

LICENSING COMMITTEE

ABERDEEN, 19 December 2017. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Reynolds, Convener; Councillor Boulton (up to article 9 and appendix A), Vice Convener; and Councillors Allan, Allard, Bell, Cameron, Delaney (up to article 9 and appendix A), Graham (from article 10 onwards and article 4 of appendix A), Henrickson, Imrie, Avril MacKenzie, Catriona Mackenzie (from article 10 onwards and article 4 of appendix A), Malik, McLellan (as a substitute for Councillor McRae), Sellar, Sandy Stuart and Townson.

The agenda and reports associated with this minute can be found at:-

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=4352&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.

SUSPENSION OF STANDING ORDER 37.2 (LENGTH OF MEETINGS)

1. The Convener proposed that the Committee suspend Standing Order 37.2 (Length of Meetings) to enable the meeting to continue beyond four hours.

The Committee resolved:

to agree to suspend Standing Order 37.2 (Length of Meetings).

CONFIDENTIAL BUSINESS

2. The Committee was advised that the applications listed at item 7 on the agenda were 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.

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 were listed at item 7 on the agenda.

DECLARATIONS OF INTEREST

3. The following declarations of interest were intimated at this time:

- (i) Councillor Imrie declared an interest in relation to items 8.5 (Application for 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

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- 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
- (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.

MINUTE OF PREVIOUS MEETING OF 7 NOVEMBER 2017

4. The Committee had before it the minute of its previous meeting of 7 November 2017.

The Committee resolved:

to approve the minute as a correct record.

MINUTES OF THE MEETINGS OF THE LICENSING URGENT BUSINESS SUB COMMITTEE OF 27 OCTOBER AND 30 NOVEMBER 2017

5. The Committee had before it the minutes of the meetings of the Licensing Urgent Business Sub Committee of 27 October and 30 November 2017.

The Committee resolved:

to approve the minutes as correct records.

MINUTE OF THE MEETING OF THE LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE OF 6 SEPTEMBER 2017

6. The Committee had before it the minutes of the meeting of the Licensing Evidential Hearing Sub Committee of 6 September 2017.

The Committee resolved:

to approve the minute as a correct record.

COMMITTEE BUSINESS STATEMENT

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

The Committee resolved:

- (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.

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COMMITTEE TRACKER

8. The Committee had before it a tracker of future committee business.

The Committee resolved:

to note the information contained in the committee report tracker.

CONFIDENTIAL INFORMATION

The press and public were excluded from the meeting for consideration of the applications listed in section 7 on the agenda and appendix A of the minute which contained confidential information in terms of Section 50A 3(b) of the Local Government (Scotland) Act 1973.

APPLICATION FOR LICENCES

9. 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.

APPLICATION FOR LICENCES

10. 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.

OUTCOME OF THE FEE REVIEW PROPOSAL CONSULTATION - CG/17/142

11. With reference to article 11 of the minute of the meeting of the Licensing Committee of 12 September 2017, the Committee had before it a report by the Head of Legal and Democratic Services which presented the outcome of the fee review proposal consultation, and sought a final decision on the future fee levels to be adopted from 20 December 2017.

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The report recommended –
that the Committee

- (a) accept the Fee Proposal Option C set out in paragraph 3.6 of the report and to agree that it take effect from 20 December 2017; and
- (b) accept the proposal in paragraph 3.11 of the report in relation to Public Entertainment Licences and to agree that it take effect from 20 December 2017.

The Committee resolved:

to approve the recommendations.

BAN ON TAXI SURCHARGE FOR CREDIT AND DEBIT CARDS IN LIGHT OF HM TREASURY ANNOUNCEMENT - CG/17/143

12. The Committee had before it a report by the Head of Legal and Democratic Services which advised of the announcement from HM Treasury that all surcharges for making payments by credit or debit card would come to an end on 13 January 2018 and requested that the Head of Legal and Democratic Services be instructed to take the necessary steps required to facilitate compliance with the second EU Payment Services Directive.

