

LICENSING COMMITTEE

ABERDEEN, 12 September 2017. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Reynolds, Convener; Councillor Boulton, Vice-Convener; and Councillors Allard, Bell, Copland (as substitute for Councillor McRae for articles 1 to 9 only), Delaney, Flynn (as substitute for Councillor McRae for article 16 only), Graham, Henrickson, Hutchison (as substitute for Councillor Henrickson for article 16 only), Imrie, Avril MacKenzie, Catriona MacKenzie, Malik, Nicoll (as substitute for Councillor Cameron), Sellar, Sandy Stuart, Townson and Wheeler (as substitute for Councillor Allan from article 10 onwards).

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

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MIId=4392&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).

DECLARATIONS OF INTEREST

2. Members were requested to intimate any declarations of interest in respect of the items on today's agenda.

Thereafter, the following declarations of interest were intimated:

- (i) Councillor Imrie declared an interest in relation to items 8.11 (Application for the Grant of a Street Trader Licence) and 9.6 (Review of Street Trader Policies), 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
- (ii) Councillor Malik declared an interest in relation to item 10.5 (Application for the Grant of a Late Hours Catering Licence) by virtue of knowing the applicant, and withdrew from the meeting prior to consideration of this item.

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REQUESTS FOR DEPUTATION

3. The Committee had before it the following requests for deputation:
- (i) Request from Mr William Lees, GMB, in relation to item 9.7 (Accessible Vehicle Policy Update)
 - (ii) Request from Mr Tommy Campbell, Unite, in relation to item 9.7 (Accessible Vehicle Policy Update)
 - (iii) Request from Mr Derek Littlejohn, in relation to item 9.7 (Accessible Vehicle Policy Update)

The Committee resolved:

to agree to hear each of the deputations listed above in relation to item 9.7 (Accessible Vehicle Policy Update) on the agenda immediately prior to consideration of the report.

MINUTE OF THE SPECIAL MEETING OF THE COMMITTEE OF 25 JULY 2017

4. The Committee had before it the minute of its special meeting of 25 July 2017.

The Committee resolved:

to approve the minute as a correct record.

MINUTES OF THE MEETINGS OF THE LICENSING URGENT BUSINESS SUB COMMITTEE OF 24 AND 30 AUGUST 2017

5. The Committee had before it the minutes of the meetings of the Licensing Urgent Business Sub Committee of 24 and 30 August 2017.

The Committee resolved:

to approve the minutes as a correct record.

COMMITTEE BUSINESS STATEMENT

6. 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 items 3 (Response to Consultation on Training for Taxi and Private Hire Drivers), 4 (Response to Consultation on Knowledge Test for Taxi and Private Hire Drivers), 6 (Membership of the Taxi Consultation Group) and 7 (Accessible Vehicle Policy Update), subject to the decisions taken later on the agenda; and
- (ii) to otherwise note the updates contained in the statement.

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COMMITTEE TRACKER

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

The Committee resolved:

to note the information contained in the committee report tracker.

FILM CLASSIFICATION REQUEST - BELMONT FILMHOUSE

8. The Committee had before it the following request for film classification for screening at Belmont Cinema: Don't look at me that way – suggested rating 15.

The Committee resolved:

to approve the film classification certificate as detailed above.

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.

REVIEW OF THE TAXI CONSULTATION GROUP - CG/17/090

10. With reference to article 15 of the minute of the meeting of the Licensing Committee of 28 April 2017, the Committee had before it a report by the Head of Legal and Democratic Services which presented a review of the remit, governance and membership of the Taxi Consultation Group (TCG).

The report recommended –

that the Committee

- (a) agree to change the name of the group to the Taxi and Private Hire Car Consultation Group;
- (b) agree the remit and meeting frequency of the Group as outlined in the report at section 3.10;
- (c) instruct the Head of Legal and Democratic Services to write to the private hire firms and seek nominations to represent the Private Hire trade; and
- (d) upon receipt of nominations, agree to instruct the Head of Legal and Democratic Services to then write to all Private Hire Car Licence Holders asking them to indicate their preferred representative for the Group

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The Committee resolved:

to approve the recommendations.

