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To: Councillor Reynolds, Convener; Councillor Boulton, Vice Convener; and Councillors Allan, Allard, Bell, Cameron, Delaney, Graham, Henrickson, Imrie, Avril MacKenzie, Catriona Mackenzie, Malik, McRae, Sellar, Sandy Stuart and Townson.

Town House,
ABERDEEN 17 July 2017

LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in **Committee Room 2 - Town House** on **TUESDAY, 25 JULY 2017 at 10.00 am.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

DETERMINATION OF URGENT BUSINESS

1.1 There are no items of urgent business at this time.

DETERMINATION OF EXEMPT BUSINESS

2.1 Members are requested to determine that any exempt business be considered with the press and public excluded.

CONFIDENTIAL BUSINESS

3.1 Items of confidential business are listed at item 8.

REQUESTS FOR DEPUTATION

4.1 None received at this stage

MINUTES AND COMMITTEE BUSINESS STATEMENT

- 5.1 Minute of Previous Meeting of 13 June 2017 (Pages 5 - 30)
- 5.2 Minute of the Meeting of the Taxi Consultation Group of 27 June 2017
(Pages 31 - 42)

APPLICATIONS FOR LICENCES - INCLUDING LIST OF APPLICATIONS

- 6.1 Application for the Renewal of a Private Hire Car Operator's Licence - Zoey Anne Paterson (Pages 45 - 46)
- 6.2 Application for the Grant of a Temporary Private Hire Car Driver's Licence - Vasile-Giovani Toma (Pages 47 - 48)
- 6.3 Application for the Renewal of a Private Hire Car Driver's Licence - Sheila Moffat (Pages 49 - 50)
- 6.4 Application for the Grant of a Private Hire Car Driver's Licence - Ahmed Alsawy (Pages 51 - 52)
- 6.5 Application for the Grant of a Private Hire Car Driver's Licence - Hanni Bedawi (Pages 53 - 54)
- 6.6 Application for the Grant of a Taxi Driver's Licence - Umar Farooq (Pages 55 - 56)
- 6.7 Application for the Grant of a Taxi Driver's Licence - Ravindran Narayanan
(Pages 57 - 58)
- 6.8 Application for the Grant of a Temporary Private Hire Car Operator's Licence - Aberdeen Taxis Ltd (Pages 59 - 62)
- 6.9 Application for the Grant of a Taxi Operator's Licence - Stephen Mitchell
(Pages 63 - 64)

COMMITTEE REPORTS

- 7.1 No reports under this heading

CONFIDENTIAL INFORMATION - APPLICATIONS TO BE HEARD IN PRIVATE

Applications 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.

- 8.1 Application for the Renewal of a Private Hire Car Driver's Licence (Pages 67 - 68)
- 8.2 Application for the Renewal of a Taxi Driver's Licence (Pages 69 - 70)
- 8.3 Application for the Renewal of a Taxi Booking Office Licence (Pages 71 - 74)
- 8.4 Application for the Grant of a Taxi Driver's Licence (Pages 75 - 80)
- 8.5 Application for the Renewal of a Taxi Driver's Licence (Pages 81 - 84)
- 8.6 Application for the Grant of a Taxi Driver's Licence (Pages 85 - 88)
- 8.7 Application for the Grant of a Taxi Driver's Licence (Pages 89 - 92)
- 8.8 Application for the Grant of a Taxi Driver's Licence (Pages 93 - 94)
- 8.9 Application for the Renewal of a Taxi Driver's Licence (Pages 95 - 98)
- 8.10 Application for the Grant of a Taxi Driver's Licence (Pages 99 - 102)
- 8.11 Application for the Grant of a Taxi Driver's Licence (Pages 103 - 106)
- 8.12 Application for the Grant of a Temporary Taxi Operator's Licence (Pages 107 - 110)
- 8.13 Application for the Grant of a Taxi Operator's Licence (Pages 111 - 114)
- 8.14 Application for the Renewal of a Private Hire Car Operator's Licence (Pages 115 - 118)
- 8.15 Application for the Grant of a Private Hire Car Operator's Licence (Pages 119 - 122)
- 8.16 Application for the Grant of a Private Hire Car Operator's Licence (Pages 123 - 126)

- 8.17 Application for the Grant of a Taxi Operator's Licence (Pages 127 - 130)
- 8.18 Application for the Grant of a Temporary Private Hire Car Operator's Licence (Pages 131 - 134)
- 8.19 Application for the Grant of a Private Hire Car Operator's Licence (Pages 135 - 138)
- 8.20 Application for the Grant of a Temporary Taxi Operator's Licence (Pages 139 - 142)
- 8.21 Application for the Grant of a Taxi Operator's Licence (Pages 143 - 146)
- 8.22 Application for the Grant of a Private Hire Car Driver's Licence (Pages 147 - 148)

EXEMPT BUSINESS

- 9.1 Application for Taxi Licence - Review (Pages 149 - 152)

EHRIA's related to reports on this agenda can be viewed at
[Equality and Human Rights Impact Assessments](#)

To access the Service Updates for this Committee please use the following link:
<https://committees.aberdeency.gov.uk/ecCatDisplayClassic.aspx?sch=doc&cat=13450&path=0>

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LICENSING COMMITTEE

ABERDEEN, 13 June 2017. Minute of meeting of the LICENSING COMMITTEE.
Present: Councillor Reynolds, Convener; and Councillors Allan, Allard, Bell, Cameron, Delaney, Flynn (as a substitute for Councillor Stuart for articles 9 to 12), Graham, Henrickson, Imrie, Avril MacKenzie, Catriona Mackenzie, Malik (up to article 7 of appendix B), McRae, Sellar and Townson.

The agenda and reports associated with this minute can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=4349&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 6.7 to 6.10 (all applications for street trader licences), 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;
- (ii) Councillor Delaney declared an interest in relation to item 6.25 (Application for the Renewal of a Private Hire Car Driver's Licence – Sheila Moffat) by virtue of knowing the applicant, and withdrew from the meeting prior to consideration of this item;
- (iii) Councillor Henrickson declared an interest in relation to item 7.3 (Safety of Sports Grounds Act 1975 as amended – General Safety Certificate Pittodrie Certificate) by virtue of being a shareholder of Aberdeen Football Club, but did not feel it necessary to withdraw during consideration of the item;
- (iv) Councillors Allan and Graham declared an interest in relation to item 7.1 (Accessible Vehicle Policy Update) by virtue of being members of Unite and there being a deputation from Mr Campbell, Unite, neither Councillor felt it necessary to withdraw during consideration of the item;

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- (v) Councillor Malik declared an interest in relation to items 6.13 (Application for the Grant of a Taxi Driver's Licence – Umar Farooq) and 8.9 (Application for the Renewal of a Taxi Driver's Licence) by virtue of knowing the applicants, and withdrew from the meeting prior to consideration of both of these items; and
- (vi) The Vice Convener and Councillor Townson declared an interest in relation to item 8.9 (Application for the Renewal of a Taxi Driver's Licence) by virtue of knowing the applicant through previous court proceedings, and both withdrew from the meeting prior to consideration of this item.

REQUESTS FOR DEPUTATION - REQUEST BY MR CAMPBELL, UNITE, IN RELATION TO ITEM 7.1 (ACCESSIBLE VEHICLE POLICY UPDATE)

3. The Committee had before it a request for deputation from Mr Tommy Campbell, Unite, in relation to item 7.1 (Accessible Vehicle Policy Update) on the agenda.

The Committee noted that the request had been received beyond the deadline required by Standing Orders and therefore the Committee would need to suspend Standing Order 13.1 should it wish to hear the deputation.

The Committee resolved:

to suspend Standing Order 13.1 and thereby to agree to hear the deputation from Mr Campbell in relation to item 7.1 (Accessible Vehicle Policy Update) prior to consideration of the report.