The report recommended –
that the Committee

- (a) 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 that there is no transition period for the provision;
- (b) instruct the Head of Legal and Democratic Services to write to all holders of taxi and private hire car licences to advise them:-
 - (i) That they would be prohibited from charging customers the credit/debit card surcharge, currently on the Taxi Tariff Card, from 13 January 2018;
 - (ii) 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;
 - (iii) 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 thereafter would be issued to licence holders after the completion of the next Taxi Fare Review in the Summer of 2018. Licence holders would be advised that they should black out/ delete the surcharge from their current Tariff Cards from 13 January 2018; and
- (c) 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.

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The Committee resolved:

- (i) to approve recommendations (a), (b)(i), (b)(ii) and (c); and
- (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 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.

MEMBERSHIP OF THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP - CG/17/144

13. The Committee had before it a report by the Head of Legal and Democratic Services which sought consideration of a request from GMB Scotland to join the Taxi and Private Hire Car Consultation Group (TPHCG).

The report recommended –

that the Committee consider the request from GMB Scotland to join the TPHCG.

The Committee resolved:

to agree that GMB Scotland be added to the membership of the Taxi and Private Hire Car Consultation Group.

CONVENER REMARKS

14. The Convener thanked members and officers for their participation in and support to the Committee and Sub Committees over the course of the year, in particular the participation and support provided to the meetings called of the Licensing Urgent Business Sub Committee since September 2017. He wished all an enjoyable break over the festive period.

- COUNCILLOR JOHN REYNOLDS, Convener

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APPENDIX A

1. LANDLORD REGISTRATION
Application Reference Number - 7/01

The Committee was advised that the item had been withdrawn from the agenda.

2. LANDLORD REGISTRATION
Application Reference Number - 7/02

With reference to article 1 of Appendix A of the minute of the meeting of the Licensing Committee of 7 November 2017, the Committee had before it a report by the Private Sector Housing Manager in respect of an application for landlord registration.

The applicant was not in attendance.

The Committee heard from Mr Yeats, Senior Private Sector Housing Officer, who advised that the applicant had contacted him to advise that neither he, nor his solicitor, could be present at today's meeting and asked that consideration of his application be deferred to a future meeting of the Committee to enable him or his representative to be present.

The Committee resolved:

to defer consideration of the registration to a future meeting of the Committee to enable the applicant, or his representative, to be present.

3. RECALL OF SUSPENSION OF TAXI DRIVER'S LICENCE
Application Reference Number - 7/03

The licence holder was in attendance, accompanied by a friend.

The licence holder spoke in support of his request.

Sergeant Flett was in attendance and spoke in support of Police Scotland's letter in response to the request.

The Committee asked questions of the licence holder and Sergeant Flett.

Sergeant Flett summed up.

The licence holder summed up.

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The Committee resolved:

to refuse to recall the suspension.

4. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE

Application Reference Number - 7/04

With reference to article 5 of appendix A of the minute of the meeting of the Licensing Committee of 7 November 2017, the Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 13 February 2018; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 31 August 2017.

The applicant was in attendance.

Sergeant Flett was in attendance and spoke in support of Police Scotland's letter of representation.

The applicant spoke in support of his application.

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett did not take up the opportunity to sum up.

The applicant summed up.

The Committee resolved:

to grant the application.

DECLARATION OF INTEREST

In accordance with article 3 of this minute, Councillor Sellar left the meeting prior to consideration of the following item of business.

5. APPLICATION FOR THE GRANT OF A SECOND HAND VEHICLE DEALER'S LICENCE

Application Reference Number - 7/05

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 28 February 2018; and (2) a letter of

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objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 20 October 2017.

The applicant was not in attendance.

Sergeant Flett was in attendance on behalf of Police Scotland.

Mr Munro, Legal Advisor, advised that the applicant had been in contact to advise that he was unwell and therefore unable to attend the meeting and had requested that the application be deferred to the next meeting to enable him to attend.

The Committee resolved:

to defer consideration of the application to the Committee's next meeting to enable the applicant to be present.

6. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE**Application Reference Number - 7/06**

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

7. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE**Application Reference Number - 7/07**

The Committee was advised that the application had been withdrawn.

