

LICENSING COMMITTEE

ABERDEEN, 8 March 2016. Minute of meeting of the LICENSING COMMITTEE.
Present: Councillor Carle, Convener; and Councillors Allan, Boulton, Copland, Cooney (as a substitute for Councillor Nathan Morrison for articles 1 to 4), Crockett, Lesley Dunbar, Finlayson (as a substitute for Councillor Reynolds), Graham, Hutchison, MacGregor, Malik, Malone, Nicoll, Townson and Yuill (as a substitute for Councillor Delaney for articles 1 – 6 (item 1 of appendix A) .

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=3814&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.

AGENDA ORDER

1. The Convener intimated that the Head of Legal and Democratic Services was reviewing item 3.1 (Licensing Application Fees 2016/2017) to determine whether it was feasible to maintain the current fees for 2016/2017. In light of this, he proposed that consideration of the item be deferred to the Committee's next meeting on 26 April 2016.

The Convener also proposed that item 6.1 (Motion by Councillor Hutchison), be considered following item 2.1 (Minute of Previous Meeting) on the agenda.

The Committee resolved:

to concur with the Convener's proposals and defer consideration of the report to the next meeting of the Committee on 26 April 2016.

REQUESTS FOR DEPUTATION

2. The Committee had before it a number of requests for deputation as follows:
- (i) Mr Campbell (Unite), in relation to item 3.1 (Licensing Applications Fees 2016-2017);
 - (ii) Mr Campbell (Unite), in relation to item 6.1 (Motion by Councillor Hutchison);
 - (iii) Mr Wilson in relation to item 6.1 (Motion by Councillor Hutchison);
 - (iv) Mr McColl (Aberdeen Taxi Group), in relation to item 3.1 (Licensing Applications Fees 2016-2017);
 - (v) Mr McColl (Aberdeen Taxi Group), in relation to item 6.1 (Motion by Councillor Hutchison);

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The Committee resolved:-

- (i) to suspend Standing Order 10(1) to enable the deputations from Mr Campbell (Unite), Mr Wilson and Mr McColl (Aberdeen Taxi Group) to be heard in relation to item 6.1 (Motion by Councillor Hutchison) on the agenda, and to hear the deputations and consideration of the motion following item 2.1 (Minute of Previous Meeting); and
- (ii) in light of the decision to defer consideration of item 3.1 (Licensing Application Fees 2016-2017), to agree not to hear the requests from Mr Campbell (Unite) and Mr McColl (Aberdeen Taxi Group) in relation to this item and to advise that the requests could be resubmitted to the next meeting at which the report would be considered.

MINUTE OF PREVIOUS MEETING OF 19 JANUARY 2016

3. The Committee had before it the minute of its previous meeting of 19 January 2016.

The Committee resolved:

to approve the minute as a correct record.

LICENSING APPLICATION FEES 2016-2017

4. In accordance with the decision taken at article 1 of this minute, the Committee deferred consideration of this item to the next meeting of the Committee on 26 April 2016.

DECLARATIONS OF INTEREST

The Convener and Councillors Allan, Crockett, Graham and Malik declared interests as members of Unite. None of the members felt it necessary to leave the meeting during the Committee's deliberations.

MOTION BY COUNCILLOR HUTCHISON

5. (A) In terms of Standing Order 10(1), the Committee received a deputation from Mr Campbell and Mr Robertson, Unite representatives, who appreciated that the Council had a policy which required all taxi vehicles to be accessible by June 2017, however requested, following discussions with taxi drivers and passengers, that the Committee conduct a review of the policy to ensure that it provided fairness and equality for all.

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(B) In terms of Standing Order 10(1), the Committee received a deputation from Mr Wilson, who provided an overview of his involvement in the taxi trade and the wheelchair accessible group. He advised that he fully supported the Council's policy of a 100% accessible taxi fleet by June 2017 and provided a detailed rationale for his support of the policy, namely: in his view it was: lawful and therefore unchallengeable; indiscriminative; fair and it was proven successful in other larger cities.

Thereafter, he raised a number of issues which he felt could arise should the Committee review and amend its current policy to which many taxi drivers had already implemented in advance of the June 2017 deadline.

Members asked a number of questions of Mr Wilson.

(C) In terms of Standing Order 10(1), the Committee received a deputation from Mr McColl, Aberdeen Taxi Group, who advised that there was division within the trade regarding the Council's policy of a 100% accessible taxi fleet by June 2017 and given this position it was felt that further consultation on the policy was the correct action at this time.

