

LICENSING COMMITTEE

ABERDEEN: 24 February 2010 - Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Reynolds, Convener; and Councillors Allan, Boulton, Cassie, Clark, Collie, Corall, Cormie (substituting for Dunbar), Crockett, Donnelly (substituting for Milne), Hunter, Kiddie, John West (substituting for John Stewart and Kirsty West).

MINUTE OF MEETING OF 13 JANUARY 2010

1. The Committee had before it the minute of 13 January 2010.

The Committee resolved:-

to approve the minute.

MINUTE OF MEETING OF TAXI CONSULTATION GROUP OF 16 NOVEMBER 2009

2. The Committee had before it the minute of the Taxi Consultation Group of 16 November 2009.

The Committee resolved:-

to note the minute.

COMMITTEE BUSINESS STATEMENT

3. The Committee had before it for consideration, the committee business statement.

With reference to item 2 of the business statement, the Committee heard a verbal update from Alastair Thain, Private Sector Housing Manager. Mr. Thain advised that Grampian Fire and Rescue Service had identified a training course in March that the HMO officers would attend. A further course in auditing will need to be undertaken by officers which will allow implementation of the Memorandum of Understanding between the Council and Grampian Fire and Rescue Service. Mr. Thain further advised that he would bring a written report to the next meeting of the Committee.

The Committee resolved:-

- (i) to remove item 1 on the business statement; and
- (ii) to otherwise note the statement.

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**MOTION BY COUNCILLOR BOULTON REFERRED BY COUNCIL ON 10
FEBRUARY 2010**

4. Reference was made to Article 9(f) of the Minute of Council of 10 February 2010, wherein the undernoted motion by Councillor Boulton was remitted to the Committee for consideration:-

“That full Council, remits to the Licensing Committee a request to review the current guidelines in respect of the 4am terminal hour applied to late night catering licence holders on weekends in the City Centre”.

Thereafter the Committee heard from Councillor Boulton.

The Committee resolved:-

that Officers prepare a report for the next meeting, reviewing the current guidelines for late hours catering licences in respect of the 4am terminal hour setting out the rationale behind the current guidelines and benchmark against other licensing authorities.

INFORMAL BUSINESS

5. The Committee had before it the business dealt with informally since 13 January 2010.

The Committee resolved:-

to note the informal business.

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

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 be subject to the Council's normal conditions unless otherwise stated.

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HMO LICENCE APPLICATION FEES

7. The Committee had before it an e-mail from Mr. Mockridge regarding the level of HMO application fees and thereafter heard from Mr. Mockridge who was objecting to the increase in the application fee over the last four years.

The Committee thereafter heard from Norrie Steed, Head of Shelter and Environment. Mr. Steed advised that the application fee had risen from £475 to £1,000 in the last year. Over the four year period the HMO Unit had made a surplus of approximately £83,000 not including any corporate costs. Mr. Steed advised that the legislation did not ring fence the revenue and that any surplus would go into the Council's General Revenue Fund. He further advised that the fee levels were comparable to those in Dundee, Edinburgh and Glasgow.

Members expressed concerns that the revenue generated was not being ring fenced for HMOs and that the level of fees may be too high.

The Committee thanked Mr. Mockridge for highlighting the issue.

The Committee resolved:-

to instruct officers to prepare a report on the finances of the HMO Unit including a breakdown of income generated from application fees and the operating costs of the Unit.

LICENCE APPLICATION FEES: APRIL 2010 - MARCH 2011

8. The Committee had before it for consideration a report by the Director of Corporate Governance regarding the proposed level of application fees for 2010/2011 for licences administered under the Civic Government (Scotland) Act 1982 and other miscellaneous pieces of legislation.

The report advised that for civic and miscellaneous applications the budget had worked out to be cost neutral and therefore a minimum inflationary rise of 2.5% had been applied with a few exceptions. The current fees for street trader licences are not covering costs and an increase of 7% has been applied. Similarly a rise of 5% is necessary to cover costs associated with second hand dealer, knife dealer and taxi booking office licences.

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With respect to taxi application fees a 2.5% inflationary rise has been applied with the exception of the substitution of vehicles which has been increased by 15%.

It was suggested by the Taxi Consultation Group that a 15% increase was too high in the current economic climate and that a 5% increase be added to the renewal fee to spread the cost and that the substitution fee could be increased by 2.5%.

It was also suggested that the substitution fee could be abolished and the renewal fee be increased to compensate. These suggestions were met with a mixed reception as comparatively few licence holders make use of the substitution option, meaning the vast majority of licence holders would be subsidising the few if either of these options were adopted.

The report recommended:-

that the Committee approve the fees as set out in appendices 1 and 2 to the report.

