
Premises – Aberdeen Sports Village Ltd

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

3. **APPLICATION FOR THE RENEWAL OF A PUBLIC ENTERTAINMENT LICENCE**
Application Reference Number – 2/002
Premises – Aberdeen Sports Village Ltd

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

4. **APPLICATION FOR THE RENEWAL OF A SEX SHOP LICENCE**
Application Reference Number – 2/003
Premises – Pluspath Ltd, QT, 517 George Street, Aberdeen

The Committee heard from Eric Anderson, Senior Solicitor, Litigation and Licensing who advised that a letter of objection dated 13 February 2013, had been received.

The objector was not present at the meeting.

The Committee resolved:-
to grant the application.

5. **APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE**
Application Reference Number – 2/004
Premises – 11A Rose Street, Aberdeen
Days/Times – Sundays to Thursdays 23:00 to 03:00
Fridays and Saturdays 23:00 to 04:00
Local Holiday Mondays 23:00 to 04:00

The Committee heard from Eric Anderson, Senior Solicitor, Litigation and Licensing who advised that a letter of objection dated 18 February 2013, and signed by a number of objectors had been received.

There was no one present to speak in support of the letter of objection.

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

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The Committee resolved:-
to grant

the

application.

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6. **APPLICATION FOR THE GRANT OF A STREET TRADER (GENERAL) LICENCE – BARBER BUS LIMITED**
Application Reference Number – 2/005
Sites – All Areas Except Zone 9

The Committee heard from the applicants in support of their application.

The Committee resolved:-
to grant the application.

7. **APPLICATION FOR THE TEMPORARY GRANT OF A PRIVATE HIRE CAR LICENCE – CHRISTOPHER WINPENNY, ABERDEEN CAB COMPANY**
Application Reference Number – 2/006

The Committee had before it one letter of observation dated 22nd January 2013, from Grampian Police and heard Sergeant Keith Middler, Grampian Police speak in furtherance of it.

The applicant was not present at the meeting.

The Committee resolved:-
to grant the application.

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APPENDIX B

1. APPLICATION FOR THE GRANT OF A STREET TRADER (EMPLOYEE) LICENCE

Application Reference Number – 5/001

The Committee had before it a letter of representation, dated 14 February 2013, from the Chief Constable, Grampian Police.

As a preliminary point, the Committee heard Sergeant Barry Skinner, on behalf of the Chief Constable, seek the Committee's approval to admit details of the applicant's spent convictions on the basis that justice could not be done except by the Committee admitting or requiring evidence to those convictions.

The applicant indicated that he had no objection to the details of the spent convictions being admitted and therefore the Committee agreed to accept them for consideration.

The Committee heard Sergeant Skinner speak in support of the letter and thereafter heard the applicant speak in support of his application.

Councillor Kiddie, seconded by Councillor Malone, moved:-
that the application be granted for its full duration (twelve months).

Councillor Townson, seconded by Councillor Ironside CBE moved as an amendment:-

that the application be refused on the grounds that the applicant is not a fit and proper person to be the holder of the licence.

Councillor Blackman, seconded by Councillor Forsyth moved a further amendment:-

that the application be granted for a six month period.

In terms of Standing Order 12(9) a division between the two amendments was taken.

On a division, there voted:- for Councillor Townson's amendment (5) – the Convener and Councillors Ironside CBE, Malik, Reynolds and Townson; for Councillor Blackman's amendment (8) – Councillors Blackman, Corall, Cormie, Forsyth, Kiddie, MacGregor, Malone and Nathan Morrison.

On a division, there voted:- for the motion (5) – Councillors Corall, Cormie, Kiddie, Malone and Nathan Morrison; for the amendment by Councillor Blackman (5) – the Convener and Councillors Blackman, Forsyth, MacGregor and Malik; declined to vote (3) – Councillors Ironside CBE, Reynolds and Townson.

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There being an equality of votes between the motion and amendment, the Convener exercised her casting vote in favour of Councillor Blackman's amendment.

The Committee resolved:-

to adopt the amendment by Councillor Blackman to grant the application for a six month period.

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2. APPLICATION FOR THE RENEWAL OF A BOOKING OFFICE LICENCE
Application Reference Number – 5/002

The Committee had before it a letter of representation, dated 31 January, 2013 from the Chief Constable, Grampian Police and heard Sergeant Keith Middler speak in its support.

The Committee heard from Graham Murray, Solicitor, on behalf of the applicant.

Councillor Townson, seconded by Councillor Cormie moved:-
that the application be granted.

Councillor Blackman, seconded by Councillor Forsyth moved as an amendment:-
that the application be granted for a six month period.

On a division, there voted:- for the motion (3) – Councillors Corall, Cormie and Townson; for the amendment (9) – the Convener and Councillors Blackman, Forsyth, Ironside CBE, Kiddie, MacGregor, Malik, Malone and Nathan Morrison.

The Committee resolved:-

to adopt the amendment to grant the application for a six month period.