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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 30 October 2017

LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in **Committee Room 2 - Town House on TUESDAY, 7 NOVEMBER 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 7 on the agenda.

DECLARATIONS OF INTEREST

4.1 Members are requested to intimate any declarations of interest (Pages 7 - 8)

REQUESTS FOR DEPUTATION

5.1 None received at this stage

MINUTES, COMMITTEE BUSINESS STATEMENT AND COMMITTEE TRACKER

6.1 Minute of Previous Meeting of 12 September 2017 (Pages 9 - 40)

6.2 Minutes of the Meetings of the Licensing Urgent Business Sub Committee of 14, 22 and 26 September and 9 and 25 October 2017 - for approval (Pages 41 - 56)

6.3 Committee Business Statement (Pages 57 - 62)

6.4 Committee Tracker (Pages 63 - 68)

CONFIDENTIAL INFORMATION - APPLICATIONS, INCLUDING LIST OF 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.

7.1 Landlord Registration (Pages 71 - 74)

7.2 Landlord Registration (Pages 75 - 80)

7.3 Application for the Grant of a Street Trader's Licence (Pages 81 - 86)

7.4 Application for the Grant of a Late Hours Catering Licence (Pages 87 - 90)

7.5 Application for the Renewal of a Late Hours Catering Licence (Pages 91 - 94)

7.6 Application for the Renewal of a Taxi Driver's Licence (Pages 95 - 98)

7.7 Application for the Renewal of a Taxi Driver's Licence (Pages 99 - 104)

7.8 Application for the Grant of a Taxi Driver's Licence (Pages 105 - 106)

7.9 Application for the Renewal of a Taxi Driver's Licence (Pages 107 - 108)

7.10 Application for the Renewal of a Taxi Driver's Licence (Pages 109 - 110)

- 7.11 Application for the Renewal of a Taxi Driver's Licence (Pages 111 - 112)
- 7.12 Application for the Renewal of a Taxi Driver's Licence (Pages 113 - 114)
- 7.13 Application for the Renewal of a Taxi Driver's Licence (Pages 115 - 116)
- 7.14 Application for the Renewal of a Taxi Driver's Licence (Pages 117 - 118)
- 7.15 Application for the Renewal of a Taxi Driver's Licence (Pages 119 - 120)
- 7.16 Application for the Renewal of a Taxi Driver's Licence (Pages 121 - 122)
- 7.17 Application for the Renewal of a Taxi Driver's Licence (Pages 123 - 124)
- 7.18 Application for the Renewal of a Taxi Driver's Licence (Pages 125 - 126)
- 7.19 Application for the Renewal of a Taxi Driver's Licence (Pages 127 - 128)

APPLICATIONS FOR LICENCES - INCLUDING LIST OF APPLICATIONS

- 8.1 Renewal of a Licence for a House in Multiple Occupation - 53 Bannermill Place, Aberdeen (Pages 131 - 136)
- 8.2 Application for One Off Extended Trading Hours - Cineworld Cinema, Union Square, Aberdeen (Pages 137 - 138)
- 8.3 Film Classification Requests - Belmont Film House 49 Belmont Street, Aberdeen (Pages 139 - 188)
- 8.4 Application for the Renewal of a Street Trader's Licence - Num Owen (Pages 189 - 190)
- 8.5 Application for the Grant of a Second Hand Trader's Licence - Shirlaw's Suzuki (Pages 191 - 192)
- 8.6 Application for the Renewal of a Taxi Licence - Northern Accident Management LTD (Pages 193 - 194)
- 8.7 Application for the Grant of a Taxi Driver's Licence - Mohamed Barchouchi (Pages 195 - 196)

- 8.8 Application for the Renewal of a Private Hire Car Driver's Licence - Joney Joey Thanabalasingham (Pages 197 - 198)
- 8.9 Application for the Renewal of a Private Hire Car Driver's Licence - Ditu Miah (Pages 199 - 200)
- 8.10 Application for the Grant of a Private Hire Driver's Licence - Ali Mohammad (Pages 201 - 202)
- 8.11 Application for the Renewal of a Private Hire Car Driver's Licence - Bulu Das (Pages 203 - 204)

COMMITTEE REPORTS

- 9.1 Report to Vary Local Conditions for Booking Office Licences (Pages 205 - 212)
- 9.2 CG1 Review of Street Trader Policies November 2017 (Pages 213 - 246)

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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Should you require any further information about this agenda, please contact Allison Swanson, tel 01224 522822 or email aswanson@aberdeency.gov.uk

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Agenda Item 4.1

You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether reports for meetings raise any issue of declaration of interest. Your declaration of interest must be made under the standing item on the agenda, however if you do identify the need for a declaration of interest only when a particular matter is being discussed then you must declare the interest as soon as you realise it is necessary. The following wording may be helpful for you in making your declaration.

I declare an interest in item (x) for the following reasons

For example, I know the applicant / I am a member of the Board of X / I am employed by...
and I will therefore withdraw from the meeting room during any discussion and voting on that item.

OR

I have considered whether I require to declare an interest in item (x) for the following reasons however, having applied the objective test, I consider that my interest is so remote / insignificant that it does not require me to remove myself from consideration of the item.

OR

I declare an interest in item (x) for the following reasons however I consider that a specific exclusion applies as my interest is as a member of xxxx, which is

- (a) a devolved public body as defined in Schedule 3 to the Act;
- (b) a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme;
- (c) a body with whom there is in force an agreement which has been made in pursuance of Section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that body of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise; or
- (d) a body being a company:-
 - i. established wholly or mainly for the purpose of providing services to the Councillor's local authority; and
 - ii. which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority.

OR

I declare an interest in item (x) for the following reasons.....and although the body is covered by a specific exclusion, the matter before the Committee is one that is quasi-judicial / regulatory in nature where the body I am a member of:

- is applying for a licence, a consent or an approval
- is making an objection or representation
- has a material interest concerning a licence consent or approval
- is the subject of a statutory order of a regulatory nature made or proposed to be made by the local authority.... and I will therefore withdraw from the meeting room during any discussion and voting on that item.

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LICENSING COMMITTEE

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

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

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=4392&Ver=4>

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

SUSPENSION OF STANDING ORDER 37.2 (LENGTH OF MEETINGS)

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

The Committee resolved:

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

DECLARATIONS OF INTEREST

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

Thereafter, the following declarations of interest were intimated:

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

REQUESTS FOR DEPUTATION

3. The Committee had before it the following requests for deputation:

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- (i) Request from Mr William Lees, GMB, in relation to item 9.7 (Accessible Vehicle Policy Update)
- (ii) Request from Mr Tommy Campbell, Unite, in relation to item 9.7 (Accessible Vehicle Policy Update)
- (iii) Request from Mr Derek Littlejohn, in relation to item 9.7 (Accessible Vehicle Policy Update)

The Committee resolved:

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

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

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

The Committee resolved:

to approve the minute as a correct record.

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

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

The Committee resolved:

to approve the minutes as a correct record.

COMMITTEE BUSINESS STATEMENT

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

The Committee resolved:

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

COMMITTEE TRACKER

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

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The Committee resolved:

to note the information contained in the committee report tracker

FILM CLASSIFICATION REQUEST - BELMONT FILMHOUSE

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

The Committee resolved:-

to approve the film classification certificate as detailed above.

APPLICATION FOR LICENCES

9. The Committee had before it, for its consideration, the applications listed in Appendix A to this minute.

The Committee resolved:

that all applications be determined on the basis shown in Appendix A and that all licences were subject to the Council's standard conditions unless otherwise stated.

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

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

The report recommended –
that the Committee

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

The Committee resolved:

to approve the recommendations.

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

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

The report recommended –
that the Committee

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

The Committee resolved:
to approve the recommendations.

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

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

The report recommended –
that the Committee

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

The Committee resolved:

- (i) to approve the recommendations; and
- (ii) to instruct the Head of Legal and Democratic Services to investigate the possibility of incorporating along with the knowledge test an assessment of ability to use an

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appropriate satellite investigation system and to fully consult the trade thereon and report back by the Licensing Committee on 6 February 2017.

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

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

The report recommended –
that the Committee

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

The Committee resolved:

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

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

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

The report recommended –
that the Committee

- (a) approve (for the purposes of issuing for consultation in recommendation C below) the proposed variation of the local condition 3 from “the licence holder shall keep written or electronic records of the name address, licence number of every driver operating from the relevant premises” to read; “The Licence Holder, in order to ensure that relevant vehicles are only driven by a licensed taxi or private hire drivers, shall keep, and undertake an ongoing review or audit of, written or electronic records of the name, address, licence number and expiry date of every driver operating from the relevant premises.”;
- (b) approve (for the purposes of issuing for consultation in recommendation C below) the proposed variation of the local condition 4 from “the Licence Holder shall ensure that only relevant vehicles licences by the Licensing Authority operate from

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the relevant premises” to read; “The Licence Holder, in order to ensure that only relevant vehicles, currently licensed by this local authority, operate from the relevant premises, shall keep, and undertake an ongoing review or audit of, written or electronic records of the licence holder, licence number, registration number and expiry date of any taxi and private hire car operating from the relevant premises.”; and

- (c) instruct the Head of Legal and Democratic Services to consult the holders of Booking Office Licences and the Chief Constable, Police Scotland, on the above proposals and in accordance with paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act 1982 invite them to be heard at the next meeting of the Licensing Committee on 7 November 2017 regarding the terms of the proposals.

The Committee resolved:

to approve the recommendations.

DECLARATION OF INTEREST

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

REVIEW OF STREET TRADER POLICIES – CG/17/087

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

The report recommended –
that the Committee

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

The Committee resolved:

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

ACCESSIBLE VEHICLE POLICY UPDATE – CG/17/096

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

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

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

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

Members asked questions of Mr Lees and Mr Thoresen.

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

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

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

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

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

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

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

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

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

The report recommended –
that the Committee

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

The Vice Convener, seconded by Councillor Bell moved:-

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

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

that the Committee –

- (1) note the report;
- (2) instruct the Head of Legal and Democratic Services to proceed with a full consultation on the proposal to move from the Council's current accessible vehicle policy to a new policy that would deliver a mixed fleet through either taxi licensing or taxi drivers licencing;
- (3) agree that the consultation should involve all taxi and private hire driver licence holders, the Taxi Consultation Group, the Disability Equity Partnership, Police Scotland, all Transport Consultants, Transportation Strategy and Programmes officers, Community Safety officers, Unite Aberdeen and any other relevant charities and organisations and the public;
- (4) agree that the consultation, as well as any aspects determined by the Head of Legal and Democratic Services in consultation with the Convener, would specifically request views on what would be an appropriate ratio of wheelchair accessible vehicles to saloon vehicles to ensure a reasonable availability of both to any member of the public who might either require, or prefer, one type of vehicle for reasons of health or disability, and how a new

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- system could be implemented and continued in a way that was both fair and naturally just to taxi license holders;
- (5) instruct the Head of Legal and Democratic Services to report back to a future meeting of the Licensing Committee in 2018 with the results of the consultation, and the legal and financial implications of a mixed fleet policy, at which time the Committee would determine whether a new mixed fleet policy should be drafted; and
 - (6) agree that the date of implementation of the current wheelchair accessible vehicle policy be moved to 6 June 2019, pending the outcome of the consultation.

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

The Committee resolved:
to adopt the amendment.

CONFIDENTIAL INFORMATION

The press and public were excluded from the meeting for consideration of the applications listed in section 8 on the agenda and appendix B of the minute which contained confidential information in terms of Section 50A 3(b) of the Local Government (Scotland) Act 1973.

APPLICATION FOR LICENCES

17. The Committee had before it, for its consideration, the applications listed in Appendix B to this minute.

The Committee resolved:
that all applications be determined on the basis shown in Appendix B and that all licences were subject to the Council's standard conditions unless otherwise stated.

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

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

2. **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Premises - 284c Holburn Street, Aberdeen
Application Number – 8/2

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

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

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

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

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

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

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

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

The respondent summed up.

The applicant summed up.

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The Committee resolved:

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

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

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

Mr Thain advised that one letter of representation had been received in respect of the application beyond the statutory time period within which such letters must be received (21-day period). He further advised that the Committee might consider late representations if it was satisfied that it was reasonable for the respondents to make the representation after the deadline.

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

The Committee resolved:-

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

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

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

The Committee asked questions of the respondent.

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

The Committee resolved:

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

6. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Premises - 39 Kings Crescent, Aberdeen
Application Number – 8/6

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

The Committee resolved:

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

7. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Premises - 30 Belvidere Crescent, Aberdeen
Application Number – 8/7

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

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

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

The Committee asked questions of the applicant.

The applicant summed up.

The Committee resolved:

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

DECLARATION OF INTEREST

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

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

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

Mr Thain advised that one letter of representation had been received in respect of the application beyond the statutory time period within which such letters must be received (21-day period). He further advised that the Committee might consider late representations if it was satisfied that it was reasonable for the respondents to make the representation after the deadline.

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

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

The Committee resolved:-

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

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

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

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

The respondent summed up.

The applicant summed up.

Councillor Townson, seconded by the Convener moved:-

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

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

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

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

The Committee resolved:
to adopt the amendment.

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

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

Mr Thain advised that one letter of representation had been received in respect of the application beyond the statutory time period within which such letters must be received (21-day period). He further advised that the Committee might consider late representations if it was satisfied that it was reasonable for the respondents to make the representation after the deadline.

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

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

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

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

The Committee resolved:-

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

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

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

The Committee asked questions of the applicant and respondents.

Each of the respondents summed up.

The applicant summed up.

The Committee resolved:
to grant the licence.

10. **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Premises - 153 Bannermill Place, Aberdeen
Application Number – 8/10

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

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

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

The Committee asked questions of both the applicant and respondent.

The respondent summed up.

The applicant summed up.

The Committee resolved:

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

DECLARATION OF INTEREST

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

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

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had been placed on the agenda as it required to be determined by 10 October 2017, and to date the applicant had not provided evidence of his Certificate of Compliance.

The applicant was not in attendance.

The Committee resolved:

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

**12. APPLICATION TO HOLD A PUBLIC CHARITABLE COLLECTION
Premises - Inspire PTL
Application Number – 8/12**

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had been placed on the agenda as it requested a Public Charitable Collection for the fireworks Display at the Beach Boulevard and Queen's Links on Sunday 5 November 2017, and the Committee's policy stated that Public Charitable Collections could only take place on Monday, Thursday and Saturdays (with the exception of December and public holidays).

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

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The Committee resolved:
to grant the application.

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

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

14. **APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE - SAMSON UGHA**
Application Number – 8/14

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had been placed on the agenda as it required to be determined by 17 January 2017, and applicant was seeking exemption from passing the street knowledge test which he passed in 2016.

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

The Committee resolved:
to agree that the applicant be exempt from the street knowledge test requirement on the basis of the mitigating circumstances presented by the applicant and thereby to grant the licence.

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

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

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

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

The applicant was not in attendance.

The Committee resolved:
to refuse the licence.

