

LEGAL AND DEMOCRATIC SERVICES

COMMITTEE DECISION SHEET

LICENSING COMMITTEE - TUESDAY, 19 DECEMBER 2017

Please let the Committee Officer know as soon as possible if you do not agree with any action proposed in this decision sheet. These are decisions of the Committee and there is an expectation that action will be taken. If for any reason it is apparent that you will not be able to act on these instructions in full or in part or that there will be a delay, please let the Committee Officer know as it may be necessary to advise the Committee or seek further instructions from the Committee.

	Item Title	Committee Decision	Services Required to take action	Officer to Action
1	<u>Suspension of Standing Order 37.2 (Length of Meetings)</u>	The Committee resolved: to agree to suspend Standing Order 37.2 (Length of Meetings).	N/A	
1.1	<u>Urgent Business</u>	There were no items of urgent business.	N/A	
2.1	<u>Exempt Business</u>	There were no items of exempt business to be considered on the agenda.	N/A	
3.1	<u>Confidential Business</u>	The Committee resolved: to note that applications/requests to be heard in private and treated as confidential information in terms of Section 50(A)(3)(b) of the Local Government (Scotland) Act 1973 are listed at item 7 on the agenda.	N/A	
4.1	<u>Declarations of Interest</u>	The Committee resolved: The following declarations of interest were intimated at this time: (i) Councillor Imrie declared an interest in relation to items 8.5 (Application for	N/A	

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		<p>the Grant of a Temporary Street Trader Licence – Fresh Approach UK), 8.6 (Application for the Renewal of a Street Trader's Licence – Maureen Ross), and 8.7 (Application for the Renewal of a Street Trader's Licence – Gary Zyciwski) and 9.1 (Outcome of the Fee Review Proposal Consultation), by virtue of her intention to apply for a street trader licence in the near future, and withdrew from the meeting prior to consideration of these items; and</p> <p>(ii) Councillor Sellar declared an interest in relation to item 7.5 (Application for the Grant of a Second Hand Dealer's Licence) by virtue of knowing the applicant, and withdrew from the meeting prior to consideration of this item.</p>		
5.1	<u>Requests for Deputation</u>	There were no requests for deputation listed on the agenda.	N/A	
6.1	<u>Minute of Previous Meeting of 7 November 2017</u>	<u>The Committee resolved:</u> to approve the minute as a correct record.	Committee Services	A Swanson
6.2	<u>Minutes of the Meetings of the Licensing Urgent Business Sub Committee of 27 October and 30 November 2017 - for approval</u>	<u>The Committee resolved:</u> to approve the minutes as correct records.	Committee Services	A Swanson

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6.3	<u>Minute of the Meeting of the Licensing Evidential Hearings Sub Committee of 6 September 2017 - for approval</u>	<u>The Committee resolved:</u> to approve the minute as a correct record.	Committee Services	A Swanson
6.4	<u>Committee Business Statement</u>	<u>The Committee resolved:</u> (i) to delete item 5 (Review of Civic Application and Licence Fees), subject to the decision taken later on the agenda; and (ii) to otherwise note the updates contained in the statement.	Committee Services	A Swanson
6.5	<u>Committee Tracker</u>	<u>The Committee resolved:</u> to note the information contained in the committee report tracker.	Committee Services	A Swanson
7.1	<u>Landlord Registration</u>	<u>The Committee resolved:</u> to note that the item had been withdrawn from the agenda.	CH&I	A Thain/D Yeats
7.2	<u>Landlord Registration</u>	<u>The Committee resolved:</u> to defer consideration of the application for registration to a future meeting of the Committee to enable the applicant, or his representative, to be present.	CH&I	A Thain/D Yeats
7.3	<u>Recall of Suspension of Taxi Driver's Licence</u>	<u>The Committee resolved:</u> to agree to refuse to recall the suspension.	Licensing	J Wilson/A Munro
7.4	<u>Application for the Renewal of a Late Hours Catering Licence</u>	<u>The Committee resolved:</u> to grant the application.	Licensing	J Wilson/A Munro
7.5	<u>Application for the Grant of a Second Hand Vehicle Dealer's Licence</u>	<u>The Committee resolved:</u> to defer consideration of the application to the Committee's next meeting to enable the applicant to be present.	Licensing	J Wilson/A Munro

