

LICENSING COMMITTEE

ABERDEEN, 7 February 2017. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Boulton, Convener; and Councillors Allan, Copland, Crockett, Delaney, Jackie Dunbar (as substitute for Councillor Hutchison), Lesley Dunbar, Graham, Lawrence (as substitute for Councillor Carle), MacGregor, Malik, Malone, Nicoll, Reynolds, Samarai and Townson.

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MIId=4347&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.

MINUTE OF PREVIOUS MEETING OF 13 DECEMBER 2016

1. The Committee had before it the minute of its previous meeting of 13 December 2016.

The Committee resolved:

to approve the minute as a correct record.

MINUTES OF THE MEETINGS OF THE LICENSING URGENT BUSINESS SUB COMMITTEE OF 22 DECEMBER 2016, 11 AND 26 JANUARY 2017

2. The Committee had before it the minutes of the meetings of the Licensing Urgent Business Sub Committee of 22 December 2016 and 11 and 26 January 2017.

The Committee resolved:

to approve the minutes as correct records.

COMMITTEE BUSINESS STATEMENT

3. The Committee had before it a statement of Committee Business prepared by the Head of Legal and Democratic Services.

The Committee resolved:

- (i) in relation to item 5 (Review of Accessible Vehicles Policy), to note that a response from the Chief Executive of Dundee City Council had been received and would be reported to the next meeting of the Committee on 18 April 2017; and
- (ii) to otherwise note the updates contained in the statement.

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APPLICATION FOR LICENCES

4. 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.

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

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

- COUNCILLOR MARIE BOULTON, Convener.

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APPENDIX A**1. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION****Premises – 56C Walker Road, Aberdeen****Application Reference Number – 3/1**

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

2. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**Premises – 56 Bedford Place, Aberdeen****Application Reference Number – 3/2**

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

3. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**Premises – 29 Jute Street, Aberdeen****Application Reference Number – 3/3**

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

4. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**Premises – 152 Clifton Road, Aberdeen****Application Reference Number – 3/4**

The Committee had before it a report by the Private Sector Housing Manager in respect of the application and one letter of representation.

The applicant's agent, Ms Lynn Wood, was in attendance.

The respondent Mr Derek Gibson was in attendance and spoke in support of the letter of representation. The Committee asked questions of Mr Gibson.

The Committee then heard from the applicant's agent in support of the application. The Committee asked questions of the applicant's agent.

Councillor Townson, seconded by Councillor Copland moved:-
that the Committee grant the licence.

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Councillor Delaney, seconded by Councillor Reynolds moved as an amendment:-

that the Committee grant the licence for a period of one year.

On a division, there voted:- for the motion (8) – Councillors Copland, Crockett, Jackie Dunbar, Graham, MacGregor, Malik, Nicoll and Townson; for the amendment (8) – the Convener and Councillors Allan, Delaney, Lesley Dunbar, Lawrence, Malone, Reynolds and Samarai.

There being an equality of votes, in terms of Standing Order 15(5), the Convener exercised her casting vote in favour of the amendment.

The Committee resolved:

- (i) to adopt the amendment; and
- (ii) to instruct the Antisocial Behaviour Investigation Team (ASBIT) to submit a report to a future meeting of the Committee detailing the procedure for processing and investigating complaints, and confirming whether a reference number was allocated to all complaints received.

DECLARATION OF INTEREST

Prior to consideration of the following item, Councillor Nicoll declared an interest in the following article by virtue of knowing the applicant, and withdrew from the meeting prior to consideration of the application.

**5. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Premises - 35 St.Machar Drive, Aberdeen
Application Reference Number – 3/5**

The Committee had before it a report by the Private Sector Housing Manager in respect of the application and one letter of representation.

The applicant's agent, Mr Grant Fairbairn was in attendance.

The respondent Ms Stephanie Brock was in attendance and spoke in support of the letter of representation, during which she advised that she was making representation regarding the overall Council's overall HMO policy rather than to the individual licence currently being considered and therefore withdrew her letter of representation.

Mr Thain, Private Sector Housing Manager, advised that all necessary works at the property had now been completed.

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The Committee resolved:

to grant the licence.

6. RENEWAL OF A STREET TRADER'S (HOT FOOD) LICENCE - MAUREEN ROSS**Application Reference Number – 3/6****Location - Exploration Drive, East Side 25m North of Claymore Drive.**

The Committee had before it (1) an information note prepared by the Head of Legal and Democratic Services in respect of the application; and (2) three letters of representation.

The applicant, Ms Maureen Ross, was in attendance, accompanied by her daughter Ms Wendy Ross.

Two of the respondents, namely (1) Mr Alasdair Roy on behalf of GVA James Barr and (2) Mr Alan Simpson on behalf of Ms Mary McArthur, Land and Property Assets, Aberdeen City Council were in attendance and spoke in support of their respective letters of representation. The third respondent, Ms Laura Mann, Moorfield Group, was not in attendance, nor represented. The Committee asked questions of the respondents.

The Committee then heard from the applicant in support of the application. The Committee asked questions of the applicant.