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

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

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

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

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

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had been placed on the agenda as it required to be determined by 2 October 2017, and to date the applicant had not passed the required street knowledge test.

The applicant was not in attendance.

The Committee resolved:
to refuse the licence.

20. **APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE - LAWRENCE IMONIGIE**

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Application Number – 8/20

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had been placed on the agenda as it required to be determined by 4 November 2017, and to date the applicant had (1) not passed the required street knowledge test; and (2) not provided proof of his right to work in the UK.

The applicant was not in attendance.

The Committee resolved:
to refuse the licence.

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

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had been placed on the agenda as it required to be determined by 17 November 2017, and to date the applicant had (1) not passed the required street knowledge test; and (2) not provided proof of his right to work in the UK.

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

The Committee asked questions of the applicant.

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

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

The Committee was advised that the application had been withdrawn.

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

The Committee had before it an information note by the Head of Legal and Democratic Services in respect of the application which advised that the application had been placed on the agenda as it required to be determined by 28 September 2017, and to date the applicant had not passed the required street knowledge test.

The applicant was not in attendance.

The Committee resolved:
to refuse the licence.

DRAFT

1. **LANDLORD REGISTRATION**
Application Number – 10/1

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

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

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

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

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

The Committee resolved:
to adopt the motion.

2. **LANDLORD REGISTRATION**
Application Number – 10/2

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

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

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The Committee asked questions of the landlord and his solicitor.

The landlord's solicitor summed up his case.

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

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

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

The Committee resolved:
to adopt the amendment.

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

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 28 December 2017 and that to date a Certificate of Compliance had not been returned by the applicant; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 19 July 2017.

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

The Committee resolved:
to defer consideration of the application to enable the applicant to provide the required Certificate of Compliance, and to agree that should the applicant provide the required documentation, the Head of Legal and Democratic Services could

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

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

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 28 December 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 19 July 2017.

The applicant was not in attendance.

Sergeant Flett was not in attendance

The Committee resolved:
to grant the licence.

DECLARATION OF INTEREST

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

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

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 26 December 2017, and to date a Certificate of Compliance had not been received from the applicant; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 19 July 2017.

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

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The Committee resolved:

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

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

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 26 December 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 19 July 2017.

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

The Committee resolved:

to grant the licence.

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

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 26 December 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 9 June 2017.

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

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

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The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

The Committee resolved:
to grant the licence.

8. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Number – 10/8

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 27 October 2017.

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

The Committee asked questions of the applicant.

The applicant summed up his case.

The Committee resolved:
to grant the licence.

9. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE
Application Number – 10/9

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

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

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 7 November 2017, and to date the applicant had not passed the required street knowledge test; and (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 1 June 2017.

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

The Committee resolved:

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

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

The Committee was advised that the application had been withdrawn.

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

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 17 October 2017.

The applicant was not in attendance.

The Committee resolved:

to defer consideration of the application to allow a medical report from OH Assist to be received and to agree that should the applicant meet the Group 2 DVLA medical criteria, the Head of Legal and Democratic Services could grant the licence under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Urgent Business Sub Committee for consideration.

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

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 14 September 2017.

The applicant was not in attendance.

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The Committee resolved:
to refuse the licence.

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

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 27 October 2017.

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

The Committee asked questions of the applicant.

The applicant summed up his case.

The Committee resolved:
to defer consideration of the application to allow a medical report from OH Assist to be received and to agree that should the applicant meet the Group 2 DVLA medical criteria, the Head of Legal and Democratic Services could grant the licence under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Urgent Business Sub Committee for consideration.

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

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 27 October 2017.

The applicant was not in attendance.

The Committee resolved:
to defer consideration of the application to allow a medical report from OH Assist to be received and to agree that should the applicant meet the Group 2 DVLA medical criteria, the Head of Legal and Democratic Services could grant the licence under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Urgent Business Sub Committee for consideration.

DECLARATION OF INTEREST

Prior to consideration of the following item, Councillor Sandy Stuart declared an interest in the following article by virtue of knowing the

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applicant, and withdrew from the meeting prior to consideration of the application.

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

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 25 October 2017.

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

The Committee asked questions of the applicant.

The applicant summed up his case.

The Committee resolved:

to defer consideration of the application to allow a medical report from OH Assist to be received and to agree that should the applicant meet the Group 2 DVLA medical criteria, the Head of Legal and Democratic Services could grant the licence under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Urgent Business Sub Committee for consideration.

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

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 28 September 2017.

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

The Committee asked questions of the applicant.

The applicant summed up his case.

The Committee resolved:

- (i) to defer consideration of the application to allow a medical report from OH Assist to be received and to agree that should the applicant meet the Group 2 DVLA medical criteria, the Head of Legal and Democratic Services could grant the licence under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Urgent Business Sub Committee for consideration; and

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- (ii) to agree to request the Chief Executive to write to the Council's Occupational Healthcare provider to discuss service delivery and the impact on the processing of licence applications.

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

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

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

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 24 October 2017, and to date the applicant had not provided proof of his right to work in the UK.

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

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

The Committee asked questions of the applicant.

The applicant summed up his case.

The Committee resolved:

to defer consideration of the application to allow a medical report from OH Assist to be received and to agree that should the applicant meet the Group 2 DVLA medical criteria, the Head of Legal and Democratic Services could grant the licence under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Urgent Business Sub Committee for consideration.

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

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 10 October 2017.

The applicant was not in attendance.

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The Committee resolved:

to defer consideration of the application to allow a medical report from OH Assist to be received and to agree that should the applicant meet the Group 2 DVLA medical criteria, the Head of Legal and Democratic Services could grant the licence under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Urgent Business Sub Committee for consideration.

21. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Number – 10/21

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 14 September 2017.

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

The Committee asked questions of the applicant.

The applicant summed up his case.

The Committee resolved:

to defer consideration of the application to allow a medical report from OH Assist to be received and to agree that should the applicant meet the Group 2 DVLA medical criteria, the Head of Legal and Democratic Services could grant the licence under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Urgent Business Sub Committee for consideration.

DECLARATION OF INTEREST

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

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

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 2 November 2017.

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

The Committee asked questions of the applicant.

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The applicant summed up his case.

The Committee resolved:

to defer consideration of the application to allow a medical report from OH Assist to be received and to agree that should the applicant meet the Group 2 DVLA medical criteria, the Head of Legal and Democratic Services could grant the licence under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Urgent Business Sub Committee for consideration.

23. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE

Application Number – 10/23

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 2 November 2017.

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

The Committee asked questions of the applicant.

The applicant summed up his case.

The Committee resolved:

to defer consideration of the application to (1) allow a medical report from OH Assist to be received and (2) to enable the applicant to undertake the street knowledge test; and to agree that should the applicant both pass the required test and meet the Group 2 DVLA medical criteria, the Head of Legal and Democratic Services could grant the licence under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Urgent Business Sub Committee for consideration.

24. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE

Application Number – 10/24

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

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

Application Number – 10/25

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The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 20 December 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 21 July 2017.

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant's solicitor summed up his case.

The Committee resolved:
to grant the licence.

LICENSING URGENT BUSINESS SUB COMMITTEE

ABERDEEN, 14 September 2017. Minute of meeting of the LICENSING URGENT BUSINESS SUB COMMITTEE. Present: Councillor Boulton (as a substitute for Councillor Reynolds), Convener; and Councillors Allard, Donnelly, Nicoll (as a substitute for Councillor Graham), Townson, Wheeler (as a substitute for Councillor Avril MacKenzie).

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

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=502&MId=5891&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.

CONVENER

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

DETERMINATION OF URGENT BUSINESS

2. In terms of Standing Order 33.1, and in accordance with Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, the Sub Committee was informed that the Convener had determined: (1) that item 2 on the agenda was of an urgent nature to enable the request to be determined in a timely manner; and (2) that the Sub Committee required to consider item 2 and take a decision thereon.

The Sub Committee resolved:

to agree with the Convener that item 2 on today's agenda was of an urgent nature and required to be considered this day.

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.

REQUEST FOR MATERIAL CHANGE OF CIRCUMSTANCES

3. With reference to article 13 of appendix B of the minute of the meeting of the Licensing Committee of 12 September 2017, the Sub Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the request.

LICENSING URGENT BUSINESS SUB COMMITTEE

14 September 2017

The applicant was not in attendance.

The Sub Committee heard from Mr Munro, Legal Advisor, who explained the rationale for the request and advised that the applicant was also requesting an exemption from the street knowledge test and the reason for this.

The Sub Committee resolved:

to agree (1) to accept a further application from the applicant on the basis of the material change of circumstances; (2) that the fee be waived should a further application be received; and (3) that the applicant also be exempt from the requirement to undertake the street knowledge test on the basis of the mitigating circumstances.

APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

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

- **COUNCILLOR MARIE BOULTON, Convener**

LICENSING URGENT BUSINESS SUB COMMITTEE

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LICENSING URGENT BUSINESS SUB COMMITTEE

ABERDEEN, 22 September 2017. Minute of meeting of the LICENSING URGENT BUSINESS SUB COMMITTEE. Present: Councillor Reynolds, Convener; and Councillors Allard, Donnelly, Catriona Mackenzie (as a substitute for Councillor Delaney) and Townson.

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

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=502&MId=5911&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.

DETERMINATION OF URGENT BUSINESS

1. In terms of Standing Order 33.1, and in accordance with Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, the Sub Committee was informed that the Convener had determined: (1) that item 2 on the agenda was of an urgent nature to enable the request to be determined in a timely manner; and (2) that the Sub Committee required to consider item 2 and take a decision thereon.

The Sub Committee resolved:

to agree with the Convener that item 2 on today's agenda was of an urgent nature and required to be considered this day.

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 THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE

2. With reference to article 23 of appendix B of the minute of the meeting of the Licensing Committee of 12 September 2017, the Sub Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application.

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

Members asked questions of the applicant.

The Sub Committee resolved:

to refuse the application.

- COUNCILLOR JOHN REYNOLDS, Convener

LICENSING URGENT BUSINESS SUB COMMITTEE

LICENSING URGENT BUSINESS SUB COMMITTEE

ABERDEEN, 26 September 2017. Minute of meeting of the LICENSING URGENT BUSINESS SUB COMMITTEE. Present: Councillor Reynolds, Convener; and Councillors Allard, Delaney, Councillor Donnelly, the Depute Provost, Avril MacKenzie and Townson.

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

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=502&MId=5908&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.

DETERMINATION OF URGENT BUSINESS

1. In terms of Standing Order 33.1, and in accordance with Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, the Sub Committee was informed that the Convener had determined: (1) that the items on the agenda were of an urgent nature to enable the application to be determined in a timely manner; and (2) that the Sub Committee required to consider the items and take decisions thereon.

The Sub Committee resolved:-

to agree with the Convener that the items on today's agenda were of an urgent nature and required to be considered this day.

APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE - STUART DUNCAN

2. The Sub Committee were advised that the application had been withdrawn.

CONSIDERATION OF A LATE APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE - JEFFRAY FINDLAY

3. The Sub Committee had before it an information note by the Head of Legal and Democratic Services in respect of the application for the renewal of a Taxi Driver's Licence which advised that the renewal application was required to be submitted by 31 August 2017, however it had been submitted on 14 September 2017.

The Sub Committee heard from Mr Munro, Legal Advisor, who advised that the Sub Committee may consider accepting a late application, submitted within 28 days of the renewal date.

The Sub Committee resolved:-

to agree to accept the late submission of the application.

- **COUNCILLOR JOHN REYNOLDS, Convener**

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LICENSING URGENT BUSINESS SUB COMMITTEE

ABERDEEN, 9 October 2017. Minute of meeting of the LICENSING URGENT BUSINESS SUB COMMITTEE. Present: Councillor Reynolds, Convener; and Councillors Bell (as substitute for Councillor Avril MacKenzie), Councillor Donnelly, the Depute Provost and Townson.

The agenda and reports associated with this minute can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=502&MId=5930&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.

DETERMINATION OF URGENT BUSINESS

1. In terms of Standing Order 33.1, and in accordance with Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, the Sub Committee was informed that the Convener had determined: (1) that the items on the agenda were of an urgent nature to enable the applications to be determined in a timely manner; and (2) that the Sub Committee required to consider the items and take decisions thereon.

The Sub Committee resolved:-

to agree with the Convener that the items on today's agenda were of an urgent nature and required to be considered this day.

APPLICATION FOR THE RENEWAL OF PRIVATE HIRE CAR DRIVER'S LICENCE - G. MAHMUD

2. The Sub Committee were advised that the application had been withdrawn.

APPLICATION FOR PUBLIC CHARITABLE COLLECTION - FRIENDS OF ANCHOR

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

The information note advised that Friends of Anchor had applied to hold a public charitable collection within the Quadrangle, Marischal College. The application had been submitted on 2 October 2017, which was less than one month before the proposed collection, and therefore did not comply with the statutory 28 day notice period.

LICENSING URGENT BUSINESS SUB COMMITTEE

9 October 2017

The applicant, Ms Kirsten Horne, Friends of Anchor, was in attendance and spoke in support of the application, explaining why the application had been submitted outwith the statutory 28 day notice period.

The Sub Committee resolved:

to make an order to waive the statutory 28 day notice period and to accept the application.

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 THE RENEWAL OF TAXI DRIVER'S LICENCE

4. The Sub Committee were advised that the application had been withdrawn.

APPLICATION FOR THE RENEWAL OF TAXI DRIVER'S LICENCE

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

The Sub Committee heard from the applicant, who requested that his application be withdrawn.

The Sub Committee resolved:-

- (i) to note that the applicant had withdrawn his application;
 - (ii) to note that the applicant would submit a fresh application in due course to allow a report from OH Assist to be received; and
 - (iii) to waive the fee of the application and the requirement for the applicant to undertake a street knowledge test.
- **COUNCILLOR JOHN REYNOLDS; Convener**

LICENSING URGENT BUSINESS SUB COMMITTEE

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LICENSING URGENT BUSINESS SUB COMMITTEE

ABERDEEN, 25 October 2017. Minute of meeting of the LICENSING URGENT BUSINESS SUB COMMITTEE. Present: Councillor Reynolds, Convener; and Councillors Allard, Graham and Townson.

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

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=502&MId=5945&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.

DETERMINATION OF URGENT BUSINESS

1. In terms of Standing Order 33.1, and in accordance with Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, the Sub Committee was informed that the Convener had determined: (1) that the items on the agenda were of an urgent nature to enable the applications to be determined in a timely manner; and (2) that the Sub Committee required to consider the items and take decisions thereon.

The Sub Committee resolved:-

to agree with the Convener that the items on today's agenda were of an urgent nature and required to be considered this day.

APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE - GARY ROBERTSON

2. The Sub Committee were advised that the application had been granted under delegated powers.

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 THE RENEWAL OF TAXI DRIVER'S LICENCE

3. With reference to article 16 of appendix B of the minute of the meeting of the Licensing Committee of 12 September 2017, the Sub Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 25 October 2017.

LICENSING URGENT BUSINESS SUB COMMITTEE

25 October 2017

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

The Committee asked questions of the applicant.

