

LICENSING COMMITTEE

ABERDEEN, 19 November 2013. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Forsyth, Convener; and Councillors Boulton, Cameron (as substitute for Councillor Kiddie), Corall, Cormie, Delaney, Graham, Grant, MacGregor, Malone, Nathan Morrison (as substitute for Councillor Len Ironside CBE) and Townson.

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=2925&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.

REQUESTS FOR DEPUTATIONS

1. There were no requests for deputations submitted.

MINUTE OF PREVIOUS MEETING OF 17 SEPTEMBER 2013

2. The Committee had before it the minute of its previous meeting of 17 September, 2013.

The Committee resolved:-
to approve 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) in relation to article 2(B) (Access to Aberdeen Royal Infirmary), to note that officers in Enterprise, Planning and Infrastructure were liaising with Tommy Campbell, Unite the Union with regards to traffic enforcement issues at Aberdeen Royal Infirmary; and
- (ii) to otherwise note the minute.

LICENSING COMMITTEE

19 November 2013

INFORMAL BUSINESS STATEMENT

4. The Committee had before it details of the business dealt with by the Informal Business Panel since 14 September, 2013.

The Committee resolved:-

to note the informal business.

APPLICATIONS FOR LICENCES

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 FARE REVIEW - CG/13/036

6. With reference to article 13 of the minute of the previous meeting of 17 September, 2013 the Committee had before it a report by the Acting Director of Corporate Governance which provided information to allow the Committee to reach an informed decision on any changes to be made to the current taxi fare tariff.

The report recommended:-

that the Committee –

- (a) maintain the tariff and surcharges at their current level;
- (b) instruct officers to amend the fare card at surcharge 5 to reflect the holiday dates for 2014 and 2015; and
- (b) 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 will take effect.

The Committee resolved:-

to approve the recommendations.

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 note the statement of Committee Business.

LICENSING COMMITTEE

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 item.

APPLICATION FOR LICENCES

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 FRASER FORSYTH, Convener**

LICENSING COMMITTEE
19 November 2013

APPENDIX A

1. APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION

Application Reference Number – 2/001

Premises – 35 St Machar Drive

The Committee had before it one letter of representation.

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

The respondent was not in attendance.

The applicant spoke in support of the application.

The Committee resolved:-
to grant the application.

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

Application Reference Number – 2/002

Premises – 1A Orchard Place

Mr Ally Thain, Private Sector Housing Manager, advised that three letters of representation had been submitted by the same respondent, all outwith the statutory 21-day period during which such letters must be received. He further advised that the Committee may consider late representations if it was satisfied that it was reasonable for the respondent to make the representations after the deadline.

Mr Thain made reference to an email containing attachments which had been submitted by the respondent to all members of the Committee prior to the meeting and explained that if any member has read the email and its attachments and believes that they cannot make an impartial decision on whether or not to agree to consider the late letters of representation, then they must withdraw from considering the application. No members of the Committee withdrew from considering the application.

The Committee heard from the respondent who explained why the letters of representation should be considered today. The respondent also sought the Committee's approval to circulate photographs she had brought with her which showed the position of lampposts in the vicinity of the premises to which the application refers.

LICENSING COMMITTEE
19 November 2013

The applicant was not in attendance.

The Committee resolved:-

that the letters of representation and the photographs would be admitted to the proceedings for consideration.

The Committee further resolved:-

- (i) to defer consideration of the application to allow the applicant to attend and speak to the application; and
- (ii) that arrangements be made to convene an additional meeting of the Committee in approximately 14 days to consider the application.

3. APPLICATION FOR THE RENEWAL OF A MARKET OPERATOR LICENCE – SCORPION GB LTD
Application Reference Number – 2/003
Location – Castlegate
Days/Times – Fridays, Saturdays, Public Holidays, Christmas Eve and New Years Eve, 09.00 to 17.00

The Committee had before it a letter of representation.

Mr Connolly, Solicitor, Litigation and Licensing advised that a further letter of representation had been submitted, however it was received beyond the statutory time period within which such letters must be received. He further advised that the Committee may consider late representation if it was satisfied that it was reasonable for the respondent to make the representation after the deadline.

The Committee heard from the respondent who explained why the letter of representation should be considered today.

The Committee then heard from the applicant's agent, Mr Bukhsh who objected to the letter of representation being introduced to the proceedings on the basis that the letters were not submitted timeously.

The Committee resolved:-

that the letter of representation would be admitted to the proceedings for consideration.

The Committee heard from the two respondents in terms of the letters of representation.