8. REQUEST FOR THE SUSPENSION OF A TAXI DRIVER'S LICENCE**Application Reference Number - 7/08**

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the request for suspension of the taxi driver's licence; and (2) a letter dated 29 November 2017 from the Chief Constable, Police Scotland, c/o Aberdeen City Division, which in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982, requested the suspension of the licence holder's taxi driver's licence.

The licence holder was in attendance.

Sergeant Flett was in attendance on behalf of Police Scotland.

Sergeant Flett spoke in support of the request for suspension from Police Scotland.

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The Sub Committee heard from the licence holder in support of his case.

The Sub Committee asked questions of Sergeant Flett and the licence holder.

Sergeant Flett summed up.

The licence holder summed up.

Councillor Allard, seconded by Councillor Townson, moved:-
that the Committee suspend the licence holder for the unexpired portion of the licence.

The Vice Convener, seconded by Councillor Bell, moved as an amendment:-
that the Committee agree to take no action.

On a division, there voted:- for the motion (4) – the Convener; and Councillors Allard, Delaney and Townson; for the amendment (13) – the Vice Convener; and Allan, Bell, Cameron, Graham, Henrickson, Imrie, Avril MacKenzie, Catriona Mackenzie, Malik, McLellan, Sellar and Sandy Stuart.

The Committee resolved:
to adopt the amendment.

9. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/09

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 10 January 2018.

Mr Munro, Legal Advisor, provided the Committee with a verbal update on the application.

The applicant was not in attendance.

The Committee resolved:
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.

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10. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/10

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 2 January 2018.

Mr Munro, Legal Advisor, provided the Committee with a verbal update on the application.

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

The Committee asked questions of the applicant.

The applicant did not take up the opportunity to sum up.

The Committee resolved:

- (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; and
- (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.

11. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/11

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 25 January 2018.

Mr Munro, Legal Advisor, provided the Committee with a verbal update on the application.

The applicant was not in attendance.

The Committee resolved:

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.

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12. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/12

The Committee was advised that the application had been withdrawn.

13. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/13

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 3 February 2018.

Mr Munro, Legal Advisor, provided the Committee with a verbal update on the application.

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

The Committee asked questions of the applicant.

The applicant did not take up the opportunity to sum up.

The Committee resolved:

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.

DECLARATION OF INTEREST

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

14. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/14

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 4 January 2018.

Mr Munro, Legal Advisor, provided the Committee with a verbal update on the application.

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

The Committee asked questions of the applicant.

The applicant did not take up the opportunity to sum up.

The Convener moved that the Committee agree 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 on 3 January 2018 for consideration.

Councillor Townson, seconded by Councillor McLellan, moved as an amendment:-

- (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; and
- (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.

There being no seconder for the motion by the Convener, the motion fell, and was not put to a vote.

The Committee resolved:

- (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; and
- (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.

15. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/15

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 26 December 2017.

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Mr Munro, Legal Advisor, provided the Committee with a verbal update on the application.

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

The Committee asked questions of the applicant.

The applicant did not take up the opportunity to sum up

The Committee resolved:

- (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; and
- (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.

16. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/16

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

17. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/17

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 30 January 2018.

Mr Munro, Legal Advisor, provided the Committee with a verbal update on 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.

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18. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/18

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 30 January 2018.

Mr Munro, Legal Advisor, provided the Committee with a verbal update on the application.

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

The Committee asked questions of the applicant.

The applicant did not take up the opportunity to sum up

The Committee resolved:

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.

19. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/19

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

DECLARATION OF INTEREST

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

20. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/20

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 13 January 2018.

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Mr Munro, Legal Advisor, provided the Committee with a verbal update on the application.

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

The Committee asked questions of the applicant.

The applicant did not take up the opportunity to sum up

The Committee resolved:

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.

21. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/21

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

22. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/22

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 29 December 2017.

Mr Munro, Legal Advisor, provided the Committee with a verbal update on the application.

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

The Committee asked questions of the applicant.