The Sub Committee heard from the applicant, who requested that his application be withdrawn.

The Sub Committee resolved:-

- (i) to note that the applicant had withdrawn his application;
- (ii) to note that the applicant would submit a fresh application in due course to allow a report from OH Assist to be received; and
- (iii) to waive the fee of the application and the requirement for the applicant to undertake a street knowledge test.

APPLICATION FOR THE RENEWAL OF TAXI DRIVER'S LICENCE

4. With reference to article 15 of appendix B of the minute of the meeting of the Licensing Committee of 12 September 2017, the Sub Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 27 October 2017.

The applicant was not in attendance.

The Sub Committee resolved:-

to refuse the application.

APPLICATION FOR THE RENEWAL OF TAXI DRIVER'S LICENCE

5. With reference to article 22 of appendix B of the minute of the meeting of the Licensing Committee of 12 September 2017, the Sub Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 2 November 2017.

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

The Committee asked questions of the applicant.

The Sub Committee resolved:-

to further defer consideration of the application to allow a medical report from OH Assist to be received and to agree that should the applicant meet the Group 2 DVLA medical criteria, the Head of Legal and Democratic Services could grant the licence under delegated powers, or otherwise that the application be referred to a meeting of the

LICENSING URGENT BUSINESS SUB COMMITTEE
25 October 2017

Licensing Urgent Business Sub Committee on 1 November 2017 at 11am for consideration.

- **COUNCILLOR JOHN REYNOLDS, Convener**

LICENSING URGENT BUSINESS SUB COMMITTEE

LICENSING
COMMITTEE BUSINESS
7 NOVEMBER 2017

Please note that this statement contains a note of every report which has been instructed for submission to this Committee. All other actions which have been instructed by the Committee are not included, as they are deemed to be operational matters after the point of committee decision.

Reports which are overdue are shaded.

	<u>Minute Reference</u>	<u>Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
1.	Licensing Committee 08.03.16 (article 3 appendix A)	<p><u>Age Policy For Private Hire And Taxi Vehicles</u></p> <p>The Committee resolved to request officers to review the age policy for private hire and taxi vehicles and submit a report on this matter to a future meeting of the Committee.</p>	<p>A report was on the agenda for the Licensing Committee meeting on 6 April at which time it was agreed to refer the report simpliciter to full Council. The report will be considered by full Council on 11 May 2016.</p> <p>Council on 11 May resolved, amongst other things, to instruct the Head of Legal and Democratic Services to review the policy on Age of Vehicles following the implementation of the accessible vehicle policy on 6 June 2018 and report back to the Licensing Committee with recommendations as appropriate twelve months after the accessible vehicle policy had been implemented.</p> <p>A report is scheduled to be submitted to the Committee in June 2019.</p>	Head of Legal and Democratic Services	June 2019

2.	Licensing Committee 25.10.16 articles 5 and 9	<p><u>Taxi Fare Review</u></p> <p>The Committee resolved to:</p> <ul style="list-style-type: none"> (i) request the Licensing Team Leader, as part of the current taxi fare review, to explore ways in which any future increase in airport access charges could be mitigated by the Council in a timely manner; (ii) instruct the Licensing Team Leader to undertake a review of the existing taxi fare formula, including surcharges, following the completion of the current taxi fare review; (iii) to instruct officers to meet with trade representatives to explore the restructure of tariff charges and report back to the Committee thereafter; (iv) to instruct the Head of Legal and Democratic Services to undertake a review of the taxi fare formula and report back to the Committee the findings; and (v) to note that discussions with Aberdeen International Airport regarding the recent increased fee for non airport taxis dropping passengers off at the airport concourse were ongoing and to request that the Committee be updated on these discussions as appropriate. 	<p>(i) At its meeting on 13 December, the Committee noted that officers were still to explore ways in which any future increase in airport access charges could be mitigated by the Council in a timely manner. Any future increase in airport charges could not be mitigated by the Council in a timely manner as any change to the taxi tariff would need to form part of the wider taxi fare review and therefore will be reported in conjunction with the review by June 2018.</p> <p>At its meeting on 28 April 2017, the Committee resolved to (ii) to instruct the Head of Legal and Democratic Services to report on the outcome of a taxi demand survey by June 2018 in conjunction with the taxi fare review.</p> <p>A report is scheduled to be submitted to the Committee in June 2018.</p>	Head of Legal and Democratic Services	June 2018
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3.	Licensing Committee 28.04.17 article 14	<u>Taxi Demand Survey And Private Hire Car Overprovision</u> The Committee resolved to instruct the Head of Legal and Democratic Services to report on the outcome of the taxi demand survey by June 2018 in conjunction with the taxi fare review.	A report is scheduled to be submitted to the Committee in June 2018.	Head of Legal and Democratic Services	June 2018
4.	Licensing Committee 13.06.17 article 10	<u>Taxi Rank Review</u> The Committee resolved to 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.	A report is scheduled to be submitted to the Committee in June 2018.	Head of Legal and Democratic Services	June 2018
5.	Licensing Committee 12.9.17 article 11	<u>Review of Civic Application and Licence Fees</u> The Committee resolved, amongst other things, to instruct the Head of Legal and Democratic Services to submit a report to the Licensing Committee on 19 December 2017 on the outcome of the fee review proposal consultation and seeking a final decision on the future fee levels to be adopted from 20 December 2017.	A report is on the schedule to be reported to the Committee on 19 December 2017.	Head of Legal and Democratic Services	19.12.17

6.	Licensing Committee 12.9.17 article 12	<p><u>Update on Drive Training and Knowledge Test</u></p> <p>The Committee resolved, amongst other things:</p> <p>(i) to instruct the Head of Legal and Democratic Services to investigate possible methods of delivery of driver training and report back to Committee on 6 February 2018 with details of the options available;</p> <p>(ii) to instruct the Head of Legal and Democratic Services to undertake consultation with the trade on amendments to the procedure for applying for a taxi driver's licence or private hire driver's licence involving the Knowledge Test as detailed at paragraphs 3.14 and 3.15 of the report; and</p> <p>(iii) to instruct the Head of Legal and Democratic Services to investigate the possibility of incorporating along with the knowledge test an assessment of ability to use an appropriate satellite investigation system and to fully consult the trade thereon and report back by the Licensing Committee on 6 February 2017.</p>	<p>The driver training report requires more time for consultation on possible options and therefore this will be reported to Committee in April 2018.</p> <p>A report is on the schedule to be reported to the Committee on 6 February 2018.</p> <p>A report is on the schedule to be reported to the Committee on 6 February 2018.</p>	Head of Legal and Democratic Services	<p>6.2.18</p> <p>6.2.18</p> <p>6.2.18</p>
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7.	Licensing Committee 12.9.17 article 14	<p><u>Report to Vary Local Conditions for Booking Office</u></p> <p>The Committee resolved, amongst other things, to instruct the Head of Legal and Democratic Services to consult the holders of Booking Office Licences and the Chief Constable, Police Scotland, on the proposals agreed and in accordance with paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act 1982 invite them to be heard at the next meeting of the Licensing Committee on 7 November 2017 regarding the terms of the proposals.</p>	A report is on the agenda.	Head of Legal and Democratic Services	7.11.17
8.	Licensing Committee 12.9.17 article 15	<p><u>Review Of Street Trader Policies</u></p> <p>The Committee resolved, amongst other things, to instruct the Head of Legal and Democratic Services to consult the holders of Street Traders Licences and The Chief Constable, Police Scotland, on proposals agreed and in accordance with paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act 1982 invite them to be heard at the next meeting of the Licensing Committee on 7 November 2017 regarding the terms of the proposals.</p>	A report is on the agenda.	Head of Legal and Democratic Services	7.11.17

9.	Licensing Committee 12.9.17 article 16	<p><u>Accessible Vehicle Policy Update</u></p> <p>The Committee resolved, amongst other things, to instruct the Head of Legal and Democratic Services to report back to a future meeting of the Licensing Committee in 2018 with the results of the consultation, and the legal and financial implications of a mixed fleet policy, at which time the Committee would determine whether a new mixed fleet policy should be drafted.</p>		Head of Legal and Democratic Services	June 2018
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CYCLE 6 - COMMITTEE STATISTICS

The Tracker Shows the Reports Which are Expected to be Submitted to Future Committee Meetings

Report Title	Committee date	Report author	Head of Service	Purpose of Report	Explanation if delayed or withdrawn
Review of Taxi Surcharges in light of HM Treasury Announcement	19/12/2017	Lynn May	Fraser Bell	To report the outcome of the review of taxi surcharges in light of the HM Treasury announcement on the legislative position for surcharges.	
Review of Civic and Miscellaneous Application Fees	19/12/2017	Jennifer Wilson	Fraser Bell	Subject to approval by the Licensing Committee on 12/9/2017, a report back on the outcome of the fee review proposal consultation and seeking a final decision on the future fee levels to be adopted from 20 December 2017.	

CYCLE 1 - COMMITTEE STATISTICS

The Tracker Shows the Reports Which are Expected to be Submitted to Future Committee Meetings

Report Title	Committee date	Report author	Head of Service	Purpose of Report	Explanation if delayed or withdrawn
Fees and Process for the Taxi Knowledge Test	06/02/2018	Sandy Munro	Fraser Bell	To provide the committee with the results of the consultation exercise and to decide upon an amended procedure for application of the street knowledge test for taxi and private hire driver licences.	

CYCLE 2 - COMMITTEE STATISTICS

The Tracker Shows the Reports Which are Expected to be Submitted to Future Committee Meetings

Report Title	Committee date	Report author	Head of Service	Purpose of Report	Explanation if delayed or withdrawn
Possible methods of delivery of driver training	TBC - April 2018	Sandy Munro	Fraser Bell	The Committee on 12/9/17 instructed the Head of Legal and Democratic Services to investigate possible methods of delivery of driver training and report back to Committee on 6 February 2018 with details of the options available.	

CYCLE 3 - COMMITTEE STATISTICS

The Tracker Shows the Reports Which are Expected to be Submitted to Future Committee Meetings

Report Title	Committee date	Report author	Head of Service	Purpose of Report	Explanation if delayed or withdrawn
Accessible Vehicle Policy Update	TBC - June 2018	Sandy Munro	Fraser Bell	The Committee on 12/9/17 instructed the Head of Legal and Democratic Services to report back to a future meeting of the Licensing Committee in 2018 with the results of the consultation, and the legal and financial implications of a mixed fleet policy, at which time the Committee would determine whether a new mixed fleet policy should be drafted.	
Taxi Rank Review	TBC - June 2018	TBC	Fraser Bell	The Committee on 13.6.17 instructed 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.	
Taxi Demand Survey	TBC - June 2018	TBC	Fraser Bell	The Committee on 28.4.17 instructed the Head of Legal and Democratic Services to report on the outcome of the taxi demand survey by June 2018 in conjunction with the taxi fare review.	

CYCLE 3 - COMMITTEE STATISTICS

The Tracker Shows the Reports Which are Expected to be Submitted to Future Committee Meetings

Report Title	Committee date	Report author	Head of Service	Purpose of Report	Explanation if delayed or withdrawn
Taxi Fare Review	TBC - June 2018	TBC	Fraser Bell	<p>The Commitee on 25.10.16 (i) requested the Licensing Team Leader, as part of the current taxi fare review, to explore ways in which any future increase in airport access charges could be mitigated by the Council in a timely manner;</p> <p>(ii) instructed the Licensing Team Leader to undertake a review of the existing taxi fare formula, including surcharges, following the completion of the current taxi fare review;</p> <p>(iii) instructed officers to meet with trade representatives to explore the restructure of tariff charges and report back to the Committee thereafter;</p> <p>(iv) instructed the Head of Legal and Democratic Services to undertake a review of the taxi fare formula and report back to the Committee the findings; and</p> <p>(v) noted that discussions with Aberdeen International Airport regarding the recent increased fee for non airport taxis dropping passengers off at the airport concourse were ongoing and to request that the Committee be updated on these discussions as appropriate.</p>	

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LICENSING COMMITTEE
7 November 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.	HMO Application (Renewal)	Keith F.Lamb + J & G Colliie, Solicitors	53 Bannermill Place, Aberdeen	One representation	1 August 2018	131 - 136
2.	Extended Trading Hours	Cineworld	Cineworld, Union Square, Aberdeen			137 - 138
3.	Film Classification	Belmont Film House	Belmont Film House 49 Belmont Street, Aberdeen, AB10 1JS			139 - 188
4.	Street Trader (Renewal)	Num Owen	Greenbank Road 200m East of Hillview Rd Greenwell Rd 100m east of Greenbank Crescent	EH	14 December 2017	189 - 190
5.	Second Hand Dealer (Grant)	Shirlaw's Suzuki	Shirlaws Suzuki, Arch 13, South College Street	LD	28 November 2017	191 - 192
6.	Taxi Licence (Renewal)	Northern Accident Management LTD		LD	28 November 2017	193 - 194
7.	Taxi Driver Licence (Grant)	Mohamed Barchouchi		LD	15 November 2017	195 - 196
8.	Private Hire Driver (Renewal)	Joney Joey Thanabalasingham		LD	11 December 2017	197 - 198
9.	Private Hire Driver (Renewal)	Ditu Miah		LD	30 November 2017	199 - 200

10.	Private Hire Driver (Grant)	Ali Mohammad		LD	22 November 2017	201 - 202
11.	Private Hire Driver Licence (Renewal)	Bulu Das		LD	15 December 2017	203 - 204

ABBREVIATIONS:

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

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ABERDEEN
CITY COUNCIL

MEMO

Private Sector Housing Unit

Communities, Housing & Infrastructure

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure		
Email	allyt@aberdeencity.gov.uk	Date	26 October 2017
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

Part 5 of Housing (Scotland) Act 2006

Application for a Licence to operate a House in Multiple Occupation (HMO) at No.53 Bannermill Place, Aberdeen

Applicant/s: Keith F.Lamb

Agent: James & George Collie, Solicitors

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 7 November 2017 for the reason that one written representation was received by the HMO Unit.

I can advise you as follows:

The HMO legislation

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
 - i) Its location
 - ii) Its condition
 - iii) Any amenities it contains
 - iv) The type & number of persons likely to occupy it
 - v) Whether any rooms within it have been subdivided
 - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
 - vii) The safety & security of persons likely to occupy it
 - viii) The possibility of undue public nuisance
 - ix) There is, or would be, an overprovision of HMOs in the locality (see Other Considerations)

The premises:

The property at No.53 Bannermill Place, Aberdeen, is an upper floor maisonette flat providing accommodation of 5 letting bedrooms, one public room, one kitchen & 4 bathrooms (2 en-suite). The plan attached as Appendix 'A' shows the position of the premises.

Previous HMO Licence:

The Licensing Committee, at its meeting on 23 August 2016, resolved to grant the owner of No.53 Bannermill Place, an HMO licence for a restricted one-year period subject to the usual licence conditions plus one additional condition concerning the appointment of a managing agent. The wording of the additional licensing condition on the HMO licence certificate was:

"The licence-holder must appoint a professional managing agent to provide a fully factored service for the duration of the licence."