The Committee resolved:

to grant the application.

7. RENEWAL OF A TAXI OPERATOR'S LICENCE (A126) - S HEEPS**Application Reference Number – 3/7**

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

8. GRANT OF A TAXI DRIVER'S LICENCE - PETER FRASER**Application Reference Number – 3/8**

The Committee was advised that the application had been withdrawn.

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9. RENEWAL OF A TAXI DRIVER'S LICENCE (0136) - GAIL FORREST
Application Reference Number – 3/9

The Committee was advised that the application had been deferred.

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APPENDIX B**1. APPLICATION FOR THE RENEWAL OF A LANDLORD REGISTRATION
Application Reference Number – 5/1**

The Committee had before it (1) a report by the Private Sector Housing Manager; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 2 December 2016 and Sergeant Flett was in attendance to speak in support of the letter.

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

The Committee resolved:

to refuse the landlord registration.

**2. APPLICATION FOR THE GRANT OF A WINDOW CLEANER'S LICENCE
Application Reference Number – 5/2**

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application; and (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 9 September 2016, and Sergeant Flett was in attendance and spoke in support of the letter of representation.

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

The Committee resolved:

to grant the application.

**3. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE
Application Reference Number – 5/3**

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application; and (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 9 January 2017, and Sergeant Flett was in attendance and spoke in support of the letter of objection.

The applicant was in attendance, accompanied by his solicitor Ms Wilson who spoke in support of the application.

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Councillor Nicoll, seconded by Councillor Copland, moved that the Committee defer consideration of the application to its next meeting on 18 April 2017, to enable Police Scotland to liaise with the Procurator Fiscal regarding the submission of further information on ongoing court proceedings in respect of the applicant to the Committee.

Councillor Townson, seconded by Councillor Malone moved as an amendment:- that the Committee grant the application for a period of one year.

Councillor Delaney moved as a further amendment:- that the Committee refuse the application on the grounds that the applicant was not a fit and proper person.

Councillor Delaney's amendment failed to attract a seconder and therefore was not put to the vote.

On a division, there voted:- for the motion (6) – Councillors Copland, Delaney, Jackie Dunbar, MacGregor, Nicoll and Samarai; for the amendment (10) – the Convener and Councillors Allan, Crockett, Lesley Dunbar, Graham, Lawrence, Malik, Malone, Reynolds and Townson.

The Committee resolved:

to adopt the amendment by Councillor Townson.

4. APPLICATION FOR THE GRANT OF A SKIN PIERCING AND TATTOOING LICENCE

Application Reference Number – 5/4

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application; and (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 8 December 2016, and Sergeant Flett was in attendance and spoke in support of the letter of objection.

The applicant was in attendance, accompanied by her solicitor, Mr Falconer, who spoke in support of the application.

The Committee resolved:

to defer consideration of the application to enable a certificate stating that the applicant had complied with the requirement contained in paragraph 2 of Schedule 1 of the Civic Government (Scotland) Act 1982 to display a notice at or near the premises for a period of 21 days beginning on the date on which the application was submitted to be provided, after which time the Head of Legal and Democratic Services could grant the application under delegated powers if

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the required notice had been received, or otherwise refer it to a meeting of the Licensing Urgent Business Sub Committee.

5. **APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE**
Application Reference Number – 5/5

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

The applicant was not in attendance.

The Committee resolved:
to refuse the application.

6. **APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE**
Application Reference Number – 5/6

The Committee had before it an information sheet 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 a meeting of the Licensing Urgent Business Sub Committee to provide the applicant with another opportunity to be present.

7. **APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE**
Application Reference Number – 5/7

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application; and (2) an email from the applicant.

The information note advised that the application had been placed on the agenda as it required to be determined by 6 March 2017 and to date the applicant had not passed the street knowledge test and he had requested that he be exempt from this requirement.

The applicant was in attendance and explained why he felt he should be exempt from the street knowledge test requirement.

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The Committee resolved:

to agree that the applicant be exempt from the street knowledge test requirement on the basis of the mitigating circumstances presented by the applicant and thereby to grant the application.

**8. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number – 5/8**

The Committee had before it an information sheet 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 a meeting of the Licensing Urgent Business Sub Committee to provide the applicant with another opportunity to be present.

DECLARATION OF INTEREST

Prior to consideration of the following item, Councillor Samarai declared an interest in the following article by virtue of knowing the applicant through her previous employment, and withdrew from the meeting prior to consideration of the application.

**9. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE
Application Reference Number – 5/9**

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 30 November 2016, and Sergeant Flett was in attendance.

The applicant was not in attendance.

The Committee resolved:

to defer consideration of the application to the next meeting of the Committee on 18 April 2017 to provide the applicant with another opportunity to be present.

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DECLARATION OF INTEREST

Prior to consideration of the following item, Councillor Samarai declared an interest in the following article by virtue of knowing the applicant through her previous employment, and withdrew from the meeting prior to consideration of the application.

**10. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE
Application Reference Number – 5/10**

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application; and (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 16 January 2017, and Sergeant Flett was in attendance.