He appreciated that the Council had legal obligations to meet and that a consultation had been undertaken prior to the decision having been taken by the Committee, however there was grievance within the trade regarding the policy. He advised that at present 54% of the fleet was wheelchair accessible and highlighted that the question for the Council was that enough?

Thereafter, he explained that a lot of drivers had already moved to an accessible vehicle in order to comply with the policy prior to its implementation in June 2017 and they would have a large grievance should this policy be overturned.

(D) The Committee had before it the following notice of motion by Councillor Hutchison:-

"That the Licensing Committee agrees that a consultation would be held to consider the replacement of the quota target of 100% of taxis being wheelchair accessible vehicles by 2017 and that the report from this consultation would go before members at the next meeting of the Licensing Committee".

Councillor Hutchison formally moved his motion and explained the rationale behind his request.

The Committee resolved:

to instruct the Head of Legal and Democratic Services to prepare a report for consideration at an additional meeting of the Committee to be held in early April 2016 in accordance with Standing Orders, detailing all of the implications for the Council, if the Committee were to reduce the 100% quota target for taxi vehicles being accessible by June 2017.

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APPLICATION FOR LICENCES

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

NOTICE UNDER SECTION 62 OF THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 OF A PROPOSED PROCESSION IN PUBLIC, ABERDEEN UNIVERSITY STUDENTS ASSOCIATION, 127TH ANNUAL TORCHER PARADE - 19 MARCH 2016

7. The Committee had before it (1) a notice under Section 62 of the Civic Government (Scotland) Act 1982 of a proposed procession in public on Saturday 19 March 2016 submitted by Holly Bruce, on behalf of Aberdeen University Students Association; (2) a risk assessment form in that regard, completed by the organiser; (3) a response from Police Scotland in relation to the notification; (4) correspondence from Kevin Abercrombie, Traffic Management, Aberdeen City Council advising of the non availability of the Traffic Management team on the proposed procession date; and (5) correspondence between Arlene Dunbar, Litigation and Licensing, Aberdeen City Council and the event organiser.

The organiser, Holly Bruce was in attendance, along with Ian McCartney.

The Committee heard from Inspector David Howison, Police Scotland.

The Committee then heard from Kevin Abercrombie, Traffic Management, Aberdeen City Council.

The Committee resolved:

- (i) to make an order prohibiting public processions on 19 March 2016 on the grounds of public safety;
- (ii) to request all parties to work with the applicant on the preparation of a subsequent application for 26 March 2016, if that date was feasible, and to agree that should a notification be received to waive the 28 days statutory notice period; and
- (iii) to grant delegated power to the Head of Legal and Democratic Services, in consultation with the Convener, to determine any notification received for 26 March 2016.

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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:-

to note the updates as contained in 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

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.

- COUNCILLOR SCOTT CARLE, Convener

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APPENDIX A**DECLARATION OF INTEREST**

During consideration of the following item, Councillor Yuill declared an interest in the following article by virtue of knowing one of the respondent's representatives who was also a resident of Rosebery Street, and withdrew from the meeting during consideration of the item.

1. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**Application Reference Number – 4/01****Premises – 32 Rosebery Street, Aberdeen**

The Committee had before it a report by Mr Ally Thain, Private Sector Housing Manager and fourteen letters of representation.

Mr Thain advised that three further letters of representation had been received in respect of the application beyond the statutory time period within which such letters must be received (21-day period). He further advised that the Committee might consider late representations if it was satisfied that it was reasonable for the respondents to make the representation after the deadline.

Two of the late respondents were present. Firstly, Dr King explained why his letter of representation was late and why it should be considered today. The applicant's representative, Mr Dawson, had no objection to the letter of representation being circulated. Secondly, Mrs Kennedy advised that she wished to withdraw her late letter of representation as it was a collation of all the points raised in the letters of representations which had been submitted in a timely manner and therefore was not required. The other late respondents, Mr and Mrs Boyd were not present.

The Committee resolved:-

- (i) that the letter of representation by Dr and Mrs King be introduced into the proceedings;
- (ii) to note that the further letter of representation from Mrs Kennedy had been withdrawn; and
- (iii) that the letter of representation by Mr and Mrs Boyd not be introduced into the proceedings.

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The Committee heard from twelve of the respondents, namely: Mr McArthur, Ms Ward, Mr Kennedy, Mr Baillie on behalf of Mr and Mrs Wightman, Mr Lai on behalf of Mr and Mrs Briggs, Mr Baillie on behalf of Ms Garvie, Mrs Baillie on behalf of Mr Broadfoot, Mrs Baillie on behalf of Mrs Broadfoot, Ms Reid, Mr Duncan on behalf of Rosemount and Mile-End Community Council, Mrs Kennedy and Dr and Mrs King.