The licence-holder duly appointed the firm of James & George Collie, Solicitors, to manage his HMO property, and this firm continues to manage the property.

The current HMO licence application:

The HMO licence application is dated 2 August 2017, and was received by the HMO Unit on 2 August 2017.

Certificate of Compliance – Notice of HMO Application:

The Certificate of Compliance submitted by the agent declares that the public Notice of HMO Application was on display outside the property for the statutory 21-day period between 2 August 2017 – 23 August 2017.

Letter of representation:

One written representation was received by the HMO Unit within the above-mentioned 21-day statutory period, and must therefore be considered by the Committee. The letter of representation is attached as Appendix 'B', and attention is drawn to the final paragraph wherein the respondent states;

"I do not wish to object this time around as long as Collie, or another responsible agent, is employed by Mr Lamb."

HMO Licensing Conditions:

Only the Licensing Committee holds the power to include additional licensing conditions, and discussions were held with the respondent and the licence-applicant's agent regarding a resolution which was acceptable to both parties. In this regard, both parties were asked to agree upon the inclusion of the same additional licensing condition as attached to the one-year HMO licence, ie.

"The licence-holder must appoint a professional managing agent to provide a fully factored service for the duration of the licence."

Both parties agreed to the additional licensing condition, and on this basis they were advised that their attendance at the Committee meeting was not required.

Other Considerations:

- Police Scotland has been consulted in respect of the applicants' suitability as 'fit & proper' persons, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaint of anti-social behaviour at No.53 Bannermill Place, during the recent one-year duration of the HMO licence.

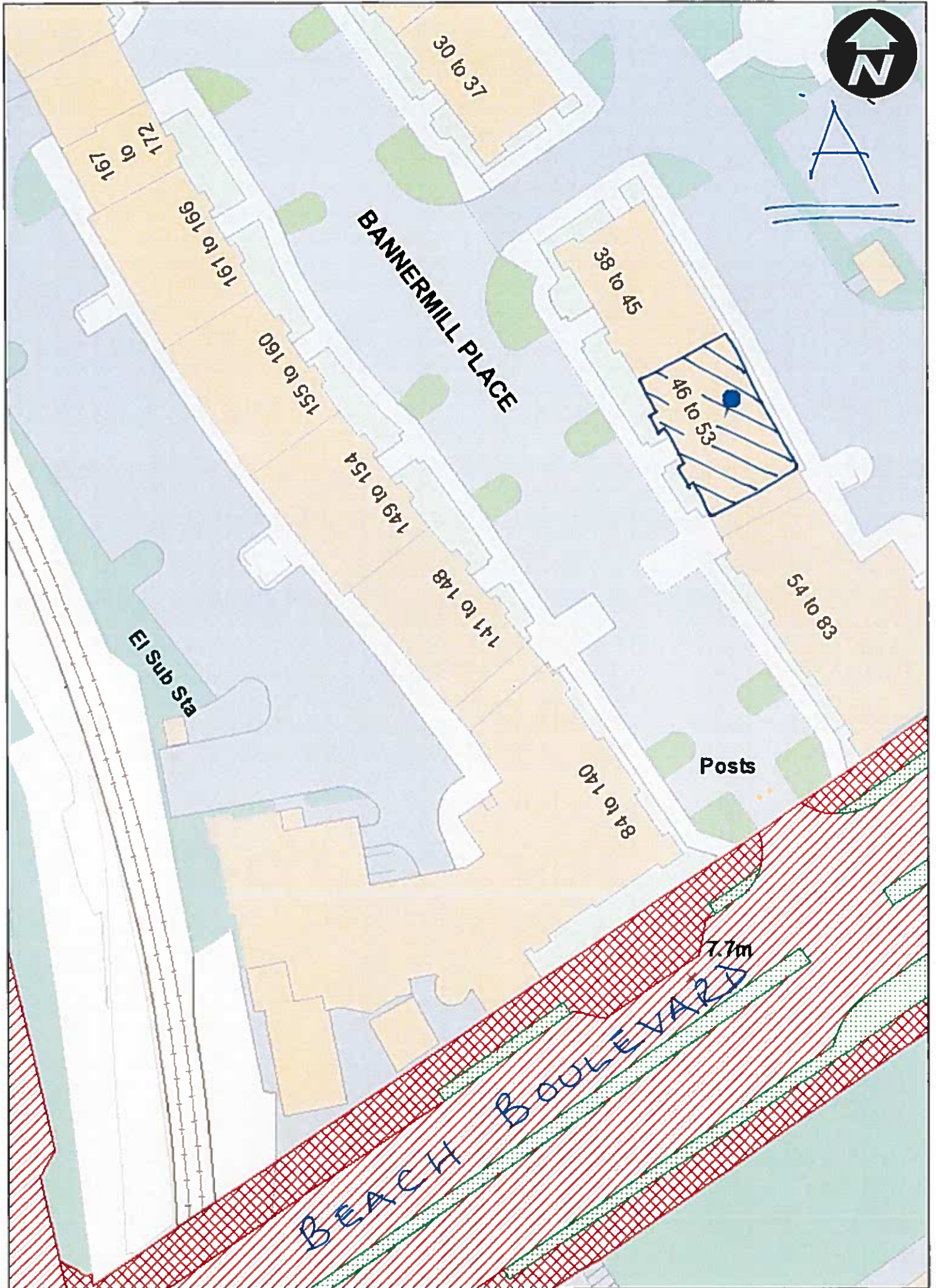
- The applicant, agent and property are currently registered with Landlord Registration.
- The applicants have requested an occupancy of 5 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is a renewal application.

Conclusion:

All HMO upgrading works have been completed therefore if the Committee is minded to grant the HMO licence subject to the usual licence conditions plus the additional licence condition referred to above, it may do so at its meeting on 7 November 2017.

I trust the above explains the position. Please contact me on x2870 should you have any queries regarding the above.

Ally Thain
Private Sector Housing Manager



0 5 10 20 Metres

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20 August 2017

HMO Unit
Private Sector Housing Unit
Communities, Housing and Infrastructure
Business Hub 1
Lower Ground Floor West
Marischal College
Broad Street
Aberdeen
AB10 1AB

Ref: Comments on renewal of HMO Licence for 53 Bannermill Place

Dear Sir/Madam

I refer to the notice of application, dated 04 August 2017 and note that Collie are named as agents.

As I have objected in the past I feel I should comment on the current application.

There has been a marked improvement in the management of this property since Collie took over the role of agent. For the record, there have been no further escapes of water and the level of noise is significantly less.

There have been fewer occupants (which is one of the reasons the noise levels have been much lower) and their behaviour has generally been responsible.

For the record, I had to contact Collie twice about noise from late night parties when the new tenants first moved in but since then there have been no further noise issues. Like the majority of tenants at Bannermill the occupants of 53 Bannermill occasionally park in spaces that do not belong to them, which is irritating, but not something I would consider grounds to object to the renewal of the HMO licence.

In summary I do not wish to object this time around as long as Collie, or another responsible agent, is employed by Mr Lamb. I also trust that Collie will be able to maintain the current standards.

Yours sincerely

Julie Thompson (Miss)

Aberdeen City Council
Housing & Environment
DATE RECEIVED
23 AUG 2017
Private Sector Housing Unit

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LICENSING COMMITTEE INFORMATION SHEET 7 November 2017

TYPE OF APPLICATION: APPLICATION FOR ONE OFF EXTENSION OF TRADING HOURS

APPLICANT: CINEWORLD CINEMA

PREMISES: CINEWORLD, 26 FIRST LEVEL MALL, UNION SQUARE, ABERDEEN

DESCRIPTION

- The applicant requests a one off extension to trading hours on 14th December from 0230 to 0800 to allow the cinema to trade continuously from the Wednesday to the Thursday for the release of the new Star Wars movie
- This event will be shown on the new 4DX screen.

CONSULTEES

Police Scotland: response received 16 October 2017 with no objection

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LICENSING COMMITTEE INFORMATION SHEET

7 November 2017

TYPE OF APPLICATION: APPLICATION FOR FILM CLASSIFICATION X 8

APPLICANT: BELMONT FILMHOUSE

PREMISES: BELMONT FILMHOUSE, 49 BELMONT STREET, ABERDEEN

DESCRIPTION

- The applicant requests a film classification for 8 French films which have not been certified in the UK as part of the French Film Festival 2017

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AGE CLASSIFICATION REQUEST

2017

Belmont Filmhouse , 49 Belmont Street , Aberdeen

Licensing
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College
Aberdeen
AB10 1AQ

16/10/2017

Dear Licensing,

FORMAL REQUEST FOR AGE CERTIFICATION FOR PUBLIC EXHIBITION

This is a formal request for Age Classification (utilizing the BBFC Guidelines) for JEAN DE FLORETTE which we intend to screen publicly as part of the FRENCH FILM FESTIVAL 2017 at Belmont Filmhouse on Saturday the 2nd of December

Thank you

Colin Farquhar

Cinema Manager

Belmont Filmhouse

JEAN DE FLORETTE

SYNOPSIS

When hunchback tax collector Jean de Florette (Gérard Depardieu) arrives in 1920s Provence from the city to take over the inheritance of a farm, peasant farmer César Soubeyran (Yves Montand) and his simple nephew, Ugolin (Daniel Auteuil), deprive his property of water so that they can drive him away and acquire the land for a pittance. Director Claude Berri spent six years trying to acquire the rights to Marcel Pagnol's two volume novel. Inspired by Pagnol's own 1952 feature, *Manon Des Sources*, the story chronicled the destruction of an educated outsider by avaricious provincials, who meet their match in his free-spirited daughter.

FILM DETAILS

Dir **Claude Berri** | 1986 | France/Italy/Switzerland | 115 mins | UK Distrib **Park Circus**

SUGGESTED RATING UTILISING BBFC GUIDELINES

PG

DISCRIMINATION

None

DRUGS

None

HORROR

None

IMITABLE BEHAVIOUR

None

LANGUAGE

None

NUDITY

None

SEX

None

THEME

No material that will harm or offend

VIOLENCE

None

CONTACT INFORMATION

COLIN FARQUHAR
CINEMA MANAGER



Tel 01224 343500

Colin.farquhar@belmontfilmhouse.com

The Belmont Filmhouse

49 Belmont Street, Aberdeen AB10 1JS

Tel 01224 343500

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AGE CLASSIFICATION REQUEST

2017

Belmont Filmhouse , 49 Belmont Street , Aberdeen

Licensing
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College
Aberdeen
AB10 1AQ

16/10/2017

Dear Licensing,

FORMAL REQUEST FOR AGE CERTIFICATION FOR PUBLIC EXHIBITION

This is a formal request for Age Classification (utilizing the BBFC Guidelines) for LOST IN PARIS which we intend to screen publicly as part of the FRENCH FILM FESTIVAL 2017 at Belmont Filmhouse on Thursday the 23rd of November.

Thank you

Colin Farquhar

Cinema Manager

Belmont Filmhouse

LOST IN PARIS

SYNOPSIS

A fun and hectic tale of peculiar people finding love while lost in the City of Light. Filmed in Dominique Abel and Fiona Gordon's signature whimsical style, *Lost in Paris* features the Belgium-based filmmakers as a small-town Canadian librarian and a strangely seductive vagabond. When Fiona's orderly life is disrupted by a letter of distress from her 88-year-old Aunt Martha (delightfully portrayed by the late Emmanuelle Riva, Oscar-nominated for *Amour*) who is living in Paris, she hops on the first plane she can. She arrives only to discover that Martha has disappeared. In an avalanche of spectacular disasters, she encounters Dom (Abel), the affable, but annoying tramp who just won't leave her alone. *Lost in Paris* with its trademark antics and intricately choreographed slapstick, will have you leaving the cinema with a gleeful skip in your step and a renewed zest for life.

FILM DETAILS

Dirs **Fiona Gordon, Dominique Abel** | 2016 | France/Belgium | 83 mins | UK distrib
Arrow Films

SUGGESTED RATING UTILISING BBFC GUIDELINES

PG

DISCRIMINATION

None

DRUGS

None

HORROR

None

IMITABLE BEHAVIOUR

None

LANGUAGE

None

NUDITY

None

SEX

None

THEME

No material that will harm or offend

VIOLENCE

None

CONTACT INFORMATION

COLIN FARQUHAR
CINEMA MANAGER



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Colin.farquhar@belmontfilmhouse.com

The Belmont Filmhouse

49 Belmont Street, Aberdeen AB10 1JS

Tel 01224 343500

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AGE CLASSIFICATION REQUEST

2017

Belmont Filmhouse , 49 Belmont Street , Aberdeen

Licensing
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College
Aberdeen
AB10 1AQ

16/10/2017

Dear Licensing,

FORMAL REQUEST FOR AGE CERTIFICATION FOR PUBLIC EXHIBITION

This is a formal request for Age Classification (utilizing the BBFC Guidelines) for MANON OF THE SPRING which we intend to screen publicly as part of the FRENCH FILM FESTIVAL 2017 at Belmont Filmhouse on Sunday the 3rd of December

Thank you

Colin Farquhar

Cinema Manager

Belmont Filmhouse

MANON OF THE SPRING

SYNOPSIS

The tale resume's a decade later, focusing on Jean de Florette's beautiful daughter, Manon (Emmanuelle Béart), a shepherdess with whom Ugolin (Daniel Auteuil) falls hopelessly in love but fails to win. When Manon eavesdrops on hunters and learns the truth about the Soubeyrans and their plot against her father, she blocks the water supply to the village at its source in a cave only she knows about. Pandemonium ensues as Manon's scheme exacts revenge. Though deeply tragic, the story unfolds with charm, wit, and high spirits. Montand and Auteuil are superb in their roles as conniving villains who pay a terrible price, and Béart is magnificent as Manon.

FILM DETAILS

Dir **Claude Berri** | 1986 | France | 113 mins | UK Distrib **Park Circus**

SUGGESTED RATING UTILISING BBFC GUIDELINES

PG

DISCRIMINATION

None

DRUGS

None

HORROR

None

IMITABLE BEHAVIOUR

None

LANGUAGE

None

NUDITY

None

SEX

None

THEME

No material that will harm or offend

VIOLENCE

None

CONTACT INFORMATION

COLIN FARQUHAR
CINEMA MANAGER



Tel 01224 343500

Colin.farquhar@belmontfilmhouse.com

The Belmont Filmhouse

49 Belmont Street, Aberdeen AB10 1JS

Tel 01224 343500

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AGE CLASSIFICATION REQUEST

2017

Belmont Filmhouse , 49 Belmont Street , Aberdeen

Licensing
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College
Aberdeen
AB10 1AQ

16/10/2017

Dear Licensing,

FORMAL REQUEST FOR AGE CERTIFICATION FOR PUBLIC EXHIBITION

This is a formal request for Age Classification (utilizing the BBFC Guidelines) for MR & MRS ADELMAN which we intend to screen publicly as part of the FRENCH FILM FESTIVAL 2017 at Belmont Filmhouse on Friday the 24th of November.