REVIEW OF CIVIC AND MISCELLANEOUS APPLICATION FEES - CG/17/095

11. The Committee had before it a report by the Head of Legal and Democratic Services which (1) advised of the proposed level of application fees for licences administered through the Civic Government (Scotland) Act 1982 and other miscellaneous statutes; (2) sought approval for a consultation process to review such fees; and (3) informed of the proposal to create a new post of 1 FTE Licencing and Immigration Assistant as part of that fee review.

The report recommended –
that the Committee

- (a) approve for consultation the fee review options set out at section 5 of in the report and instructs the Head of Legal and Democratic Services to conduct a consultation as outlined in section 6 below on the same; and
- (b) instruct the Head of Legal and Democratic Services to submit a report to the Licensing Committee on 19 December 2017 on the outcome of the fee review proposal consultation and seeking a final decision on the future fee levels to be adopted from 20 December 2017.

The Committee resolved:

to approve the recommendations.

UPDATE ON DRIVER TRAINING AND KNOWLEDGE TEST - CG/17/094

12. With reference to articles 3 and 4 of the minute of the meeting of the Licensing Committee of 28 April 2017, the Committee had before it a report by the Head of Legal and Democratic Services which advised of the outcome of further discussion held with the Taxi Consultation Group on the training for taxi and private hire drivers and the format of the knowledge test.

The report recommended –
that the Committee

- (a) note the updates;
- (b) instruct the Head of Legal and Democratic Services to investigate possible methods of delivery of driver training and report back to Committee on 6 February 2018 with details of the options available; and
- (c) instruct the Head of Legal and Democratic Services to undertake consultation with the trade on amendments to the procedure for applying for a taxi driver's licence or private hire driver's licence involving the Knowledge Test as detailed at paragraphs 3.14 and 3.15 of the report.

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The Committee resolved:

- (i) to approve the recommendations; and
- (ii) to instruct the Head of Legal and Democratic Services to investigate the possibility of incorporating along with the knowledge test an assessment of ability to use an appropriate satellite investigation system and to fully consult the trade thereon and report back by the Licensing Committee on 6 February 2017.

FIRST AID KIT REQUIREMENTS - TAXI/PRIVATE HIRE - CG/17/093

13. The Committee had before it a report by the Head of Legal and Democratic Services which sought the views of the Committee on the required contents of the first aid kits to be carried in all taxis and private hire vehicles.

The report recommended –

that the Committee

- (a) note the background issues relating to the first aid kits specification; and
- (b) stipulate that the contents of the first aid kits must be in accordance with HSE number BS8599-2:2014 in order to comply with the licence conditions.

The Committee resolved:

- (i) to approve recommendation (a); and
- (ii) to agree that the contents of the first aid kits must be in accordance with HSE number BS8599-2:2014, with the exception of 1 Foil Blanket (Adult), 1 Resuscitation Face Shield and 1 Heavy Duty Shears, in order to comply with the licence conditions.

REPORT TO VARY LOCAL CONDITIONS FOR BOOKING OFFICE LICENCES - CG/17/088

14. The Committee had before it a report by the Head of Legal and Democratic Services which sought approval to consult on the proposed variation to the local conditions applied to Booking Office licences under Para 10 Schedule 1 of the Civic Government (Scotland) Act 1982 and the Civic Government (Scotland) Act (Licensing of Booking Offices) Order 2009.

The report recommended –

that the Committee

- (a) approve (for the purposes of issuing for consultation in recommendation C below) the proposed variation of the local condition 3 from “the licence holder shall keep written or electronic records of the name address, licence number of every driver operating from the relevant premises” to read; “The Licence Holder, in order to ensure that relevant vehicles are only driven by a licensed taxi or private hire drivers, shall keep, and undertake an ongoing review or audit of, written or

