



To: Councillor Carle, Convener; and Councillors Allan, Boulton, Copland, Cormie, Councillor Barney Crockett, the Lord Provost, Delaney, Lesley Dunbar, Graham, Hutchison, MacGregor, Malik, Malone, Nathan Morrison, Nicoll, Reynolds and Townson and two SNP vacancies.

Town House,  
ABERDEEN 26 October 2015

## **LICENSING COMMITTEE**

The Members of the **LICENSING COMMITTEE** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 3 NOVEMBER 2015 at 10.00 am.**

FRASER BELL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

### **BUSINESS**

#### **REQUESTS FOR DEPUTATION**

- 1 None received at this stage

### **MINUTES**

- 2.1 Minute of Previous Meeting of 1 September 2015 (Pages 9 - 32)
- 2.2 Minutes of Meetings of the Licensing Urgent Business Sub Committee of 21 August and 7 September 2015 (Pages 33 - 36)

### **FILM CLASSIFICATIONS**

- 3.1 Belmont Cinema Film Classification Request (Pages 37 - 130)

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

- 4.1 Grant of a Licence for a House in Multiple Occupation - 32 Rosebery Street, Aberdeen (Pages 135 - 170)
- 4.2 Grant of a Licence for a House in Multiple Occupation - 20 Belmont Road, Aberdeen (Pages 171 - 176)
- 4.3 Renewal of a Licence for a House in Multiple Occupation - First floor flat, 35 Kings Crescent, Aberdeen (Pages 177 - 188)
- 4.4 Grant of a Licence for a House in Multiple Occupation - 34 Tailor Place, Aberdeen (Pages 189 - 192)
- 4.5 Renewal of a Licence for a House in Multiple Occupation - 31 Hilton Street, Aberdeen (Pages 193 - 200)
- 4.6 Grant of a Licence for a House in Multiple Occupation - 33 Hilton Street, Aberdeen (Pages 201 - 214)
- 4.7 Grant of a Licence for a House in Multiple Occupation - 101 Links Road, Aberdeen (Pages 215 - 218)
- 4.8 Grant of a Licence for a House in Multiple Occupation - 394 Great Western Road, Aberdeen (Pages 219 - 228)
- 4.9 Grant of a Licence for a House in Multiple Occupation - 34 Kincorth Crescent, Aberdeen (Pages 229 - 236)
- 4.10 Grant of a Licence for a House in Multiple Occupation - 35 Garthdee Farm Gardens, Aberdeen (Pages 237 - 252)
- 4.11 Renewal of a Licence for a House in Multiple Occupation - 100 Osborne Place, Aberdeen (Pages 253 - 256)
- 4.12 Grant of a Licence for a House in Multiple Occupation - 21 Rose Street, Aberdeen (Pages 257 - 260)
- 4.13 Renewal of a Licence for a House in Multiple Occupation - 1 Gaitside Place, Aberdeen (Pages 261 - 264)
- 4.14 Variation of a Public Entertainment Licence - Mastrick Community Centre (Pages 265 - 266)
- 4.15 Variation of a Market Operator Licence - Aberdeen Castlegate Market (Pages 267 - 270)

- 4.16 Grant of a Second Hand Trader's Licence - Urszula Wawrzen (Pages 271 - 272)
- 4.17 Renewal of a Street Trader's Licence - Julie MacGregor (Pages 273 - 274)
- 4.18 Renewal of a Street Trader's Licence - Alan Knowles Petrie (Pages 275 - 276)
- 4.19 Grant of a Street Trader's Licence - Rosemary Margaret Scott (Pages 277 - 278)
- 4.20 Grant of a Street Trader's Licence - Sarah Beattie (Pages 279 - 296)
- 4.21 Grant of a Window Cleaner's Licence - Donald Matheson (Pages 297 - 298)
- 4.22 Renewal of a Private Hire Car Driver's Licence - Hubert Amanowicz (Pages 299 - 300)
- 4.23 Renewal of a Private Hire Car Driver's Licence - Abdelhamid Chafi (Pages 301 - 302)
- 4.24 Grant of a Taxi Driver's Licence - Ali Hersi (Pages 303 - 304)
- 4.25 Grant of a Taxi Driver's Licence - Mahfujur Rahman (Pages 305 - 306)
- 4.26 Renewal of a Taxi Licence - Stuart Maver Youngson (Pages 307 - 308)
- 4.27 Renewal of a Taxi Licence - Harry Bannerman Mark (Pages 309 - 310)
- 4.28 Renewal of a Taxi Licence - James Gordon Henderson Cobban (Pages 311 - 312)
- 4.29 Renewal of a Taxi Licence - Philip Angus Craig (Pages 313 - 314)
- 4.30 Renewal of a Taxi Licence - Neil Alexander Cobban Morrison (Pages 315 - 316)
- 4.31 Renewal of a Taxi Licence - Michael Larkins (Pages 317 - 318)
- 4.32 Renewal of a Taxi Licence - Michael Leiper (Pages 319 - 320)

- 4.33 Renewal of a Taxi Licence - Gary Neil Fraser (Pages 321 - 322)
- 4.34 Renewal of a Private Hire Car Licence - Joan Langdon (Pages 323 - 324)
- 4.35 Renewal of a Late Hours Catering Licence - Benvue Restaurants Ltd Trading as McDonalds (Pages 325 - 326)

### **COMMITTEE REPORTS**

- 5.1 Variation of Second Hand Dealer Licence Conditions – Outcome of Consultation (Pages 327 - 332)

### **COMMITTEE BUSINESS STATEMENT**

- 6.1 Committee Business Statement (Pages 333 - 334)

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

- 7.1 Variation of a Late Hours Catering Licence
- 7.2 Landlord Registration Application
- 7.3 Grant of a Late Hours Catering Licence
- 7.4 Grant of a Street Trader's Licence
- 7.5 Grant of a Taxi Driver's Licence
- 7.6 Renewal of a Taxi Driver's Licence
- 7.7 Renewal of a Taxi Driver's Licence
- 7.8 Renewal of a Taxi Driver's Licence

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Should you require any further information about this agenda, please contact Allison Swanson, tel 01224 522822 or email [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.

**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.

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. 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@aberdeencity.gov.uk](mailto:fnacef@aberdeencity.gov.uk) or 01224 523183.