The Committee then heard from Mr Bukhsh in support of the application.

LICENSING COMMITTEE

19 November 2013

The Committee further resolved:-

- (i) to defer consideration of the application until the meeting on 28 January 2014; and
- (ii) to request that Tom Moore, City Centre Manager, Enterprise, Planning and Infrastructure monitor the situation and current set-up of the Castlegate Market operated by Scorpion GB, Limited and to report his findings to the meeting in January 2014.

4. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE - ADIE'S**Application Reference Number – 2/004****Premises – 62-64 Bedford Road****Days/Times – 23.00 to 05.00 daily**

The Committee had before it a letter of observation dated 7 August, 2013 from the Chief Constable, Police Service of Scotland, Aberdeen City Division, and heard Sergeant Barry Skinner speak in its support.

The applicant was not in attendance.

Councillor Grant, seconded by Councillor Nathan Morrison moved:-

to refuse the application on the grounds that there would be an increase in noise nuisance and anti social behaviour.

Councillor Cameron, seconded by Councillor Corall moved as an amendment:-

to approve the application.

On a division, there voted:- for the motion (5) – Councillors Boulton, Delaney, Graham, Grant and Nathan Morrison; for the amendment (7) – the Convener and Councillors Cameron, Corall, Cormie, MacGregor, Malone and Townson.

The Committee resolved:-

to adopt the amendment to grant the application.

LICENSING COMMITTEE

19 November 2013

5. APPLICATION FOR THE VARIATION OF A LATE HOURS CATERING LICENCE – CHINA KINGDOM**Application Reference Number – 2/005****Premises – 12-16 Guild Street****Days/Times – Vary closing time from 02.00 to 04.00**

The Committee had before it a letter of objection dated 15 August, 2013 from the Chief Constable, Police Service of Scotland, Aberdeen City Division, and heard Sergeant Barry Skinner speak in its support.

The Committee heard from the applicant in support of his application and who had requested that a letter of support also be circulated to members for consideration. Sergeant Skinner had no objection to its circulation. The Committee agreed to circulate the letter.

It was suggested that the applicant may want to consider trading during the hours of 23.00 until 03.00 (Sunday to Thursday) and 23.00 to 04.00 (Friday and Saturday). The applicant advised that he would accept the aforementioned trading hours.

The Committee resolved:-

to grant the application subject to the trading hours being 23.00 until 03.00 (Sunday to Thursday) and 23.00 to 04.00 (Friday and Saturday).

6. APPLICATION FOR THE GRANT OF A STREET TRADER LICENCE – FENG LAN HUANG**Application Reference Number – 2/006****Location – Zone 9 (City Centre)****Days/Times – Fridays and Saturdays, 23.00 to 04.00**

The Committee were advised that the current guidelines do not permit street trading on Union Street or any pedestrianised area in the city centre unless a special case is made by the applicant as to why the guideline should not apply.

The applicant was not in attendance.

The Committee resolved:-

to refuse the application.

LICENSING COMMITTEE

19 November 2013

7. **APPLICATION FOR THE GRANT OF A STREET TRADER LICENCE – LINDA GILMOUR**
Application Reference Number – 2/007
Location – Denmore Road, Bridge of Don at football pitch car park
Days/Times – 07.00 to 19.00 daily

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

8. **APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE – MOUNIR BOUSSAG**
Application Reference Number – 2/008

The Committee were advised that the application had been withdrawn.

9. **APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE – FLORIN GEORGIAN MACHEDON**
Application Reference Number – 2/009

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

10. **APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE – ROY NORMAN BREMNER**
Application Reference Number – 2/010

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

11. **APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – DYCE CABS LTD**
Application Reference Number – 2/011

The Committee were advised that to date the applicant's vehicle had still not passed the taxi vehicle inspection and that the application requires to be determined by 30 November 2013.

The applicant was not in attendance.

The Committee resolved:-
to refuse the application.

LICENSING COMMITTEE

19 November 2013

12. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – DAVID ADAMS NELSON
Application Reference Number – 2/012

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

13. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – CITY WIDE TAXIS LTD
Application Reference Number – 2/013

The Committee were advised that to date the applicant's vehicle had still not passed the taxi vehicle inspection and that the application requires to be determined by 24 December 2013.

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

The Committee resolved:-

to defer consideration of the application and request that it be submitted to the Informal Business Panel for consideration.

14. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – MICHAEL LARKINS
Application Reference Number – 2/014

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

15. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – OLDMILL MOTORS
Application Reference Number – 2/015

The Committee were advised that to date the applicant's vehicle had still not passed the taxi vehicle inspection and that the application requires to be determined by 31 December 2013.

The Committee resolved:-

to defer consideration of the application and request that it be submitted to the Informal Business Panel for consideration.

LICENSING COMMITTEE

19 November 2013

**16. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR LICENCE –
PAUL WEST
Application Reference Number – 2/016**

The Committee were advised that the Licence had been surrendered by the applicant.

**17. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR LICENCE –
DIXON PACITTI
Application Reference Number – 2/017**

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

**18. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR LICENCE –
IAN SHEARER
Application Reference Number – 2/018**

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

LICENSING COMMITTEE
19 November 2013

APPENDIX B

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

The Committee were advised that the application had been withdrawn.

DECLARATION OF INTEREST

Councillor Nathan Morrison declared a personal interest in the subject matter of the following item of business by virtue of him knowing the applicant and chose to withdraw from the meeting during its consideration.

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

The Committee had before it a letter of objection from the Chief Constable of the Police Service of Scotland, Aberdeen City Division, dated 17 July, 2013 and heard Sergeant Barry Skinner speak in its support.

As a preliminary point, Sergeant Skinner sought the Committee's approval to introduce details of the applicant's spent convictions on the basis that justice could not be done except by admitting or requiring evidence relating to the spent convictions.

The applicant had no objection to the spent convictions being admitted to the proceedings.

The Committee resolved:-

to admit the spent convictions into the proceedings for consideration.

Thereafter, the Committee heard the applicant speak in support of the application.

The Committee further resolved:-

to refuse the application.

LICENSING COMMITTEE

19 November 2013

3. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE
Application Reference Number – 5/003

The Committee had before it a letter of representation from the Chief Constable of the Police Service of Scotland, Aberdeen City Division, dated 29 August, 2013 and heard Sergeant Barry Skinner speak in its support. Sergeant Skinner advised the Committee to disregard the information opposite the date 29/4/1993.

The Committee heard from the applicant in support of his application and who had requested that a letter of support also be circulated to members for consideration. Sergeant Skinner had no objection to its circulation. The Committee agreed to circulate the letter.

The Committee resolved:-

to grant the application.

4. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE
Application Reference Number – 5/004

The Committee had before it a letter of representation from the Chief Constable of the Police Service of Scotland, Aberdeen City Division, dated 13 September, 2013 and heard Sergeant Barry Skinner speak in its support.

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

The Committee resolved:-

to grant the application.

DECLARATION OF INTEREST

Councillor Townson declared a personal interest in the subject matter of the following item of business by virtue of him knowing the applicant and chose not to withdraw from the meeting during its consideration.

5. APPLICATION FOR THE GRANT OF TAXI DRIVER LICENCE
Application Reference Number – 5/005

The Committee had before it a letter of representation from the Chief Constable of the Police Service of Scotland, Aberdeen City Division, dated 30 September, 2013 and heard Sergeant Barry Skinner speak in its support.

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

LICENSING COMMITTEE
19 November 2013

The Committee resolved:-
to grant the application.

6. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE
Application Reference Number – 5/006

The Committee had before it a letter of objection from the Chief Constable of the Police Service of Scotland, Aberdeen City Division, dated 24 September, 2013 and heard Sergeant Barry Skinner speak in its support.

The Committee heard from the applicant in support of his application and who had requested that a letter of support also be circulated to members for consideration. Sergeant Skinner had no objection to its circulation. The Committee agreed to circulate the letter.

The Committee resolved:-
to refuse the application.

7. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR LICENCE
Application Reference Number – 5/007

The Committee had before it a letter of representation from the Chief Constable of the Police Service of Scotland, Aberdeen City Division, dated 15 September, 2013 and heard Sergeant Barry Skinner speak in its support.

The applicant was not in attendance.

The Committee resolved:-
to grant the application.

8. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR LICENCE
Application Reference Number – 5/008

The Committee had before it a letter of representation from the Chief Constable of the Police Service of Scotland, Aberdeen City Division, dated 21 August, 2013 and heard Sergeant Barry Skinner speak in its support.

As a preliminary point, Sergeant Skinner sought the Committee's approval to introduce details of the applicant's spent convictions on the basis that justice could not be done except by admitting or requiring evidence relating to the spent convictions.

LICENSING COMMITTEE
19 November 2013

The applicant was not in attendance.

The Committee resolved:-

to admit the spent convictions into the proceedings for consideration.

The Committee further resolved:-

to grant the application.