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- electronic records of the name, address, licence number and expiry date of every driver operating from the relevant premises.”;
- (b) approve (for the purposes of issuing for consultation in recommendation C below) the proposed variation of the local condition 4 from “the Licence Holder shall ensure that only relevant vehicles licences by the Licensing Authority operate from the relevant premises” to read; “The Licence Holder, in order to ensure that only relevant vehicles, currently licensed by this local authority, operate from the relevant premises, shall keep, and undertake an ongoing review or audit of, written or electronic records of the licence holder, licence number, registration number and expiry date of any taxi and private hire car operating from the relevant premises.”; and
- (c) instruct the Head of Legal and Democratic Services to consult the holders of Booking Office Licences and the Chief Constable, Police Scotland, on the above proposals and in accordance with paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act 1982 invite them to be heard at the next meeting of the Licensing Committee on 7 November 2017 regarding the terms of the proposals.

The Committee resolved:

to approve the recommendations.

DECLARATION OF INTEREST

In accordance with article 2 of this minute, Councillor Imrie left the meeting prior to consideration of the following item of business.

REVIEW OF STREET TRADER POLICIES - CG/17/087

15. The Committee had before it a report by the Head of Legal and Democratic Services which sought approval to review the existing street trader policies and to consult on the proposed variation to the standard conditions in relation to Street Trader Licences.

The report recommended –

that the Committee

- (a) approve the proposed amended draft schedule of conditions (Appendix 2) for issuing for consultation; and
- (b) instruct the Head of Legal and Democratic Services to consult the holders of Street Traders Licences and the Chief Constable, Police Scotland, on these proposals and in accordance with paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act 1982 invite them to be heard at the next meeting of the Licensing Committee on 7 November 2017 regarding the terms of the proposals.

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The Committee resolved:

- (i) to approve the proposed amended draft schedule of conditions (Appendix 2), with the addition of the following proposed variation to condition 9 to read “The stance from which a street trader hawks, sells or offers or exposes for sale their goods requires to be moved daily at the end of trading”, for issuing for consultation; and
- (ii) to approve recommendation (b).

ACCESSIBLE VEHICLE POLICY UPDATE- CG/17/096

16. (A) In terms of Standing Order 13.1, the Committee received a deputation from Mr William Lees, GMB. Mr Lees was accompanied by Mr Eric Thoresen.

Mr Lees advised that he believed that a mixed fleet was unfair and caused problems. Mr Lees provided an overview of the issues he felt arose as a result of a mixed fleet policy and advised that he believed that a 100% uniformed fleet should be introduced by the Council. He felt that a uniformed fleet was good for the city and visitors to the city.

He went on to refer to the mixed fleet position in Dundee and advised that this situation was currently under legal challenge. He also referred to the position in other cities within the UK.

Thereafter, Mr Thoresen explained that he felt that a mixed fleet was unfair and did not meet the requirements of the Equality Act 2010.

Members asked questions of Mr Lees and Mr Thoresen.

(B) In terms of Standing Order 13.1, the Committee received a deputation from Mr Tommy Campbell, Unite. Mr Campbell was accompanied by Mr Peter Campbell.

Mr Tommy Campbell advised that Unite the Unions position in respect of the Council’s Accessible Vehicle Policy remained the same as that presented in May 2012, namely it did not accept that a 100% accessible vehicle taxi fleet was required as in their view demand for accessible vehicles was met by the existing number of accessible taxis in Aberdeen at this time.

He explained that in his view the Committee required to focus on its duty of care to the public under the Equality Act 2010. He quoted the Act and advised that it stated at section 3(a) “persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic”. On the basis of the wording, he did not agree that the only way in which the Council could meet this requirement was by having a 100% wheelchair accessible fleet.

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He also referred to a survey undertaken previously by Unite wherein not a single respondent wanted a 100% wheelchair accessible fleet.

Mr Peter Campbell referred to his experience of driving both types of vehicle and advised of customer feedback he had received wherein passengers had advised they wanted a choice and did not want a 100% wheelchair accessible fleet.

He recommended that the Committee review the current policy and whether a 100% accessible vehicle taxi fleet was required.

Members asked questions of Mr Tommy Campbell and Mr Peter Campbell.

(C) In terms of Standing Order 13.1, the Committee had agreed to hear a deputation from Mr Littlejohn, however Mr Littlejohn had been unable to attend the meeting.