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7.6	<u>Application for the Renewal of a Taxi Licence</u>	<u>The Committee resolved:</u> to note that the application had been granted under delegated powers.	Licensing	J Wilson/A Munro
7.7	<u>Application for the Grant of a Private Hire Car Driver's Licence</u>	<u>The Committee resolved:</u> to note that the application had been withdrawn.	Licensing	J Wilson/A Munro
7.8	<u>Request for the Suspension of a Taxi Driver's Licence</u>	<u>The Committee resolved:</u> to agree to take no action.	Licensing	J Wilson/A Munro
7.9	<u>Application for the Renewal of a Taxi Driver's Licence</u>	<u>The Committee resolved:</u> to defer consideration of the application to allow a medical report from OH Assist to be received and to agree that should the applicant meet the Group 2 DVLA medical criteria, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Urgent Business Sub Committee for consideration.	Licensing	J Wilson/A Munro
7.10	<u>Application for the Renewal of a Taxi Driver's Licence</u>	<u>The Committee resolved:</u> (i) to refuse the application; (ii) to agree that should the applicant meet the Group 2 DVLA medical criteria following receipt of a further medical report this would result in a material change of circumstance and therefore a new application could be processed for the applicant; (iii) should the applicant submit a new application, to agree to waive the fee for that single application and the	Licensing	J Wilson/A Munro

	Item Title	Committee Decision	Services Required to take action	Officer to Action
		requirement for the applicant to undertake a street knowledge test.		
7.11	<u>Application for the Renewal of a Taxi Driver's Licence</u>	<u>The Committee resolved:</u> to defer consideration of the application to allow a medical report from OH Assist to be received and to agree that should the applicant meet the Group 2 DVLA medical criteria, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Urgent Business Sub Committee for consideration.	Licensing	J Wilson/A Munro
7.12	<u>Application for the Renewal of a Taxi Driver's Licence</u>	<u>The Committee resolved:</u> to note that the application had been withdrawn.	Licensing	J Wilson/A Munro
7.13	<u>Application for the Renewal of a Taxi Driver's Licence</u>	<u>The Committee resolved:</u> to defer consideration of the application to allow a medical report from OH Assist to be received and to agree that should the applicant meet the Group 2 DVLA medical criteria, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Urgent Business Sub Committee for consideration.	Licensing	J Wilson/A Munro
7.14	<u>Application for the Renewal of a Taxi Driver's Licence</u>	<u>The Committee resolved:</u> (i) to refuse the application; (ii) to agree that should the applicant meet the Group 2 DVLA medical criteria following receipt of a further medical report this would result in a	Licensing	J Wilson/A Munro

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		<p>material change of circumstance and therefore a new application could be processed for the applicant;</p> <p>(iii) should the applicant submit a new application, to agree to waive the fee for that single application and the requirement for the applicant to undertake a street knowledge test.</p>		
7.15	<u>Application for the Renewal of a Taxi Driver's Licence</u>	<p><u>The Committee resolved:</u></p> <p>(i) to refuse the application;</p> <p>(ii) to agree that should the applicant meet the Group 2 DVLA medical criteria following receipt of a further medical report this would result in a material change of circumstance and therefore a new application could be processed for the applicant;</p> <p>(iii) should the applicant submit a new application, to agree to waive the fee for that single application and the requirement for the applicant to undertake a street knowledge test.</p>	Licensing	J Wilson/A Munro
7.16	<u>Application for the Renewal of a Taxi Driver's Licence</u>	<p><u>The Committee resolved:</u></p> <p>to note that the application had been granted under delegated powers.</p>	Licensing	J Wilson/A Munro
7.17	<u>Application for the Renewal of a Taxi Driver's Licence</u>	<p><u>The Committee resolved:</u></p> <p>to defer consideration of the application to a meeting of the Licensing Urgent Business Sub Committee.</p>	Licensing	J Wilson/A Munro
7.18	<u>Application for the Renewal of a Taxi Driver's Licence</u>	<p><u>The Committee resolved:</u></p> <p>to defer consideration of the application to allow a medical report from OH Assist to be received and to agree that should the</p>		

