

LICENSING COMMITTEE

ABERDEEN, 13 May 2014. Minute of meeting of the LICENSING COMMITTEE.
Present: Councillor Forsyth, Convener; and Councillors Boulton, Corall, Delaney, Graham, Len Ironside CBE, MacGregor, Malik, Malone, Samarai (as substitute for Councillor Cormie) and Townson.

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=2928&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 18 MARCH 2014

1. The Committee had before it the minute of its previous meeting of 18 March, 2014.

The Committee resolved:-
to approve the minute.

MINUTE OF MEETING OF THE TAXI CONSULTATION GROUP OF 4 MARCH 2014

2. The Committee had before it the minute of meeting of the Taxi Consultation Group of 4 March, 2014.

The Committee resolved:-
to note the minute.

INFORMAL BUSINESS STATEMENT

3. The Committee had before it details of the business dealt with by the Informal Business Panel since 18 March, 2014.

The Committee resolved:-
to note the informal business.

APPLICATIONS FOR LICENCES

4. The Committee had before it, for its consideration, the applications listed in Appendix A to this minute.

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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

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

The Committee resolved:-

- (i) that in relation to item 1 (Taxi Licensing and the Taxi Inspection Centre), that officers include a breakdown on the process for taxi licensing testing within the report; and
- (ii) to otherwise note the statement.

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

6. 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 GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION****Application Reference Number – 2/001****Premises – 26 Links View**

Mr Ally Thain, Private Sector Housing Manager, advised that upgrading works on the premises had not been completed.

The applicant was not in attendance.

The Committee resolved:-

to refuse the application as the property was unsuitable for occupation as a House in Multiple Occupation for the reason that it was unsafe for the persons likely to occupy it.

2. APPLICATION FOR THE GRANT OF A SKIN PIERCING AND TATTOOING LICENCE – T/A DANDO INK**Application Reference Number – 2/002****Days/Times – Monday to Sunday**

The Committee were advised that the council house premises where the activity to which the licence relates was not compliant with the Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006 (as amended).

The applicant was not in attendance.

The Committee resolved:-

- (i) to refuse the application;
- (ii) that officers re-visit the premises to ensure that no skin piercing and tattooing business was being conducted therein; and
- (iii) that officers in the Housing and Environment Service be notified of the decision of the Committee.

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3. APPLICATION FOR THE VARIATION OF A SECOND HAND DEALER'S LICENCE – CALUM RATTRAY
Application Reference Number – 2/003
Location – Castlegate, Southside, 16 metres south of Market Cross

The Committee were advised that the variation to the licence which was sought was to change the premises from 'Castlegate Market' to 'Castlegate' and to specify the location of the premises thereon.

It was noted that the applicant must comply with conditions set out by the Enterprise, Planning and Infrastructure Service prior to trading at the Castlegate.

The Committee heard from the applicant Calum Rattray in support of the application.

The Committee resolved:-
to grant the application.

4. APPLICATION FOR THE VARIATION OF A SECOND HAND DEALER'S LICENCE – PATRICIA HUTCHISON
Application Reference Number – 2/004
Location – Castlegate, Southside, 20 metres south of Market Cross

The Committee were advised that the variation to the licence which was sought was to change the premises from 'Castlegate Market' to 'Castlegate' and to specify the location of the premises thereon.

It was noted that the applicant must comply with conditions set out by the Enterprise, Planning and Infrastructure Service prior to trading at the Castlegate.

The applicant was not in attendance.

The Committee resolved:-
to grant the application.

5. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE – DAVID CAMPBELL KANE
Application Reference Number – 2/005

The Committee were advised that the application had been withdrawn.

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6. **APPLICATION FOR THE GRANT OF TAXI DRIVER'S LICENCE – RAYMOND DAVIDSON**
Application Reference Number – 2/006

The Committee were advised that to date, the applicant had not passed his street knowledge test.

The applicant was not in attendance.

The Committee resolved:-
to refuse the application.

7. **APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – STEPHEN ROBERTSON**
Application Reference Number – 2/007

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

8. **APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – DEREK RODERICK DOUGLAS (A143)**
Application Reference Number – 2/008

The Committee were advised that to date, the vehicle had not passed the inspection test, however it was due to be re-tested within 14 days.

The Committee resolved:-
to refer the application to the Informal Business Panel to consider prior to the date by which the application must be determined (28 May, 2014).

9. **APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – GEORGE SMITH CLARK (T044)**
Application Reference Number – 2/009

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

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10. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – GRIEVE TAXIS (T297)
Application Reference Number – 2/010

Nigel Buchan, Fleet Manager, Enterprise, Planning and Infrastructure Service indicated that although paperwork suggested that the vehicle had been tested, Fleet Services have no record of the vehicle passing or failing the test.

The applicant was not in attendance.

The Committee resolved:-

- (i) that officers contact the applicant to seek clarification of the results of the vehicle inspection and to arrange a further vehicle inspection if required; and
- (ii) to refer the application to the Informal Business Panel to consider prior to the date by which the application must be determined (28 May, 2014).

11. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – PETER ANTHONY MCCARTHY (T814)
Application Reference Number – 2/011

The Committee were advised that to date, the vehicle had not passed the inspection test, however it was waiting at the inspection centre to be re-tested within 14 days.

The Committee resolved:-

to refer the application to the Informal Business Panel to consider prior to the date by which the application must be determined (28 May, 2014).

12. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – GRAHAM MCLEOD (T164)
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 – PATRICIA MARY MCPHERSON (T246)
Application Reference Number – 2/013

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

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14. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – KIRKHILL AUTO AERVICES LTD (T453)
Application Reference Number – 2/014

The Committee were advised that the initial inspection test had revealed that there were some minor defects to the vehicle which required attention. A further inspection had been arranged, however Fleet Services could not confirm whether this inspection test had been undertaken.