MINUTE OF PREVIOUS MEETING OF 18 APRIL 2017

4. The Committee had before it the minute of its meeting of 18 April 2017.

The Committee resolved:

to approve the minute as a correct record.

MINUTES OF THE MEETINGS OF THE LICENSING URGENT BUSINESS SUB COMMITTEE OF 13 AND 27 APRIL 2017

5. The Committee had before it the minutes of the meetings of the Licensing Urgent Business Sub Committee of 13 and 27 April 2017.

The Committee resolved:

to approve the minutes as a correct record.

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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 2 (Review of Accessible Vehicles Policy) and 4 (Taxi Ranks), subject to the decisions taken later on the agenda; and
- (ii) to otherwise note the updates contained in the statement.

TRACKER SPREADSHEET

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.

APPLICATIONS FOR LICENCES

8. 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.

ACCESSIBLE VEHICLE POLICY UPDATE

9. (A) In terms of Standing Order 13.1, the Committee received a deputation from Mr Campbell, Unite.

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

(B) With reference to (1) article 7 of the minute of the meeting of the Licensing Committee of 18 April 2017; and (2) article 12 of the minute of the meeting of Council of 11 May 2016, the Committee had before it a report by the Head of Legal and

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Democratic Services which provided details of the responses received from the UK Government and Dundee City Council in connection with the Accessible Vehicle Policy.

The report recommended –

that the Committee note the terms of the responses received from the UK Government and Dundee City Council.

The Committee resolved:

- (i) to note the report; and
- (ii) to instruct the Head of Legal and Democratic Services to submit a report to the Committee's meeting on 12 September 2017, outlining the process, including public and trade consultation, of revisiting the Council's current accessible vehicle policy, and that this report also detail the legal and financial implications of any change.

TAXI RANK REVIEW

10. With reference to article 5 of the minute of the meeting of the Licensing Committee of 25 October 2016, the Committee had before it a report by the Head of Legal and Democratic Services which provided information in relation to the Taxi Rank Review.

The report recommended –

that the Committee

- (a) note the updated information in relation to the taxi rank review; and
- (b) instruct the Head of Legal and Democratic Services to incorporate the review of taxi rank provision within the taxi demand survey to be carried out and reported to Committee by June 2018.

The Committee resolved:

to approve the recommendations.

SAFETY OF SPORTS GROUNDS ACT 1975 AS AMENDED - GENERAL SAFETY CERTIFICATE PITTODRIE CERTIFICATE

11. The Committee had before it a report by the Head of Legal and Democratic Services which sought approval of the adoption of the General Safety Certificate issued to Aberdeen Football Club Plc annexed as Appendix 1 to the report.

The report recommended –

that the Committee approve the General Safety Certificate June 2017 to be issued to Aberdeen Football Club Plc.

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The Committee resolved:

to approve the recommendation.

APPOINTMENT OF MEMBERS TO SUB-COMMITTEES AND WORKING GROUPS

12. The Committee had before it a report by the Head of Legal and Democratic Services which sought the re-establishment of sub-committees and working groups under the Committee's remit and requested that appointments to the sub-committees and working groups re-established be made.

The report recommended –

that the Committee

- (a) note the compositions for the sub-committees and working groups detailed at section 3.2 of the report as approved by Council on 17 May 2017;
- (b) agree to re-establish and appoint members to the sub-committees and advisory group listed at section 3.1 of the report in accordance with the agreed compositions; and
- (c) agree to re-establish and appoint members to the Taxi Consultation Group as detailed at section 3.6 of the report, pending the review of the remit, governance and membership of the Taxi Consultation Group being undertaken by the Head of Legal and Democratic Services as requested by the Committee and which would be reported to the Committee at its meeting on 12 September 2017.

The Committee resolved:

to approve the recommendations.

CONFIDENTIAL INFORMATION

The press and public were excluded from the meeting for consideration of the following items which contained confidential information in terms of Section 50A 3(b) of the Local Government (Scotland) Act 1973.

APPLICATION FOR LICENCES

13. 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 JOHN REYNOLDS, Convener.

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APPENDIX A

1. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Premises – 5 Kincorth Crescent, Aberdeen
Application Reference Number – 6/1

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

2. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Premises - 15 Elmfield Avenue, Aberdeen
Application Reference Number – 6/2

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

3. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Premises - 39 Great Northern Road, Aberdeen
Application Reference Number – 6/3

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

4. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Premises - 130 Great Northern Road, Aberdeen
Application Reference Number – 6/4

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

5. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Premises – 39 Garthdee Gardens, Aberdeen
Application Reference Number – 6/5

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

6. **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Premises - 77-79 Bon Accord Street, Aberdeen
Application Reference Number – 6/6

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

7. **APPLICATION FOR THE GRANT OF A STREET TRADER'S LICENCE – KEVIN CARR**
Location – South Esplanade West, north side, 225 metres west of Victoria Road
Application Reference Number – 6/7

The Committee was advised that the application had been withdrawn.

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.

8. **APPLICATION FOR THE RENEWAL OF A STREET TRADER'S LICENCE – ALLAN MOULE**
Location – Whitemyres Avenue, north side, 202 metres west of Whitemyres Place
Application Reference Number – 6/8

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

The applicant, Mr Allan Moule, was in attendance. The Committee heard from Mr Moule in support of the application.

The Committee asked questions of the applicant.

The Committee resolved:

to defer consideration of the application to enable a food safety certificate to be received, after which time the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise refer it to a special meeting of the Committee for consideration.

9. **APPLICATION FOR THE RENEWAL OF A STREET TRADER'S LICENCE – LEON GRANT**
Location – Howemoss Drive, east side, 20 metres north of Howemoss Place
Application Reference Number – 6/9

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

10. APPLICATION FOR THE RENEWAL OF A STREET TRADER'S LICENCE – NIGEL CARTER

Location – Zones 1-8

Application Reference Number – 6/10

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

DECLARATION OF INTEREST

Prior to consideration of the following item, Councillor Graham declared an interest in the following article by virtue of knowing the applicant by means of being a local councillor. He did not consider that the nature of his interest required him to withdraw from the meeting during consideration of the application.

11. APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE – NORTHFIELD COMMUNITY CENTRE

Location – Northfield Community Centre, Byron Square, Aberdeen

Application Reference Number – 6/11

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 a representation had been received from Building Standards regarding the outstanding works required to be undertaken at Northfield Community Centre.

The applicant, Ms Jacqueline Innes, Northfield Community Centre, was in attendance. The Committee heard from Ms Innes in support of the application.

The Committee then heard from Mr Kidd, Building Services, regarding the outstanding works to be completed at Northfield Community Centre.

The Committee asked questions of the applicant and Mr Kidd.

The Committee resolved:

- (i) to grant the application with the conditions that the outstanding works be completed within three months and that during that three month period the applicant was required to complete and sign off a pro-forma document recording anytime the bolts were taken off the door inside the hall and the door was required to be opened before the public was allowed to enter; and

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- (ii) to request the Head of Legal and Democratic Services to write to the Director of Communities, Housing and Infrastructure to advise of the outstanding works required at Northfield Community Centre and of the Committee's decision.

12. APPLICATION FOR THE GRANT OF A TATTOO AND SKIN PIERCING LICENCE - DOROTA GIERSZEWSKA

Location – Papilot, 86 Victoria Road, Aberdeen, AB16 7PB

Application Reference Number – 6/12

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 21 June 2017, and to date the applicant had not provided a certificate stating that they have complied with the requirement contained in paragraph 2 of Schedule 1 to the Civic Government (Scotland) Act 1982 to display a notice at or near the premises for a period of 21 days beginning with the date on which the application was submitted to the licensing authority.

The applicant, Ms Dorota Gierszewska, was in attendance, accompanied by her friend, Ms Sylwia Wisniewska. The Committee heard from Ms Wisniewska who spoke in support of the application on behalf of Ms Gierszewska explaining that the applicant was changing premises and would not be located at 86 Victoria Road, Aberdeen.