(D) With reference to article 9 of the minute of the meeting of the Licensing Committee of 13 June 2016, the Committee had before it a report by the Head of Legal and Democratic Services which presented details of the process and potential consequences of revisiting the Accessible Vehicle Policy including the legal and financial implications.

The report recommended – that the Committee

- (a) note the process and potential consequences of revisiting the policy; and
- (b) continue with the scheduled implementation of the current policy.

The Vice Convener, seconded by Councillor Bell moved:-

that the Committee approve the recommendations contained in the report; and agree to request the Head of Legal and Democratic Services to report to the Licensing Committee if there is any implication to Aberdeen City Council wheelchair accessible vehicle policy following the Dundee Council court decision.

Councillor Flynn, seconded by Councillor Hutchison moved as an amendment:-

that the Committee –

- (1) note the report;
- (2) instruct the Head of Legal and Democratic Services to proceed with a full consultation on the proposal to move from the Council's current accessible vehicle policy to a new policy that would deliver a mixed fleet through either taxi licensing or taxi drivers licencing;
- (3) agree that the consultation should involve all taxi and private hire driver licence holders, the Taxi Consultation Group, the Disability Equity Partnership, Police Scotland, all Transport Consultants, Transportation Strategy and Programmes officers, Community Safety officers, Unite

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- Aberdeen and any other relevant charities and organisations and the public;
- (4) agree that the consultation, as well as any aspects determined by the Head of Legal and Democratic Services in consultation with the Convener, would specifically request views on what would be an appropriate ratio of wheelchair accessible vehicles to saloon vehicles to ensure a reasonable availability of both to any member of the public who might either require, or prefer, one type of vehicle for reasons of health or disability, and how a new system could be implemented and continued in a way that was both fair and naturally just to taxi license holders;
 - (5) instruct the Head of Legal and Democratic Services to report back to a future meeting of the Licensing Committee in 2018 with the results of the consultation, and the legal and financial implications of a mixed fleet policy, at which time the Committee would determine whether a new mixed fleet policy should be drafted; and
 - (6) agree that the date of implementation of the current wheelchair accessible vehicle policy be moved to 6 June 2019, pending the outcome of the consultation.

On a division, there voted:- for the motion (5) – the Vice Convener; and Councillors Bell, Imrie, Avril MacKenzie and Wheeler; for the amendment (11) – Councillors Allard, Delaney, Flynn, Graham, Hutchison, Catriona Mackenzie, Malik, Nicoll, Sellar, Sandy Stuart and Townson; and declined to vote (1) – the Convener.

The Committee resolved:

to adopt the amendment.

APPLICATION FOR LICENCES

17. 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. **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Premises - 48 Elmbank Terrace, Aberdeen (Ground Floor Flat)
Application Number – 8/1

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 - 284c Holburn Street, Aberdeen
Application Number – 8/2

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

3. **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Premises - 1 Roslin Terrace, Aberdeen
Application Number – 8/3

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

4. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Premises - 66 Spital, Aberdeen
Application Number – 8/4

The Committee had before it a report by the Private Sector Housing Manager in respect of the application which advised that one timely letter of representation had been received.

The applicant, Mr Andrew MacLennan, was in attendance and spoke in support of the application.

The respondent, Mr David Crocker, was in attendance and spoke in support of his letter of representation.

The Committee asked questions of both the applicant and the respondent.

The respondent summed up.

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The applicant summed up.

The Committee resolved:

to defer consideration of the application until the works were completed, after which time the Private Sector Housing Manager could grant the licence under delegated powers if appropriate.

5. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Premises - 39 Craigton Terrace, Aberdeen
Application Number – 8/5

The Committee had before it a report by the Private Sector Housing Manager in respect of the application which advised that one timely letter of representation had been received.

Mr Thain advised that one letter of representation had been received in respect of the application 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.

The late respondents, Lindsay Simpson and Sally Simpson were not present, nor represented, and therefore could not explain why their letter of representation was late and why it should be considered today.

The Committee resolved:-

that the letter of representation by Lindsay Simpson and Sally Simpson, should not be introduced into the proceedings.