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		applicant meet the Group 2 DVLA medical criteria, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Urgent Business Sub Committee for consideration.		
7.19	<u>Application for the Renewal of a Taxi Driver's Licence</u>	<u>The Committee resolved:</u> to note that the application had been granted under delegated powers.	Licensing	J Wilson/A Munro
7.20	<u>Application for the Grant of a Taxi Driver's Licence</u>	<u>The Committee resolved:</u> to defer consideration of the application to allow a medical report from OH Assist to be received and to agree that should the applicant meet the Group 2 DVLA medical criteria, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Urgent Business Sub Committee for consideration.	Licensing	J Wilson/A Munro
7.21	<u>Application for the Renewal of a Taxi Driver's Licence</u>	<u>The Committee resolved:</u> to note that the application had been granted under delegated powers.	Licensing	J Wilson/A Munro
7.22	<u>Application for the Renewal of a Taxi Driver's Licence</u>	<u>The Committee resolved:</u> (i) to refuse the application; (ii) to agree that should the applicant meet the Group 2 DVLA medical criteria following receipt of a further medical report this would result in a material change of circumstance and therefore a new application could be processed for the applicant;	Licensing	J Wilson/A Munro

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		(iii) should the applicant submit a new application, to agree to waive the fee for that single application and the requirement for the applicant to undertake a street knowledge test.		
7.23	<u>Application for the Renewal of a Taxi Driver's Licence</u>	<u>The Committee resolved:</u> to defer consideration of the application to allow a medical report from OH Assist to be received and to agree that should the applicant meet the Group 2 DVLA medical criteria, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Urgent Business Sub Committee for consideration.	Licensing	J Wilson/A Munro
7.24	<u>Application for the Renewal of a Taxi Driver's Licence</u>	<u>The Committee resolved:</u> to grant the application.	Licensing	J Wilson/A Munro
7.25	<u>Application for the Renewal of a Taxi Driver's Licence</u>	<u>The Committee resolved:</u> to note that the application had been granted under delegated powers.	Licensing	J Wilson/A Munro
7.26	<u>Application for the Renewal of a Taxi Driver's Licence</u>	<u>The Committee resolved:</u> to note that the application had been granted under delegated powers.	Licensing	J Wilson/A Munro
8.1	<u>Renewal of a Licence for a House in Multiple Occupation - 3 Roslin Terrace, Aberdeen</u>	<u>The Committee resolved:</u> to note that the licence had been granted under delegated powers.	CH&I	A Thain/D Yeats
8.2	<u>Grant of a Licence for a House in Multiple Occupation - 91 Berryden Road, Aberdeen</u>	<u>The Committee resolved:</u> to note that the licence had been granted under delegated powers.	CH&I	A Thain/D Yeats

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8.3	<u>Renewal of a Licence for a House in Multiple Occupation - 148 Clifton Road, Aberdeen</u>	The Committee resolved: to grant the licence for a one year period.	CH&I	A Thain/D Yeats
8.4	<u>Film Classification Requests - Belmont Film House, 49 Belmont Street, Aberdeen</u>	The Committee resolved: to approve the suggested film classification of PG for the Big Clock.	Licensing	J Wilson/A Munro
8.5	<u>Application for the Grant of a Temporary Street Trader's Licence - Fresh Approach UK</u>	The Committee resolved: to refuse the application.	Licensing	J Wilson/A Munro
8.6	<u>Application for the Renewal of a Street Trader's Licence - Maureen Ross</u>	The Committee resolved: to note that the application had been deferred to the next meeting of the Committee on 6 February 2018.	Licensing	J Wilson/A Munro
8.7	<u>Application for the Renewal of a Street Trader's Licence - Gary Zyciwski</u>	The Committee resolved: to note that the application had been withdrawn.	Licensing	J Wilson/A Munro
8.8	<u>Application for the Grant of a Second Hand Vehicle Trader's Licence - Keith Donaldson</u>	The Committee resolved: to refuse the application.	Licensing	J Wilson/A Munro
8.9	<u>Application for the Renewal of a Public Entertainment Licence - Alex Collie Sports Centre</u>	The Committee resolved: to note that the application had been granted under delegated powers.	Licensing	J Wilson/A Munro
8.10	<u>Application for the Renewal of a Public Entertainment Licence - Sheddocksley Leisure Centre</u>	The Committee resolved: to note that the application had been granted under delegated powers.	Licensing	J Wilson/A Munro
8.11	<u>Application for the Renewal of a Public Entertainment Licence - Peterculter Sports Centre</u>	The Committee resolved: to note that the application had been granted under delegated powers.	Licensing	J Wilson/A Munro