The Committee asked questions of the applicant. Thereafter, Ms Sylwia Wisniewska, on behalf of Ms Dorota Gierszewska, advised that she was withdrawing the application and would submit a new application for the address of her new premises.

The Committee resolved:

- (i) to note the application had been withdrawn; and
- (ii) to note that the applicant would submit a new application and to agree that the application fee be waived for this.

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.

13. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE – UMAR FAROOQ

Application Reference Number – 6/13

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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 8 September 2017, and to date the applicant had not yet passed the required street knowledge test.

The applicant, Mr Umar Farooq, was not in attendance.

The Committee resolved:

- (i) 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 required test, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a special meeting of the Committee for consideration; and
- (ii) to agree that any outstanding licensing applications also be submitted to the special meeting of the Committee as determined by the Head of Legal and Democratic Services.

14. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE - JONATHAN PHILIP
Application Reference Number – 6/14

The Committee was advised that the application had been withdrawn.

15. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE - GARY PRENTICE
Application Reference Number – 6/15

The Committee was advised that the application had been withdrawn.

16. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE - MICHAEL PIRIE

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

17. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE - BRIAN DONALD
Application Reference Number – 6/17

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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 25 June 2017, and to date the applicant had not yet passed the required street knowledge test and he was also required in accordance with the Immigration Act 2016 to provide proof of his right to work in the United Kingdom.

The applicant, Mr Brian Donald, was not in attendance.

The Committee resolved:

to refuse the application.

**18. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE - CHARLES KAMWA KAMGAING
Application Reference Number – 6/18**

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 been placed on the agenda as it required to be determined by 12 July 2017, and to date the applicant had not yet passed the required street knowledge test.

The applicant, Mr Charles Kamgaing, was not in attendance.

The Committee resolved:

to refuse the application.

**19. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE - AHMED ALSAWY
Application Reference Number – 6/19**

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 22 August 2017, and to date the applicant had not yet passed the required street knowledge test and he was also required in accordance with the Immigration Act 2016 to provide proof of his right to work in the United Kingdom.

Mrs Lynn May, Legal Advisor, advised the Committee that the applicant had now provided proof of his right of work in the United Kingdom.

The applicant, Mr Ahmed Alsawy, was not in attendance.

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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 required test, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a special meeting of the Committee for consideration.

20. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE - HANNI BEDAWI
Application Reference Number – 6/20

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 31 August 2017, and to date the applicant had not yet passed the required street knowledge test and he was also required in accordance with the Immigration Act 2016 to provide proof of his right to work in the United Kingdom.

The applicant, Mr Hanni Bedawi, was in attendance and spoke in support of his application.

Mrs Lynn May, Legal Advisor, advised the Committee that the applicant was also required in accordance with the Civic Government (Scotland) Act 1982 to provide his DVLA licence number to evidence that he had held a licence for 12 months prior to his application.

The Committee asked questions of the applicant.

The Committee resolved:

to defer consideration of the application to enable the applicant to (1) undertake the street knowledge test; (2) provide proof of the right to work in the UK; and (3) provide his DVLA licence number, and to agree that should the applicant pass the required test and provide the aforementioned documentation, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a special meeting of the Committee for consideration.

21. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE - RAYMOND CHRISTIE
Application Reference Number – 6/21

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 27

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August 2017, and to date the applicant had not yet passed the required street knowledge test and he was also required in accordance with the Immigration Act 2016 to provide proof of his right to work in the United Kingdom.

The applicant, Mr Raymond Christie, was in attendance and spoke in support of his application.

Mrs Lynn May, Legal Advisor, advised the Committee that the applicant had now provided proof of his right of work in the United Kingdom.

The Committee asked questions of the applicant.

The Committee resolved:

to defer consideration of the application to enable (1) the applicant to undertake the street knowledge test and (2) for the Head of Legal and Democratic Services to confirm whether the applicant met the DVLA Group 2 criteria, and to agree that should the applicant pass the required test and meet the DVLA Group 2 criteria, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a special meeting of the Committee for consideration.

22. **APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE - MICHAEL KULAGOWSKI**
Application Reference Number – 6/22

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 been placed on the agenda as it required to be determined by 22 July 2017, and to date the applicant had not yet passed the required street knowledge test and he was also required in accordance with the Civic Government (Scotland) Act 1982 to provide his DVLA licence number to evidence that he had held a licence for 12 months prior to his application.

The applicant, Mr Michael Kulagowski, was not in attendance.

The Committee resolved:

to refuse the application.

23. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE - GRAHAM LUMSDEN**
Application Reference Number – 6/23

The Committee was advised that the application had been withdrawn.

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**24. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE - MICHAEL MCPAKE
Application Reference Number – 6/24**

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 been placed on the agenda as it required to be determined by 29 July 2017, and to date the applicant had not yet passed the required street knowledge test.

The applicant, Mr Michael McPake, was in attendance and spoke in support of his application.

The Committee asked questions of the applicant.

The Committee resolved:

- (i) 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 required test, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a special meeting of the Committee for consideration;
- (ii) to instruct the Head of Legal and Democratic Services to look into reasonable adjustments to the knowledge test, including a practical test, for the applicant in light of the special circumstances; and
- (iii) to instruct the Head of Legal and Democratic Services to investigate reasonable adjustments for the street knowledge test for taxi and private car drivers where circumstances required and to report on this matter as part of the report to be submitted to the next meeting of the Committee on 12 September 2017, regarding the format of the knowledge test to ensure a consistent approach was applied.

DECLARATION OF INTEREST

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

**25. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE - SHEILA MOFFAT
Application Reference Number – 6/24**

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 been placed on the agenda as it required to be determined by 2

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

The applicant, Ms Sheila Moffat, was in attendance and spoke in support of her application.

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 required test, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a special meeting of the Committee for consideration.

**26. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE - GRAHAM RAMSAY
Application Reference Number – 6/24**

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 been placed on the agenda as it required to be determined by 27 June 2017, and to date the applicant had not yet passed the required street knowledge test.

The applicant, Mr Graham Ramsay, was not in attendance.

The Committee resolved:

to refuse the application.

**27. APPLICATION FOR THE GRANT OF A TEMPORARY PRIVATE HIRE CAR DRIVER'S LICENCE - VASILE-GIOVANI TOMA
Application Reference Number – 6/24**

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 been placed on the agenda as it required to be determined by 6 September 2017, and to date the applicant had not yet passed the required street knowledge test and he was also required (1) in accordance with the Immigration Act 2016 to provide proof of his right to work in the United Kingdom; and (2) in accordance with the Civic Government (Scotland) Act 1982 to provide his DVLA licence number to evidence that he had held a licence for 12 months prior to his application.

The applicant, Mr Vasile-giovani Toma, was not in attendance.

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The Committee resolved:

to defer consideration of the application to enable the applicant to (1) undertake the street knowledge test; (2) provide proof of the right to work in the UK; and (3) provide his DVLA number, and to agree that should the applicant pass the required test and provide the aforementioned documentation, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a special meeting of the Committee for consideration.

28. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE - RAFAL WIEWIORKA

Application Reference Number – 6/24

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 been placed on the agenda as it required to be determined by 17 July 2017, and to date the applicant had not yet passed the required street knowledge test.

The applicant, Mr Rafal Wiewiorka, was in attendance and spoke in support of his application.

The Committee asked questions of the applicant.

The Committee resolved:

- (i) to defer consideration of the application to a special meeting of the Committee or to a meeting of the Licensing Urgent Business Sub Committee subject to it being re-established later on today's agenda; and
- (ii) to request that officers from the Licensing Team advise the applicant of his options outwith the meeting.

29. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE - SUSANNE STEPHEN

Application Reference Number – 6/24

The Committee was advised that the application had been withdrawn.

30. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - CENTRAL TAXIS ABERDEEN

Application Reference Number – 6/24

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

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31. **APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - MICHAEL PIRIE**
Application Reference Number – 6/24

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

32. **APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - CHARLES FARMAN**
Application Reference Number – 6/24

The Committee was advised that the application had been withdrawn.

33. **APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - LESLIE SCOTT MCROBBIE**
Application Reference Number – 6/24

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

34. **APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - ALEXANDER FRASER MASSIE**
Application Reference Number – 6/24

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

35. **APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - SCOTT MITCHELL**
Application Reference Number – 6/24

The Committee was advised that the application had been withdrawn.

36. **APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR OPERATOR'S LICENCE - ZOEY ANNE PATERSON**
Application Reference Number – 6/24

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 been placed on the agenda as it required to be determined by 25

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July 2017, and to date the applicant's vehicle had not yet passed the required vehicle inspection.

The applicant, Ms Zoey Anne Paterson, was in attendance and spoke in support of her application.

The Committee asked questions of the applicant.

The Committee resolved:

to defer consideration of the application to enable the inspection on the applicant's vehicle to be undertaken and to agree that should the vehicle pass the required test, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a special meeting of the Committee, or a meeting of the Licensing Urgent Business Sub Committee, subject to it being re-established later on the agenda, for consideration.

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APPENDIX B

1. LANDLORD REGISTRATION
Application Reference Number – 8/1

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.

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

The Committee asked questions of the landlord.

The Convener, seconded by Councillor Cameron moved:-
that the Committee defer consideration of the landlord registration to the next meeting of the Committee on 12 September 2017 to enable the landlord to take legal advice.

Councillor Delaney, seconded by Councillor Allan 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 (11) – the Convener; the Vice Convener; and Councillors Cameron, Graham, Henrickson, Imrie, Avril MacKenzie, Catriona Mackenzie, McRae, Sellar and Townson; for the amendment (5) – Councillors Allan, Allard, Bell, Delaney and Malik.

The Committee resolved:
to adopt the motion.

2. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number – 8/2

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 September 2017, and to date the Council's Occupation Health Provider, OH Assist, had not concluded determination of whether the applicant met the required DVLA Group 2 medical criteria.

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

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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 application under delegated powers, or otherwise that the application be referred to a special meeting of the Committee for consideration.

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

Application Reference Number – 8/3

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 July 2017, and to date the Council's Occupation Health Provider, OH Assist, had not concluded determination of whether the applicant met the required DVLA Group 2 medical criteria.

Mrs Lynn May, Legal Advisor, advised the Committee that the applicant had not provided proof of his right to work in the United Kingdom.

The applicant was not in attendance.

The Committee resolved:

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

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

Application Reference Number – 8/4

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 8 September 2017, and the Council's Occupation Health Provider had concluded that the applicant required to be reassessed to determine whether he met the required DVLA Groups 2 medical criteria.

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

The Committee resolved:

to defer consideration of the application to allow a further medical report to be received from OH Assist 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 special meeting of the Committee for consideration.

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**5. APPLICATION FOR THE RENEWAL OF A TAXI BOOKING OFFICE LICENCE
Application Reference Number – 8/5**

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 13 September 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 7 April 2017, and Sergeant Flett was in attendance.

Mrs Lynn May, Legal Advisor, advised the Committee that the applicant had requested that the application be deferred to the next meeting of the Committee to enable him to be in attendance.

The Committee resolved:

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

**6. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE
Application Reference Number – 8/6**

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 22 June 2017.

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

The Committee heard from Sergeant Flett, Police Scotland and Mrs Lynn May, Legal Advisor, who explained why the letter of objection was late.

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

The Committee resolved:-

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

The Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 19 April 2017.

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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 further resolved:

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

**7. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE
Application Reference Number – 8/7**

With reference to article 11 of appendix B of the minute of the meeting of the Licensing Committee of 18 April 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 31 July 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 20 February 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 defer consideration of the application to enable the applicant to undertake the street knowledge test, and to agree that should the applicant pass the required test, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a special meeting of the Committee for consideration should the applicant not pass the street knowledge test.

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**8. APPLICATION FOR THE GRANT OF A TAXI OPERATOR'S LICENCE
Application Reference Number – 8/8**

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 30 September 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 28 April 2017.

Sergeant Flett proposed as a preliminary matter that the application be deferred to the next meeting of the Committee and advised of the rationale for this request.

The applicant advised that he wished his application to be determined today.

The Committee resolved:

to consider the application today.

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 further resolved:

to grant the licence and to agree a dispensation for the applicant's vehicle from the Council's accessible vehicle policy for the period of the licence only.

DECLARATIONS OF INTEREST

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

**9. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number – 8/9**

With reference to article 14 of appendix B of the minute of the meeting of the Licensing Committee of 18 April 2017, the Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in

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respect of the application which advised that the application had to be determined by 9 August 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 22 February 2017.

Sergeant Flett proposed as a preliminary matter that an additional letter of representation from Police Scotland be accepted into proceedings and advised of the rationale for this request.

At this time, the applicant also requested that a letter from his employer be accepted into proceedings.

The Committee resolved:

to accept both additional documents into today's proceedings.

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.

Councillor Allan, seconded by Councillor McRae moved:-

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

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

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

On a division, there voted:- for the motion (7) – Councillors Allan, Allard, Bell, Cameron, Delaney, Henrickson and McRae; for the amendment (5) – the Convener; and Councillors Imrie, Avril MacKenzie, Catriona Mackenzie and Sellar.

The Committee resolved:

to adopt the motion.

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TAXI CONSULTATION GROUP

ABERDEEN, 27 June 2017. Minute of Meeting of the TAXI CONSULTATION GROUP. Present:- Councillor Boulton (as a substitute for Councillor Reynolds), Chairperson; and Councillors Allard, Delaney, Donnelly and Graham; and Peter Campbell (as a substitute for Tommy Campbell) (Unite the Union), Stewart Duncan and Graeme McColl (Aberdeen Taxi Group).

In attendance:- James Hashmi (Finance), Inspector McGeogh (Police Scotland to article 5 only), (David McKane, Sandy Munro and Jenni Wilson (Licensing Team, Legal Services), Sheila Barclay and William Whyte (Fleet Services), and Allison Swanson (Democratic Services).

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.

APPOINTMENT OF CHAIRPERSON

1. The Clerk sought nominations for Chairperson of the Taxi Consultation Group, whereupon Councillor Donnelly moved, seconded by Councillor Boulton, that Councillor Reynolds be appointed as Chairperson.

The Taxi Consultation Group resolved:
to appoint Councillor Reynolds as Chairperson.

CHAIRPERSON

2. In the absence of the Chair, it was agreed that Councillor Boulton, take the Chair.

MINUTE OF MEETING OF 28 FEBRUARY 2017 - FOR APPROVAL

3. The Consultation Group had before it the minute of its previous meeting of 28 February 2017.

With regards to article 6 (Impact of Brexit on 2018 Yellow Plate Ruling) of the minute, the Consultation Group heard from Mr Munro, Licensing Team, who advised that the Equality Act 2010 was UK legislation and therefore the result of the EU referendum had no impact on the implementation of the Council's Accessible Vehicle Policy.

In relation to article 9 (Taxi Trade Accounts), resolution (i), to note that a tabled report would be considered as the final item on today's agenda.

The Taxi Consultation Group resolved:
to approve the minute as a correct record.

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AGENDA ORDER

4. The Chair proposed that items 4 (Trade's Views on Driver Training and Knowledge Test) and 9 (Taxi Test) be considered together following item 3 on today's agenda.

The Taxi Consultation Group resolved:

to concur with the Chair's proposal and thereby consider items 4 (Trade's Views on Driver Training and Knowledge Test) and 9 (Taxi Test) together following item 3 on today's agenda.

