

## LICENSING COMMITTEE

ABERDEEN: Wednesday, 21 April 2010 Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Reynolds, Convener; and Councillors Boulton, Cassie, Clark, Milne, John Stewart and Kirsty West.

### 1 MINUTE OF MEETING OF 24 FEBRUARY 2010

The Committee had before it the minute of 24 February 2010.

The Committee resolved:-  
to approve the minute.

### 2 MINUTE OF MEETING OF SPORTS GROUND ADVISORY WORKING GROUP OF 14 JANUARY 2010

The Committee had before it the minute of the Sports Ground Advisory Working Group.

The Committee resolved:-  
to note the minute.

### 3 MINUTE OF MEETING OF EVIDENTIAL HEARING SUB COMMITTEE OF 01 MARCH 2010

The Committee had before it the minute of the Evidential Hearing Sub Committee.

The Committee resolved:-  
to note the minute.

### 4 MINUTE OF MEETING OF EVIDENTIAL HEARING SUB COMMITTEE OF 29 MARCH 2010

The Committee had before it the minute of the Evidential Hearing Sub Committee.

The Committee resolved:-  
to note the minute.

### 5 COMMITTEE BUSINESS STATEMENT

**LICENSING COMMITTEE**

21 April 2010

The Committee had before it for consideration, the Committee Business Statement.

With reference to item 1 of the Business Statement, the Committee heard from Alastair Thain, Private Sector Housing Manager. He advised that he had been unable to produce the report but that it would be brought to Committee on 02 June 2010.

**The Committee resolved:-**

to note the statement.

**6 INFORMAL BUSINESS**

The Committee had before it a statement of the business dealt with informally since 24 February 2010.

**The Committee resolved:-**

to note the informal business.

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

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.

**8 NOTIFICATION OF A PROPOSED PROCESSION: ABERDEEN STUDENTS' CHARITIES CAMPAIGN - 01 MAY 2010 AT 19:30**

The Committee was advised that the Public Procession Order had been issued by delegated powers.

**9 REVIEW OF LATE HOURS CATERING GUIDELINES - REPORT**

## LICENSING COMMITTEE

21 April 2010

With reference to article 4 of the minute of meeting of 24 February 2010, the Committee had before it, for its consideration, a report on the review of late hours catering guidelines.

The report advised the Committee that consultation on a review of the current guidelines was currently underway and that the deadline for responses is 10 May 2010.

### **The report recommended:-**

- (1) that the Committee note the consultation period; and
- (2) note that a further report on the findings of the consultation will come before the Committee on 02 June 2010.

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

to approve the recommendations.

## **10 REVIEW OF STREET TRADER LICENCES - REPORT**

The Committee had before it, for its consideration a report on the review of street trader licences. The report outlined the current system in place with regards to all aspects of street trader licences and made suggestions for changes to the practice and procedure relating these licences.

### **The report recommended:-**

that the Committee –

- (1) considers whether it wishes to revoke the current requirement whereby all applications for new hot food sites and new applicants for existing hot food sites require to be advertised in a local newspaper;
- (2) maintains current practice whereby hot food applications for new sites must be brought before the Committee for its determination;
- (3) revokes the current 100 metre rule detailed in Condition 10 as annexed at Appendix A to the report;
- (4) revokes its current guidelines prohibiting street trading in the city centre;
- (5) adds a new condition (Condition 22) prohibiting the siting of street trading stances which sell any type of food and / or drinks within a 400m radius of the outer boundary of a school at all times;
- (6) in the meantime maintains all nine zones in relation to street traders' licences for ice cream vans and other mobile vans pending a potential change in legislation;

## LICENSING COMMITTEE

21 April 2010

- (7) maintains the current one year duration for a street trader's licence; and
- (8) endorses in principle the amended current conditions as detailed in Appendix B of the report.

The Committee heard from Brenda Flaherty, Legal Manager, who explained to the Committee that the review of street trading was precipitated by a change in legislation. Thereafter, the Committee heard from Caroline Treanor, Solicitor, who spoke to her report. After discussing the contents of the report

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

to instruct officers to prepare a discussion document to be brought before the Committee at its next meeting on 02 June 2010.

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

### **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 6.1 to 6.4 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.**

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

**- COUNCILLOR JOHN REYNOLDS, Convener.**

**LICENSING COMMITTEE**  
21 April 2010

**APPENDIX A**

1. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/001**  
**Premises – Flat 3, 3 Duthie Terrace, 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. 2/002**  
**Premises – 331 Hardgate, Aberdeen**

The Committee was advised that the 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 – Hayfield Riding School, Hazlehead Park, Aberdeen**

The Committee heard from Alastair Thain, Private Sector Housing Manager, who spoke to his memo of 07 April, 2010 and advised the Committee that there were still some works to be completed and certificates to be provided.

**The Committee resolved:-**

to give delegated powers to grant the application once all outstanding works are completed and certificates submitted.

4. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/004**  
**Premises – 11 Orchard Walk, Aberdeen**

**LICENSING COMMITTEE**

21 April 2010

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. 2/005  
Premises – 14 Hillview Terrace, Cults, Aberdeen

The Committee heard from Alastair Thain, Private Sector Housing Manager, who spoke to his memo of 07 April, 2010. Thereafter the Committee heard from Alistair Minty on behalf of Inspire Partnership. He advised the Committee that a builder had been appointed to undertake all outstanding works.

**The Committee resolved:-**

to give delegated powers to grant the application once all outstanding works are completed.

6. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
Application Ref No. 2/006  
Premises – 32 Kintore Place, Aberdeen

The Committee heard from Alastair Thain, Private Sector Housing Manager, who spoke to his memo of 07 April, 2010 and advised the Committee that there were still some works to be completed and certificates to be provided. In the absence of the applicant,

**The Committee resolved:-**

to give delegated powers to grant the application once all outstanding works are completed and certificates submitted.

7. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
Application Ref No. 2/007  
Premises – Flat M, 16 Ashgrove Road, Aberdeen

**LICENSING COMMITTEE**  
21 April 2010

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

8. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/008**  
**Premises – 31 Sunnyside Avenue, Aberdeen**

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

9. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/009**  
**Premises – 9 University Road, Aberdeen**

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

10. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/010**  
**Premises – 48J Market Street, Aberdeen**

The Committee heard from Alastair Thain, Private Sector Housing Manager, that the applicant had requested that consideration of the application be deferred.

**The Committee resolved:-**

to defer consideration of the application to its next meeting to be held on 02 June, 2010.

11. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/011**

**LICENSING COMMITTEE**

21 April 2010

**Premises – 1<sup>st</sup> Floor Flat, 559 George Street, Aberdeen**

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

12. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/012**  
**Premises – 33 Gaitside Drive, Aberdeen**

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

13. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/013**  
**Premises – 23 Sunnybank Road, Aberdeen**

The Committee heard from Alastair Thain, Private Sector Housing Manager, who spoke to his memo of 07 April, 2010 and advised the Committee that one letter of objection had been received in respect of the application. Thereafter the Committee heard from the applicant, Mr William Murray, and in the absence of the objector,

**The Committee resolved:-**  
to grant the application.

14. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/014**  
**Premises – 12 Orchard Road, Aberdeen**

The Committee heard from Alastair Thain, Private Sector Housing Manager, who spoke to his memo of 07 April, 2010. He advised the Committee that one letter of objection had been received and that all the outstanding works had been



**LICENSING COMMITTEE**

21 April 2010

completed and certificates submitted but that a final inspection would be required before the application could be granted. Thereafter the Committee heard from the applicant and in the absence of the objector,

**The Committee resolved:-**

to give delegated powers to grant the application once final inspection had been undertaken.

15. **APPLICATION FOR A TEMPORARY MARKET OPERATOR'S LICENCE**  
**Application Ref No 2/015**  
**Cove Gala Committee**
  
16. **APPLICATION FOR A TEMPORARY MARKET OPERATOR'S LICENCE**  
**Application Ref No 2/016**  
**Voluntary Services, Aberdeen**
  
17. **APPLICATION FOR A TEMPORARY MARKET OPERATOR'S LICENCE**  
**Application Ref No 2/016**  
**Culter Gala Committee**

The Committee heard from Brenda Flaherty, Legal Manager, who advised the Committee that a Market Operator's Licence lasts for three years and a temporary licence lasts six weeks. The fee for both a grant and a temporary licence is the same.

All three of the above applicants had been issued with temporary licences last year, and had applied again this year for licences for their annual gala days.

**The Committee resolved:-**

- (1) that the temporary licences could be converted to full Market Operator Licences and instructed officers to issue the licences to expire in 2012; and
- (2) to instruct officers to take the same action in respect of any other similar applications which were received.

**LICENSING COMMITTEE**

21 April 2010

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

**Application Ref No. 2/018**

**Site - Howemoss Crescent, Dyce, west side 230 metres south of the junction at the north end of Howemoss Avenue**

**Times - Monday to Wednesday, 07:00 to 13:00, Saturday 09:00 to 23:00**

The Committee heard from Raymond Morrison, Authorised Officer, that the applicant had not applied for the necessary Food Safety Certificate and upon contacting her he was advised that she was selling the business. In the absence of the applicant,

**The Committee resolved:-**

to refuse the application.

19. **APPLICATION FOR THE GRANT OF A STREET TRADER (GENERAL) LICENCE**

**Application Ref No. 2/019**

**Site – City Centre, beside G Casino and Beachside, Aberdeen**

**Times - Monday to Sunday, 10:00 to 16:00**

The Committee heard from Brenda Flaherty, Legal Manager, that the application was before it because it involved street trading in the city centre. The applicant was present but did not have the aid of a language interpreter.