The Committee heard from the applicant John Wheeler in support of the application. He explained that the vehicle had been retested, although the paperwork he had been given had not been signed to confirm whether the vehicle had passed or failed the inspection test.

The Committee resolved:-

- (i) that officers make arrangements for the vehicle to undergo a further inspection test by 21 May, 2014; and
- (ii) to refer the application to the Informal Business Panel to consider prior to the date by which the application must be determined (28 May, 2014).

15. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – KIRKHILL AUTO SERVICES LTD (T895)
Application Reference Number – 2/015

The Committee were advised that the initial inspection test had revealed that there were some minor defects to the vehicle which required attention. A further inspection had been arranged, however Fleet Services could not confirm whether this inspection test had been undertaken.

The Committee heard from the applicant John Wheeler in support of the application. He explained that the vehicle had been tested, although the paperwork he had been given had not been signed to confirm whether the vehicle had passed or failed the inspection test.

The Committee resolved:-

- (i) that officers make arrangements for the vehicle to undergo a further inspection test by 21 May, 2014; and
- (ii) to refer the application to the Informal Business Panel to consider prior to the date by which the application must be determined (28 May, 2014).

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16. **APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – KIRKHILL AUTO SERVICES LTD (T878)**
Application Reference Number – 2/016

The Committee were advised that to date, the vehicle had not passed the inspection test, however it was due to be tested on 21 May 2014.

The Committee resolved:-

to refer the application to the Informal Business Panel to consider prior to the date by which the application must be determined (28 May, 2014).

17. **APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – DYCE CABS (T354)**
Application Reference Number – 2/017

The Committee were advised that to date, the vehicle had not passed the inspection test, however it was due to be re-tested on 22 May. 2014.

The applicant Ian Stewart was in attendance.

The Committee resolved:-

to refer the application to the Informal Business Panel to consider prior to the date by which the application must be determined (1 June, 2014).

18. **APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – JAMES LAWRIE AND ERIC SMITH (A PARTNERSHIP – T149)**
Application Reference Number – 2/018

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

19. **APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – ROBERT HUNTER (T537)**
Application Reference Number – 2/019

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

20. **APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – JOHN GAVIN REITH (T559)**
Application Reference Number – 2/020

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

21. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – DAVID BRUCE (T490)

Application Reference Number – 2/021

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

22. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – STEPHEN ALEXANDER SMITH (T531)

Application Reference Number – 2/022

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

23. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – STEPHEN WILLOX (T925)

Application Reference Number – 2/023

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

24. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR LICENCE – ANDREW GIBBONS (PH131)

Application Reference Number – 2/024

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

25. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR LICENCE – RAINBOW CARS LTD (PH056)

Application Reference Number – 2/025

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

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APPENDIX B

1. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE
Application Reference Number – 4/001

The Committee had before it a letter of objection from the Chief Constable, Police Scotland, Aberdeen City Division dated 25 March, 2014 and heard Sergeant Barry Skinner speak in its support. Sergeant Skinner advised the Committee that the Chief Constable wished to remove from consideration, the final paragraph from the letter.

The Committee heard the applicant's agent Graeme Morrison speak in support of the application. The applicant was also in attendance.

The Committee resolved:-

to refuse the application on the grounds that the applicant was not a fit and proper person to hold the licence.

2. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE
Application Reference Number – 4/002

The Committee had before it correspondence (a) dated 11 April, 2014 from the applicant; (b) dated 24 March, 2014 from Paul Connolly, Solicitor, Litigation and Licensing; (c) dated 24 January 2014 and 3 October, 2013 from Chief Inspector Martin Mackay, Police Scotland, Aberdeen City Division; and (d) dated 14th February 2104 from Breck Stewart, NewLaw Scotland containing a report prepared by Doctor Samuel Wilson.

The Committee heard Sergeant Barry Skinner, speak in support of the correspondence submitted on behalf of the Chief Constable, Police Scotland, Aberdeen City Division.

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

The Committee resolved:-

to refuse the application on the grounds that the applicant was not a fit and proper person to hold the licence.

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3. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE
Application Reference Number – 4/003

The Committee had before it a letter of representation dated 18 March, 2014 from Chief Inspector Murray Main on behalf of the Chief Constable, Police Scotland, Aberdeen City Division and heard Sergeant Barry Skinner speak in its support.

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

The Committee resolved:-
to grant the application.

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

The Committee had before it a letter of representation dated 5 March, 2014 from Chief Inspector Murray Main on behalf of the Chief Constable, Police Scotland, Aberdeen City Division and heard Sergeant Barry Skinner speak in its support.

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

The Committee resolved:-
to grant the application.

Members of the Evidential Hearings Sub-Committee who were in attendance to consider the following item were the Convener and Councillors Ironside, Malone, MacGregor and Townson:-

5. TAXI DRIVER'S LICENCE (NUMBER 0419) – SUSPENSION HEARING

The Committee had before it for consideration, correspondence from (a) Chief Inspector Murray Main on behalf of the Chief Constable, Police Scotland, Aberdeen City Division, dated 18 April, 2014 and heard Sergeant Barry Skinner speak in its support; and (b) Paul Connolly, Solicitor, Litigation and Licensing dated 28 April, 2014.

The Licence holder was not in attendance.

The Committee resolved:-
to suspend Taxi Driver Licence 0419 for its unexpired portion in terms of paragraph 11(7) of Schedule 1 to the Civic Government (Scotland) Act 1982.