The applicant did not take up the opportunity to sum up

The Committee resolved:

- (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; and

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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.

23. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/23

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 26 January 2018.

Mr Munro, Legal Advisor, provided the Committee with a verbal update on the application.

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

The Committee asked questions of the applicant.

The applicant did not take up the opportunity to sum up

The Committee resolved:

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.

24. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/24

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 21 February 2018.

Mr Munro, Legal Advisor, provided the Committee with a verbal update on the application.

The applicant was in attendance, accompanied by his daughter, and spoke in support of the application.

The Committee asked questions of the applicant.

The applicant did not take up the opportunity to sum up

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The Committee resolved:
to grant the application.

25. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/25

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

26. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 7/26

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

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APPENDIX B

**1. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION -
3 ROSLIN TERRACE, ABERDEEN**
Application Reference Number - 8/01

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

**2. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION -
91 BERRYDEN ROAD, ABERDEEN**
Application Reference Number - 8/02

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

DECLARATIONS OF INTEREST

During consideration of the following item, Councillors Allan and Bell declared an interest in the following article by virtue of knowing the applicant's representative, and took no part in the determination of the application.

**3. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION -
148 CLIFTON ROAD, ABERDEEN**
Application Reference Number - 8/03

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

Mr Yeats, Senior Private Sector Housing Officer, advised that one letter of representation had been received from Mr and Mrs Derek and Shona Gibson beyond the statutory time period within which such letters must be received (21-day period). He further advised that the Committee might consider late representations if it was satisfied that it was reasonable for the respondents to make the representation after the deadline.

Mr Yeats also advised that a letter from the applicant's agent, Ms Amanda Craig, Senior Property Manager, Stonehouse Lettings, had been submitted in response to the late letter of representation.

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The late respondent, Mr Derek Gibson was present and explained why their letter of representation was late and why it should be considered today.

The Committee resolved:-

that the letter of representation by Mr and Mrs Derek and Shona Gibson, as well as the letter of response from the applicant's agent, Ms Amanda Craig, Senior Property Manager, Stonehouse Lettings, should be introduced into the proceedings.

The respondent, Mr Derek Gibson, was in attendance and spoke in support of his letter of representation.

The Committee asked questions of the respondent.

The applicant was not in attendance, however was represented by Moira Gove, Head of Property Management Stonehouse Lettings, who spoke in support of the application.

The Committee asked questions of the applicant's representative.

The respondent summed up.

The applicant summed up.

The Convener, seconded by Councillor Avril MacKenzie, moved:-

that the Committee refuse the licence on the grounds that the property was unsuitable for occupation as an HMO due to the possibility of undue public nuisance.

Councillor Townson, seconded by Councillor Catriona Mackenzie, moved as an amendment:-

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

On a division, there voted:- for the motion (4) – the Convener; and Councillors Imrie, Avril MacKenzie and McLellan; for the amendment (8) – Councillors Allard, Cameron, Graham, Henrickson, Catriona Mackenzie, Sellar, Sandy Stuart and Townson.

The Committee resolved:

to adopt the amendment.

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**4. FILM CLASSIFICATION REQUESTS - BELMONT FILM HOUSE,
49 BELMONT STREET, ABERDEEN
Application Reference Number - 8/04**

The Committee had before it the following request for film classification for screening at Belmont Cinema:-

- Big Clock – suggested rating PG

The Committee resolved:

to approve the suggested film classification of PG for the Big Clock.

DECLARATION OF INTEREST

In accordance with article 3 of this minute, Councillor Imrie left the meeting prior to consideration of the following item of business.

**5. APPLICATION FOR THE GRANT OF A TEMPORARY STREET TRADER'S
LICENCE - FRESH APPROACH UK
Application Reference Number - 8/05**

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had been placed on the agenda as it required to be determined by 19 December 2017, and that the request did not comply with the Committee's guideline that no trading should be permitted on Union Street or any pedestrianised area in the city centre save as where a special case could be made out by the applicant as to why the guideline should not apply.

The applicant was not in attendance.

The Committee resolved:

to refuse the application.