The applicant was not in attendance.

The Committee resolved:

to defer consideration of the application to the next meeting of the Committee on 18 April 2017 to provide the applicant with another opportunity to be present.

**11. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE
Application Reference Number – 5/11**

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

Mr Munro, Legal Advisor, advised that Police Scotland wished to lodge a letter of objection in respect of the application and highlighted that this was submitted beyond the statutory time period within which such letters must be received. He further advised that the Committee might consider late representations if it was satisfied there was a sufficient reason why it was not made in the time required.

The Committee heard from Sergeant Flett, Police Scotland who explained why the letter of objection was late and should be considered today.

The applicant was in attendance and confirmed he had received a copy of the letter and that he had no objection to the letter being entered into proceedings.

The Committee resolved:

that the late letter of representation from Police Scotland be introduced to the proceedings.

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The Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 18 January 2017, and Sergeant Flett was in attendance and spoke in support of the letter of objection.

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

The Committee further resolved:

to defer consideration of the application to (1) allow a medical report from the Committee's occupational health care provider to be received; and (2) for the applicant to pass the required street knowledge test, after which time the Head of Legal and Democratic Services could grant the application under delegated powers for a period of one year if the applicant met the Group 2 DVLA medical criteria and had passed the street knowledge test, or otherwise refer it to a meeting of Licensing Urgent Business Sub Committee.

12. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number – 5/12

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application; and (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 7 December 2016, and Sergeant Flett was in attendance and spoke in support of the letter of objection.

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

Councillor Townson, seconded by Councillor Reynolds, moved:-
 that the Committee grant the application for a period of one year.

Councillor Nicoll, seconded by Councillor Jackie Dunbar moved as an amendment:-
 that the Committee refuse the application on the grounds that the applicant was not a fit and proper person.

On a division, there voted:- for the motion (6) – Councillors Allan, Graham, Malik, Reynolds, Samarai and Townson; for the amendment (8) – the Convener and Councillors Copland, Jackie Dunbar, Lesley Dunbar, Lawrence, MacGregor, Malone and Nicoll.

The Committee resolved:

to adopt the amendment.

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13. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE

Application Reference Number – 5/13

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

14. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE

Application Reference Number – 5/14

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application; and (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 25 October 2016, and Sergeant Flett was in attendance.

The applicant was not in attendance.

The Committee resolved:

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub Committee to provide the applicant with another opportunity to be present.

DECLARATION OF INTEREST

Prior to consideration of the following item, Councillor Samarai declared an interest in the following article by virtue of knowing the applicant through her previous employment, and withdrew from the meeting prior to consideration of the application.

15. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE

Application Reference Number – 5/15

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application; and (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 13 December 2016, and Sergeant Flett was in attendance and spoke in support of the letter of objection.

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

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The Committee resolved:

to refuse the application on the grounds that the applicant was not a fit and proper person.

16. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE**Application Reference Number – 5/16**

With reference to article 8 of appendix B of the minute of the meeting of the Licensing Committee of 13 December 2016, the Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application; and (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 3 November 2016, and Sergeant Flett was in attendance.

Mr Munro, Legal Advisor, advised that Police Scotland wished to lodge a further letter of objection in respect of the application and highlighted that this was submitted beyond the statutory time period within which such letters must be received. He further advised that the Committee might consider late representations if it was satisfied there was a sufficient reason why it was not made in the time required.

The Committee heard from Sergeant Flett, Police Scotland who explained why the further letter of objection was late and should be considered today.

The applicant was in attendance and confirmed he had received a copy of the letter and that he had no objection to the letter being entered into proceedings.

The Committee resolved:

that the further letter of representation from Police Scotland be introduced to the proceedings.

Sergeant Flett, Police Scotland, spoke in support of the letters of objection dated 3 November 2016 and 3 February 2017.

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

Councillor Townson, seconded by Councillor Allan, moved
that the Committee refuse the licence on the grounds that the applicant was not a fit and proper person.

Councillor Malone, seconded by Councillor Samarai moved as an amendment:-
that the Committee grant the licence for a period of one year.

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On a division, there voted:- for the motion (9) – Councillors Allan, Delaney, Lesley Dunbar, Graham, Lawrence, MacGregor, Malik, Nicoll and Townson, for the amendment (6) – the Convener and Councillors Copland, Jackie Dunbar, Malone, Reynolds and Samarai.

The Committee further resolved:

to adopt the motion.

17. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE

Application Reference Number – 5/17

With reference to article 11 of appendix B of the minute of the meeting of the Licensing Committee of 13 December 2016, the Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application; and (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 25 November 2016, and Sergeant Flett was in attendance.

The applicant was not in attendance.

The Committee resolved:

to defer consideration of the application to the next meeting of the Committee on 18 April 2017 to provide the applicant with another opportunity to be present.

18. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE

Application Reference Number – 5/18

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application; and (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 29 November 2016, and Sergeant Flett was in attendance.

The applicant was not in attendance.

The Committee Resolved:

to defer consideration of the application to the next meeting of the Committee on 18 April 2017 to provide the applicant with another opportunity to be present.

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