**OPERATION TABER - POLICE SCOTLAND OPERATION WITHIN ABERDEEN CITY
- PRESENTATION BY INSPECTOR KENNY MCGEOUGH**

5. The Consultation Group heard from Inspector Kenny McGeough, Police Scotland, who provided an overview of Operation Taber which had been established by Police Scotland to find out about compliance with drivers' vehicles, driver licences and private hires; identify drivers and vehicles operating without a valid licence; to check drivers maintained standards and complied with conditions in Aberdeen, all with aim to ensure that the service provided was safe for the public.

He advised that since launching the operation in December 2016, 21 unlicensed vehicles/drivers had been identified and reported to the procurator fiscal and Aberdeen City Council as the Licensing Authority. The main reason for the individual/vehicle not holding a valid licence was that the licence holder had forgotten to renew the licence. In this regard, Inspector McGeough reminded Members that it was the licence holder's responsibility to ensure that their licence(s) were valid.

He confirmed that during the operation, Police Scotland had not identified any cases of someone posing as a taxi driver and that was positive outcome.

He reiterated that Police Scotland wanted to work proactively with the trade and Aberdeen City Council to ensure that a safe service was provided to the public, with the appropriate systems and checks in place to minimise the possibility of someone operating with a driver or vehicle licence. He encouraged the trade to get in touch with him, or his team, to discuss any matters affecting the trade to which Police Scotland could assist.

Finally, he advised that Operation Taber was now being expanded to cover Aberdeenshire and Moray.

Members asked questions of Inspector McGeough in respect of Operation Taber, during which information on the process for renewing a licence was sought and clarification on whether licence holders received a reminder was sought as Members

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had previously been advised that reminders were no longer issued as this was not a requirement and the onus was on the licence holder to remember to renew their licence. In this regard, Inspector McGeough advised that it was important to have a robust and consistent process and he was scheduled to meet with Aberdeen City Council's Licensing Team later in the week to discuss the process. Mr McKane, Enforcement Officer, also advised that the Licensing Team issue renewal reminders to all licence holders eight weeks in advance of their renewal date.

Members emphasised the importance of the process being robust and applied consistently across all licences. They also highlighted that information on the process for renewing licences should readily available for licence holders.

The Taxi Consultation Group resolved:

to recommend that the Licensing Committee instruct a report from the Head of Legal and Democratic Services on the process for dealing with all licence renewal applications to ensure that a robust and consistent system was in place to minimise the possibility of unlicensed vehicles and /or drivers operating within the city.

TRADE'S VIEWS ON DRIVER TRAINING AND KNOWLEDGE TEST - DISCUSSION LED BY LICENSING TEAM

6. With reference to articles 12 and 13 of the minute of the meeting of the Licensing Committee of 28 April 2017, the Consultation Group heard from Mr Munro, Licensing Team, who advised that the Licensing Committee on 28 April 2017 had agreed (1) to refer the matter of training for taxi and private hire drivers to the Taxi Consultation Group for further discussion with the trade and that a report be submitted to the Licensing Committee thereafter for consideration; and (2) to instruct the Head of Legal and Democratic Services to discuss the format of the knowledge test with the Taxi Consultation Group as part of the further discussion on training for taxi and private hire drivers.

(A) Knowledge Test

With regards the knowledge test, Mr Munro referred to the outcome of the previous consultation exercise undertaken between 20 January and 1 March 2017 to determine whether the knowledge test remained fit for purpose and whether it was suitable for application to private hire drivers as well as taxi drivers.

The consultation paper attracted a total of 324 responses and the most common response was that the test should be continued in the current format as long as it was kept up to date with new streets etc and that it should require to be undertaken by both taxi and private his car drivers. Accordingly, officers recommended that in order to preserve standards of those drivers obtaining licences, the knowledge test should

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continue in its current format. Mr Munro sought the Group's view on whether it still agreed that this position was reflective of the view of the trade.

Mr McColl, Aberdeen Taxi Group, advised that the knowledge test consultation had received a good response rate in comparison to other consultations and that the outcome reflected the views of the trade.

Thereafter, Mr McColl raised concern about the potential for a driving test to be introduced as an alternative to the current written knowledge test in certain circumstances as had been discussed at the previous meeting of the Licensing Committee. He highlighted that there was a distinct difference between a driving test and a knowledge test, and in his view they were not comparable. In response, Mr Munro explained that the Licensing Committee had agreed to instruct the Head of Legal and Democratic Services to investigate reasonable adjustments for the street knowledge test for taxi and private car drivers where circumstances required and this information would be reported to the Committee on 12 September 2017, alongside the report on the format of the knowledge test to ensure a consistent approach was applied. He also confirmed that should there be any proposed change to the test, this would require to be consulted on with the trade prior to a final decision being taken and the process for considering a change to the test would be detailed in the report.

The Taxi Consultation Group resolved:

to note that a report on the format of the knowledge test would be considered by the Licensing Committee at its meeting on 12 September 2017 and to request that the views recorded above be reflected in the report.

(B) Driver Training

With regards to driver training, Mr Munro advised that the consultation on this matter had not been responded to as well as the knowledge test consultation with 44 responses being received. He advised that the responses were mixed to the suggestion of training, with those in favour of the training preferring that it be restricted to matters relating to customer experience. He thought this was a sensible approach as other factors such as routes, were covered in the knowledge. Mr Munro sought the Group's view on the suggestion of training for the trade.

Mr McColl explained that if training was to be introduced it required to be mandatory, otherwise it would not be undertaken. He also highlighted the different options for training i.e. a recognised NVQ qualification or a locally established Council operated course, and advised that in his view regardless if training was introduced this would need to be delivered by someone within the taxi trade. He also felt that should the Licensing Committee wish to consider introducing training, further consultation with the trade on specific training options, as well as the cost and how it would be paid for, should be undertaken.

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Mr Campbell, Unite the Union, suggested that any training should focus on the customer's experience and cover passenger assistance.

The Taxi Consultation Group resolved:

to note that a report on whether further consultation on the introduction on training for taxi and private hire drivers should be undertaken would be considered by the Licensing Committee at its meeting on 12 September 2017 and to request that the views recorded above be reflected in the report.

DISCUSSION ON THE £33 RETEST FEE BEING APPLIED FOR MINOR FAULTS - SUBMITTED BY UNITE THE UNION

7. The Consultation Group had before it a request from Unite the Union to discuss the consistency of the application of the £33 fee for retests for minor faults.

The Group heard from Mr McKane, Enforcement Officer, who clarified that minor faults were not a fail, however any vehicle with minor faults required to be retested and to pay a retest fee of £33. He explained that this was applied consistently and that officers did not have the authority to waive the fee. In addition, he highlighted that the updated taxi testing manual was available and he encouraged all drivers to familiarise themselves with this in advance of their vehicle being tested.

Members discussed this matter, during which Mr Campbell, Unite the Union, advised that now the taxi testing manual was more widely available to access, this should assist in a reduction of the number of retests required. In addition, Mr Duncan, Airport Taxis, explained that he had communicated with all airport drivers that they should familiarise themselves with the manual and advised that copies of the manual were available in their office, as well as on the Council's website.

The Taxi Consultation Group resolved:

to note the information.

ENFORCEMENT OFFICER UPDATE

8. With reference to article 5 of the minute of its meeting of 28 February 2017, the Consultation Group had before it a report by the Enforcement Officer which provided an overview of the activity of the Enforcement Officers regarding taxi enforcement operations since the previous meeting.

In addition to the taxi enforcement operations, the report provided an update on the following matters:

- Complaints received;
- Current number of licensed vehicles and drivers; and

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- Updated taxi testing manual and testing procedures.

Members discussed the report, in particular the current number of licenced vehicles, noting that not all licenced vehicles were operating.

The Taxi Consultation Group resolved:

- (i) to thank Mr McKane for the informative report and to otherwise note its content; and
- (ii) to request that further comparator data be provided in future Enforcement Officer reports.