The applicant, Mrs Sarah Webb, was not in attendance.

The sole timely respondent, Mr Barry MacKenzie was in attendance and spoke in support of his letter of representation which had been submitted by himself and Ms Iris Gill.

The Committee asked questions of the respondent.

Mr Thain advised that a letter from the applicant responding to the matters raised in the letter of representation from Ms Iris Gill and Mr Barry MacKenzie was appended to his report.

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The Committee resolved:

to defer consideration of the application until the works were completed, after which time the Private Sector Housing Manager could grant the licence under delegated powers if appropriate.

6. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION

Premises - 39 Kings Crescent, Aberdeen

Application Number – 8/6

The Committee had before it a report by the Private Sector Housing Manager in respect of the application which advised that four timely letters of representation had been received.

The Committee resolved:

to defer consideration of the application to a future meeting of the Committee to enable the position in relation to Planning Permission and Building Warrant in respect of the existing and proposed alterations to the premises to be clarified.

7. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION

Premises - 30 Belvidere Crescent, Aberdeen

Application Number – 8/7

The Committee had before it a report by the Private Sector Housing Manager in respect of the application which advised that one timely letter of representation had been received.

Mr Ian Williamson and Ms Catriona Birley of the Birley Family Trust, were in attendance and represented by Ms Elaine Maguire, who spoke in support of the application.

The sole respondent, Mr Ronald Napier, was not in attendance, nor represented.

The Committee asked questions of the applicant.

The applicant summed up.

The Committee resolved:

to defer consideration of the application until the works were completed, after which time the Private Sector Housing Manager could grant the licence under delegated powers if appropriate.

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DECLARATION OF INTEREST

During consideration of the following item, Councillor Nicoll declared an interest in the following article by virtue of there being reference to Aberdeen Grammar FP Club of which he had been secretary, and withdrew from the meeting during consideration of the application.

8. **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Premises - 139 Forest Avenue, Aberdeen
Application Number – 8/8

The Committee had before it a report by the Private Sector Housing Manager in respect of the application which advised that one timely letter of representation had been received.

Mr Thain advised that one letter of representation had been received in respect of the application 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.

The applicant, Ms Moya Bothwell was present, accompanied by Ms Rhona Watt and Ms Sheila Gordon, both of Homeguard Leasing Limited.

The late respondent, Ms Elaine Walsh, was present. Ms Walsh explained why her letter of representation was late and why it should be considered today. The applicant had no objection to the letter of representation being circulated.

The Committee resolved:-

that the letter of representation by Ms Elaine Walsh be introduced into the proceedings.

The Committee then heard from the applicant, Moya Bothwell, along with Ms Rhona Watt and Ms Sheila Gordon, both of Homeguard Leasing Limited, in support of the application.

The Committee heard from Ms Elaine Walsh who spoke in support of her letter of representation. The timely respondents, Mr and Mrs Main, were not in attendance, nor were they represented.

The Committee asked questions of both the applicant and respondent in attendance.

The respondent summed up.

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The applicant summed up.

Councillor Townson, seconded by the Convener moved:-

that the Committee defer consideration of the application until the works were completed, after which time the Private Sector Housing Manager could grant the licence under delegated powers if appropriate.

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

that the Committee defer consideration of the application until the works were completed, after which time the Private Sector Housing Manager could grant the licence for a one year period under delegated powers if appropriate.

On a division, there voted:- for the motion (5) – the Convener; and Councillors Copland, Graham, Sellar and Townson; for the amendment (8) – the Vice Convener; and Councillors Allard, Bell, Delaney, Henrickson, Imrie, Catriona Mackenzie and Malik; and absent from the division (3) – Councillors Avril MacKenzie, Nicoll and Councillor Sandy Stuart.

The Committee resolved:

to adopt the amendment.

**9. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Premises - 3 The Orchard, Spital Walk, Aberdeen
Application Number – 8/9**

The Committee had before it a report by the Private Sector Housing Manager in respect of the application which advised that four timely letters of representation had been received.

Mr Thain advised that one letter of representation had been received in respect of the application 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.

