

LICENSING COMMITTEE

ABERDEEN, 18 June 2013. Minute of Meeting of the LICENSING COMMITTEE.
Present:- Councillor Forsyth, Convener; and Councillors Blackman, Boulton, Corall, Cormie, Graham, Grant, Kiddie, Malik, Malone, Jean Morrison MBE (as substitute for Councillor Ironside CBE), 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&MIId=2814&Ver=4>

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

MINUTE OF PREVIOUS MEETING OF 15 MAY 2013

1. The Committee had before it the minute of its previous meeting of 15 May 2013.

The Committee resolved:-
to approve the minute.

MINUTE OF MEETING OF EVIDENTIAL HEARING SUB-COMMITTEE OF 28 MAY 2013

2. The Committee had before it the minute of meeting of the Evidential Hearing Sub-Committee of 28 May, 2013.

The Committee resolved:-
to note the minute.

MINUTE OF MEETING OF TAXI CONSULTATION GROUP OF 4 JUNE 2013

3. The Committee had before it the minute of meeting of the Taxi Consultation Group of 4 June 2013.

The Committee resolved:-

- (i) to note that officers were contacting the Equalities and Human Rights Commission in relation to the refusal by some Taxi Drivers to carry assistance dogs and that a response would be circulated to all elected members; and
- (ii) to otherwise note the minute.

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INFORMAL BUSINESS STATEMENT

4. The Committee had before it details of the business dealt with by the Informal Business Panel since 15 May 2013.

The Committee resolved:-

to note the informal business.

NOTIFICATION OF PUBLIC PROCESSION - ABERDEEN CITY COUNCIL ARMED FORCES DAY - 29 JUNE 2013

5. The Committee had before it (1) a notification of public procession from Kenny Luke, on behalf of City Events Team, Aberdeen City Council; (2) a risk assessment form in that regard, completed by the organiser; and (3) a response from Police Scotland in relation to the notification.

Within the notification, it was proposed that the event to honour and celebrate the work of the UK Armed Forces and those who support them would be held on 29 June 2013, at 11.00am commencing from Albyn Place to Castlegate.

The Committee heard Eric Anderson, Senior Solicitor, Litigation and Licensing advise that Police Scotland had submitted a number of recommendations which had been agreed by the organiser.

The Committee then heard from Daniel Parrott, Senior Events Officer, Aberdeen City Council in support of the notification for the public procession.

The Committee heard from Inspector David Paterson, Police Scotland.

The Committee resolved:-

- (i) to allow the procession to proceed over the stated route and to make an Order imposing conditions on the holding of the procession; and
- (ii) to request that officers clearly mark future papers with the date when the request for a procession is received.

DECLARATION OF INTEREST

During consideration of the following item, Councillor Nathan Morrison declared a non-pecuniary interest by virtue of his membership of the Aberdeen Trades Union Congress (ATUC) as a University and College Union delegate and also as the auditor of ATUC. He left the meeting during consideration of the item and therefore took no part in its consideration.

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NOTIFICATION OF PUBLIC PROCESSION - SCOTTISH DEFENCE LEAGUE - 29 JUNE 2013

6. The Committee had before it (1) a notification of public procession from Graham Walker, on behalf of Scottish Defence League; (2) a risk assessment form in that regard, completed by the organiser; (3) a response from Police Scotland in relation to the notification; (4) correspondence from Kenny Luke, City Events Team, Aberdeen City Council outlining a number of concerns relating to the notification; (5) a letter of representation from Ferryhill and Ruthrieston Community Council in relation to the notification; (6) correspondence from Colin Thomson, Roadworks Coordination, Aberdeen City Council in relation to the notification; (7) a letter of representation from Brian Carroll, President of Aberdeen Trades Union Council in relation to the notification; and (8) a letter of representation from Mike McConnell, University and College Union.

Within the notification, it was proposed that the procession would be held on 29 June 2013, at 2.00pm commencing from Crown Street to St Johns Place.

The organiser was not in attendance.

The Committee heard Eric Anderson, Senior Solicitor, Litigation and Licensing advise that a further letter of representation had been received only the day before the meeting, however attempts to contact the individual proved unsuccessful. The Committee agreed not to accept the letter of representation for consideration on the basis that the organiser had not had the opportunity of seeing it.

