

LICENSING COMMITTEE

ABERDEEN, 21 August 2018. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Reynolds, Convener; and Councillors Allan, Bell, Delaney, Henrickson (as substitute for Councillor McRae), Catriona Mackenzie, Nicoll (as substitute for Councillor Townson) and Sellar.

The agenda and reports associated with this minute can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=6275&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.

URGENT BUSINESS

1. The Committee noted that there were no items of urgent business.

EXEMPT BUSINESS

2. The Committee noted there were no items of exempt business.

CONFIDENTIAL BUSINESS

3. The Committee was advised that the applications listed at item 9 on the agenda were to be heard in private and treated as confidential information in terms of Section 50(A)(3)(b) of the Local Government (Scotland) Act 1973

The Committee resolved:

to note that applications/requests to be heard in private and treated as confidential information in terms of Section 50(A)(3)(b) of the Local Government (Scotland) Act 1973 were listed at item 9 on the agenda.

DECLARATIONS OF INTEREST

4. There were no declarations of interest.

REQUESTS FOR DEPUTATION

5. The Committee noted that there were no requests for deputation.

LICENSING COMMITTEE

21 August 2018

MINUTES OF PREVIOUS MEETINGS OF 5 JUNE AND 9 JULY 2018

6. The Committee had before it the minutes of its meetings of 5 June and 9 July 2018 for approval.

The Committee resolved:

to approve the minutes as correct records.

MINUTES OF THE MEETINGS OF THE LICENSING SUB COMMITTEE OF 4 AND 22 JUNE 2018

7. The Committee had before it the minute of the meetings of the Licensing Sub Committee of 4 and 22 June 2018 for approval.

The Committee resolved:

to approve the minutes as correct records.

MINUTE OF THE MEETING OF THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP OF 27 JUNE 2018

8. The Committee had before it the minute of meeting of the Taxi and Private Hire Car Consultation Group of 27 June 2018.

The Committee Resolved:

- (i) to note the minute; and
- (ii) to approve the request by Mr McLeod to join the Taxi and Private Hire Car Consultation Group as the Licensed Taxi Offices representative and to instruct the Licensing Team Leader to notify all Taxi Offices of the appointed representative.

COMMITTEE BUSINESS PLANNER

9. The Committee had before it the committee business planner as prepared by the Chief Officer – Governance.

The Committee resolved:

- (i) to note that items 5 (Driver Training – Satellite Navigation) and 6 (Possible Methods of Delivery of Driver Training) had been delayed to the meeting of the Committee on 19 February 2019, in light of the Committee's decision regarding the delayed implementation of the wheelchair accessible policy;
- (ii) to note that item 7 (Sexual Entertainment Licences) had been delayed to a future meeting of the Committee as the legislation had still not been enacted, and a

LICENSING COMMITTEE

21 August 2018

- report presenting the options for consideration would be submitted once the legislation had been published; and
- (iii) to otherwise note the content of the business planner.

NOTICES OF MOTION

10. The Committee noted that there were no Notices of Motion.

REFERRALS

11. The Committee noted that there were no referrals.

CONFIDENTIAL INFORMATION

The press and public were excluded from the meeting for consideration of the applications listed in section 9 on the agenda and appendix A of the minute which contained confidential information in terms of Section 50A 3(b) of the Local Government (Scotland) Act 1973.

APPLICATION FOR LICENCES

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

The Committee resolved:-

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

APPLICATION FOR LICENCES

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

The Committee resolved:-

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

LICENSING COMMITTEE

21 August 2018

TAXI DEMAND SURVEY - GOV/19/070

14. With reference to (1) article 14 of the minute of the meeting of the Licensing Committee of 28 April 2017; and (2) article 10 of the minute of the meeting of the Licensing Committee of 13 June 2017, the Committee (a) received a presentation from Iain MacDonald, LVSA, in relation to the results of the taxi demand survey; and (b) had before it a report by the Chief Officer – Governance which presented the 2018 Taxi Demand Survey which also included a Private Hire Overprovision Assessment and a Review of Taxi Rank provision in Aberdeen.

The report recommended:-

that the Committee –

- (a) note the results and recommendations of the Survey;
- (b) agree that there was currently no evidence of significant unmet demand for the services of taxis in Aberdeen and therefore no need to increase the limit on the number of taxi licences;
- (c) agree that there was no evidence of the overprovision of private hire cars in the locality of the City of Aberdeen and therefore no need to introduce a cap on private hire car licences;
- (d) instruct the Chief Officer-Governance to consult on an informal basis with the Chief Officer Operations, as representative of the Council as Roads authority, the Chief Constable, Police Scotland, and the Taxi and Private Hire Car Consultation Group regarding the suggestion for establishing new taxi ranks at Upperkirkgate and Guild Street and discuss the under use of the ranks at St Andrews Street and Dee Street; and
- (e) instruct the Chief Officer-Governance, to discuss with the Taxi and Private Hire Car Consultation Group, measures which could encourage more of the licensed vehicle fleet to operate during unsocial hours and which would help to address limitations in provision during such hours.