The applicant, Mrs Susan MacFarlane was present, accompanied by her daughter, Bronte.

The late respondent, the Old Aberdeen Heritage Society, was not present. However, Mr Thain explained that a representative of the Old Aberdeen Heritage Society could not be in attendance today, however they had submitted a letter to explain why the letter of representation had been late.

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The Committee resolved:

to accept the letter explaining the reason for the late submission of the letter of representation from the Old Aberdeen Heritage Society into proceedings.

The applicant had no objection to the late letter of representation being circulated.

The Committee resolved:-

that the letter of representation by the Old Aberdeen Heritage Society be introduced into the proceedings.

The Committee heard from the applicant, Mrs Susan McFarlane, in support of the application.

The Committee then heard from four of the respondents who were present, namely: Mrs Gail Fletcher-Grasby, on behalf of Mr Robert Fletcher-Grasby, Mrs Sally Jaspers, and Mr Dewi Morgan (on behalf of the Old Aberdeen Community Council) and who all spoke in support of their letters of representation. One of the respondents, the Old Aberdeen Heritage Society, was not in attendance, nor represented.

The Committee asked questions of the applicant and respondents.

Each of the respondents summed up.

The applicant summed up.

The Committee resolved:

to grant the licence.

10. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION

Premises - 153 Bannermill Place, Aberdeen

Application Number – 8/10

The Committee had before it a report by the Private Sector Housing Manager in respect of the application which advised that one timely letter of representation had been received.

The applicant, Mr Kyle Henderson, was in attendance and spoke in support of the application.

The respondent, Ms Lucy Wright, was in attendance and spoke in support of her letter of representation.

The Committee asked questions of both the applicant and respondent.

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The respondent summed up.

The applicant summed up.

The Committee resolved:

to defer consideration of the application until the works were completed, after which time the Private Sector Housing Manager could grant the licence under delegated powers if appropriate.

DECLARATION OF INTEREST

In accordance with article 2 of this minute, Councillor Imrie left the meeting prior to consideration of the following item of business.

**11. APPLICATION FOR THE GRANT OF A STREET TRADER'S LICENCE
Premises - The Liberty Kitchen
Application Number – 8/11**

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 been placed on the agenda as it required to be determined by 10 October 2017, and to date the applicant had not provided evidence of his Certificate of Compliance.

The applicant was not in attendance.

The Committee resolved:

to defer consideration of the application to enable the applicant to provide the required Certificate of Compliance, and to agree that should the applicant provide the required documentation, the Head of Legal and Democratic Services could grant the licence under delegated powers, or otherwise that the application be referred to a special meeting of the Committee for consideration.

**12. APPLICATION TO HOLD A PUBLIC CHARITABLE COLLECTION
Premises - Inspire PTL
Application 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 requested a Public Charitable Collection for the fireworks Display at the Beach Boulevard and Queen's Links on Sunday 5 November 2017, and the Committee's policy stated that Public

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Charitable Collections could only take place on Monday, Thursday and Saturdays (with the exception of December and public holidays).

Mr Andrew Reid, was in attendance on behalf of Inspire PTL, and spoke in support of the application and why it should be exempt from the Committee's policy.

The Committee resolved:

to grant the application.

**13. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - LORRAINE FYFE
Application Number – 8/13**

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

**14. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE - SAMSON UGHA
Application 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 17 January 2017 and the applicant was seeking exemption from passing the street knowledge test which he passed in 2016.

The applicant was represented by Mr Daniel Ekpenyong, who spoke in support of the application and explained why the applicant should be exempted from undertaking the street knowledge test.

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 licence.

**15. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE - MOHAMAD ELBEHADERIE
Application Number – 8/15**

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

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**16. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE - VINOD ATHIKKAL VEEDU
Application Number – 8/16**

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 October 2017, and to date the applicant had not passed the required street knowledge test.

The applicant was not in attendance.

The Committee resolved:

to refuse the licence.

**17. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE - ROBERT COWIE
Application Number – 8/17**

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

**18. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE - GARY ROBERTSON
Application Number – 8/18**

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

**19. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE - GARY DUNCAN
Application Number – 8/19**

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 2 October 2017, and to date the applicant had not passed the required street knowledge test.

