

## LICENSING COMMITTEE

ABERDEEN: 2 December 2009 Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Reynolds, Convener; and Councillors Allan, Boulton, Cassie, Clark, Collie, Corall, Kiddie, Milne, John Stewart and Kirsty West.

### MINUTE OF MEETING OF 28 OCTOBER 2009

1. The Committee had before it the Minute of 28 October 2009.

**The Committee resolved**:-  
to approve the Minute.

### MINUTE OF MEETING OF EVIDENTIAL HEARING SUB-COMMITTEE OF 27 OCTOBER 2009

2. **The Committee resolved**:-  
to approve the Minute.

### MINUTE OF TAXI CONSULTATION GROUP OF 17 AUGUST 2009

3. **The Committee resolved**:-  
to note the Minute.

### COMMITTEE BUSINESS STATEMENT

4. With reference to item 3 of the business statement the Committee heard a verbal update from Alastair Thain, Private Housing Sector Manager. Mr Thain advised that the Council's legal services was generally happy with the terms of the Memorandum of Understanding. The Fire Service has stipulated that HMO officers must undertake training in two areas, (1) Understanding fire behaviour and (2) Fire risk assessment.

Mr Thain advised that the training in respect of fire behaviour had been completed and once the training on fire risk assessment had been completed the HMO officers would be able to undertake their new duties.

Councillor Clark expressed concern that the officers were not issued with a certificate of competence.

The Committee agreed to remove item 4 from the statement.

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With reference to item 5 the Convener advised that the result of the consultation was received by the licensing team on Tuesday 1 December 2009. Councillor West requested that DAG are consulted when there is a request for approval of a wheelchair accessible vehicle.

**The Committee resolved:-**

to otherwise note the statement.

### **APPLICATIONS FOR GRANT, RENEWAL OR VARIATION OF LICENCES - LIST OF APPLICATIONS**

5. The Committee had before it, for its consideration the applications list 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 be subject to the Council's normal conditions unless otherwise stated.

### **PROCEDURE FOR APPROVAL OF TAXI METER TYPES**

6. The Committee had before it, for its consideration a report on a procedure for the approval of taxi meter types.

The report set out a procedure for inspecting and approving types of meters suitable for use in taxis and private hire cars.

**The report recommended**

that the Committee

- (1) approve the procedure for submitting a request for a taxi meter approval;
- (2) approve the proposed fee and
- (3) grant delegated powers to officers to approve meter types where the application is accompanied by the correct documentation and the taxi inspector is satisfied as to the accuracy of the meter after inspection.

**The Committee resolved:-**

to approve the recommendations.

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**AIRPORT ZONING**

7. The Committee had before it, for its consideration a report on the removal of the zoning condition currently imposed on taxi licences whereby taxis can either operate exclusively out of Aberdeen Airport or exclusively in the city.

**The report recommended**

- (1) that members consider the arguments in the report and resolve to remove the zoning condition;
- (2) if the zoning condition is to be removed the green taxi plates and small roof signs issued to airport operators are replaced with yellow plates at the Council's expense;
- (3) officers report back to Committee in six months after de-zoning and again at one year on how the new arrangement is working;
- (4) that officers be instructed to follow the statutory procedure to remove the zoning condition on taxi licences and
- (5) no action is taken at this time in respect of changing the fare tariff which includes a £1 surcharge for each hire commencing at the airport, to account for the dead mileage travelling back to the airport after dropping off a hire in the city. This will be addressed at the next taxi fare review which will be around February 2010.

Thereafter the Committee heard from Brenda Flaherty, Legal Manager on behalf of the City Solicitor who spoke to her report. Thereafter the Committee heard from Mr McLeod, Rainbow City Taxis who advised that his preference was to retain a dedicated airport fleet. The Committee then heard from Lyn Smith, Central Taxis who concurred with Mr McLeod's view. Finally the Committee heard from Mr Ted Leslie an airport driver that the current situation was unfair to airport drivers. He had carried out a survey of airport drivers which concluded that the majority of them were in favour of de-zoning.

Councillor John Stewart proposed that the conditions attached to an airport zoned taxi licence be varied to allow drivers to pick up on Union Street from the night time taxi ranks. The Committee asked Sergeant Keith Middler, Taxi Inspection Unit his opinion on the proposal. Sergeant Middler considered that the proposal seemed a workable solution.