FIRST AID KITS - UPDATE FROM ENFORCEMENT OFFICER

9. The Consultation Group had before it (1) a request from Mr McColl, Aberdeen Taxi Group, to discuss first aid kits in taxi and private hire car vehicles; and (2) an information note from the Enforcement Officer which advised of the requirements in respect of first aid kits as detailed in the current taxi testing manual.

Mr McColl advised that it was agreed when updating the taxi testing manual that the first aid kit to be contained in a taxi and private hire vehicle required to be compliant with BS8599.2.14. At the time of agreeing this update, Members were not aware of what was required to be contained in the first aid kit in order to be compliant with BS8599.2.14. In light of this, it had subsequently become apparent that the requirements were more onerous than the previous kit and as such on the first day of vehicles being tested on the new manual some vehicles were failed purely on not have a first aid kit which complied.

Thereafter, the Group heard from Mr McKane in furtherance to the information note which advised of the items which the first aid kit required to contain. The note also advised that despite all drivers/operators being written to in January 2017, advising that the manual was updated, outlining the sections being changed (which included the section of first aid kits) and advising drivers/operators to check the new manual, a substantial volume of vehicles were being produced for testing without the updated first aid kit.

This was also expressly discussed at the meeting of 24 November 2016, between the trade, Licensing and Fleet Services and the change to the kit agreed.

It was explained that in an effort to prevent a large number of vehicles failing the hackney test and being put off the road, an interim procedure was agreed between licensing and fleet services whereby a vehicle would not fail a hackney provided a first aid kit meeting the current or previous standard was present and in date (it was also agreed that a vehicle would not fail for having say 8 plasters instead of the required 10). It was intended to refer the specific first aid kit requirements to the Licensing Committee

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for it to decide what the minimum standard should be, when this should be updated (for instance current BS was 2014, this might change) and what would constitute a failed test in terms of contents. Once the Committee had made a decision the trade would be notified and the interim procedures would cease to have effect.

The Taxi Consultation Group resolved:

to note the information and to request the Licensing Team Leader to ensure the Taxi Testing Centre was aware of who to communicate any issues which might arise with so that these could be addressed in a timely manner.

DISCUSSION REGARDING THE CHANGE OF HOURS FOR HACKNEY TESTING - SUBMITTED BY GRAEME MCCOLL

10. The Consultation Group had before it a request from Mr McColl, Aberdeen Taxi Group, which sought clarification regarding the budget restrictions explained for new hackney times as detailed in the note issued by the Taxi Testing Centre to all drivers.

Mr McColl advised that the note issued advised of a change of hours at the Taxi Testing Centre Due to restructure and budget restrictions. Therefore, hackney tests would now be carried out between 8.15 and 17.00.

Mr McColl expressed concern at this change as in his view it was reducing the service provided and the time period for tests each day.

Thereafter, Ms Barclay, Fleet Business Support Officer, explained that the hours had changed in light of part of the Council's fleet being relocated and the staff transferring to the new site along with this part of the Council's fleet. She advised that there would be no reduction in service in light of the new operating hours.

Members of the trade raised concern that the explanation provided today was not what was detailed on the note issued to the trade which read as the decision was being made due to restructure and budget restrictions. They emphasised the importance of all communication being open and transparent and reflecting the actual position and any impact on the trade. Ms Barclay accepted that the note should have reflected the position, and reason for the change, more accurately.

The Taxi Consultation Group resolved:

to note the information provided and to recommend that all communication issued by the Taxi Testing Centre be reviewed by the Licensing Team Leader in advance of being issued to the trade.

TAXI TEST - SUBMITTED BY GRAEME MCCOLL

11. In accordance with article 4 of this minute, this item was considered at item 4 of the agenda (article 6 of this minute refers).

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PRIVATE HIRE DRIVER LICENCES - RENEWALS WITH REFERENCE TO POLICY CONTAINED IN THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - SUBMITTED BY GRAEME MCCOLL

12. The Consultation Group had before it a request from Mr McColl, Aberdeen Taxi Group, which sought clarification on why licences were not just refused at Licensing Committee when there were only a few weeks left prior to the application having to be determined.

In response, Mr Munro, Licensing Team, advised that any application for a licence received required to be determined within six months of receipt and the applications are submitted to the Committee in accordance with its scheduled meetings. He explained that it was for the Committee to decide whether an application should be determined that day, or whether on the basis of the circumstances, it should be deferred to a future meeting. Each application would have different circumstances and was considered on its own merits.

The Taxi Consultation Group resolved:
to note the information provided.

UPDATE ON WHEELCHAIR ACCESSIBLE VEHICLE POLICY CONSULTATION PROCESS - SUBMITTED BY UNITE THE UNION, GRAEME MCCOLL AND AIRPORT TAXIS

13. With reference to article 9 of the minute of the meeting of the Licensing Committee of 13 June 2017, the Consultation Group had requests from (1) Mr Campbell, Unite the Union; (2) Mr McColl, Aberdeen Taxi Group; and (3) Mr Duncan, Airport Taxis, that an update be provided on the Council's Accessible Vehicle Policy in light of the decision taken at the last meeting of the Licensing Committee and specifically what the consultation process would be and what impact a further report would have on the trade.

Within his request Mr Duncan, on behalf of the Airport drivers, advised that airport drivers believed that in the first instance the implementation date should be moved back to June 2019 to allow the further consultation process to take place. He also advised that airport drivers thought that any new policy should reflect the following:

- Saloon vehicles to remain;
- New licenced taxi drivers to be issued an accessible vehicle plate for the first 5 years, then given the option (airport drivers believed a percentage would stay as accessible vehicles for various reasons)
- Current accessible vehicle drivers to have the option to move to saloon at the next renewal of drivers licence (airport drivers believed a percentage would stay accessible vehicles for various reasons)

Airport drivers felt that the above proposal would benefit all, most of all the public.

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Mr Munro, Licensing Team, advised that the Licensing Committee on 13 June 2017, had agreed to instruct the Head of Legal and Democratic Services to submit a report to the Committee's meeting on 12 September 2017, outlining the process, including public and trade consultation, of revisiting the Council's current Accessible Vehicle Policy, and that this report also detail the legal and financial implications of any change. Therefore, he clarified that officers had not been instructed to undertake another consultation process, but rather to report on the process and implications of revisiting the current Policy.

He also advised of a challenge that had been lodged in respect of Dundee City Council's mixed fleet and this was scheduled to be heard in Court on 10 July 2017.

Members advised that there was a lot of misinformation regarding the Committee's decision in respect of the Policy amongst drivers.

The Taxi Consultation Group resolved:
to note the information provided.

TAXI TRADE ACCOUNTS

14. With reference to article 9 of the minute of its meeting of 28 February 2017, the Consultation Group had before it a tabled copy of the taxi licences accounts, including as an explanation as to how the figures were derived, as prepared by the Head of Finance.

Mr Hashmi, Reporting and Monitoring Manager, spoke through the accounts.

The Taxi Consultation Group resolved:
to note the taxi licences accounts.

AOCB

15. (A) Membership

Mr McColl, Aberdeen Taxi Group, advised that Mr Fettes would no longer be Licensed Taxi Offices representative on the Group.

The Taxi Consultation Group resolved:
to note the information.

TAXI CONSULTATION GROUP
27 June 2017

DATE OF NEXT MEETING

16. The Taxi Consultation Group noted that the next meeting would be held on 31 October 2017 at 10.00am in the Town House.

- Councillor Marie Boulton, Chairperson.