Thank you

Colin Farquhar

Cinema Manager

Belmont Filmhouse

MR & MRS ADELMAN

SYNOPSIS

Funny, stylish and touching tale of courting and married life in this comic drama bursting with charm from debut director Nicolas Bedos. The young and intellectual Sarah falls madly for a promising young writer, Victor, son of a wealthy bourgeois family who, dissatisfied with his choice of career and girlfriend, proceed to cut them off without a penny. Narrated from the viewpoint of Sarah, the film charts this fascinating relationship across decades, with all its joyful and torturous twists and turns, taking a wry and often hilarious look at the pains and pleasure of love and marriage. Bedos, 36, makes his first foray behind the camera.

FILM DETAILS

Dir **Nicolas Bedos** | 2017 | France | 120 mins | Int sales **Le Pacte**

SUGGESTED RATING UTILISING BBFC GUIDELINES

15

DISCRIMINATION

None

DRUGS

None

HORROR

None

IMITABLE BEHAVIOUR

None

LANGUAGE

Mild swearing

NUDITY

Mild, one instance

SEX

Mild, one instance

THEME

No material that will harm or offend

VIOLENCE

None

CONTACT INFORMATION

COLIN FARQUHAR
CINEMA MANAGER



Tel 01224 343500

Colin.farquhar@belmontfilmhouse.com

The Belmont Filmhouse

49 Belmont Street, Aberdeen AB10 1JS

Tel 01224 343500

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AGE CLASSIFICATION REQUEST

2017

Belmont Filmhouse , 49 Belmont Street , Aberdeen

Licensing
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College
Aberdeen
AB10 1AQ

16/10/2017

Dear Licensing,

FORMAL REQUEST FOR AGE CERTIFICATION FOR PUBLIC EXHIBITION

This is a formal request for Age Classification (utilizing the BBFC Guidelines) for REDOUBTABLE which we intend to screen publicly as part of the FRENCH FILM FESTIVAL 2017 at Belmont Filmhouse on Saturday the 25th of November.

Thank you

Colin Farquhar

Cinema Manager

Belmont Filmhouse

REDOUBTABLE

SYNOPSIS

The Artist director Michel Hazanavicius takes on the French New Wave and runs with it in style in *Redoubtable*. Charting the brief relationship of the iconic Jean-Luc Godard and Anne Wiazemsky (following the filming of *La Chinoise*, their marriage, and the May 1968 riots in Paris) Hazanavicius gives his subject a thorough going over, liberally sprinkled with irony, humour and affection. As Godard becomes more interested in politics he alienates his wife and his friends not to mention the public who preferred his zestful early films such as *Breathless*. He seems eager to reject his own oeuvres (eventually denouncing all of his cinema as "shit," while espousing such 'anarchic' comics as Jerry Lewis and the Marx Brothers). With an almost unrecognisable Louis Garrel displaying a deft talent for comedy as JLG and Stacy Martin (from Lars Von Trier's *Nymphomaniac*) looking the part of his Sixties muse who gamely spends much of the time naked, Hazanavicius focusses on the inner turmoil of creative spirits.

FILM DETAILS

Dir **Michel Hazanavicius** | 2016 | France | 102 mins | UK distributor **Thunderbird Releasing**

SUGGESTED RATING UTILISING BBFC GUIDELINES

15

DISCRIMINATION

None

DRUGS

None

HORROR

None

IMITABLE BEHAVIOUR

None

LANGUAGE

Mild swearing

NUDITY

Mild, one instance, photography shoot.

SEX

None

THEME

No material that will harm or offend

VIOLENCE

Mild, Parisian protest scene. Light aggression between protestors and police.

CONTACT INFORMATION

COLIN FARQUHAR
CINEMA MANAGER



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Colin.farquhar@belmontfilmhouse.com

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49 Belmont Street, Aberdeen AB10 1JS

Tel 01224 343500

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AGE CLASSIFICATION REQUEST

2017

Belmont Filmhouse , 49 Belmont Street , Aberdeen

Licensing
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College
Aberdeen
AB10 1AQ

16/10/2017

Dear Licensing,

FORMAL REQUEST FOR AGE CERTIFICATION FOR PUBLIC EXHIBITION

This is a formal request for Age Classification (utilizing the BBFC Guidelines) for SPEAK UP which we intend to screen publicly as part of the FRENCH FILM FESTIVAL 2017 at Belmont Filmhouse on Thursday the 28th of November.

Thank you

Colin Farquhar

Cinema Manager

Belmont Filmhouse

SPEAK UP

SYNOPSIS

Director Stephane de Freitas' documentary follows a group of college students taking part in an annual oratory competition in the suburbs of Paris. The French have always had a way with words, which is why the annual college *concours Eloquentia*, or eloquence competitions, have such an important place. But not everyone is a born orator, nor are they necessarily given the tools to express themselves — especially if they come from a family where French isn't even the first language. The film looks at a group of mixed race students who are involved in the contest for the first time. Most of them have never spoken in public, but by the time the film is over, they have acquired skills in fluency and presentation. Without sentimentality, *Speak Up* proves how the art of speech is key to universal understanding, social ascension, and personal revelation.

FILM DETAILS

Dirs **Stéphane de Freitas, Ladj Ly** | 2017 | France | 99 mins | Int Sales **Upside Distribution**

SUGGESTED RATING UTILISING BBFC GUIDELINES

12A

DISCRIMINATION

None

DRUGS

None

HORROR

None

IMITABLE BEHAVIOUR

None

LANGUAGE

Mild swearing, one instance.

NUDITY

None

SEX

None

THEME

No material that will harm or offend

VIOLENCE

None

CONTACT INFORMATION

COLIN FARQUHAR
CINEMA MANAGER



Tel 01224 343500

Colin.farquhar@belmontfilmhouse.com

The Belmont Filmhouse

49 Belmont Street, Aberdeen AB10 1JS

Tel 01224 343500

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AGE CLASSIFICATION REQUEST

2017

Belmont Filmhouse, 49 Belmont Street, Aberdeen

Licensing
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College
Aberdeen
AB10 1AQ

16/10/2017

Dear Licensing,

FORMAL REQUEST FOR AGE CERTIFICATION FOR PUBLIC EXHIBITION

This is a formal request for Age Classification (utilizing the BBFC Guidelines) for THE DOUBLE LOVER which we intend to screen publicly as part of the FRENCH FILM FESTIVAL 2017 at Belmont Filmhouse on Friday the 1st December

Thank you

Colin Farquhar

Cinema Manager

Belmont Filmhouse

THE DOUBLE LOVER

SYNOPSIS

Francois Ozon's erotic thriller, about a woman Chloé (Marion Vachth from *Young and Beautiful*) who falls in love with Paul, her psychoanalyst (Jérémié Renier) but discovers there's more to him than meets the eye, sees the director back to his old tricks after the restrained Second World War saga *Franz*. His latest foray has style, sex appeal and a delicious streak of craziness. When Chloé and Paul move into their new apartment she discovers a box containing Paul's past, including a passport bearing a different surname. A web of secrets are about to be unleashed ... Loosely based on the Joyce Carol Oates novel *Lives of the Twins* (written under the pseudonym Rosamond Smith) and with distinct shades of Brian de Palma and Hitchcock on the side. Watch out for Jacqueline Bisset in a neat cameo part.

FILM DETAILS

Dir-wri: **François Ozon** | France | 2017 | 107 mins | UK distrib **Curzon Artificial Eye**

SUGGESTED RATING UTILISING BBFC GUIDELINES

18

DISCRIMINATION

None

DRUGS

None

HORROR

Psychologically intense

IMITABLE BEHAVIOUR

None

LANGUAGE

Multiple occasions of strong swearing

NUDITY

None

SEX

Multiple instances. Strong but not graphic.

THEME

No material that will harm or offend

VIOLENCE

One mild instance.

CONTACT INFORMATION

COLIN FARQUHAR
CINEMA MANAGER



Tel 01224 343500

Colin.farquhar@belmontfilmhouse.com

The Belmont Filmhouse

49 Belmont Street, Aberdeen AB10 1JS

Tel 01224 343500

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AGE CLASSIFICATION REQUEST

2017

Belmont Filmhouse , 49 Belmont Street , Aberdeen

Licensing
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College
Aberdeen
AB10 1AQ

16/10/2017

Dear Licensing,

FORMAL REQUEST FOR AGE CERTIFICATION FOR PUBLIC EXHIBITION

This is a formal request for Age Classification (utilizing the BBFC Guidelines) for A KID which we intend to screen publicly as part of the FRENCH FILM FESTIVAL 2017 at Belmont Filmhouse on the Tuesday the 28th of November.

Thank you

Colin Farquhar

Cinema Manager

Belmont Filmhouse

THE KID

SYNOPSIS

Frenchman Mathieu (Pierre Deladonchamps) finds himself in strange circumstances when he learns the father he never knew has just passed away in this engrossing and deeply poignant ode to familial bonds from director Philippe Lioret (Welcome). In the wake of this startling news, Mathieu is overcome with eagerness to unravel his life's mystery, to receive the package his father left him, and most of all to meet his two brothers. The following day, he travels to Quebec, where he is welcomed by his father's best friend, Pierre. However, Mathieu's intentions are thwarted when Pierre forbids him to reveal the true purpose of his visit to his brothers who are unaware of their relationship to him. With the body of his father still missing, and forced to conceal his true identity, Mathieu undertakes an extraordinary and compelling journey of self-discovery against the picturesque Quebec landscape.

FILM DETAILS

Dir **Philippe Lioret** | 2015 | France/Canada | 98 mins | Int sales **Le Pacte/French Institute**

SUGGESTED RATING UTILISING BBFC GUIDELINES

PG

DISCRIMINATION

None

DRUGS

None

HORROR

None

IMITABLE BEHAVIOUR

None

LANGUAGE

None

NUDITY

None

SEX

None

THEME

No material that will harm or offend

VIOLENCE

None

CONTACT INFORMATION

COLIN FARQUHAR
CINEMA MANAGER



Tel 01224 343500

Colin.farquhar@belmontfilmhouse.com

The Belmont Filmhouse

49 Belmont Street, Aberdeen AB10 1JS

Tel 01224 343500

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LICENSING COMMITTEE INFORMATION SHEET

7 November 2017

TYPE OF APPLICATION: APPLICATION FOR RENEWAL OF A STREET TRADER'S LICENCE

APPLICANT: NUM OWEN

PREMISES: N/A

DESCRIPTION

- The application requires to be determined by 8 December 2017
- A clear response has not been received by environmental health as to whether the applicant has a current certificate of compliance

CONSULTEES

Police Scotland: response received 20 June 2017 with no objection

OBJECTIONS/REPRESENTATIONS

- EH

COMMITTEE GUIDELINES/POLICY

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

7 November 2017

TYPE OF APPLICATION: APPLICATION FOR GRANT OF A SECOND HAND DEALER'S LICENCE

APPLICANT: SHIRLAWS SUSUKI

PREMISES: SHIRLAWS, SOUTH COLLEGE STREET, ABERDEEN

DESCRIPTION

- The application requires to be determined by 28 November 2017
- The applicant has not returned confirmation of site notice having been displayed.

CONSULTEES

Police Scotland: response received 13 June 2017 with no objection

OBJECTIONS/REPRESENTATIONS

- LD

COMMITTEE GUIDELINES/POLICY

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 7 NOVEMBER 2017

TYPE OF APPLICATION: TAXI LICENCE- RENEWAL
APPLICANT: NORTHERN ACCIDENT MANAGEMENT LTD
LICENCE: PH311

INFORMATION NOTE

DESCRIPTION

The application requires to be determined by 28 November 2017
The vehicle has not yet passed inspection

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

LD

COMMITTEE GUIDELINES/POLICY

All licensed vehicles must pass a hackney test twice per 12 months, one of which must be immediately prior to licence renewal.

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 7 NOVEMBER 2017

TYPE OF APPLICATION: TAXI DRIVER LICENCE- GRANT
APPLICANT: MOHAMED BARCHOUCI

INFORMATION NOTE

DESCRIPTION

The application requires to be determined by 15 November 2017
The applicant has not yet sat or passed the street knowledge test

CONSULTEES

- Police Scotland- no objection received on 23 May 2017

OBJECTIONS/REPRESENTATIONS

LD

COMMITTEE GUIDELINES/POLICY

All applicants must sit and pass the street knowledge test

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 7 NOVEMBER 2017

TYPE OF APPLICATION: PRIVATE HIRE DRIVER LICENCE- RENEWAL

APPLICANT: JONEY JOEY THANABALASINGHAM

LICENCE: PH182

INFORMATION NOTE

DESCRIPTION

The application requires to be determined by 11 December 2017
The applicant has not yet sat or passed the street knowledge test

CONSULTEES

- Police Scotland- no objection received on 21 June 2017

OBJECTIONS/REPRESENTATIONS

LD

COMMITTEE GUIDELINES/POLICY

All applicants must sit and pass the 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 7 NOVEMBER 2017

TYPE OF APPLICATION: PRIVATE HIRE DRIVER LICENCE- RENEWAL

APPLICANT: DITU MIAH

LICENCE: PH236

INFORMATION NOTE

DESCRIPTION

The application requires to be determined by 30 November 2017
The applicant has not yet sat or passed the street knowledge test

CONSULTEES

- Police Scotland- no objection received on 6 June 2017

OBJECTIONS/REPRESENTATIONS

LD

COMMITTEE GUIDELINES/POLICY

All applicants must sit and pass the 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

7 NOVEMBER 2017

TYPE OF APPLICATION: PRIVATE HIRE DRIVER LICENCE- GRANT

APPLICANT: ALI MOHAMMAD

INFORMATION NOTE

DESCRIPTION

The application requires to be determined by 22 November 2017
 The applicant missed his renewal date and now seeks a grant.
 The applicant has not yet sat or passed the street knowledge test

CONSULTEES

- Police Scotland- no objection received on 02 June 2017

OBJECTIONS/REPRESENTATIONS

LD

COMMITTEE GUIDELINES/POLICY

All applicants must sit and pass the 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 7 NOVEMBER 2017

TYPE OF APPLICATION: PRIVATE HIRE DRIVER LICENCE- RENEWAL

APPLICANT: BULU DAS

LICENCE: PH188

INFORMATION NOTE

DESCRIPTION

The application requires to be determined by 15 December 2017
The applicant has not yet sat or passed the street knowledge test

CONSULTEES

- Police Scotland- no objection received on 6 June 2017

OBJECTIONS/REPRESENTATIONS

LD

COMMITTEE GUIDELINES/POLICY

All applicants must sit and pass the 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.

ABERDEEN CITY COUNCIL

COMMITTEE	LICENSING COMMITTEE
DATE	7 NOVEMBER 2017
REPORT TITLE	REPORT TO VARY LOCAL CONDITIONS FOR BOOKING OFFICE LICENCES
REPORT NUMBER	CG/17/119
CG LEAD OFFICER	FRASER BELL
REPORT AUTHOR	LYNN MAY

1. PURPOSE OF REPORT:-

- 1.1 To request that the Licensing Committee consider the views of the holders of Booking Office licences and the Chief Constable , who have been invited to attend the 7th November Licensing Committee meeting and be heard, on the variation of the standard local conditions in relation to Booking Office Licences.

