

LICENSING COMMITTEE

ABERDEEN, 17 March 2015. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Carle, Convener; and Councillors Allan, Boulton, Corall, Cormie, Lesley Dunbar, Forsyth, Graham, Jaffrey (as substitute for Councillor Blackman), MacGregor, Malik, Malone, Nathan Morrison, Townson and Yuill (as substitute for Councillor Delaney).

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MIId=3478&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 27 JANUARY 2015

1. The Committee had before it the minute of its meeting of 27 January 2015.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF THE LICENSING URGENT BUSINESS SUB COMMITTEE OF 10 FEBRUARY 2015

2. The Committee had before it the minute of the Licensing Urgent Business Sub Committee meeting of 10 February 2015.

The Committee resolved:-

to approve the minute.

MINUTE OF MEETINGS OF THE EVIDENTIAL HEARING SUB COMMITTEE OF 12 JANUARY AND 10 FEBRUARY 2015

3. The Committee had before it the minutes of the Evidential Hearing Sub Committee meetings of 12 January and 10 February 2015.

The Committee resolved:-

to note the minutes.

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APPLICATIONS FOR LICENCES

4. 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.

LICENSING APPLICATION FEES 2015/16

5. The Committee had before it a report by the acting Director of Corporate Governance which (1) proposed the level of application fees for licences administered through Civic Government (Scotland) Act 1982 and other miscellaneous statutes; and (2) sought to obtain approval for the fees to come into effect on 1 April, 2015.

The report recommended:-

that the Committee maintains fees at their current level and approves the fees set out in appendices 1 and 2B of the report.

The Committee resolved:-

to approve the recommendation.

TAXI FARE REVIEW

6. The Committee had before it a report by the acting Director of Corporate Governance which provided information in relation to the requirement to undertake a review of taxi fares and surcharges and provided details on taxi costs to allow the Committee to put forward a proposal on fares and surcharges.

The report recommended:-

that the Committee considers the report and any representations made by the trade and –

- (a) agrees to maintain the basic tariff and surcharges at their current levels;
- (b) instructs officers to meet with trade representatives to explore the restructure of tariff charges and report back to the Committee thereafter;
- (c) agrees to add a £1 surcharge for non-airport zoned taxis dropping off at the inner forecourt of the airport;
- (d) instructs officers to amend the fare card at surcharge 5 to reflect the holiday dates for 2016 and 2017; and
- (e) 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.

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The Committee resolved:-

to approve the recommendations.

SURVEY ON UNMET TAXI DEMAND - COLLATION OF DATA AND CONSULTATION WITH TRADE

7. The Committee had before it a report by the acting Director of Corporate Governance which outlined the procedures for analysis of taxi marshal data to fulfil the recommendations in the Survey on Unmet Taxi Demand and to inform the Committee of the outcome of discussions with the Taxi Consultation Group.

The report recommended:-

that the Committee –

- (a) notes the terms of the report; and
- (b) instructs the Head of Legal and Democratic Services to report to the Licensing Committee in early 2016 with an analysis of taxi marshal data over a twelve month period in accordance with the terms of the report.

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 remove item 1 (Taxi Licence Limit Surveys Update) from the statement; and
- (ii) to otherwise note the updates contained within 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.

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APPLICATION FOR LICENCES

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 are subject to the Council's standard conditions unless otherwise stated.

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 Committee consider the following item of business as a matter of urgency in order that the event to which it relates could take place.

PUBLIC PROCESSION - HOLY FAMILY CHURCH

10. The Committee heard Ruth O'Hare, Solicitor, Litigation and Licensing explain that a notification in respect of a proposed public procession to be held on 3 April, 2015 for a prayer walk on Kincorth Hill had been submitted allowing insufficient time for the statutory 28 day notice period.

She intimated that the Committee if it so wishes, could decide to waive the period of notice and accept the late notification.

The Committee resolved:-

to make an order to waive the statutory 28 day notice period.

- COUNCILLOR SCOTT CARLE, Convener

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APPENDIX A**1. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION****Application Reference Number - 3/01****Premises - 10f Roslin Street**

Mr Ally Thain, Private Sector Housing Manager advised that the item was on the agenda today for the reason that the HMO Unit had concerns about the landlord's conduct which were outlined in the report as follows:-

- the applicant was found to be operating an unlicensed HMO;
- the operation of the unlicensed HMO breached the Prohibition Notice served by Scottish Fire and Rescue Services; and
- the applicant had failed to register himself as a landlord, and his property, with the Council.

Mr Thain indicated that the applicant and his property were now registered with the local authority.

The applicant, Mr David Halstead was in attendance and spoke in support of his 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.