**The Committee resolved:-**

to defer consideration of the application to its meeting to be held on 02 June, 2010 to allow the applicant to obtain the services of a language interpreter.

20. **APPLICATION FOR THE GRANT OF A STREET TRADER (GENERAL) LICENCE**

**Application Ref No. 2/020**

**Site – St Nicholas Street, beside Royal Bank of Scotland**

**Times – 01 November to 31 December 2010, 06:00 to 19:00**

## LICENSING COMMITTEE

21 April 2010

The Committee heard from Brenda Flaherty, Legal Manager, that the application was before the Committee because it involved street trading in the city centre.

**The Committee resolved:-**

To grant the application.

21. **APPLICATION FOR THE GRANT OF A STREET TRADER (HOT FOOD) LICENCE**

**Application Ref No. 2/021**

**Site - Howemoss Avenue, Dyce, 30 metres south of Howemoss Place, west side**

**Times - Monday to Sunday, 07:00 to 17:00**

The Committee was advised that the application was before it because it was for the grant of a new site for a hot food licence; there were no objections to the application. The Committee then heard from the applicant and thereafter,

**The Committee resolved:-**

to grant the application.

22. **APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE**

**Application Ref No. 2/022**

**Premises – Britannia Hotel, Malcolm Road, Bucksburn, Aberdeen**

The Committee heard from Brenda Flaherty, Legal Manager who advised the Committee that there was still some outstanding works to be done. Thereafter the Committee heard from Barry Clark on behalf of the applicant Adelphi Grand LLP. He advised the Committee that all the works were complete.

**The Committee resolved:-**

to give delegated powers to grant the application once a final inspection had been undertaken by an officer from Building Standards.

23. **APPLICATION FOR THE RENEWAL OF A CINEMA LICENCE**

**Application Ref No. 2/023**

**Premises – Vue Cinema, 10 Shiprow, Aberdeen**

**LICENSING COMMITTEE**  
21 April 2010

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

24. **APPLICATION TO HOLD A PUBLIC CHARITABLE COLLECTION**  
**Application Ref No. 2/024**

The Committee heard from Brenda Flaherty, Legal Manager, who explained that the request was before the Committee as the applicant had applied to hold a public charitable collection on a Sunday, which day is outwith the Committee's guidelines. The applicant was on a tour of Britain to raise money for the charity Help the Heroes and Sunday, 04 July 2010 is the only day she would be in Aberdeen.

**The Committee resolved:-**

to grant the application, however this did not indicate a change to the guidelines regarding collections on Sunday, but was because of the special circumstances of the request.

**LICENSING COMMITTEE**  
21 April 2010

**APPENDIX B**

**1. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE**  
**Application Ref No. 6/001**

The Committee heard from Sergeant Keith Middler, Grampian Police, who asked the Committee to consider a letter of objection, notwithstanding the fact that it has been provided more than 21 days after the lodging of the application. The Committee agreed to take the letter into consideration. Sergeant Middler then spoke to the letter of 30 March 2010. In the absence of the applicant,

**The Committee resolved:-**  
to refuse the application.

**2. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE**  
**Application Ref No. 6/002**

The Committee heard from Sergeant Keith Middler, Grampian Police, on behalf of the Chief Constable who spoke to the letter of observation dated 12 February 2010. Thereafter the Committee heard from the applicant.

Councillor Cassie seconded by Councillor Boulton moved to grant the application for a period of six months provided that the applicant passes the street knowledge test.

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

On a division, there voted:- for the motion (4) – the Convener; and Councillors Boulton, Cassie and Milne; for the amendment (3) – Councillors Clark, John Stewart and Kirsty West.

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

**3. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE**  
**Application Ref No. 6/003**

**LICENSING COMMITTEE**  
21 April 2010

The Committee heard from Sergeant Keith Middler, Grampian Police, on behalf of the Chief Constable who spoke to his letter of 16 February 2010. Thereafter the Committee heard from the applicant.

Councillor Boulton seconded by Councillor Kirsty West moved to refuse the application.

Councillor Cassie seconded by the Convener, moved as an amendment, to grant the application for a period of six months provided the applicant passes the street knowledge test.

On a division, there voted:- for the motion (4) – Councillors Boulton, Clark, John Stewart and Kirsty West; for the amendment (3) – the Convener; and Councillors Cassie and Milne.

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

**4. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE**  
**Premises: The Grill Sizzling, 27 Windmill Brae, Aberdeen**  
**Times: Monday to Thursday, 11pm to 3am; Friday and Saturday 11pm to 4am**

The Committee heard from Sergeant Barry Skinner, Grampian Police, who spoke to the police letter of 24 March 2010. Thereafter the Committee heard from Karen Cochran, Wilson & Duffus, who spoke on behalf of the applicant. The Committee then heard from the applicant.

**The Committee resolved:-**  
to grant the licence for a period of one year.