Thereafter the Committee heard from Russell McLeod, on behalf of the ATG who reiterated that a 15% increase in respect of substitutions was too high.

Mr. McLeod commented that based on the figures presented to the Committee, the Licensing Section would make a surplus of approximately £85,000, which in his opinion was too much.

Thereafter, the Committee heard from Carol Wright, Corporate Officer, who explained that the income presented was a projected income and that the surplus was to account for any contingencies.

The Committee resolved:-

- (i) to approve the application fees for civic and miscellaneous applications as set out in appendix 1 of the report;
- (ii) to freeze taxi application fees at current levels; and
- (iii) to abolish the application fee for taxi vehicle substitutions.

COUTIE V DUNDEE CITY COUNCIL, COURT OF SESSION DECISION

9. The Committee had before it for consideration a report by the Director of Corporate Governance regarding Coutie versus Dundee City Council Court of Session decision.

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The report advised that the Court of Session decision confirmed that the Committee had taken the correct decision with regard to its policy on wheelchair accessible taxis.

The report recommended:-
that the Committee note the report.

The Committee resolved:-
to approve the recommendation.

AIRPORT ZONING VARIATION OF CONDITION ON YELLOW PLATE TAXIS

10. With reference to article 7 of the minute of meeting of 02 December, 2009, the Committee had before it for its consideration a report on the removal of the zoning conditions currently imposed on taxi licences whereby taxis can either operate exclusively out of Aberdeen airport or exclusively in the city.

The report recommended:-
that members –

- (a) consider the responses from taxi drivers in relation to the proposed variation;
- (b) ratify the proposed new condition; and
- (c) instruct officers to finalise procedural aspects of the variation and issue the amended conditions.

The Committee resolved:-
to approve the recommendations.

VARIATION OF CONDITION ON AIRPORT ZONED TAXIS

11. With reference to article 7 of the minute of meeting of 02 December, 2009, the Committee had before it for its consideration a report on the variation of conditions attached to airport zoned taxi licences.

The report advised that the Committee had instructed officers to investigate the possibility of varying airport zoned taxi licences (green plates) to allow those operators to pick up fares from the night time ranks on Union Street when they are in operation on Friday and Saturday nights.

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The purpose of the variation is to assist in clearing long queues of passengers at busy times when insufficient taxis are available to satisfy public demand.

A limited consultation exercise was carried out on the proposal. All taxi operators were advised by letter of the decision of 02 December 2009 and told that a report would be forthcoming in respect of the proposal. This generated seventeen responses.

A draft of the report was discussed at the Taxi Consultation Group on 08 February 2010 where no clear consensus of opinion emerged.

It was suggested at that meeting that one way of moving forward might be to initiate a trial period and to suspend the zoning condition on the airport zoned licences during the time that the night time taxi ranks are in operation thereby allowing airport zoned taxis to operate in the city zone during those times. This is done for the oil exhibition every second year and works well. The suspension would apply on Saturday nights/Sunday mornings only between the hours of midnight and 5.00am. An airport operator who picked up a hire before 5am could complete that hire. He could not pick up a passenger in the city zone after 5am.

It was suggested that Friday nights were not included in the trial as the city centre was not busy enough to justify this and that making the change on a Saturday night would be sufficient.

The report recommended:-

- (a) that the Committee initiates a trial period of six months whereby airport zoned taxis are permitted to operate in the city zone when the night time ranks are in operation;
- (b) that the zoning conditions for airport zoned taxis be suspended to enable this to happen on Saturday nights/Sunday mornings between the hours of midnight and 5.00am;
- (c) that airport zoned taxis which take advantage of the suspension of the zoning condition also be permitted to pick up passengers on the street by being flagged down; and
- (d) that a report be forthcoming at the end of the trial period on whether the situation should be made permanent by varying the conditions attached to airport zoned taxis.

The Committee resolved:-

to approve the recommendations.

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TECHNICAL SPECIFICATION FOR WHEELCHAIR ACCESSIBLE TAXI VEHICLES

12. The Committee had before it for consideration a report by the Director of Corporate Governance. The report asked members to endorse in principle a specification for wheelchair accessible vehicles which are licensed as taxis in the local authority area. Thereafter the proposed specification would be subject of a consultation exercise.

The report recommended:-

- (a) that the Committee adopt a new specification in principle;
- (b) that a consultation exercise is carried out on that specification; and
- (c) that a further report be placed before the Committee with the outcome of the consultation with a view to making a final decision on which specification should be adopted.

The Committee resolved:-

to adopt the recommendations.