Brenda Flaherty, Legal Manager advised that she considered that the proposal was impractical and that enforcement may be an issue.

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### **The Committee resolved:-**

- (1) to vary the condition attached to city zoned taxis (yellow plates) to allow them to pick up at the airport when the Green light is in operation at the invitation of BAA, BAA's managing agent or a police officer, and;
- (2) to instruct officers to prepare a report for the Licensing Committee's meeting on 13 January 2010 investigating the possibility of varying the condition attached to an airport zoned taxis (green plate) to allow drivers to pick up from the night time ranks on Union Street when they are in operation.

### **TAXI RANKS IN CITY CENTRE**

8. The Committee had before it, for its consideration a report which informed members of the current physical condition of existing taxi ranks within the city centre area of Aberdeen, the works required to improve them and details pertaining to the carrying out of a full taxi rank demand survey.

#### **The report recommended**

that members agree to

- (1) instruct officers to carry out improvements as identified in appendix A of the report when funding becomes available
- (2) to instruct officers to carry out consultations with taxi representatives and private taxi/private hire car consultation group regarding locations, taxi rank usage and improvements to existing and proposed taxi ranks annually and
- (3) to instruct officers to identify the detailed costs for a full taxi rank demand survey and to undertake this in the financial year 2010/2011 should funding become available.

### **The Committee resolved:-**

to adopt the recommendations.

### **LATE HOURS CATERING FESTIVE GUIDELINES 2009 - LETTER DATED 08 OCTOBER 2009 FROM GRAMPIAN POLICE**

9. The Committee had before it a letter dated 8 October 2009 from George McDonald, Temporary Chief Inspector, Grampian Police on behalf of the Chief Constable regarding the festive guidelines for late hour catering establishments. The letter requested that the Committee did not grant such establishments an extension of hours on both Christmas Day and New Year's Day.

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Councillor Stewart seconded by Councillor Allan moved:-  
to give officers delegated powers to grant applications for late hours catering to 4.00am on Christmas Day and New Year's Day.

Councillor Bolton seconded by Councillor Reynolds moved as an amendment:-  
not to grant any extension to late hours catering applicants for Christmas Day and New Year's Day.

On a division there voted:- for the motion (4) Councillors Allan, Clark, Corral and John Stewart; for the amendment (6) the Convener; and Councillors Bolton, Collie, Dunbar, Kiddie and Milne.

Councillor Kirsty West declined to vote.

**The Committee resolved:-**  
to adopt the amendment.

**APPLICATIONS FOR GRANT, RENEWAL OR VARIATION OF LICENCES - LIST OF APPLICATIONS TO BE HEARD IN CONFIDENCE**

10. The Committee had before it for consideration the application listed in Appendix B to this minute.

**EXEMPT INFORMATION**

**In relation to item 7.1 that members of the public and press be excluded from the meeting during discussions of the application on the grounds that there would be disclosure to them of exempt information as defined in paragraph 14 of schedule 7A of the Local Government (Scotland) Act 1973.**

**The Committee resolved:-**

that the applications be determined on the basis shown in Appendix B and all licences be subject to the Council's normal conditions unless otherwise stated.

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**COUNCILLOR JOHN REYNOLDS, Convener.**

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**APPENDIX A**

1. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/001**  
**Premises – Top Floor Flat Right, 60 Victoria Road, Aberdeen**

The Committee was advised that this application had been granted by delegated powers.

2. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/002**  
**Premises – 13 Talisman Road, Aberdeen**

The Committee was advised that this application had been granted by delegated powers.

3. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/003**  
**Premises – 5 Orchard Place, Aberdeen**

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

4. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/004**  
**Premises – 5a Orchard Place, Aberdeen**

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

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**5. APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION****Application Ref No. 2/005****Premises – 86 Hilton Heights, Aberdeen**

The Committee was advised that the applicant had requested that the application be deferred.

**The Committee resolved:-**

to defer consideration of the application to its next meeting to be held on 13 January 2010.