2. RECOMMENDATION(S)

- 2.1 That the Committee:-

- (a) notes that all holders of Booking Office Licences and the Chief Constable, Police Scotland, have, in accordance with Paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act 1982, been notified of the proposed variation of conditions, as agreed by the Committee at their meeting on 12 September 2017 and noted below, and have been invited to attend and be heard at this meeting of the Committee:-

The proposed variation of the local condition 3 from “the licence holder shall keep written or electronic records of the name address, licence number of every driver operating from the relevant premises” to read;

“The Licence Holder, in order to ensure that relevant vehicles are only driven by a licensed taxi or private hire drivers, shall keep, and undertake an ongoing review or audit of, written or electronic records of the name, address, licence number and expiry date of every driver operating from the relevant premises.”

The proposed variation of the local condition 4 from “the Licence Holder shall ensure that only relevant vehicles licences by the Licensing Authority operate from the relevant premises” to read;

“The Licence Holder, in order to ensure that only relevant vehicles, currently licensed by this local authority, operate from the relevant premises, shall keep, and undertake an ongoing review or audit of, written or electronic records of the licence holder, licence number, registration number and expiry date of any taxi and private hire car operating from the relevant premises”; and

- (b) considers the views of the holders of Booking Office licences and the Chief Constable, Police Scotland on the proposed variation of the local conditions above and (Appendix 1); and
- (c) thereafter approves the proposed amended draft schedule of conditions (Appendix 1); and
- (d) instructs the Head of Legal and Democratic Services to give written notice of the Committees decision to the holders of Booking Office Licences and The Chief Constable, Police Scotland on the variation of the local conditions in accordance with paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act 1982.

3. BACKGROUND/MAIN ISSUES

- 3.1 Officers recently received two separate complaints regarding two taxi drivers and their behaviour, when checks were conducted both of their licences had expired. On investigation, Enforcement officers found both operators were working through the same Booking Office. When Officers contacted the licensed Booking Office it transpired that there were no checks in place other than when the licence was granted.
- 3.2 All Booking Offices licensed by this Authority were then contacted and asked to submit lists of vehicles and drivers that they were using to fulfil bookings. On checking these lists both Enforcement Officers and Police Scotland worked together and found 14 operators and 7 drivers operating through Booking Offices who had expired licences. A meeting was then called with Aberdeen City Council, Police Scotland and Booking Office licence holders to discuss a way forward and to answer any questions. All those that were found to be operating without a licence were charged by Police Scotland.
- 3.3 Aberdeen City Council records showed that the licenses had lapsed but no follow up was in place to check if the licenses were still being used. This was in addition to no real time checks by the licensed booking offices. Varying the local conditions will ensure that Booking Office Licence Holders will be obliged to carry out an ongoing review of all drivers and taxi and private hire cars and their licences and update their records frequently.

- 3.4 Therefore in order amend local conditions 3 and 4, and therefore vary the terms and standard schedule of conditions for holders of Booking Office licences (Appendix 1), the Licensing Committee would have to notify licence holders and the Chief Constable of this proposed variation and invite them to the next appropriate meeting of the Committee. In terms of paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act a licensing authority may at any time vary the terms of a licence, e.g. the conditions, on any grounds they think fit. The authority have to notify the licence holder and the Chief Constable of the proposed variation to be considered, giving them not less than 7 days notice; and give each of the persons notified an opportunity to be heard by the authority, at a specified meeting of the Licensing Committee to which they will be invited. Consultees may submit their responses in writing prior to the Committee meeting and if available these will be included with the report, or if too late will be presented to the Committee at their meeting. However the Act specifies that consultees should be invited to attend a specified meeting of the Committee and be given an opportunity there to be heard and express their views on the proposed variation. Therefore consultees views/responses may not be known until the Committee meeting commences.
- 3.6 Licence holders would have the right to appeal any decision to vary their licence conditions within 28 days, from the date of the decision. Therefore any amended schedule of conditions would not come into effect until 28 days from the date of that decision, or if an appeal is lodged, it would only come into effect if the appeal was abandoned or determined in favour of the licensing authority.
- 3.7 The Licensing Committee at its meeting on 12 September 2017 agreed to consult on the proposed variation of the licence conditions as outlined above (and Appendix 1) and in accordance with the procedure in paragraph 10 of schedule 1 of the Civic Government (Scotland) Act 1982 invite the relevant parties to attend and be heard at the Committees meeting on 7 November 2017.
- 3.8 A copy of the amended draft schedule of conditions, which has been issued for consultation, is attached to the report (Appendix 1).

4. FINANCIAL IMPLICATIONS

- 4.1 The approval of the recommendations require :-
- all Licence holders and the Chief Constable, Police Scotland to be written too notifying them of the decision of the Licensing Committee
 - copies of the new schedule of conditions to be produced and issued to all Booking Office licence holders, approximately 11.

There will therefore be a financial cost to the Licensing Team, Legal and Democratic Services in producing and issuing the above documentation. This expenditure will be contained within existing budgets.

5. LEGAL IMPLICATIONS

- 5.1 The recommendations will ensure that the legislation is complied with and that all taxis and private hire cars and their drivers operating from licensed Booking Offices are appropriately licensed.

6. MANAGEMENT OF RISK

- **Financial**

- 6.1 There are no direct financial implications arising from the recommendations of this report.

- **Employee**

- 6.2 There is no risk to employees arising from the recommendations of this report.

- **Customer/Citizen**

- 6.3 There is no risk to customers/citizens arising from the recommendations of this report.

- **Environmental**

- 6.4 There is no risk to the environment arising from the recommendations of this report.

- **Technological**

- 6.5 There is no risk to technology arising from the recommendations of this report.

- **Legal**

- 6.6 Implications as per paragraph 5.1 of this report.

- **Reputational**

- 6.7 Varying the conditions attached to the Booking Office Licence will ensure that the taxi and private hire service in Aberdeen is licensed properly, therefore enhancing Aberdeen's reputation as providing a professional and law abiding service.

7. IMPACT SECTION

Economy

- 7.1 There will be no impact on the economy arising from the recommendations.

People

- 7.2 The proposals to vary and amend the schedule of conditions applicable to Booking Office licences have a neutral impact on groups with protected characteristics and an impact assessment is therefore not required.
- 7.3 Therefore in order to amend and vary the terms and standard schedule of conditions for holders of booking office licences, the Licensing Committee would have to notify licence holders and the Chief Constable of this proposed variation and invite them to the next appropriate meeting of the Committee in order to hear any representations or consider any written responses. (Appendix 1)

Place

- 7.4 There will be no impact on the place arising from the recommendations.

Technology

- 7.5 There will be no impact on technology arising from the recommendations

8. BACKGROUND PAPERS

- 8.1 None

9. APPENDICES (if applicable)

- 9.1 Appendix 1 - The Amended Schedule of Conditions for Booking Office Licences

10. REPORT AUTHOR DETAILS

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**CIVIC GOVERNMENT (SCOTLAND) ACT 1982
CONDITIONS APPLICABLE TO BOOKING OFFICE LICENCE
MANDATORY CONDITIONS**

1. A record must be kept of every booking for the hire of a relevant vehicle taken at the relevant premises.
2. A record must be kept of -
 - (i) the registration number of the vehicle which was hired as the result of a booking taken at the relevant premises; and
 - (ii) the name of its driver at the time of that hire.
3. The holder of a licence shall take all reasonable steps to ensure that any booking taken at the relevant premises from a member of the public for the hire of a relevant vehicle results in the hire of a vehicle which is –
 - (i) a relevant vehicle; and
 - (ii) being driven by a person who holds a licence granted under section 13 of the Act and that licence is in effect.

LOCAL CONDITIONS

The Licensing Authority shall mean Aberdeen City Council

1. The Licence Holder shall keep a record of the following –
 - (a) the date and time of every hire;
 - (b) the location of the hire pick up point; and
 - (c) the destination of that hire.
2. Where the Licence Holder changes its address as specified in the application form, it shall notify the Licensing Authority in writing of said change within fourteen days of that change.
3. **The Licence Holder, in order to ensure that relevant vehicles are only driven by a licensed taxi or private hire drivers, shall keep, and undertake an ongoing review or audit of, written or electronic records of the name, address, licence number and expiry date of every driver operating from the relevant premises.”**
4. **The Licence Holder, in order to ensure that only relevant vehicles, currently licensed by this local authority, operate from the relevant premises, shall keep, and undertake an ongoing review or audit of, written or electronic records of the licence holder, licence number, registration number and expiry date of any taxi and private hire car operating from the relevant premises.**
5. If the Licence Holder is convicted of any offence, it shall, within twenty-eight days of said conviction, provide the Licensing Authority with full written details of that conviction.
6. The Licence Holder shall not ask any driver to do anything which would result in him/her committing a breach of the conditions of his/her licence.

7. The Licence Holder shall make all records covered by these conditions available for inspection at any time to the Licensing Authority upon reasonable request by the Licensing Authority.

8. All records must be kept for a period of no less than three years and said record keeping shall be acceptable in electronic format.

ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	7 November 2017
REPORT TITLE	Review of Street Trader Policies
REPORT NUMBER	CG/17/118
CG LEAD OFFICER	Fraser Bell
REPORT AUTHOR	Lynn May

1. PURPOSE OF REPORT:-

- 1.1 To request that the Licensing Committee consider the views of the holders of street trader licences, the Chief Constable and relevant consultees, who have been invited to attend the Licensing Committee meeting on 7th November, on the review of the policies and variation of the standard conditions in relation to Street Trader Licences.

2. RECOMMENDATION(S)

2.1 That the Committee:-

- (a) notes that all holders of Street Traders Licences, the Chief Constable, Police Scotland, and relevant consultees have, in accordance with Paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act 1982, been notified of the proposed review and variation of conditions, as agreed by the Committee at their meeting on 12 September 2017, and been invited to attend and be heard at this meeting of the Committee;
- (b) considers the views of the holders of street traders licences, the Chief Constable, Police Scotland, and other relevant consultees on the proposed review and variation of conditions (Appendices 3 to 8);
- (c) thereafter approves the proposed amended draft schedule of conditions (Appendix 2); and
- (d) instructs the Head of Legal and Democratic Services to give written notice of the Committees decision to the holders of Street Traders Licences, The Chief Constable, Police Scotland, and other relevant consultees on the review and variation of conditions in accordance with paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act 1982.

3. BACKGROUND/MAIN ISSUES

- 3.1 Section 39 of the Civic Government (Scotland) Act 1982 provides that a street trader's licence is required for street trading by a person, whether on his own account or as an employee. This means that a licence is required for persons who are both employers and employees.

Street trading is defined as hawking, selling or offering or exposing for sale any article, or offering to carry out, or carrying out for money or money's worth any service in a public place. It includes doing any of these things from a vehicle, a kiosk or a moveable stall not entered in the valuation roll.

For any activity which involves the sale of food, a street trader must have a Food Safety Certificate of Compliance issued by the Environmental Health service of the Council. Certificates of Compliance now last for a period of 3 years and a Certificate from any Local Authority in Scotland is valid in any other area of Scotland.

- 3.2 The Licensing Committee at its meetings on 17 November 2010 and 23 March 2011 reviewed and updated the practices and procedures in relation to street traders licences. In particular this involved revoking the previous condition 10 which prohibited a street trader from engaging in street trading within 100 metres of any other licence holder or establishment or premises in which are sold or offered for sale any goods or articles or services of the same or similar class and description as those to be offered for sale by him, when operating out with a recognised market, and they also added a new condition 21 which prohibited street traders from engaging in hawking, selling or offering for sale any type of food and/or drinks within a 400 metre radius of the outer boundary of a school at any time. A copy of the updated schedule of conditions as agreed in 2011 is attached to this report (Appendix 1).
- 3.3. In relation to the aforementioned new condition 21 (Appendix 1), the Licensing Committee added this to the schedule of standard conditions, in 2011, for the holders of street traders licences because they had received complaints about street traders selling food near schools and there were both health and safety concerns about children leaving school to purchase items from these vans. They also considered that the Council had an obligation to discourage unhealthy eating in children.
- 3.4 A number of licensing authorities including Aberdeen City and North Lanarkshire have had a condition, similar to condition 21 above (Appendix 1), prohibiting street trading in the proximity of schools. In 2015 a number of licensed street traders in North Lanarkshire appealed against that Councils decision to vary their licences to impose a condition prohibiting them from operating within a distance of 250 metres of the perimeter of all secondary schools in the North Lanarkshire Area from 8.00am to 5.00pm on any school day during term time. The prohibition applied to snack vans selling or offering for sale hot or cold food, fish and chip vans and ice cream vans. On 27 November 2015 the Sheriff reversed the Councils decision to impose this

condition. The sheriff's decision was reported in 2016 in the case of McCluskey v North Lanarkshire Council. The Sheriff held that the condition was ultra vires and the quality of food that consumers bought was covered by legislation to be found elsewhere and had Parliament intended to provide for the protection of consumers by means of conditions under the licensing system, that would have been set out in the Civic Government (Scotland) Act 1982 with regard to street traders and attempts to insert conditions might have effects for the customer which were entirely arbitrary. The court stated that child obesity was not a licensing purpose and neither was the promotion of school meals nor a ban on trading for the majority of the calendar year. The Court said that Parliament could not have intended local licensing authorities to have the implied power to attach a condition with such a significant effect on the commercial contracts of street traders, regardless of the aim of the condition.

- 3.5 The scope of condition 21, in the current schedule of conditions (Appendix 1), is even wider than the North Lanarkshire Condition, in that condition 21 prohibits the sale of any type of food or drink within the 400 metre radius of a school at any time, not just during school hours or term time. North Lanarkshire shared the same motives for adding this condition, namely tackling childhood obesity and promoting healthy eating. Therefore given the very clear similarities between the two conditions and the Sheriff's decision in the case against the North Lanarkshire condition it is advised that condition 21 is ultra vires and should be revoked.
- 3.6 In terms of paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act a licensing authority may at any time vary the terms of a licence, e.g. the conditions, on any grounds they think fit. In order to vary a licence the authority have to notify the licence holder and the Chief Constable of the proposed variation to be considered, giving them not less than 7 days notice; and give each of the persons notified an opportunity to be heard by the authority, at a specified meeting of the Licensing Committee to which they will be invited. Consultees may submit their responses in writing prior to the Committee meeting and if available these will be included with the report, or if too late will be presented to the Committee at their meeting. However the Act specifies that consultees should be invited to attend a specified meeting of the Committee and be given an opportunity there to be heard and express their views on the proposed variation. Therefore consultees views/responses may not be known until the Committee meeting commences.
- 3.7 Therefore in order to revoke condition 21, and therefore vary the terms and standard schedule of conditions for holders of street traders licences (Appendix 1), the Licensing Committee would have to notify licence holders and the Chief Constable of this proposed variation and invite them to the next appropriate meeting of the Committee in order to hear any representations or consider any written responses. Other relevant consultees have also been consulted regarding this report and have been invited to attend, for example the Council's Roads Service, Education and Children's Services, Communities Housing and Infrastructure and the Environmental Health Service.