The Committee resolved:

- (i) to approve recommendations (a), (b), (c) and (e); and
- (ii) instruct the Chief Officer-Governance to consult on an informal basis with the Chief Officer Operations, as representative of the Council as Roads and Planning authority, the Chief Constable, Police Scotland, the Taxi and Private Hire Car Consultation Group, and the Disability Equity Partnership regarding the suggestion for establishing new taxi ranks at Upperkirkgate and Guild Street and discuss the under use of the ranks at St Andrews Street and Dee Street.

REVIEW OF POLICY ON MEDICAL STANDARDS FOR TAXI AND PRIVATE HIRE CAR DRIVERS

15. With reference to Appendix A, article 3 of the minute of the meeting of the Licensing Committee of 6 February 2018, the Committee had before it a report by the Chief Officer – Governance which sought the Committee's approval that that the current

LICENSING COMMITTEE

21 August 2018

policy on medical standards applied by Aberdeen City Council to applicants for taxi and private hire car drivers' licences, was fit for purpose.

The report recommended:-

that the Committee agree that the current policy on medical standards applied to applicants for taxi and private hire car drivers' licences, namely DVLA Group 2 Medical Standards, was fit for purpose.

The Committee resolved:

to approve the recommendation.

- **Councillor John Reynolds, Convener.**

DRAFT

LICENSING COMMITTEE

21 August 2018

APPENDIX A**1. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE
Application Reference 9/01**

The Committee had before it (1) an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 1 September 2018; and (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 29 March 2018.

The applicant was not in attendance, however was represented by Mr Graham Murray, solicitor.

Mr Murray spoke in support of his client's application.

Inspector Kenny McGeough was in attendance and spoke in support of Police Scotland's letter of objection.

The Committee asked questions of Mr Murray and Inspector McGeough.

Inspector McGeough and Mr Murray both summed up.

The Committee resolved:

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

**2. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference 9/02**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 1 October 2018 and to date a medical report from the Council's Occupational Health provider confirming the applicant met the DVLA Group 2 standards had not been received.

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

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

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

LICENSING COMMITTEE

21 August 2018

The Committee resolved:

to defer consideration of the application to allow a medical report from the Council's new Occupational Health Provider to be received and to agree that should the applicant meet the Group 2 DVLA medical criteria, the Chief Officer - Governance could grant the application under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Sub Committee for consideration.

**3. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference 9/03**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 29 September 2018 and to date a medical report Council's Occupational Health provider confirming the applicant met the DVLA Group 2 standards had not been received.

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

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

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

The Committee resolved:

to defer consideration of the application to allow a medical report from the Council's Occupation Health provider to be received and to agree that should the applicant meet the Group 2 DVLA medical criteria, the Chief Officer - Governance could grant the application under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Sub Committee for consideration.

**4. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference 9/04**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 26 September 2018 and to date a medical report Council's Occupational Health provider confirming the applicant met the DVLA Group 2 standards had not been received.

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

LICENSING COMMITTEE

21 August 2018

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

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

The Committee resolved:

to defer consideration of the application to allow a medical report from the Council's new Occupational Health Provider to be received and to agree that should the applicant meet the Group 2 DVLA medical criteria, the Chief Officer - Governance could grant the application under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Sub Committee for consideration.

**5. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference 9/05**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 22 September 2018 and to date a medical report Council's Occupational Health provider confirming the applicant met the DVLA Group 2 standards had not been received.

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

The applicant was not in attendance, nor represented.

The Committee resolved:

to refuse the application.

**6. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference 9/06**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 28 September 2018 and to date a medical report Council's Occupational Health provider confirming the applicant met the DVLA Group 2 standards had not been received.

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

The applicant was not in attendance, nor represented.

LICENSING COMMITTEE

21 August 2018

The Committee resolved:

to defer consideration of the application to allow a medical report from the Council's Occupation Health provider to be received and to agree that should the applicant meet the Group 2 DVLA medical criteria, the Chief Officer - Governance could grant the application under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Sub Committee for consideration.

**7. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference 9/07**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 26 August 2018 and to date a medical report Council's Occupational Health provider confirming the applicant met the DVLA Group 2 standards had not been received.

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

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

The Committee asked questions of the applicant.

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

The Committee resolved:

- (i) to refuse the application;
- (ii) to agree that should the applicant meet the Group 2 DVLA medical criteria following receipt of a further medical report this would result in a material change of circumstance and therefore a new application could be processed for the applicant; and
- (iii) should the applicant submit a new application, to agree to waive the fee for that single application and the requirement for the applicant to undertake a street knowledge test.

**8. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference 9/08**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 20 September 2018 and to date a medical report

LICENSING COMMITTEE

21 August 2018

Council's Occupational Health provider confirming the applicant met the DVLA Group 2 standards had not been received.

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

The applicant was not in attendance, nor represented.

The Committee resolved:

to defer consideration of the application to allow a medical report from the Council's new Occupational Health Provider to be received and to agree that should the applicant meet the Group 2 DVLA medical criteria, the Chief Officer - Governance could grant the application under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Sub Committee for consideration.