**6. APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION****Application Ref No. 2/006****Premises – 610 King Street, Aberdeen**

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

**7. APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION****Application Ref No. 2/007****Premises – 109 Craigievar Crescent, Aberdeen**

The Committee heard from Stephen Gauld, James and George Collie Solicitors and Mr Boulton on behalf of the applicant Susan Boulton.

Thereafter the Committee heard from the objector.

**The Committee resolved:-**

to defer consideration of the application to its next meeting to be held on 13 January 2010.

**8. APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**

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**Application Ref No. 2/008**  
**Premises – 44 Hilton Terrace, Aberdeen**

The Committee heard from Kenneth McGuichan, Bon Accord Leasing on behalf of the applicant and thereafter heard from the applicant.

Thereafter the Committee heard from the objectors.

**The Committee resolved:-**

to grant the application.

9. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**

**Application Ref No. 2/009**  
**Premises – Top Floor Flat, 59 Victoria Street, Aberdeen**

The Committee heard from the applicant.

**The Committee resolved:-**

to give delegated powers to the HMO unit to grant the application provided the outstanding works were carried out.

10. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**

**Application Ref No. 2/010**  
**Premises – Top Floor Flat, 59 Victoria Street, Aberdeen**

**The Committee resolved:-**

to defer consideration of the application until its next meeting on 13 January 2010.

11. **APPLICATION FOR THE RENEWAL OF A STREET TRADER (HOT FOOD) LICENCE**

**Application Ref No. 2/011**  
**Site – Argarath Road, 25 metres north of Pittodrie Street, Monday to Saturday 07:00 to 19:00 (22:00 hours on matchdays)**



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**Site – Greenhall Place, Bridge of Don, 50 metres west of Broadford Road,  
Monday to Saturday 07:00 to 19:00**

Brenda Flaherty on behalf of the City Solicitor advised that a late objection had been received in relation to the application.

**The Committee resolved:-**

not to accept the letter of objection.

The Committee had before them for consideration eight letters of objection to the Argarath Road site.

**The Committee resolved:-**

to refuse the Argarath Road and to grant the Greenhall Place site.

12. **APPLICATION FOR A TEMPORARY STREET TRADER (HOT FOOD) LICENCE**

**Application Ref No 2/012**

**Site – Castlegate, Aberdeen , Monday to Sunday, 10:00 to 22:00 hours**

The Committee was advised that the application had been withdrawn.

13. **APPLICATION FOR A TEMPORARY STREET TRADER (HOT FOOD) LICENCE – ABERDEEN SANTA RUN**

**Application Ref No 2/013**

**Site – Aberdeen Football Club Concourse Outside Richard Donald Stand,  
Pittodrie Stadium, Aberdeen, Monday to Sunday, 09:30 to 17:00 hours on 6  
December 2009**

In the absence of the applicant the Committee resolved to grant the application.

14. **APPLICATION FOR THE GRANT OF SKIN PIERCING/TATTOOING LICENCE**

**Application Ref No 2/014**

**Premises – Temple Aesthetics, 9 The Courtyard, Cults, Aberdeen**

In the absence of the applicant the Committee resolved to defer consideration of the application to its meeting to be held on 13 January 2010.

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15. **APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE**  
**Application Ref No 2/015**

In the absence of the applicant the Committee resolved to refuse the application.

16. **APPLICATION FOR THE GRANT OF A THEATRE LICENCE**  
**Application Ref No 2/016**  
**Premises – Sunnybank School, Sunnybank Road, Aberdeen**

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

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**APPENDIX B**

1. **APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE**  
**Application Ref No. 7/001**

The Committee had before it for consideration a letter dated 6<sup>th</sup> October, 2009 from Grampian Police and thereafter heard from Sergeant Keith Middler on behalf of the Chief Constable and from the applicant.

Councillor Boulton, seconded by Councillor Kirsty West, moved to grant the application for a period of six months provided the applicant passes his street knowledge test.

Councillor Stewart, seconded by Councillor Dunbar, moved as an amendment to refuse the application.

On a division, there voted:- for the motion (7) – the Convener; and Councillors Allan, Boulton, Collie, Corall, Milne and Kirsty West; for the amendment (3) – Councillors Clark, Dunbar and John Stewart.

**The Committee resolved:-**  
to adopt the motion.