



To: Councillor Carle, Convener; and Councillors Allan, Blackman, Boulton, Corall, Cormie, Delaney, Lesley Dunbar, Forsyth, Graham, MacGregor, Malik, Malone, Nathan Morrison and Townson.

Town House,  
ABERDEEN 17 November 2014

## **LICENSING COMMITTEE**

The Members of the **LICENSING COMMITTEE** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 25 NOVEMBER 2014 at 10.00 am.**

JANE G. MACEACHRAN  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

### **B U S I N E S S**

#### **REQUESTS FOR DEPUTATION**

- 1.1 Requests for Deputation

#### **MINUTES AND URGENT BUSINESS SUB COMMITTEE**

- 2.1 Minute of Meeting of 2 September 2014 (Pages 7 - 20)
- 3 Minute of Meeting of 30 October 2014 (Pages 21 - 22)
- 3.1 Minute of Meeting of the Licensing Urgent Business Sub-Committee of 29 September 2014 (Pages 23 - 24)
- 3.2 Minute of Meeting of the Licensing Urgent Business Sub-Committee of 16 October 2014 (Pages 25 - 26)

### **REFERRALS**

- 4.1 Licensing of HMOs and Registration of Private Landlords - Referral from the Communities, Housing and Infrastructure Committee of 28 October 2014 (Pages 27 - 44)

### **APPLICATIONS FOR LICENCES - INCLUDING LIST OF APPLICATIONS**

- 5.1 Renewal of a Licence for a House in Multiple Occupation - Flat 13, 22 Bridge Street (Pages 49 - 52)
- 5.2 Renewal of a Licence for a House in Multiple Occupation - 176C Clifton Road (Pages 53 - 56)
- 5.3 Grant of a Licence for a House in Multiple Occupation - 37 Orchard Street (Pages 57 - 60)
- 5.4 Grant of a Licence for a House in Multiple Occupation - 61 Leslie Road (Pages 61 - 72)
- 5.5 Renewal of a Licence for a House in Multiple Occupation - 24 Sunnyside Avenue (Pages 73 - 86)
- 5.6 Grant of a Licence for a House in Multiple Occupation - 118 Hilton Heights (Pages 87 - 94)
- 5.7 Grant of a Licence for a House in Multiple Occupation - 33 Sunnybank Road (Pages 95 - 98)
- 5.8 Grant of a Licence for a House in Multiple Occupation - 35 Clashrodney Avenue, Cove (Pages 99 - 102)
- 5.9 Renewal of a Street Trader (Hot Food) Licence - Linda Gilmour (Pages 103 - 104)
- 5.10 Grant of a Street Trader (Hot Food) Licence - June Lindsay Deary (Pages 105 - 106)
- 5.11 Grant of a Street Trader (Hot Food) Licence - C & L Catering (Pages 107 - 108)
- 5.12 Grant of a Temporary Street Trader Licence - Rosemary Scott (Pages 109 - 110)
- 5.13 Variation of a Street Trader Licence - Maureen Ross (Pages 111 - 116)

- 5.14 Variation of a Street Trader Licence - Edward Reynolds (Pages 117 - 118)
- 5.15 Grant of a Second Hand Dealer Licence - Kyriacos Roussias (Pages 119 - 120)
- 5.16 Grant of a Private Hire Licence - Sam Murray (Pages 121 - 124)
- 5.17 Grant of a Temporary Private Hire Licence - Gavin Johnston (Pages 125 - 134)
- 5.18 Grant of a Private Hire Licence - Tomas Stenys (Pages 135 - 136)
- 5.19 Grant of a Private Hire Licence - Lukasz Kulaszewski (Pages 137 - 138)
- 5.20 Grant of a Private Hire Licence - Paul Murray (Pages 139 - 140)
- 5.21 Grant of a Private Hire Licence - Neil Andrew Masson (Pages 141 - 142)
- 5.22 Grant of a Taxi Driver Licence - Neil Esson (Pages 143 - 144)
- 5.23 Grant of a Taxi Driver Licence - David Bruce (Pages 145 - 146)
- 5.24 Grant of a Taxi Driver Licence - John Boyne Black (Pages 147 - 148)
- 5.25 Grant of a Taxi Driver Licence - Anthony Digby (Pages 149 - 150)
- 5.26 Substitution of a Taxi Driver Licence - James Byfield (Pages 151 - 152)

### **COMMITTEE REPORTS**

- 6.1 CCTV – Taxis and Private Hire Cars - Policy Outcome (Pages 153 - 204)
- 6.2 Taxi Demand Survey (CG/14/161) (Pages 205 - 328)

### **MISCELLANEOUS**

- 7.1 Requests for Film Classification - Belmont Cinema (Pages 329 - 338)

### **COMMITTEE BUSINESS STATEMENT**

- 8.1 Committee Business Statement (Pages 339 - 340)