DECLARATION OF INTEREST

In accordance with article 3 of this minute, Councillor Imrie left the meeting prior to consideration of the following item of business.

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6. **APPLICATION FOR THE RENEWAL OF A STREET TRADER'S LICENCE - MAUREEN ROSS**
Application Reference Number - 8/06

The Committee was advised that the application had been deferred to the next meeting of the Committee on 6 February 2018.

DECLARATION OF INTEREST

In accordance with article 3 of this minute, Councillor Imrie left the meeting prior to consideration of the following item of business.

7. **APPLICATION FOR THE RENEWAL OF A STREET TRADER'S LICENCE - GARY ZYCIWSKI**
Application Reference Number - 8/07

The Committee was advised that the application had been withdrawn.

8. **APPLICATION FOR THE GRANT OF A SECOND HAND VEHICLE TRADER'S LICENCE - KEITH DONALDSON**
Application Reference Number - 8/08

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had been placed on the agenda as it required to be determined by 3 January 2018, and to date the applicant had not returned a signed display notice as required by the Civic Government (Scotland) Act 1982.

The applicant, Mr Keith Donaldson, was not in attendance.

The Committee resolved:

to refuse the application.

9. **APPLICATION FOR THE RENEWAL OF A PUBLIC ENTERTAINMENT LICENCE - ALEX COLLIE SPORTS CENTRE**
Application Reference Number - 8/09

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

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10. APPLICATION FOR THE RENEWAL OF A PUBLIC ENTERTAINMENT LICENCE - SHEDDOCKSLEY LEISURE CENTRE
Application Reference Number - 8/10

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

11. APPLICATION FOR THE RENEWAL OF A PUBLIC ENTERTAINMENT LICENCE - PETERCULTER LEISURE CENTRE
Application Reference Number - 8/11

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

12. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE - KHAYRUL ISLAM
Application Reference Number - 8/12

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had been placed on the agenda as it required to be determined by 3 January 2018, and to date the applicant had not passed the required street knowledge test or provided proof of his right to work in the UK as required under the Immigration Act 2016.

The applicant, Mr Khayrul Islam, was not in attendance.

The Committee resolved:

to refuse the application.

13. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE - ALA EDDIN AL SAHAR
Application Reference Number - 8/13

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had been placed on the agenda as it required to be determined by 9 January 2018, and to date the applicant had not passed the required street knowledge test.

The applicant, Mr Ala Eddin Al Sahar, was in attendance and spoke in support of the application.

The Committee asked questions of the applicant.

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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.

14. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE - SAYED MUSTAFA AH-MED MISBAHA**Application Reference Number - 8/14**

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had been placed on the agenda as it required to be determined by 27 January 2018, and to date the applicant had not passed the required street knowledge test or provided evidence of currently holding a full driving licence for a period of 12 continuous months.

The applicant, Mr Sayed Mustafa Ah-med Misbaha was not in attendance.

The Committee resolved:

to refuse the application.

15. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE - DAVID FLETT**Application Reference Number - 8/15**

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had been placed on the agenda as it required to be determined by 17 January 2018, and to date the applicant had not passed the required street knowledge test or provided proof of his right to work in the UK as required under the Immigration Act 2016.

The Committee heard from Mr Sandy Munro, Legal Advisor, who advised that the applicant had now provided proof of his right to work in the UK.

The applicant, Mr David Flett, was in attendance and spoke in support of the application.

The Committee asked questions of the applicant.

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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.

16. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE - RAJNEESH RATTAN
Application Reference Number - 8/16

The Committee was advised that the application had been withdrawn.

17. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE - DILDAR SYED
Application Reference Number - 8/17

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had been placed on the agenda as it required to be determined by 10 January 2018, and to date the applicant had not passed the required street knowledge test.

The applicant, Mr Dildar Syed, was not in attendance.

The Committee resolved:

to refuse the application.

18. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE - TERRY THORNTON
Application Reference Number - 8/18

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

19. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE - JOHN NOBLE
Application Reference Number - 8/19

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

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20. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE - YVONNE FALLON
Application Reference Number - 8/20

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

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