The Committee then heard from Daniel Parrott, Senior Events Officer, Aberdeen City Council who indicated that he had attempted to meet with the organiser on three occasions to discuss the issues and concerns in relation to the proposed public procession, although the organiser did not or could not attend any of them.

The Committee heard from Inspector David Paterson, Police Scotland who raised, various concerns regarding public safety, public disorder and/or disruption to life in the community. He also made reference to the lack of engagement with the organiser to discuss the issues of concern and the excessive pressures which would be placed on police resources if the event were to take place.

The Committee resolved:-

- (i) to note that the organiser had failed to engage with Council officers and Police Scotland; and
- (ii) to issue an order prohibiting the holding of the procession on the grounds of public safety and excessive pressures which would be placed on police resources.

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MATTER OF URGENCY

The Convener intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following item of business be considered as a matter of urgency as the information required to be considered at this time.

NOTIFICATION OF PUBLIC PROCESSION - CITY OF GOD CHURCH - 30 JUNE 2013

7. The Committee had before it (1) correspondence from Pearl Ochei, on behalf of City of God Church Aberdeen; (2) a response by Jacqui Wallace, Administration Officer, Litigation and Licensing; (3) two notifications of public procession from Pearl Ochei on behalf of City of God Church; and (4) two risk assessment forms in that regard, completed by the organiser.

The Committee heard Eric Anderson, Senior Solicitor, Litigation and Licensing advise that there is a requirement to submit two notifications in respect of the two separate routes within the 28 day notice period. He indicated that only one risk assessment form had been completed and submitted to officers within the statutory time period, therefore the Committee must decide whether to waive the 28 day period of notice prior to officers processing with the consultation process.

The Committee resolved:-

to make an order dispensing with the 28 day period of notice and to instruct officers to proceed with the necessary consultation process.

APPLICATIONS FOR LICENCES

8. 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.

COMMITTEE BUSINESS STATEMENT

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

The Committee resolved:-

in relation to item 3 (Taxi Licensing and the Taxi Inspection Centre), that officers be given more time to prepare the report for submission to the Committee, and therefore

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instructed them to submit it for consideration on 19 November 2013.

EXEMPT INFORMATION

In accordance with the data protection act 1988 (principle 1), the press and public were excluded from the meeting during consideration of the following items.

APPLICATIONS FOR LICENCES

10. 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 FRASER FORSYTH, Convener.**

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APPENDIX A

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

Application Reference Number – 3/001

Premises - 2 Wallacebrae Road

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 respondent was not in attendance.

The applicant was not in attendance.

The Committee resolved:-

- (i) to defer consideration of the application until the next meeting of the Committee to allow the applicant to attend and address the Committee on the application; and
- (ii) that officers be instructed to send copies of all future letters of representation relating to HMO applications to Police Scotland.

2. APPLICATION FOR THE GRANT OF A HOUSE IN MULTIPLE OCCUPATION

Application Reference Number – 3/002

Premises – 11 Weaver Terrace

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 respondent was not in attendance.

The Committee heard from the applicant, Mr Luke Temple 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.

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3. **APPLICATION FOR THE GRANT OF A HOUSE IN MULTIPLE OCCUPATION**
Application Reference Number – 3/003
Premises – 9E Froghall Place

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

4. **APPLICATION FOR THE GRANT OF A HOUSE IN MULTIPLE OCCUPATION**
Application Reference Number – 3/004
Premises – 45 Elmfield Avenue

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

5. **APPLICATION FOR THE GRANT OF A HOUSE IN MULTIPLE OCCUPATION**
Application Reference Number – 3/005
Premises – 57 Hardgate

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

6. **APPLICATION FOR THE RENEWAL OF A HOUSE IN MULTIPLE OCCUPATION**
Application Reference Number – 3/006
Premises – 129 Hilton Avenue

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

7. **APPLICATION FOR THE RENEWAL OF A HOUSE IN MULTIPLE OCCUPATION**
Application Reference Number – 3/007
Premises – 5 Great Southern Road

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

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8. **APPLICATION FOR THE GRANT OF A HOUSE IN MULTIPLE OCCUPATION**
Application Reference Number – 3/008
Premises – 61F Powis Place

The Committee were advised that the application had been withdrawn.