**APPLICATIONS TO BE HEARD IN PRIVATE IN TERMS OF THE DATA PROTECTION ACT 1998 - INCLUDING LIST OF APPLICATIONS**

- 9.1 Grant of a Private Hire Licence
- 9.2 Grant of a Private Hire Licence
- 9.3 Renewal of a Taxi Licence
- 9.4 Grant of a Taxi Driver Licence
- 9.5 Grant of a Taxi Driver Licence
- 9.6 Renewal of a Taxi Driver Licence
- 9.7 Grant of a Taxi Driver Licence
- 9.8 Renewal of a Taxi Driver Licence
- 9.9 Renewal of a Taxi Driver Licence
- 9.10 Renewal of a Taxi Driver Licence
- 9.11 Renewal of a Taxi Driver Licence
- 9.12 Grant of a Temporary Street Trader Licence

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Should you require any further information about this agenda, please contact Allison Swanson, tel. 52(2822) or e-mail [aswanson@aberdeencity.gov.uk](mailto:aswanson@aberdeencity.gov.uk)

## Briefing for Elected Members on the Importance of EHRIAs

As an elected member, you will know you have an important role to play in championing equality within and outside Aberdeen City Council. There is also a scrutiny role for you to ensure that equality considerations are included in the decision making and governance of the council.

In exercising your duties as an elected member, you will make decisions which shape the council budget as well as the practice, strategies, plans and policies of the council. You have to make sure that the relevant equality implications are considered and so need to have sufficient information to satisfy our legal requirement to pay “due regard” to equality. Since public authorities subject to the equality duties are also likely to be subject to the obligations under the Human Rights Act, our impact assessment tool also considers the potential impact our decisions could have on human rights – Equality and Human Rights Impact Assessment (EHRIA).

EHRIA forms are included in the agenda pack, and this is important as it ensures that the impact of any proposals being considered by the Committee is clear at the point of decision making. These are included at the back of the report, as an appendix. Committee members should feel able to ask questions of report authors in relation to EHRIA forms, including questions about why an impact assessment has not been carried out/is not included.

There is an onus on elected members to make sure that EHRIAs are robust and give appropriate weighting in decision-making processes. In recent guidance from the Equality and Human Rights Commission, relevant case law examples show the Courts stating that, the public authority had to demonstrate that it had paid ‘due regard’ to its equality obligations.

Policies and practices should be assessed for impact across the three parts of the public sector duty (eliminate unlawful treatment, advance equality of opportunity and foster good relationships).

These duties do not prevent us from taking many difficult decisions such as reorganisations and relocations, redundancies, and service reductions, nor do they stop us from making decisions, that may affect one group more than others. Whilst we have a duty to involve groups of people who have protected characteristics, this does not give them the right of veto regarding any of our budget proposals or other council decisions.

What the equality duties do is enable us to demonstrate that we are making decisions in a fair, transparent and accountable way, considering the needs and the rights of different members of our communities.

The EHRIA will allow you to see that people with protected characteristics are enjoying equal access to our services, and where they are not, or are over/under-represented, or are not getting as good a service, the EHRIA gives the opportunity to do something to resolve the situation.

The equality target groups, or people with protected characteristics, include age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex (gender) and sexual orientation.

The sort of questions to ask yourself as you read an EHRIA might include:

- How might the proposal impact on ethnic minority communities, including Gypsy/Travellers?
- How might the proposal impact on people with a disability?
- Would the impacts on women and men or the Transgender community differ?
- Would the proposal affect ethnic minority women and men in the same ways?
- Would the proposal affect women and men with disabilities in the same ways?
- What about age considerations when thinking about impacts?

It is important to remember that the potential impact is not just about numbers. Evidence of a serious impact on a small number of individuals is just as important as something that will impact on many people. You should also think about how individual proposals might relate to one another. This is because a series of changes to different policies or services could have a severe impact on particular protected groups.

The EHRIA is therefore an invaluable tool to assist you in ensuring that the interests of all groups are properly taken into account when difficult choices about resources are required.

**A case study on “Southall Black Sisters – the need to impact assess decisions” is set out below.**

Southall Black Sisters (SBS) provides specialist services to Asian and Black Caribbean women, particularly in relation to domestic violence issues.

In June 2007, Ealing council announced proposals to move away from funding particular organisations (such as SBS), towards commissioning services (including domestic violence services) following a competitive bidding exercise.

During discussions about criteria for commissioning domestic violence services SBS had highlighted the adverse impact the criteria could have on pre-existing domestic violence services provided to women from ethnic minority communities, and so an equality impact assessment should be carried out.

Ealing carried out belated impact assessments on proposals before deciding to proceed with the existing domestic violence services commissioning criteria, resulting in two SBS service users launching a judicial review of the decision.

Ultimately, Ealing conceded these submissions and withdrew from the case. However, in an oral judgement, Lord Justice Moses reiterated the importance of undertaking an equality impact assessment, and also the importance of carrying out an impact assessment before policy formulation.

Should you require any help with EHRIAs please contact me at [sandrab@aberdeencity.gov.uk](mailto:sandrab@aberdeencity.gov.uk) or 01224 523039 or Faiza at [fnacef@aberrdeencity.gov.uk](mailto:fnacef@aberrdeencity.gov.uk) or 01224 523183.