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8.12	<u>Application for the Grant of a Private Hire Car Driver's Licence - Khayrul Islam</u>	The Committee resolved: to refuse the application.	Licensing	J Wilson/A Munro
8.13	<u>Application for the Renewal of a Private Hire Car Driver's Licence - Ala Eddin Al Sahar</u>	The Committee resolved: to defer consideration of the application to enable the applicant to undertake the street knowledge test, and to agree that should the applicant pass the street knowledge test, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to the meeting of the Licensing Urgent Business Sub Committee on 9 January 2018 for consideration.	Licensing	J Wilson/A Munro
8.14	<u>Application for the Renewal of a Private Hire Car Driver's Licence - Sayed Mustafa Ah-med Misbaha</u>	The Committee resolved: to refuse the application.	Licensing	J Wilson/A Munro
8.15	<u>Application for the Renewal of a Private Hire Car Driver's Licence - David Flett</u>	The Committee resolved: to defer consideration of the application to enable the applicant to undertake the street knowledge test, and to agree that should the applicant pass the street knowledge test, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to the meeting of the Licensing Urgent Business Sub Committee on 16 January 2018 for consideration.	Licensing	J Wilson/A Munro
8.16	<u>Application for the Renewal of a Taxi Driver's Licence - Rajneesh Rattan</u>	The Committee resolved: to note that the application had been withdrawn.	Licensing	J Wilson/A Munro

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8.17	<u>Application for the Renewal of a Private Hire Driver's Licence - Dildar Syed</u>	The Committee resolved: to refuse the application.	Licensing	J Wilson/A Munro
8.18	<u>Application for the Renewal of a Taxi Driver's Licence - Terry Thornton</u>	The Committee resolved: to note that the application had been granted under delegated powers.	Licensing	J Wilson/A Munro
8.19	<u>Application for the Renewal of a Taxi Licence - John Noble</u>	The Committee resolved: to note that the application had been granted under delegated powers.	Licensing	J Wilson/A Munro
8.20	<u>Application for the Renewal of a Taxi Licence - Yvonne Fallon</u>	The Committee resolved: to note that the application had been granted under delegated powers.	Licensing	J Wilson/A Munro
9.1	<u>Outcome of the Fee Review Proposal Consultation</u>	The Committee resolved: (a) to approve the Fee Proposal Option C set out in paragraph 3.6 of the report and to agree that this take effect from 20 th December 2017 and; (b) to approve the proposal in paragraph 3.11 of the report in relation to Public Entertainment Licences and to agree that this take effect from 20 th December 2017.	Licensing	J Wilson
9.2	<u>Ban on Taxi Surcharge for Credit and Debit Cards in Light of HM Treasury Announcement</u>	The Committee resolved: (i) to note that the Government, HM Treasury, made an announcement on 19 July 2017 unveiling new rules, resulting from the implementation of the second EU Payment Services Directive, which would mean that surcharges for making payments by credit or debit card would be prohibited from 13 January 2018, and	Licensing	J Wilson/L May

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		<p>that there was no transition period for the provision;</p> <p>(ii) to instruct the Head of Legal and Democratic Services to write to all holders of taxi and private hire car licences to advise them:-</p> <p>(a) That they would be prohibited from charging customers the credit/debit card surcharge, currently on the Taxi Tariff Card, from 13 January 2018;</p> <p>(b) That licence holders would require to consult their card machine providers or amend their card machines as soon as possible in order to remove the credit/debit card surcharge from 13 January 2018; and</p> <p>(c) That a new Taxi Tariff Card with the credit/debit card surcharge removed would be made available on the Council's website from 13 January 2018 and would be issued to licence holders;</p> <p>(iii) to instruct the Head of Legal and Democratic Services to publicise in the media, for the benefit of users, that taxis and private hire cars with meters would not be able to charge customers the credit/debit card surcharge from 13 January 2018 and any complaints about overcharging should be made to the City Council's Licensing Enforcement Officers or Trading Standards Officers.</p>		

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9.3	<u>Membership of the Taxi and Private Hire Car Consultation Group</u>	<u>The Committee resolved:</u> to agree that GMB Scotland be added to the membership of the Taxi and Private Hire Car Consultation Group.	Licensing	J Wilson/A Munro

If you require any further information about this decision sheet, please contact Allison Swanson, tel 01224 522822 or email aswanson@aberdeencity.gov.uk