2. GRANT OF A LICENCE OF A HOUSE IN MULTIPLE OCCUPATION**Application Reference Number - 3/02****Premises - 22 Alexander Drive**

Mr Ally Thain, Private Sector Housing Manager advised that a letter of representation had been received in respect of the application.

The respondent spoke in support of her letter of representation.

The applicant, Alison Hodgetts spoke in support of her 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. **GRANT OF A SECOND HAND VEHICLE DEALER LICENCE – AF HIGH PERFORMANCE CARS LTD**
Application Reference Number - 3/03
Location – 76 Willowbank Road, Aberdeen City Council
Dates/Times – Monday to Friday, 16:00 to 18:00; Saturday 09:00 to 13:00

The Committee were advised that the certificate stating that the applicant had displayed the notice at or near the premises for a period of 21 days, beginning with the date on which the application was submitted to the local authority, had not been undertaken. A notice was currently being displayed at the premises but the objection period had not passed.

The applicant was not in attendance.

The Committee resolved:-

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub-Committee.

4. **VARIATION OF A SECOND HAND DEALER LICENCE - CALUM RATTRAY**
Application Reference Number - 3/04
Location – Trading Site at The Green

The Committee were advised that the applicant sought a variation to add a further site at The Green to his licence.

The Committee resolved:-

to grant the application

5. **RENEWAL OF A PRIVATE HIRE CAR LICENCE - PETER ELLIOTT FORBES (PH287)**
Application Reference Number - 3/05

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

6. **RENEWAL OF A TAXI DRIVER LICENCE - KIRKHILL AUTO SERVICES LTD (T924)**
Application Reference Number - 3/06

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

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7. RENEWAL OF A TAXI DRIVER LICENCE - ERIC MELVILLE (T866)
Application Reference Number - 3/07

The Committee were advised that the application required to be determined by 29 March 2015 and that Fleet Services had indicated that the vehicle had not passed an inspection.

The applicant was not in attendance.

The Committee resolved:-

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub-Committee.

8. RENEWAL OF A TAXI DRIVER LICENCE - WILLIAM FRASER (T508)
Application Reference Number - 3/08

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

9. RENEWAL OF A TAXI DRIVER LICENCE - RAINBOW CARS LIMITED (T705)
Application Reference Number - 3/09

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

10. GRANT OF A TAXI DRIVER LICENCE - ALEXANDER FLETT
Application Reference Number - 3/10

The Committee were advised that the application required to be determined by 21 April 2015 and to date the applicant had not passed the street knowledge test.

The Committee resolved:-

to refuse the application.

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**11. GRANT OF A PRIVATE HIRE CAR DRIVER - FRANCIS ROBERTSON
CARNEY**

Application Reference Number - 3/11

The Committee were advised that the application required to be determined by 16 April 2015 and to date the applicant had not passed the street knowledge test.

The Committee resolved:-
to refuse the application.

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APPENDIX B

1. RENEWAL OF A TAXI DRIVER LICENCE
Application Reference Number - 6/01

The Committee had before it two letters from the Committee's nominated Occupational Health Service Provider (Optima Health) dated 18 November, 2014 and 3 March, 2015 in relation to the applicant.

The applicant spoke in support of his application.

The Committee resolved:-

to grant the application and to request that the applicant undertake a medical review in one year time.

2. RENEWAL OF A TAXI DRIVER LICENCE
Application Reference Number - 6/02

The Committee had before it a letter from the Committee's nominated Occupational Health Service Provider (Optima Health) dated 4 December, 2014 in relation to the applicant.

The applicant spoke in support of his application.

The Committee resolved:-

to grant the application and to request that the applicant undertake a medical review in one year time.

3. RENEWAL OF A TAXI DRIVER LICENCE
Application Reference Number - 6/03

The Committee had before it a letter from the Committee's nominated Occupational Health Service Provider (Optima Health) dated 18 February, 2015 in relation to the applicant.

The applicant spoke in support of his application.

The Committee resolved:-

- (i) to refuse the application;
- (ii) to allow the applicant to submit an application for a licence within the one year time period; and
- (iii) to waive the application fee and the requirement to undertake a street knowledge test.

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4. RENEWAL OF A TAXI DRIVER LICENCE

Application Reference Number - 6/04

The Committee had before it a letter from the Committee's nominated Occupational Health Service Provider (Optima Health) dated 3 December, 2014 in relation to the applicant.

The applicant spoke in support of his application.

The Committee resolved:-

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub-Committee to allow the applicant time to attend a GP appointment and for a report to be provided to Optima Health thereafter.