9. **APPLICATION FOR THE GRANT OF A HOUSE IN MULTIPLE OCCUPATION**
Application Reference Number – 3/009
Premises – 115 Craigievar Crescent

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

10. **APPLICATION FOR THE GRANT OF A HOUSE IN MULTIPLE OCCUPATION**
Application Reference Number – 3/010
Premises – 22C Willowbank Road

The Committee were advised that the application had been withdrawn.

11. **APPLICATION FOR THE GRANT OF A HOUSE IN MULTIPLE OCCUPATION**
Application Reference Number – 3/011
Premises – 106 Garthdee Drive

Ally Thain, Private Sector Housing Manager, advised that works on the premises had still to be completed.

The Committee resolved:-
to refuse the application.

12. **APPLICATION FOR THE GRANT OF A HOUSE IN MULTIPLE OCCUPATION**
Application Reference Number – 3/012
Premises – 6 Back Hilton Road

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

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13. **APPLICATION FOR THE GRANT OF A HOUSE IN MULTIPLE OCCUPATION**
Application Reference Number – 3/013
Premises – 10 Back Hilton Road

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

14. **APPLICATION FOR THE RENEWAL OF A HOUSE IN MULTIPLE OCCUPATION**
Application Reference Number – 3/014
Premises – 32 Urquhart Road

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

15. **APPLICATION FOR THE RENEWAL OF A THEATRE LICENCE**
Application Reference Number – 3/015
Premises – Muirfield School

The Committee were advised that the application had been withdrawn.

16. **APPLICATION FOR THE GRANT OF A THEATRE LICENCE**
Application Reference Number – 3/016
Premises – Tullos Primary School

The Committee were advised that the application had been withdrawn.

17. **APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE**
Application Reference Number – 3/017
Premises – St Ninian's Scottish Episcopal Church

The Committee were advised that the application had been withdrawn.

18. **APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE – VALENTINE EKEH**
Application Reference Number – 3/018

The Committee had before it a letter dated 24 April 2013 from Police Scotland advising that the applicant required to sit his street knowledge test prior to 27 July 2013 to prevent the application becoming a deemed grant.

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The Committee heard from the applicant who requested that he be given an opportunity to sit the test and undertook to withdraw his application in the event that he failed to achieve a pass.

The Committee resolved:-

to defer consideration of the application to allow time for the applicant to make arrangements to sit the street knowledge test prior to 27 July, on the understanding that should the applicant fail to pass the test, his application would be treated as having been withdrawn.

19. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE – GRANT SMITH
Application Reference Number – 3/019

The Committee had before it a letter dated 24 April, 2013 from Police Scotland advising (a) that the applicant required to sit his street knowledge test prior to 11 August, 2013 to prevent the application becoming a deemed grant; and (b) that the applicant had cancelled a previous appointment to sit his test and failed to attend a rescheduled appointment.

The applicant was not in attendance.

The Committee resolved:-

to refuse the application.

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APPENDIX B**1. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE****Application Reference Number – 5/001**

The Committee had before it a letter of observation from Police Scotland dated 24 April, 2013 advising (a) that the applicant required to sit his street knowledge test prior to 7 August, 2013 to prevent the application becoming a deemed grant; and (b) that to date, the applicant had not made any arrangements to sit his test.

The Committee also had before it a medical assessment of the applicant from the Committee's nominated Occupational Health Service provider (Serco).

The Committee resolved:-

to refuse the application.

2. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE**Application Reference Number – 5/002**

The Committee had before it a letter of observation from Police Scotland dated 30 April, 2013 and heard Sergeant Barry Skinner speak in its support.

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

Councillor Boulton, seconded by Councillor Corall moved:-
to grant the application.

Councillor Blackman, seconded by Councillor Kiddie moved as an amendment:-
to refuse the application on the grounds that the applicant is not a fit and proper person to hold the licence.

On a division, there voted:- for the motion (9) – Councillors Boulton, Corall, Graham, Grant, Malik, Malone, Nathan Morrison, Reynolds and Townson; for the amendment (5) – the Convener and Councillors Blackman, Cormie, Kiddie and Jean Morrison CBE.

The Committee resolved:-

to adopt the motion to grant the application.