The Committee asked questions of the respondents at the appropriate juncture.

Three of the respondents, Ms Spalding, Mr Dean and Dr and Mrs McKinlay, were not present, and were not represented.

The Committee then heard from the applicant's representative, Mr Dawson, alongside the applicant's Managing Agent, Mr Grieve (Grant Property Solutions), in support of the application.

The Committee asked questions of Mr Dawson and Mr Grieve.

The Committee resolved:

to grant the application for one year.

2. GRANT OF A STREET TRADER'S LICENCE – DAVID A THOMAS**Application Reference Number – 4/02****Location – St Nicholas Street, East Side, 53m North of Union Street
opposite street lighting column 5****Operating Hours – Daily, 8am – 7pm**

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application.

The applicant was not in attendance.

The Committee resolved:

to defer consideration of the application to the next meeting of the Committee on 26 April 2016 to provide the applicant with another opportunity to be present.

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3. **GRANT OF A TEMPORARY PRIVATE HIRE CAR LICENCE - NEIL DAVIDSON**
Application Reference Number – 4/03

The Committee had before it an information note provided on behalf of the Head of Legal and Democratic Services in respect of the application.

The information note advised that the Committee had an age limit policy for private hire cars at first licensing, which required that the vehicle was no more than 4 years old. The applicant's vehicle was first registered on 30 April 2011.

The applicant was in attendance and spoke in support of the application.

The Committee resolved:

to grant the application and to request officers to review the age policy for private hire and taxi vehicles and submit a report on this matter to a future meeting of the Committee.

4. **RENEWAL OF A PRIVATE HIRE CAR LICENCE - ALAN PHILIP (PH150)**
Application Reference Number – 4/04

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

5. **RENEWAL OF A TAXI LICENCE - JAMES ANDREWS (T694)**
Application Reference Number – 4/05

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

6. **RENEWAL OF A TAXI LICENCE - ALBERT THOMSON (T261)**
Application Reference Number – 4/06

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

7. **RENEWAL OF A TAXI LICENCE - JAMES MELVIN (T569)**
Application Reference Number – 4/07

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

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**8. RENEWAL OF A TAXI LICENCE - THOMAS BARCLAY (T323)
Application Reference Number – 4/08**

The Committee had before it an information note provided on behalf of the Head of Legal and Democratic Services in respect of the application.

The information note advised that the application required to be determined by 29 March 2016 and that to date the vehicle had not passed the required inspection.

The applicant was not in attendance.

The Committee resolved:
to refuse the application.

**9. GRANT OF A TAXI DRIVER'S LICENCE - FRANK GEORGE HAY
Application Reference Number – 4/09**

The Committee was advised that the application had been withdrawn.

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APPENDIX B

1. LANDLORD REGISTRATION APPLICATION
Application Reference Number – 8/01

The Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard Sergeant Gillian Flett speak in its support.

The applicant was in attendance and spoke in support of the application.

The Committee resolved:

to grant the application on the basis of an undertaking from the landlord that a registered commercial managing agent would be appointed to undertake all matters in respect of the landlord's properties and all dealings with tenants.

2. GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE
Application Reference Number – 8/02

The Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard Sergeant Gillian Flett speak in its support.

The applicant was in attendance and spoke in support of the application.

The Committee resolved:

to grant the application.

3. GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE
Application Reference Number – 8/03

The Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard Sergeant Gillian Flett speak in its support.

The applicant was in attendance and spoke in support of the application.

The Committee resolved:

to grant the application.

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4. GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE
Application Reference Number – 8/04

The Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard Sergeant Gillian Flett speak in its support.

The applicant was not in attendance.

The Committee resolved:

to defer consideration of the application to the next meeting of the Committee on 26 April 2016 to enable the applicant to be present.

5. GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE
Application Reference Number – 8/05

The Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard Sergeant Gillian Flett speak in its support.

The applicant was in attendance and spoke in support of the application. The applicant circulated a letter from his solicitor.

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'S LICENCE
Application Reference Number – 8/06

With reference to article 5 of appendix B of the minute of the meeting of the Licensing Committee of 19 January 2016, the Committee had before it a letter from the Committee's nominated Occupational Health Service Provider (OH Assist) dated 20 November 2015, in relation to the applicant.

The applicant was not present.

The Committee resolved:

to refuse the application.