5. RENEWAL OF A TAXI DRIVER LICENCE

Application Reference Number - 6/05

The Committee had before it a letter from the Committee's nominated Occupational Health Service Provider (Optima Health) dated 13 March, 2015 in relation to the applicant.

The applicant was not in attendance.

The Committee resolved:-

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub-Committee.

6. RENEWAL OF A TAXI DRIVER LICENCE

Application Reference Number - 6/06

The Committee had before it a letter from the Committee's nominated Occupational Health Service Provider (Optima Health) dated 26 January, 2015 in relation to the applicant.

The applicant was not in attendance.

The Committee resolved:-

to grant the application and to request that the applicant undertake a medical review in one year time.

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7. **GRANT OF A TAXI DRIVER LICENCE** **Application Reference Number - 6/07**

The Committee had before it a letter of objection dated 24 December, 2014 from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard Sergeant Barry Skinner speak in its support.

The Committee also had before it the following documents submitted by the applicant (a) Disclosure Scotland Certificate dated 9 June 2014; (b) correspondence from Procurator Fiscal Service; (c) letter from Frank Doran MP dated 11 November, 2013; (d) six character references; and (e) five references from neighbours and landlords.

Sergeant Skinner objected to the inclusion of the information which had been submitted, specifically relating to (c) above as it referred to a different application submitted some time ago and that all but two of the references referred to at (d) and (e) above were supporting a different application submitted some time ago.

The Committee heard from the applicant's agent Mr Dean Purdie in response to the objection.

The Committee resolved:-

- (i) that the letter from Frank Doran MP was not to be introduced to the proceedings; and
- (ii) that the references referred to at (d) and (e) above be introduced to the proceedings.

The Committee heard from the applicant and the applicant's agent in support of the application. Mr Purdie advised that one of the applicant's character referees was unable to attend the meeting and would be replaced by another. This was accepted by the Committee.

Mr Purdie requested that a recess be taken by the Committee to allow time for one of the character referees to attend the meeting.

At this point in the proceedings, Councillor Allan, seconded by Councillor Graham moved as a procedural motion:-

that the Committee consider the remaining applications on the agenda to allow time for the applicant's character referee to attend the meeting.

On a division, there voted:- for the procedural motion (10) – Councillors Allan, Corall, Cormie, Lesley Dunbar, Graham, Jaffrey, MacGregor, Malik, Nathan Morrison and Yuill; against the procedural motion (3) – the Convener and Councillors Malone and Townson; declined to vote (1) – Councillor Forsyth.

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The Committee resolved:-

to accept the procedural motion and to consider the remaining applications on the agenda to allow time for the applicant's character referee to attend the meeting.

The Committee heard from three character referees on behalf of the applicant.

Councillor Forsyth, seconded by the Convener moved:-

that the application be refused as the applicant was not a fit and proper person to hold such a licence.

Councillor Graham, seconded by Councillor Malik moved as an amendment:-

that the application be granted for a period of 12 months.

On a division, there voted:- for the motion (9) – the Convener and Councillors Corall, Cormie, Forsyth, Jaffrey, MacGregor, Nathan Morrison, Townson and Yuill; for the amendment (4) Councillors Allan, Lesley Dunbar, Graham and Malik.

The Committee resolved:-

to adopt the motion to refuse the application.

8. RENEWAL OF A TAXI DRIVER LICENCE **Application Reference Number - 6/08**

The Committee had before it a letter of objection dated 22 January, 2015 from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard Sergeant Barry Skinner speak in its support.

The Committee were advised that the applicant has a pending court case.

The Committee resolved:-

to defer consideration of the application to the next meeting of the Committee to allow the outcome of a pending court case.

9. GRANT OF A TAXI DRIVER LICENCE **Application Reference Number - 6/09**

The Committee had before it a letter of objection dated 30 January, 2015 from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard Sergeant Barry Skinner speak in its support.

Sergeant Skinner advised that the Committee should disregard two convictions contained within the letter.

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It was noted that the applicant's letter from the Chief Constable did not contain the same information as the letter circulated to the Committee. The applicant was given the opportunity to defer consideration of his application until he received the appropriate letter, however the applicant intimated that he would prefer to continue with the proceedings.

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

The Committee resolved:-
to refuse the application.

10. RENEWAL OF A TAXI DRIVER LICENCE **Application Reference Number - 6/10**

The Committee had before it a letter of objection dated 2 February, 2015 from the Chief Constable, Police Scotland, c/o Aberdeen City Division.

The Committee were advised that the applicant has a pending court case.

The Committee resolved:-
to defer consideration of the application to the next meeting of the Committee to allow the outcome of a pending court case.