9. REQUEST FOR EXEMPTION FROM THE STREET KNOWLEDGE TEST

Application Reference 9/09

The Committee had before it an information sheet prepared by the Chief Officer – Governance which advised that the applicant sought exemption from the street knowledge test.

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

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

The Committee asked questions of the applicant.

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

The Committee resolved:

to agree to waive the requirement for the applicant to undertake a street knowledge test on the basis of the individual circumstances.

LICENSING COMMITTEE
21 August 2018

APPENDIX B

1. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - FLAT 1, 438 UNION STREET, ABERDEEN**
Application Reference 10/01

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

2. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - FLAT 2, 438 UNION STREET, ABERDEEN**
Application Reference 10/02

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

3. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - FLAT 3, 438 UNION STREET, ABERDEEN**
Application Reference 10/03

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

4. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 10C POWIS CIRCLE, ABERDEEN**
Application Reference 10/04

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

5. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 157 CORNHILL DRIVE ABERDEEN**
Application Reference 10/05

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

LICENSING COMMITTEE

21 August 2018

**6. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 180 FOREST AVENUE ABERDEEN
Application Reference 10/06**

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

The applicant, Ms Jules Lancaster, was not in attendance, however was represented by Mr Chris Minchin, Winchesters Lettings Limited, who spoke in support of the application.

The respondent, Ms Elizabeth Lindsay, was not in attendance, nor represented.

The Committee asked questions of the applicant's representative.

The applicant's representative did not take up the opportunity to sum 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.

**7. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - TOP FLOOR FLAT, 35 KINGS CRESCENT ABERDEEN
Application Reference 10/07**

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

Mr Thain, Private Sector Housing Manager, advised that one letter of representation had been received from Old Aberdeen Heritage Society beyond the statutory time period within which such letters must be received. 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.

There was no representative from Old Aberdeen Heritage Society in attendance.

The Committee resolved:-

that the letter of representation by Old Aberdeen Heritage Society should not be introduced into the proceedings.

The applicant, Ms Norma Dey, Dey Properties Limited, was in attendance and spoke in support of the application.

LICENSING COMMITTEE

21 August 2018

The timely respondents, Mr Richard and Mrs Teresa Harwood, were not attendance, nor represented.

The Committee asked questions of the applicant.

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

The Committee resolved:

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

8. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION -
29 MIDDLEFIELD PLACE, ABERDEEN**
Application Reference 10/08

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

The applicant, Ms Judith Minty, was not in attendance, however was represented by Ms Jane Mullen, Contempo Property, who spoke in support of the application. Ms Mullen was accompanied by Mr Chris Minchin.

The respondent, Ms Lesley Bilton-Cruickshank, was not in attendance, nor represented.

The Committee asked questions of the applicant's representative.

The applicant's representative did not take up the opportunity to sum 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.

9. **APPLICATION FOR THE GRANT OF A STREET TRADER'S LICENCE -
STEPHEN COLLIE**
Application Reference 10/09

The Committee had before it an information sheet prepared by the Chief Officer - Governance 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 2018, and to date the applicant had not provided a copy of the required Certificate of Compliance.

LICENSING COMMITTEE

21 August 2018

The applicant, Mr Stephen Collie, was in attendance and spoke in support of the application.

The Committee asked questions of the applicant.

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

The Committee resolved:

to defer consideration of the application to allow a Certificate of Compliance to be received and to agree that should a certificate be received, the Chief Officer - Governance could grant the application under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Sub Committee for consideration.

10. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE - GARY BORLAND**Application Reference 10/10**

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

11. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE - JAMES HUTCHISON**Application Reference 10/11**

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

12. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE - DOUGLAS INGLIS**Application Reference 10/12**

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

13. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE - CHRISTOPHER DOUGLAS**Application Reference 10/13**

The Committee noted that the application had been withdrawn.

LICENSING COMMITTEE

21 August 2018

**14. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE - GENADIJS JUDINS
Application Reference 10/14**

The Committee had before it an information sheet prepared by the Chief Officer - Governance in respect of the application which advised that the application had been placed on the agenda as it required to be determined by 9 October 2018, and to date the applicant had not passed the required street knowledge test.

The applicant was not in attendance, however was represented by Ms Evita Judina, who spoke in support of the application.

The Committee asked questions of the applicant's representative.

The applicant's representative did not take up the opportunity to sum up.

The Committee resolved:
to refuse the application.

**15. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE - MARCO'S, BELMONT STREET
Application Reference 10/15**

The Committee had before it (1) an information sheet prepared by the Chief Officer - Governance in respect of the application which advised that the application had been placed on the agenda as it required to be determined by 18 January 2019, and (2) a representation from Environmental Health, Aberdeen City Council, dated 15 August 2018.

The applicant, Mr Behroz Hamedi, was in attendance, and spoke in support of the application.

The respondent, Ms Alison Robertson, Environmental Health Officer, was in attendance and spoke in support of the representation.

The Committee asked questions of the applicant and the respondent.

Neither the applicant, nor the respondent, took up the opportunity to sum up.

The Committee resolved:
to defer consideration of the application to the next meeting of the Committee on 30 October 2018 to enable a report from Environmental Health to be received.

LICENSING COMMITTEE

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