DRAFT

TAXI CONSULTATION GROUP
Tuesday, 27 June 2017

DRAFT

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LICENSING COMMITTEE
25 July 2017
LIST OF APPLICATIONS

	Application Type	Name of Applicant(s)	Premises, Vehicle or Area to which Application Refers	Objections or Representations Received From	Date by which Application to be Determine (If Applicable)	Pages
1.	Private Hire Car Operators Licence (Renewal)	Zoey Anne Paterson	DV11 EFH	LD	25 July 2017	45 - 46
2.	Private Hire Car Driver (Temporary)	Vasile-Giovani Toma	N/A	LD	6 September 2017	47 - 48
3.	Private Hire Car Driver (Renewal)	Sheila Moffat	N/A	LD	2 August 2017	49 - 50
4.	Private Hire Car Driver (Grant)	Ahmed Alsawy	N/A	LD	22 August 2017	51 - 52
5.	Private Hire Car Driver (Grant)	Hanni Bedawi	N/A	LD	31 August 2017	53 - 54
6.	Taxi Driver (Grant)	Umar Farooq	N/A	LD	8 September 2017	55 - 56
7.	Taxi Driver (Grant)	Ravindran Narayanan	N/A	LD	31 July 2017	57 - 58
8.	Private Hire Car Operator (Temporary Grant)	Aberdeen Taxis Ltd	Unit 2 15 Lotland Street Inverness IV1 1ST	LD	22 November 2017	59 - 62
9.	Taxi Operator (Grant)	Stephen Mitchell	N/A	LD	7 November 2017	63 - 64

ABBREVIATIONS:

LD Legal and Democratic Services
EH Environmental Health
SFRS Fire and Rescue Service
BS Building Standards
Roads

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LICENSING COMMITTEE INFORMATION SHEET
25 JULY 2017

TYPE OF APPLICATION: RENEWAL OF PRIVATE HIRE LICENCE
APPLICANT: ZOEY PATERSON

DESCRIPTION

Renewal of private hire licence
Application submitted on 26/1/17
Determination by 25/7/17
Deferred by Committee on 13/6/2017
Failed vehicle test on 5/7/2017

CONSULTEES

- Police Scotland- no objection – 14/3/17

OBJECTIONS/REPRESENTATIONS

LD- Vehicle has not passed its inspection

COMMITTEE GUIDELINES/POLICY

-All licensed vehicles must pass inspection

GROUNDS FOR REFUSAL

A licensing authority shall refuse an application to grant or renew a licence if, in their opinion—

(a)the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—

(i)for the time being disqualified from holding a licence, or

(ii)not a fit and proper person to be the holder of the licence;

(b)the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of

such a licence if he made the application himself;

(c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

(i) the location, character or condition of the premises or the character or condition of the vehicle or vessel;

(ii) the nature and extent of the proposed activity;

(iii) the kind of persons likely to be in the premises, vehicle or vessel;

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

(d) there is other good reason for refusing the application;

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET 25 JULY 2017

TYPE OF APPLICATION: PRIVATE HIRE CAR DRIVER – TEMPORARY GRANT
APPLICANT: VASILE-GIOVANI TOMA

DESCRIPTION

Grant for Temporary Private Hire Car Driver Licence

Application submitted 07/03/2017.

Determination by 6/9/17

Deferred by Committee on 13/6/2017

Applicant has not passed the street knowledge test. He was booked in for 24/04/17 but did not attend. Has been offered tests on 29/05/17 & 05/06/17.

In addition applicant has not provided proof of right to work in UK. Interview booked for 18/04/17 but he did not attend. Booked in for 01/06/17, did not attend

Further applicant has not provided either a copy of DVLA licence record or a check code to enable officers to confirm that valid licence held for 12 months prior to application and if there are any points on the licence.

CONSULTEES

- Police Scotland- no objection – 14/3/17

OBJECTIONS/REPRESENTATIONS

LD- Street Knowledge Test , Immigration Act 2016,CG Act 1982, Policy

COMMITTEE GUIDELINES/POLICY

- All applications submitted after 23/12/16 must sit and pass street knowledge test
- Immigration Act 2016- proof to right to work in UK
- CG Act 1982- evidence held licence for 12 months prior to app
- Has failed to provide DVLA code or extract.

GROUNDS FOR REFUSAL

A licensing authority shall refuse an application to grant or renew a licence if, in their

opinion—

(a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—

(i) for the time being disqualified from holding a licence, or

(ii) not a fit and proper person to be the holder of the licence;

(b) the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

(c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

(i) the location, character or condition of the premises or the character or condition of the vehicle or vessel;

(ii) the nature and extent of the proposed activity;

(iii) the kind of persons likely to be in the premises, vehicle or vessel;

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

(d) there is other good reason for refusing the application;

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET 25 JULY 2017

TYPE OF APPLICATION: PRIVATE HIRE CAR DRIVER – RENEWAL
APPLICANT: SHEILA MOFFAT

DESCRIPTION

Renewal for Private Hire Car Driver Licence
Application submitted on 3/2/17
Determination by 2/8/17
Deferred by Committee on 13/6/2017.
To date has not passed the knowledge test and has an appointment for 24 July 2017

CONSULTEES

- Police Scotland- no objection – 15/2/17

OBJECTIONS/REPRESENTATIONS

LD- Street Knowledge Test

COMMITTEE GUIDELINES/POLICY

-All applications submitted after 23/12/16 must sit and pass street knowledge test

GROUNDS FOR REFUSAL

A licensing authority shall refuse an application to grant or renew a licence if, in their opinion—

(a)the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—

(i)for the time being disqualified from holding a licence, or

(ii)not a fit and proper person to be the holder of the licence;

(b)the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of

such a licence if he made the application himself;

(c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

(i) the location, character or condition of the premises or the character or condition of the vehicle or vessel;

(ii) the nature and extent of the proposed activity;

(iii) the kind of persons likely to be in the premises, vehicle or vessel;

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

(d) there is other good reason for refusing the application;

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET
25 JULY 2017

TYPE OF APPLICATION: PRIVATE HIRE CAR DRIVER – GRANT
APPLICANT: AHMED ALSAWY

DESCRIPTION

Grant for Private Hire Car Driver Licence
Application submitted on 23/2/17
Determination by 22/817
Deferred by Committee on 13/6/2017
Previously sat and failed knowledge test on 10/4/2017
Booked test on 5/6/2017 and did not attend.
Knowledge test booked for 17/7/2017.

CONSULTEES

- Police Scotland- no objection – 3/3/17

OBJECTIONS/REPRESENTATIONS

LD- Street Knowledge Test

COMMITTEE GUIDELINES/POLICY

-All applications submitted after 23/12/16 must sit and pass street knowledge test

GROUNDS FOR REFUSAL

A licensing authority shall refuse an application to grant or renew a licence if, in their opinion—
(a)the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—
(i)for the time being disqualified from holding a licence, or

(ii)not a fit and proper person to be the holder of the licence;

(b)the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

(c)where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

(i)the location, character or condition of the premises or the character or condition of the vehicle or vessel;

(ii)the nature and extent of the proposed activity;

(iii)the kind of persons likely to be in the premises, vehicle or vessel;

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

(d)there is other good reason for refusing the application;

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET 25 JULY 2017

TYPE OF APPLICATION: PRIVATE HIRE CAR DRIVER – GRANT
APPLICANT: HANNI BEDAWI

DESCRIPTION

Grant for Private Hire Car Driver Licence

Application submitted on 1/3/17

Determination by 31/08/17

Deferred by Committee on 13/6/2017

Applicant has not provided either an extract of their DVLA record or a code to enable officers to check DVLA record.

In addition applicant has not provided evidence of right to work in the UK. An appointment was made for 18/04/17 but applicant did not attend.

Furthermore, the applicant has not passed the street knowledge test. He was booked in for 15/05/17 but did not attend.