- 3.8 Licence holders would have the right to appeal any decision to vary their licence conditions within 28 days, from the date of the decision. Therefore any amended schedule of conditions would not come into effect until 28 days from the date of that decision, or if an appeal is lodged, it would only come into effect if the appeal was abandoned or determined in favour of the licensing authority.
- 3.9 Condition 2 currently makes reference to Aberdeen City Council's Employment of Children Byelaws (made 18 October 2001) which provide that a child aged 14 years or over may engage in street trading in certain circumstances, otherwise the holder of a street trader's licence shall not be less than sixteen years of age. These byelaws have been updated and therefore the schedule of conditions requires to be updated to reflect this and now state, "Aberdeen City Council's Employment of Children Byelaws (made 14 April 2016)". (Appendix 2)
- 3.10 The Air Weapons and Licensing (Scotland) Act 2015 amended the Civic Government (Scotland) Act 1982. This included, in section 78, giving licensing authorities the additional sanction of revoking a licence. Therefore it is proposed that the wording of condition 7b) requires to be amended to reflect this change and include the additional words "revoked or varied" after the word "suspended" where this already appears. (Appendix 2)
- 3.11 Conditions 11 and 14 in the current schedule of conditions (Appendix 1) both deal with the issue of litter which may result from the licence holders activity as a street trader in a public place. As the decision in the aforementioned *McCluskey v North Lanarkshire Council* case shows conditions must be for a licensing purpose only. Therefore these conditions regarding litter should only relate to litter which has accumulated as a result of the street trading in question and should not put a more onerous obligation on the licence holder to remove litter generally which may have accumulated as the result of other businesses. It is therefore proposed that the wording of condition 14 be amended to reflect this. It is further proposed that as conditions 11 and 14 both relate to litter it would be more appropriate if these were together in the schedule of conditions, and therefore the amended condition, formerly number 14, would now become condition 12 (Appendix 2).
- 3.12 It is proposed a new condition 21 be added in association with the existing condition 22 (Appendix 2). Both of these relate to the statutory duty of a licence holder to advise the licensing authority of any material change in circumstances affecting them, for example a change of address or being convicted of an offence. Although a licence holder is obliged in terms of paragraph 9 of schedule 1 to the Civic Government (Scotland) Act 1982 to provide this information, practically they often don't. By adding a requirement to advise of any change of name or address as a condition would seek to highlight and reinforce this duty to the licence holders and would assist in terms of administration and enforcement.

3.13 The Licensing Committee at its meeting on 12 September 2017 agreed to consult on the proposed variation of the licence conditions as outlined above (and Appendix 2) and in accordance with the procedure in paragraph 10 of schedule 1 of the Civic Government (Scotland) Act 1982 invite the relevant parties to attend and be heard at the Committee's meeting on 7 November 2017.

3.14 In addition the Committee on 12 September 2017 also agreed that they wished to consult holders of street traders licences, the Chief Constable and relevant consultees including the Council's Roads Service on the proposed variation to the current condition 9 of the Schedule of Conditions (Appendix 1) to read instead:-

“The stance from which a street trader hawks, sells or offers or exposes for sale their goods requires to be moved daily at the end of trading”(Appendix 2)

3.15 The current condition 9 of the Schedule of conditions (Appendix 1) already states that the stance from which the licence holder trades **“shall be of a form that can be removed within a reasonable timeframe if so required upon reasonable request by a relevant person”**. Therefore the variation, as proposed, to move the stance at the end of each trading day would have significant implications for licence holders and the Roads Service of the Council. Therefore the Roads Service will also be included in this consultation and be invited to attend the Committee meeting on 7 November 2017. An initial consultation with the Roads service has already taken place and a copy of their written response is attached to this report (Appendix 3)

3.13 A copy of the new proposed schedule of conditions which includes the amendments detailed above (which are highlighted in bold), and which has been issued for consultation, is attached to this report (Appendix 2).

4. FINANCIAL IMPLICATIONS

4.1 The approval of the recommendations would require :-

- all Licence holders and the Chief Constable, Police Scotland to be written to and advised of the decision to vary the schedule of conditions, approximately 150 letters
- copies of the new schedule of conditions to be produced and issued to all street trader licence holders, approximately 150.

There will therefore be a financial cost to the Licensing Team, Legal and Democratic Services in producing and issuing the above documentation. This expenditure will be contained within existing budgets.

5. LEGAL IMPLICATIONS

- 5.1 If Condition 21 of the standard schedule of conditions for street traders licences (Appendix 1) is not revoked, it is highly likely, as a result of the decision in the McCluskey v North Lanarkshire case, that should the Council as licensing authority be legally challenged, either by appeal to the sheriff in respect of an application for a new grant of a licence or judicial review in respect of existing licence holders, any challenge would be successful as the condition is invalid.

In relation to the proposed variation to condition 9, requiring traders to move their stance at the end of each trading day, it should be noted that licensed traders require to pay a fee and enter into an agreement and also obtain a permit from the Roads Service of the Council. The Roads Service check and approve the location of stances before issuing these permits and agreements and are consulted on street trader applications by the Licensing Team. If a trader was required then to move at the end of each trading day, and as there are no parking restrictions in the areas approved for such traders, the trader may not be able to return to his approved stance the next day potentially causing loss of business or then moving to another site which has not been assessed and approved. Given that the Council has approved and entered into agreements with licensed traders for these stances and required payment of a fee for their use, the variation of this condition may breach this agreement and result in legal action against the council.

6. MANAGEMENT OF RISK

- Financial

- 6.1 There may be financial implications arising from the recommendations of this report in relation to the proposed changes to condition 9 if agreed. We have already initially consulted the Council's Road Service on the proposed change to this condition and they advise that to ask traders to leave their stance each day and return to their stance the following day could involve issuing TTRO's for each site which would involve a lot of work and expense for that service in relation to pitches that occupy high demand sections of carriageways within industrial areas.

Street traders require to enter an agreement and to pay the Roads Service of the Council a fee in relation to their site. By being asked to move they may not be able to return to their site the next day, as it had been taken by someone else, which may result in loss of business. This could potentially lead to claims against the council in respect of such losses as the traders had already paid a fee for permission to trade from that site. This may also result in the loss of site fees.

- Employee
- 6.2 There is no risk to employees arising from the recommendations of this report
- Customer/Citizen
- 6.3 The variation of condition 9, requiring licensed traders to move from their stance at the end of each trading day, may result in them not being able to return to their stance which has been assessed and approved by the Council. Licensed traders may then move to stances which have not been assessed and approved potentially leading to the following risks:-
- in terms of Road Safety, causing a danger for citizens visiting the stance and other road users
 - to citizens at home/in residential areas from stances having to be relocated each night, leading to an impact on parking and amenity
 - to licensed traders through loss of business from not being able to potentially return to their approved site on the next trading day
- Environmental
- 6.4 The variation of condition 9, requiring licensed traders to move from their stance at the end of each trading day, may result in them not being able to return to their stance which has been assessed and approved by the Council. Licensed traders may then move to stances which have not been assessed and approved and their operation from there may have implications for the environment.
- Technological
- 6.5 There is no risk to technology arising from the recommendations of this report.
- Legal
- 6.6 Implications as per paragraph 5.1.
- Reputational
- 6.7 As decision in the case of McCluskey v North Lanarkshire was made on 27 November 2015, the Council as Licensing Authority, require to take the actions recommended now to ensure their standard conditions now comply with current case law. Further delay could result in a similar legal challenge to the North Lanarkshire case and as a result reputational damage to the Council.
- 6.8 As the Council requires licensed traders into enter agreements with the Roads Service, pay a fee and obtain a permit for their approved

stance, to then amend condition 9 and require them to leave that stance each night and possibly not be able to return to it the next day, could be a breach of that agreement and lead to legal action against the Council for the breach and any resultant loss of earnings. Such breach of these agreements and any legal proceedings could result in reputational damage to the Council.

7. IMPACT SECTION

Economy

- 7.1 There will be no impact on the economy arising from the recommendations.

People

- 7.2 The proposals to vary and amend the schedule of conditions applicable to a street traders licence have a neutral impact on groups with protected characteristics and an impact assessment is therefore not required.
- 7.3 Therefore in order to revoke amend and vary the terms and standard schedule of conditions for holders of street traders licences (Appendix 1), the Licensing Committee would have to notify licence holders and the Chief Constable of this proposed variation (Appendix 2) and invite them to the next appropriate meeting of the Committee in order to hear any representations or consider any written responses. Relevant Consultees will also be included in the process. Due to the proposed variation to condition 9 the Roads Service of the Council has also been consulted.

Place

- 7.4 There will be no impact on the place arising from the recommendations.

Technology

- 7.5 There will be no impact on technology arising from the recommendations

8. BACKGROUND PAPERS

- 8.1 None

9. APPENDICES (if applicable)

- 9.1 Appendix 1 - The Current Schedule of Conditions for Street Trader Licences

Appendix 2 -The Amended Schedule of Conditions proposed for Street Trader Licences

Appendix 3 - Consultation response from the Roads Service, Aberdeen City Council

Appendix 4 - Consultation response from Service Manager, Assets & Finance, Education & Children's Services, Aberdeen City Council

Appendix 5 - Consultation response from Facilities Manager, Communities, Housing & Infrastructure, Aberdeen City Council

Appendix 6 – Consultation response from Environmental Health Service, Aberdeen City Council

Appendix 7 – Consultation response from Mr E Scholes, Street Trader Licence Holder

Appendix 8 – Consultation response from Zhuqin Chen, Street Trader Licence Holder

10. REPORT AUTHOR DETAILS

Lynn May
Solicitor, Licensing
lynmay@aberdeencity.gov.uk
01224 523173

HEAD OF SERVICE DETAILS

Fraser Bell
Head of Legal and Democratic Services
frbell@aberdeencity.gov.uk
01224522084

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CIVIC GOVERNMENT (SCOTLAND) ACT 1982

CONDITIONS APPLICABLE TO A STREET TRADER'S LICENCE

1. DEFINITIONS:

- a) "Head of Legal and Democratic Services" means Head of Legal and Democratic Services and/or his/her authorised representative;
- b) "Corporate Director" means the Corporate Director, Corporate Governance, Aberdeen City Council or his/her authorised representative;
- c) "the Council" means Aberdeen City Council and/or an authorised officer of that Council;
- d) "the licence holder" means the person named in the licence;
- e) "Licensing Authority" means the Licensing Committee of Aberdeen City Council;
- f) "relevant person" means a police officer or authorised officer of the Council;
- g) "stance" means any vehicle, kiosk or moveable stall not entered in the valuation roll to which the licence relates; and
- h) "street trading" shall have the same meaning ascribed to it by subsection 39(2) of the Civic Government (Scotland) Act 1982.

CONDITIONS

- 2. Subject to paragraph 16 of Aberdeen City Council's Employment of Children Byelaws (made 18 October 2001) which provide that a child aged fourteen (14) years or over may engage in street trading in certain circumstances, the holder of a street trader's licence shall not be less than sixteen (16) years of age.
- 3. A licence holder shall at all times, whilst engaged in the work of street trading, have with them the licence and identity badge issued to them by the Council. Upon reasonable request by a relevant person, the licence holder shall produce their licence and/or identity badge to that relevant person.
- 4. The licence holder shall display both licence and identity badge on the stance and/or on the licence holder's outer person in a place that shall be both visible and conveniently read by members of the public.

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5. The licence holder shall not at any time lend to or allow any other person to use their licence, and/or identity badge.
6. The licence holder shall not in any way alter, erase or deface their licence and/or identity badge. Where said licence/identity badge becomes illegible for any reason, the licence holder shall apply to the Council as soon as is reasonably practicable for a replacement.
7. The licence holder's identity badge shall remain the property of the Council at all times. Within seven days of the occurrence of any of the following, the licence holder shall return said identity badge to the Licensing Authority:
 - a) If the licence holder ceases to act for any reason for the unexpired period of their licence;
 - b) the licence is suspended by the Council ;
 - c) the licence expires and no application for renewal of said licence is made; or
 - d) any other reason upon reasonable request by the Licensing Authority.
8. The stance from which a licence holder trades shall be positioned in a place whereby no danger shall or be likely to arise to any member of the public at any time.
9. The stance from which a street trader hawks, sells or offers or exposes for sale their goods shall be of a form that can be removed within a reasonable timeframe if so required upon reasonable request by a relevant person.
10. The licence holder shall trade only from the stance specified in the licence.
11. The licence holder shall provide a bin or other suitable receptacle for the deposit of litter. Said bin/receptacle shall be placed within a reasonable distance from the stance in a place that is easily accessible by members of the public.
12. The licence holder shall carry out their street trading activity in a public place in a manner that does not at any time cause any type of obstruction, nuisance or annoyance to any member of the public or affect their safety in any way.
13. The licence holder shall operate only on the days and hours of operation as specified in the licence. On the terminal hour of trading, where it is reasonable and practical to do so, the stance shall be dismantled and removed by the licence holder.
14. The licence holder shall, if so required during trading hours and upon the terminal hour each day, ensure the collection and removal of any litter found in a public place within a fifteen (15) metre radius of their stance.

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15. The licence holder shall comply with any reasonable instruction given by a relevant person in relation to his/her street trading activity.
16. The licence holder shall exercise their trade only within the area(s) specified in their licence.
17. The licence holder shall not commence their street trading activity until all necessary consents have been applied for and obtained from the Council and/or any other relevant body.
18. Where applicable, the licence holder shall comply at all times with the provisions of the Code of Practice on Noises from Ice-Cream Van Chimes etc, 1982, issued under Section 71 of the Control of Pollution Act 1974.
19. Where a licence is granted in respect of food in terms of section 39(4) of the Act, then, prior to subsequent renewal of that licence, the licence holder shall ensure that the stance to which the licence relates is inspected by an authorised person(s) from the Council's Environmental Services. Any recommendation(s)/direction(s) made subsequent to that inspection shall be implemented by the licence holder within the specified time frame.
20. Where applicable, a licence holder shall ensure that any STT (Street Trader) number allocated to their stance by the Council's Environmental Services is painted on said stance in a position that can be conveniently and easily read by members of the public and shall be no less than five (5) centimetres both in height and breadth.
21. Subject to the explicit consent in writing from the Licensing Authority, no street trader shall engage in the hawking, selling or offering or exposing for sale any type of food and/or drinks within a four hundred (400) metre radius of the outer boundary of a secondary school at any time. Without prejudice to any statutory rights that the licence holder may have, the Council shall be the ultimate arbiter in determining what may constitute the outer boundary of a school for this purpose.
22. If, throughout the duration of the licence, a licence holder is convicted of any offence, they shall, within fourteen days of said conviction, notify the Licensing Authority in writing of that conviction.