The applicant was not in attendance.

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The Committee resolved:

to refuse the licence.

**20. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE - LAWRENCE IMONIGIE
Application Number – 8/20**

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 been placed on the agenda as it required to be determined by 4 November 2017, and to date the applicant had (1) not passed the required street knowledge test; and (2) not provided proof of his right to work in the UK.

The applicant was not in attendance.

The Committee resolved:

to refuse the licence.

**21. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE - GOLAM MUHMUD
Application Number – 8/21**

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 November 2017, and to date the applicant had (1) not passed the required street knowledge test; and (2) not provided proof of his right to work in the UK.

The applicant, Mr Golam Muhmud, was in attendance accompanied by Mr Chetan Aggarwal, who spoke in support of the application.

The Committee asked questions of the applicant.

The Committee resolved:

to defer consideration of the application to enable the applicant to (1) provide proof of the right to work in the UK; and (2) to undertake the street knowledge test, and to agree that should the applicant provide the required information and pass the street knowledge test, the Head of Legal and Democratic Services could grant the licence under delegated powers, or otherwise that the application be referred to the meeting of the Licensing Urgent Business Sub Committee for consideration.

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**22. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE - ADEYINKA OKETOLA
Application Number – 8/22**

The Committee was advised that the application had been withdrawn.

**23. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE - KEITH WILL
Application Number – 8/23**

The Committee had before it an information note 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 28 September 2017, and to date the applicant had not passed the required street knowledge test.

The applicant was not in attendance.

The Committee resolved:
to refuse the licence.

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APPENDIX B

1. LANDLORD REGISTRATION
Application Number – 10/1

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

The landlord was in attendance and spoke in support of his registration.

Sergeant Flett was in attendance and spoke in support of Police Scotland's letter of 30 March 2017.

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

The Convener, seconded by Councillor Sandy Stuart moved:-
that the Committee approve the landlord registration.

Councillor Nicoll, seconded by Councillor Allard moved as an amendment:-
that the Committee revoke the landlord registration on the grounds that the landlord was not a fit and proper person.

On a division, there voted:- for the motion (10) – the Convener; the Vice Convener; and Councillors Bell, Graham, Imrie, Avril MacKenzie, Malik, Sellar, Sandy Stuart and Wheeler; for the amendment (7) – Councillors Allard, Delaney, Henrickson, Catriona Mackenzie, McRae, Nicoll and Townson.

The Committee resolved:
to adopt the motion.

2. LANDLORD REGISTRATION
Application Number – 10/2

With reference to article 1 of appendix B of the minute of the meeting of the Licensing Committee of 13 June 2017, the Committee had before it a report by the Private Sector Housing Manager in respect of a landlord registration which advised that the landlord had failed to comply with a Repairing Standard Enforcement Order.

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The landlord was in attendance, along with his solicitor, who spoke in support of his client's continued registration.

The Committee asked questions of the landlord and his solicitor.

The landlord's solicitor summed up his case.

The Convener, seconded by Councillor Graham moved:-
that the Committee agree that the landlord retain his landlord registration.

Councillor Nicoll, seconded by Councillor Allard moved as an amendment:-
that the Committee revoke the landlord registration on the grounds that the landlord was not a fit and proper person.

On a division, there voted:- for the motion (7) – the Convener; and Councillors Graham, Imrie, Avril MacKenzie, Malik, Sellar and Wheeler; for the amendment (9) – Councillors Allard, Bell, Delaney, Henrickson, Catriona Mackenzie, McRae, Nicoll, Sandy Stuart and Townson; and absent from the division (1) – the Vice Convener.

The Committee resolved:
to adopt the amendment.

3. **APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE** **Application Number – 10/3**

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 December 2017 and that to date a Certificate of Compliance had not been returned by the applicant; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 19 July 2017.

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

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The Committee resolved:

to defer consideration of the application to enable the applicant to provide the required Certificate of Compliance, and to agree that should the applicant provide the required documentation, the Head of Legal and Democratic Services could grant the licence under delegated powers, or otherwise that the application be referred to a special meeting of the Committee for consideration.

4. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE
Application Number – 10/4

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 December 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 19 July 2017.

The applicant was not in attendance.

Sergeant Flett was not in attendance

The Committee resolved:

to grant the licence.

DECLARATION OF INTEREST

In accordance with article 2 of this minute, Councillor Malik left the meeting prior to consideration of the following item of business.

5. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE
Application Number – 10/5

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 26 December 2017, and to date a Certificate of Compliance had not been received from the applicant; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 19 July 2017.

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

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

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The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

The Committee resolved:

to defer consideration of the application to enable the applicant to provide the required Certificate of Compliance, and to agree that should the applicant provide the required documentation, the Head of Legal and Democratic Services could grant the licence under delegated powers, or otherwise that the application be referred to a special meeting of the Committee for consideration.

6. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE
Application Number – 10/6

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 26 December 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 19 July 2017.

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

The Committee resolved:

to grant the licence.

7. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE
Application Number – 10/7

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 26 December 2017; and (2) a letter of

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representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 9 June 2017.

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

The Committee resolved:

to grant the licence.

8. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

Application Number – 10/8

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 27 October 2017.

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

The Committee asked questions of the applicant.

The applicant summed up his case.

The Committee resolved:

to grant the licence.

9. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE

Application Number – 10/9

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

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

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 7 November 2017, and to date the applicant had not passed the required street knowledge test; and (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 1 June 2017.

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

The Committee resolved:

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

11. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE
Application Number – 10/11

The Committee was advised that the application had been withdrawn.

12. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Number – 10/12

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 to be determined by 17 October 2017.

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

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licence under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Urgent Business Sub Committee for consideration.

13. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Number – 10/13

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 14 September 2017.

The applicant was not in attendance.

The Committee resolved:
to refuse the licence.

14. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Number – 10/14

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 27 October 2017.

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

The Committee asked questions of the applicant.

The applicant summed up his case.

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 licence under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Urgent Business Sub Committee for consideration.

15. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Number – 10/15

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 27 October 2017.

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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 licence 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.

**16. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Number – 10/16**

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 October 2017.

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

The Committee asked questions of the applicant.

The applicant summed up his case.

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 licence under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Urgent Business Sub Committee for consideration.

**17. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Number – 10/17**

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 28 September 2017.

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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 summed up his case.

The Committee resolved:

- (i) 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 licence under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Urgent Business Sub Committee for consideration; and
- (ii) to agree to request the Chief Executive to write to the Council's Occupational Healthcare provider to discuss service delivery and the impact on the processing of licence applications.

18. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Number – 10/18

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

19. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Number – 10/19

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 24 October 2017, and to date the applicant had not provided proof of his right to work in the UK.

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

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

The Committee asked questions of the applicant.

The applicant summed up his case.

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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 licence under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Urgent Business Sub Committee for consideration.

20. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Number – 10/20

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 10 October 2017.

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 licence 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 Number – 10/21

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 14 September 2017.

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

The Committee asked questions of the applicant.

The applicant summed up his case.

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 licence 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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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.

22. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Number – 10/22

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 2 November 2017.

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

The Committee asked questions of the applicant.

The applicant summed up his case.

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 licence under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Urgent Business Sub Committee for consideration.

23. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE
Application Number – 10/23

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 2 November 2017.

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

The Committee asked questions of the applicant.

The applicant summed up his case.

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The Committee resolved:

to defer consideration of the application to (1) allow a medical report from OH Assist to be received and (2) to enable the applicant to undertake the street knowledge test; and to agree that should the applicant both pass the required test and meet the Group 2 DVLA medical criteria, the Head of Legal and Democratic Services could grant the licence 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 PRIVATE HIRE CAR DRIVER'S LICENCE**Application Number – 10/24**

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

25. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE**Application Number – 10/25**

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 20 December 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 21 July 2017.

The applicant was in attendance, and was represented by his solicitor, who spoke in support of the application.

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant's solicitor summed up his case.

The Committee resolved:

to grant the licence.

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