CONSULTEES

- Police Scotland- no objection – 8/3/17

OBJECTIONS/REPRESENTATIONS

LD- Street Knowledge Test & Proof of right to work

COMMITTEE GUIDELINES/POLICY

-All applications submitted after 23/12/16 must sit and pass street knowledge test
-Immigration Act 2016- proof of right to work in UK must be provided by all applicants

GROUNDS FOR REFUSAL

A licensing authority shall refuse an application to grant or renew a licence if, in their opinion—

(a)the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—

(i)for the time being disqualified from holding a licence, or
(ii)not a fit and proper person to be the holder of the licence;

(b)the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

(c)where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

(i)the location, character or condition of the premises or the character or condition of the vehicle or vessel;

(ii)the nature and extent of the proposed activity;

(iii)the kind of persons likely to be in the premises, vehicle or vessel;

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

(d)there is other good reason for refusing the application;

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET 25 JULY 2017

TYPE OF APPLICATION: TAXI DRIVER – GRANT
APPLICANT: UMAR FAROOQ

DESCRIPTION

Grant for Taxi Driver Licence
Application submitted on 9/3/17
Determination by 8/9/17
Deferred by Committee on 13/6/2017
Applicant has yet to pass the knowledge test. He was written to on 17/05/17 and offered dates of 29/05/17 but did not respond.
The applicant failed the knowledge test on 5/6/2017

CONSULTEES

- Police Scotland- no objection – 15/3/17

OBJECTIONS/REPRESENTATIONS

LD- Street Knowledge Test

COMMITTEE GUIDELINES/POLICY

All Taxi Driver Grant applications must pass Street Knowledge Test

GROUNDS FOR REFUSAL

A licensing authority shall refuse an application to grant or renew a licence if, in their opinion—

(a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—

(i) for the time being disqualified from holding a licence, or

(ii) not a fit and proper person to be the holder of the licence;

(b) the activity to which it relates would be managed by or carried on for the benefit of

a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

(c)where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

(i)the location, character or condition of the premises or the character or condition of the vehicle or vessel;

(ii)the nature and extent of the proposed activity;

(iii)the kind of persons likely to be in the premises, vehicle or vessel;

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

(d)there is other good reason for refusing the application;

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET 25 JULY 2017

TYPE OF APPLICATION: GRANT OF A TAXI DRIVER LICENCE
APPLICANT: RAVINDRAN NARAYARAN

DESCRIPTION

Grant of a taxi driver licence
Application submitted on 1/2/17
Determination by 31/7/17
Deferred by Committee on 13/6/2017
Applicant has not passed the street knowledge test as required by licensing policy.

CONSULTEES

- Police Scotland

REPRESENTATIONS

LD- Street Knowledge Test

COMMITTEE GUIDELINES/POLICY

GROUNDINGS FOR REFUSAL

A licensing authority shall refuse an application to grant or renew a licence if, in their opinion—

(a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—

(i) for the time being disqualified from holding a licence, or

(ii) not a fit and proper person to be the holder of the licence;

(b) the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

(c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be,

that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

(i)the location, character or condition of the premises or the character or condition of the vehicle or vessel;

(ii)the nature and extent of the proposed activity;

(iii)the kind of persons likely to be in the premises, vehicle or vessel;

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

(d)there is other good reason for refusing the application;

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

25 JULY 2017

TYPE OF APPLICATION: PRIVATE HIRE CAR LICENCE- TEMPORARY GRANT

APPLICANT: ABERDEEN TAXIS LTD

DESCRIPTION

Application submitted on 23/5/17

Determination by 22/11/17

Application to licence a vehicle type that is not current with ACC policy as a private hire vehicle. Vehicle is also branded, ACC policy is no advertising on private hire vehicles.

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

LD-Body type not permissible under policy
LD-Advertising private hire vehicles

COMMITTEE GUIDELINES/POLICY

- The current body type policy was confirmed in a report to committee on engine size of vehicles and the report was adopted by the committee on 19/01/2016-

“only the following are suitable types of vehicles for taxis and private hire cars respectively: accessible vehicles (including purpose built and adapted taxis); mid, full and grand size family cars and saloons; executive cars/vans; and MPV/minivans.

As is currently the case vehicles such as 4x4s, SUVs and trucks are unsuitable in type, size and design as they for example have very high entry points and high boots that would not be suitable for the elderly or mobility restricted, or a person with a wheelchair or child in a pushchair to gain access.

Furthermore microcars, hatchbacks, ultra-compacts, city cars, supermini cars, small family cars and sports cars due to their size are also unsuitable to carry multiple passengers with luggage.”

Essentially we permit Accessible Vehicles, Saloons, Estates (derived from saloons NOT from hatchbacks) and MPVs/People Carriers.

- “At its meeting on 13th January 2003 the Licensing Committee amended its policy on advertising on/in Taxis/Private Hire Cars to the following –

Taxis.

- (1) Advertising is permitted on and/or in all taxis.
- (2) Advertisements must not (a) be placed on any of the vehicle’s windows, or (b) obscure any identification plates, notices or roof signs provided by the Council.
- (3) Wheel hub advertising is permitted. These must be securely fitted and comply with the Taxi Inspection Centre’s requirements.
- (4) The fitting of internal TV or video displays for advertisement or entertainment purposes will require the making of an application for consent to carry out a material alteration to the vehicle and, if approved, will require to be inspected by and comply with the Taxi Inspection Centre’s requirements.
- (5) The advertising of the following products is prohibited –
 - (a) Alcoholic products (but not including advertisements of premises which are licensed in terms of the Licensing (Scotland) Act 2005),
 - (b) Tobacco products, including reference to sporting activities sponsored by tobacco companies where the tobacco producer or the name of the manufacturing company is included.

Private Hire Cars.

Advertising is not permitted. “

Branding is regarded as advertising.

GROUNDS FOR REFUSAL

A licensing authority shall refuse an application to grant or renew a licence if, in their opinion—

(a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—

(i) for the time being disqualified from holding a licence, or

(ii) not a fit and proper person to be the holder of the licence;

(b) the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

(c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

(i) the location, character or condition of the premises or the character or condition of

the vehicle or vessel;

(ii)the nature and extent of the proposed activity;

(iii)the kind of persons likely to be in the premises, vehicle or vessel;

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

(d)there is other good reason for refusing the application;

and otherwise shall grant the application.

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LICENSING COMMITTEE INFORMATION SHEET 25 JULY 2017

TYPE OF APPLICATION: TAXI OPERATOR LICENCE-GRANT
APPLICANT: STEPHEN MITCHELL

DESCRIPTION

Application submitted 08/05/2017.
Must be determined by 07/11/2017.

Applicant held Taxi Licence T307 between October 2003 – 31/03/2017. Previous renewal application received and was refused at Licensing Committee in April 2017 as vehicle had not undergone a recent inspection.

Vehicle has now passed ACC taxi inspection on 19/05/2017. Applicant has submitted an application for grant of Taxi Licence and has asked if the Committee can consider a saloon car licensed as a taxi (policy states it should be wheelchair accessible vehicle).

Submitted within 12 months of refusal- material change of circumstances cited is that vehicle has now passed ACC vehicle test.

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

COMMITTEE GUIDELINES/POLICY

Policy- wheelchair accessible taxi policy

GROUNDS FOR REFUSAL

Where a licensing authority have refused an application for the grant or renewal of a licence they shall not, within one year of their refusal, entertain a subsequent application from the same applicant for the grant of the same kind of licence in respect of the same activity in the same area or, where the activity consists of or includes the use of premises or a vehicle or vessel, in respect of an activity consisting of or including the same use of the same premises, vehicle or vessel unless in their opinion there has been, since their refusal, a material change of circumstances

A licensing authority shall refuse an application to grant or renew a licence if, in their opinion—

(a)the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—

- (i)for the time being disqualified from holding a licence, or
- (ii)not a fit and proper person to be the holder of the licence;

(b)the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

(c)where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

- (i)the location, character or condition of the premises or the character or condition of the vehicle or vessel;
- (ii)the nature and extent of the proposed activity;
- (iii)the kind of persons likely to be in the premises, vehicle or vessel;
- (iv)the possibility of undue public nuisance; or
- (v)public order or public safety; or

(d)there is other good reason for refusing the application;

and otherwise shall grant the application.

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Exempt information as described in paragraph(s) 12 of Schedule 7A of the Local Government (Scotland) Act 1973.

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