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CIVIC GOVERNMENT (SCOTLAND) ACT 1982

CONDITIONS APPLICABLE TO A STREET TRADER'S LICENCE

(Proposed amendments to the conditions highlighted in bold below)

1. DEFINITIONS:

- a) "Head of Legal and Democratic Services" means Head of Legal and Democratic Services and/or his/her authorised representative;
- b) "Corporate Director" means the Corporate Director, Corporate Governance, Aberdeen City Council or his/her authorised representative;
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- g) "stance" means any vehicle, kiosk or moveable stall not entered in the valuation roll to which the licence relates; and
- h) "street trading" shall have the same meaning ascribed to it by subsection 39(2) of the Civic Government (Scotland) Act 1982.

CONDITIONS

- 2. Subject to paragraph 16 of **Aberdeen City Council's Employment of Children Byelaws (made 14 April 2016)** which provide that a child aged fourteen (14) years or over may engage in street trading in certain circumstances, the holder of a street trader's licence shall not be less than sixteen (16) years of age.
- 3. A licence holder shall at all times, whilst engaged in the work of street trading, have with them the licence and identity badge issued to them by the Council. Upon reasonable request by a relevant person, the licence holder shall produce their licence and/or identity badge to that relevant person.
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6. The licence holder shall not in any way alter, erase or deface their licence and/or identity badge. Where said licence/identity badge becomes illegible for any reason, the licence holder shall apply to the Council as soon as is reasonably practicable for a replacement.
7. The licence holder's identity badge shall remain the property of the Council at all times. Within seven days of the occurrence of any of the following, the licence holder shall return said identity badge to the Licensing Authority:
 - a) If the licence holder ceases to act for any reason for the unexpired period of their licence;
 - b) the licence is suspended, revoked or varied by the Council ;**
 - c) the licence expires and no application for renewal of said licence is made; or
 - d) any other reason upon reasonable request by the Licensing Authority.
8. The stance from which a licence holder trades shall be positioned in a place whereby no danger shall or be likely to arise to any member of the public at any time.
9. **The stance from which a street trader hawks, sells or offers or exposes for sale their goods requires to be moved daily at the end of trading**
10. The licence holder shall trade only from the stance specified in the licence.
11. The licence holder shall provide a bin or other suitable receptacle for the deposit of litter. Said bin/receptacle shall be placed within a reasonable distance from the stance in a place that is easily accessible by members of the public.
12. **The licence holder shall, as so required during trading hours and upon the terminal hour each day, collect and remove any paper, garbage or other refuse which may be produced, or may accumulate in the course of trading and shall not place or deposit same, allow same to be placed or deposited or to fall on any street, foot pavement or footway or adjoining property.**
13. The licence holder shall operate only on the days and hours of operation as specified in the licence. On the terminal hour of trading, where it is reasonable and practical to do so, the stance shall be dismantled and removed by the licence holder.
14. The licence holder shall carry out their street trading activity in a public place in a manner that does not at any time cause any type of obstruction, nuisance or annoyance to any member of the public or affect their safety in any way.

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15. The licence holder shall comply with any reasonable instruction given by a relevant person in relation to his/her street trading activity.
16. The licence holder shall exercise their trade only within the area(s) specified in their licence.
17. The licence holder shall not commence their street trading activity until all necessary consents have been applied for and obtained from the Council and/or any other relevant body.
18. Where applicable, the licence holder shall comply at all times with the provisions of the Code of Practice on **Noise** from Ice-Cream Van Chimes etc, 1982, issued under Section 71 of the Control of Pollution Act 1974.
19. Where a licence is granted in respect of food in terms of section 39(4) of the Act, then, prior to subsequent renewal of that licence, the licence holder shall ensure that the stance to which the licence relates is inspected by an authorised person(s) from the Council's **Environmental Health Service**. Any recommendation(s)/direction(s) made subsequent to that inspection shall be implemented by the licence holder within the specified time frame.
20. Where applicable, a licence holder shall ensure that any STT (Street Trader) number allocated to their stance by the Council's **Environmental Health Service** is painted on said stance in a position that can be conveniently and easily read by members of the public and shall be no less than five (5) centimetres both in height and breadth.
21. **(previous condition 21 to be revoked) New Condition :-**
A licence holder who changes his name or address shall, within fourteen days of the said change, notify the Licensing Authority in writing and shall produce to them his/her licence who shall endorse thereon the particulars of such change(s).
22. If, throughout the duration of the licence, a licence holder is convicted of any offence, they shall, within fourteen days of said conviction, notify the Licensing Authority in writing of that conviction.

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Our Ref. DR/KA/Oct17/001
 Your Ref.
 Contact Kevin Abercrombie
 Email KAbercrombie@aberdeencity.gov.uk
 Direct Dial (01224) 523886
 Direct Fax

11 October 2017

Lynn Jess May
 Licensing
 Legal and Democratic Services
 Aberdeen City Council
 Business Hub 6
 Marischal College
 AB10 1AB

**Communities, Housing and
 Infrastructure**

Aberdeen City Council
 Business Hub 11
 Marischal College
 Aberdeen
 AB10 1FY

Tel 01224 523886
www.aberdeencity.gov.uk

Dear Lynn

Street Traders Licence Conditions - Removing Traders from Stances

With reference to the Licensing Committee's meeting on the 12 September 2017 and the associated proposal that the current condition 9 be reviewed, I would comment as follows.

It would be unreasonable and impractical to request that street traders remove their occupations at the end of each trading day, merely to re-establish their pitch prior to trading on the following day. Each pitch is assessed and approved by the Traffic Management Section of Aberdeen City Council to ensure that there are no safety issues in terms of location, visibility and accessibility. There is the potential that if a trader is required to vacate their pitch, it may be unavailable subsequently if other vehicles park within the pre-approved footprint. This may lead to traders setting up as close to their existing pitch as possible, potentially in locations that are unsuitable, or unsafe.

The only way to ensure that the pitch could be retained for the use of the trader would be to formally designate the section of carriageway as 'restricted parking' (similar to Blue Badge spaces). This however would have a significant cost implication to the trader.

The introduction of any restriction(s) would require a Traffic Regulation Order (TRO) to be processed, along with associated road markings and signage. Currently, TRO's cost £2000 each, and can take up to nine months to approve. Temporary Traffic Regulation Orders (TTRO's) can be introduced in the interim period, but these would still incur a cost of £1650.00. Signage and road markings required to make the restrictions enforceable would merely add to the overall cost.

There would also be issue with the enforcement of the pitches. As the majority of these pitches are located within Industrial Estates, with limited or no restrictions on the carriageway, any rogue parking encountered by the City Warden Service which prevented the trader from establishing their pitch, would only serve to impact on the

BERNADETTE MARJORAM – INTERIM DIRECTOR



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revenue as generated by the affected trader(s)' as there would be a time delay in removing the offending vehicle(s).

Yours sincerely

Kevin Abercrombie

Road works Co-ordination Team Leader

Aberdeen City Council

From: Andrew Jones
Sent: 17 October 2017 12:53
To: Lynn Jess May
Cc: Andy Campbell
Subject: RE: Report to Licensing Committee - Variation of Street Trader Licence Conditions

Hi Lynn,

Andy and I have discussed this and I can confirm I am in agreement with the comments that Andy has set out below. I have no further comments to add but would certainly welcome the opportunity to comment on any future individual applications for street trader licenses where these involve the sale of food close to schools.

Regards,

Andrew

Andrew Jones
Service Manager, Assets & Finance
Education & Children's Services
Aberdeen City Council
Business Hub 13
Second Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

From: Andy Campbell
Sent: 17 October 2017 12:39
To: Lynn Jess May
Cc: Andrew Jones
Subject: RE: Report to Licensing Committee - Variation of Street Trader Licence Conditions
Importance: High

Hi Lynn,

Thank you for giving me the opportunity to comment on the proposed variation to the conditions for Street Trader licenses. I appreciate the legal position and how this has come about from the case law you shared. I appreciate that this would make it very difficult for our Licensing Committee not to amend our conditions in line with the case law, but from a health and wellbeing perspective, I feel that recognition has to be taken on the negative impact that allowing street traders to site their businesses within proximity to our schools may have on the intended improved health outcomes for our young people.

The following are the pieces of legislation which are in place for food in schools:

- *Schools (Health Promotion and Nutrition) (Scotland) Act 2007*
- *The Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008*

The following are supplementary pieces of guidance which govern how we have approached health and wellbeing in schools since the early 2000's and further guidance which helped local authorities implement the above referenced legislation:

- *Hungry for Success – A whole school approach to school meals in Scotland (2003)*
 - *The vision was for a partnership between children/young people, school, family and the community in offering access to attractively presented food of an appropriate nutrient composition within schools and in developing a wider understanding of food, nutrition and healthy lifestyles which can inform children's choices and eating habits within and outwith school and throughout life. The belief was that children/young people should not feel stigmatised at school meal times for any reason.*
- *Healthy Eating in Schools – A guide to implementing the Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008*
- *Better Eating, Better Learning – A new context for school food (2014)*
 - *This guidance is the work of an expert working group. The working group's remit was to refresh the guidance on school food and food education to build on the progress made since Hungry for Success in 2003.*

All of the above legislation and guidance is in place not only to ensure the quality and nutritional content of the food we give our young people whilst at school is of the quality they need to grow and learn, but to equip them with the knowledge to make good food and wider health choices as they move toward adulthood, with the knock on effects being felt by the wider public sector in terms of long term health outcomes.

I'd be happy if you are able to include some of the above commentary in your report and I will try and make it along to committee for this agenda item, in case any members wish to ask any questions specifically around the impact I've highlighted.

Going forward, I would appreciate if both Andrew Jones and I could be consulted on any specific applications for siting food businesses near our schools, assuming that the changes to conditions are approved on the 7th November.

Many thanks,

Andy

From: Lynn Jess May
Sent: 27 September 2017 15:39
To: Andy Campbell
Subject: Report to Licensing Committee - Variation of Street Trader Licence Conditions

Hi Andy

I now attach for consultation the draft report due to be considered by the Licensing Committee at their meeting on 7 November 2017. The Committee has agreed to consult on varying some of the standard conditions attached to Street Trader Licences.

As these proposed variations to the conditions could have implications for your service and the street traders involved I would be obliged to receive your comments on this report by 17 October 2017.

I also attach a memo inviting you to attend the Committee on 7 November as a consultee to this variation procedure, in terms of paragraph 10 of schedule 1 to the Civic Government (Scotland) Act 1982. As a consultee in this process you require to be given an opportunity to be heard at the Committee meeting in order to express your views on the proposed variation. As stated in the memo you are also welcome to submit representations in writing if you wish before the meeting. Written responses can be received at any time up to the date of the meeting but if possible, in order to attach them to the report prior to the agenda being published, I would be grateful if I could have your response/representation by 17 October at the latest.

I look forward to hearing from you.

Thanks

Lynn

Kind Regards

Lynn May | Solicitor | Licensing | Legal and Democratic Services | Corporate Governance | Aberdeen City Council | Business Hub 6 | Level 1 South | Marischal College | Broad Street | Aberdeen | AB10 1AB |

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To: Andy Campbell

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I look forward to hearing from you.

Thanks

Lynn

Kind Regards

Lynn May | Solicitor | Licensing | Legal and Democratic Services | Corporate Governance | Aberdeen City Council | Business Hub 6 | Level 1 South | Marischal College | Broad Street | Aberdeen | AB10 1AB |

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MEMO

Protective Services

Communities, Housing and Infrastructure

Business Hub 15 ,3rd Floor South ,

Marischal College

To	Litigation & Licensing , Legal & Democratic Services , Corporate Governance , Business Hub 6, Level 1 South, Marischal College		
From	Andrew Gilchrist		
Email	agilchrist@aberdeencity.gov.uk	Date	6/10/17
Tel.	01224 522720	Our Ref.	ST amends
Fax.		Your Ref.	

Civic Government (Scotland) Act 1982 Variation of Street Trader Licence Conditions

Thank you for the invitation to comment on the Street Trader Licence Conditions.

I do not believe there is a need for major changes and therefore confine my recommendations to the following:-

Additional suggested conditions

1)Where gas powered equipment is used , the licence holder will have a valid document certifying that the equipment has been examined by an appropriately qualified Gas Safe registered person and deemed to be safe for use,

2) Where coffee making machines are used which include a pressure system for operation , the licence holder will have a valid document certifying that the equipment has been examined by a competent person and deemed to be safe to use.

Amendment of current conditions

3)Condition18. – amend ,”Noises” to”Noise”,

4) Conditions 19,20 – amend “Environmental Services” to “Environmental Health”.

I trust that the above will be given due consideration by the Committee.

Andrew Gilchrist

Principal Environmental Health Officer

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From: Ernie Scholes
Sent: 18 October 2017 11:23
To: Licensing
Subject: Review of street traders policies meeting,

Dear Lynn,

Thank you for your letter concerning a meeting on Tuesday 7th Nov. 2017.

I am really sorry, but I will be out of the country for that week, on holiday booking ref-
:. If you require further confirmation on this please contact me for full details.

I hereby respond to the following-: condition 21, I do not sell food goods of any kind, therefore this condition does not affect me, so I do not object to any changes/ amendments.

Cond. 2, I do not, nor intend to employ any children of any age, so I have no objection to any amendments to children's bylaws.

Cond. 7b, I do not condone the open sale of weapons of any kind, and therefore would welcome any tightening of restrictions.

Cond. 9, I am sorry, but after scanning several times, I cannot see any difference to this condition and the proposed replacement.

Cond. 11 + 14, I ensure I remove all litter from/around my designated area, and do not oppose any amendment.

I hope I have supplied you with all the relevant information you require, If not then please contact me further with specific detail.

Thank you Ernie Scholes

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Zhuqin Chen

Wok on the Road

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

19th October 2017

Dear Sirs,

Ref: Wok on the Road, Howemoss Drive, Dyce. [REDACTED]

With regards to your communication of 13th October 2017 regarding proposals to vary the standard conditions for street trader licenses, I find that I must object strongly to the proposed amendment to Condition 9, namely 'The stance from which a street trader hawks, sells or offers or exposes for sale their goods requires to be moved daily at the end of trading'. This is entirely impractical for me for the following reasons:-

- 1) It would require a suitable towing vehicle to be available, which I don't have
- 2) The trailer would require an overnight storage area, which I don't have
- 3) It would take considerable time to move and set up at the start of the day and then disassemble at the end of the day
- 4) My pitch would be unlikely to be left available in the mornings due to parked cars and even if available, would require a considerable length of clear kerb space to be able to tow the trailer into position (i.e. towing vehicle + trailer + clearance).
- 5) I work on my own but would need assistance to move and set up the trailer

Furthermore, the congestion caused by all of Aberdeen's street traders moving their vans/trailers each morning and evening, during rush hours, would severely affect the flow of traffic on Aberdeen's roads.

If this condition were to be enforced I would find my position untenable and my livelihood severely threatened.

I sincerely hope that you can find your way to revoke this condition

Yours Faithfully

[REDACTED]

Zhuqin Chen

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