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

EXEMPT INFORMATION

The Committee resolved in relation to items 10(1), 10(2) and 10(3) that members of the public and press be excluded from the meeting during discussion of the applications on the grounds that there would be disclosure to them of exempt information as defined in paragraph 14 of Schedule 7(A) to the Local Government (Scotland) Act 1973.

13. 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 be subject to the Council's normal conditions unless otherwise stated.

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REQUEST FOR SUSPENSION OF TAXI DRIVER LICENCE - LETTER FROM GRAMPIAN POLICE DATED 22 JANUARY 2010

EXEMPT INFORMATION

The Committee resolved in relation to item 12 that members of the public and press be excluded from the meeting during discussion of the application on the grounds that there would be disclosure to them of exempt information as defined in paragraph 14 of Schedule 7(A) to the Local Government (Scotland) Act 1973.

14. The Committee had before it for consideration a letter dated 22 January 2010 from Grampian Police requesting the suspension of a taxi driver's licence.

The Committee resolved:-

to hold a suspension hearing on a date to be advised to the members of the Evidential Hearing Sub-Committee.

TAXI FARE REVIEW - LETTER DATED 3 FEBRUARY 2010 FROM ATG

15. The Committee had before it a letter dated 03 February 2010 from Aberdeen Taxi Group (ATG). The letter asked the Licensing Committee to consider the following:-

- (1) no fare review for 2010,
- (2) if there is any significant change in circumstances that the Committee would allow the trade to submit a fare increase request at any time during 2010,
- (3) a new fare review will commence early 2011 and any change implemented in June/July, 2011, and
- (4) that a meter change to take account of holiday dates take place in June, 2010.

The Committee resolved:-

to agree to the ATG request.

- COUNCILLOR JOHN REYNOLDS, Convener.

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APPENDIX A

1. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 3/001
Premises – 479 King Street, Aberdeen

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

2. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 3/002
Premises – 5 Spital Walk, Aberdeen

The Committee heard from Alastair Thain, Private Sector Housing Manager, that the applicant had requested that the application be deferred to its next meeting.

The Committee resolved:-

to defer consideration of the application to its next meeting to be held on 24th April, 2010.

3. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 3/003
Premises – 192 Morrison Drive, 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. 3/004
Premises – 406 Union Street, Aberdeen

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

5. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 3/005
Premises – 27 Greenmore Gardens, Aberdeen

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

6. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 3/006
Premises – 8 Sunnyside Avenue, 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. 3/007
Premises – 22 Woodhill Road, Aberdeen

The Committee heard from Alastair Thain, Private Sector Housing Manager, who spoke to his memo of 9th February, 2010 and advised that one letter of objection had been received.

Thereafter the Committee heard from the objector, from the applicant and from Mr. Thomson, Thomson Properties on behalf of the applicant.

The Committee resolved:-

to give delegated powers to grant the application for a period of one year once all standing work had been completed.

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8. **APPLICATION FOR THE GRANT OF A NON DOMESTIC KNIVES AND SWORDS LICENCE**

Application Ref No. 3/008

Premises – Aberdeen Water Sports and Leisure Limited, 35 Victoria Quay, Aberdeen

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

9. **APPLICATION FOR THE GRANT OF A SKIN PIERCING/TATOOING LICENCE**

Application Ref No. 3/009

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

The Committee was advised that the application had been before the Committee on three previous occasions, and in the absence of the applicant,

The Committee resolved:-
to refuse the application.

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APPENDIX B

1. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE
Application Ref No. 10/001

The Committee heard from Brenda Flaherty, Legal Manager on behalf of the City Solicitor that the Police had submitted a letter of observation to the application outwith the statutory time period. Thereafter the Committee heard from Sergeant Keith Middler, Taxi Inspector as to the reason why the letter had been submitted late.

The Committee resolved:-
to accept the letter.

Thereafter the Committee considered a letter dated 21 December, 2009 from Grampian Police and thereafter heard from Sergeant Keith Middler on behalf of the Chief Constable. Thereafter the Committee heard from the applicant.

The Committee resolved:-
to grant the application for a period of six months and to recommend to the applicant that he undertake an anger management course.

2. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE
Application Ref No. 10/002

The Committee considered a letter dated 10 December, 2009 from Grampian Police and thereafter heard from Sergeant Keith Middler on behalf of the Chief Constable and from the applicant.

The Committee resolved:-
to grant the application.

3. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE
Application Ref No. 10/003

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The Committee considered a letter dated 2 February, 2010 from Grampian Police and thereafter heard from Sergeant Keith Middler on behalf of the Chief Constable and from the applicant.

The Committee resolved:-

to give delegated powers to grant the application provided the applicant passes the street knowledge test and taxi inspector's driving test.