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To: Councillor Reynolds, Convener; Councillor Malik, Vice Convener; and Councillors Allan, Bell, Delaney, Henrickson, Catriona Mackenzie, Sellar and Townson.

Town House,
ABERDEEN 12 April 2019

LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 23 APRIL 2019 at 10.00 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

B U S I N E S S

NOTIFICATION OF URGENT BUSINESS

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

DETERMINATION OF EXEMPT BUSINESS

- 2.1 There are no items of exempt business at this time.

CONFIDENTIAL BUSINESS

- 3.1 Items of confidential business are listed at item 8 on the agenda.

DECLARATIONS OF INTEREST

- 4.1 Members are requested to intimate any declarations of interest (Pages 5 - 6)

DEPUTATIONS

- 5.1 No deputations have been received at this time.

MINUTES AND COMMITTEE BUSINESS PLANNER

- 6.1 Minute of Previous Meeting of 19 February 2019 – for approval (Pages 7 - 18)
- 6.2 Minute of the Meeting of the Taxi and Private Hire Car Consultation Group of 27 March 2019 - for information (Pages 19 - 24)
- 6.3 Committee Business Planner (Pages 25 - 28)

APPLICATIONS FOR LICENCES - INCLUDING LIST OF APPLICATIONS

- 7.1 Grant of a Licence for a House in Multiple Occupation - Top Floor flat, 35 Kings Crescent, Aberdeen (Pages 31 - 32)
- 7.2 Grant of a Licence for a House in Multiple Occupation - 9 St. Margaret's Place, Aberdeen (Pages 33 - 34)
- 7.3 Application for a Public Charitable Collection - Sport Aberdeen, Queens Links, Aberdeen (Pages 35 - 36)
- 7.4 Application for the Grant of a Temporary Taxi Operator's Licence - Allan Ross (Pages 37 - 38)
- 7.5 Application for the Grant of a Taxi Operator's Licence - Allan Ross (Pages 39 - 40)
- 7.6 Application for the Renewal of a Private Hire Driver's Licence - Stephen Smith (Pages 41 - 42)
- 7.7 Application for the Grant of a Taxi Operator's Licence - Michael McLeod (Pages 43 - 44)

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.

- 8.1 Application for the Grant of a Special Events Private Hire Car Driver's Licence (Pages 47 - 48)

- 8.2 Application for the Grant of a Special Events Private Hire Car Operator's Licence (Pages 49 - 50)
- 8.3 Request to Lift a Taxi Driver Licence Suspension (Pages 51 - 52)
- 8.4 Request for Exemption from Policy (Pages 53 - 56)
- 8.5 Request for Exemption from Policy (Pages 57 - 60)

COMMITTEE REPORTS

- 9.1 Application for Taxi Rank at TECA (Pages 61 - 72)
- 9.2 Public Entertainment Resolution (Pages 73 - 80)

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DECLARATIONS OF INTEREST

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.

LICENSING COMMITTEE

ABERDEEN, 19 February 2019. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Reynolds, Convener; and Councillors Allan, Bell, Delaney, Henrickson, Macdonald (as a substitute for councillor Malik, Vice Convener), Catriona Mackenzie, Sellar and Townson.

The agenda and reports associated with this minute can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MIId=6278&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.

EXEMPT BUSINESS

1. The Convener proposed that the Committee consider item 9.1 (Application for a Licence for a House in Multiple Occupation) with the press and public excluded.

The Committee resolved:-

in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, the Committee to exclude the press and public from the meeting during consideration of item 9.1 (Application for a Licence for a House in Multiple Occupation), so as to avoid disclosure of information of the class described in the paragraph 12 of Schedule 7(A) to the Act.

CONFIDENTIAL BUSINESS

2. The Committee was advised that the applications/requests listed at item 8 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 8 on the agenda.

DECLARATIONS OF INTEREST

3. There were no declarations of interest declared at this stage of the meeting.

LICENSING COMMITTEE

19 February 2019

MINUTE OF PREVIOUS MEETING OF 11 DECEMBER 2018

4. The Committee had before it the minute of its meeting of 11 December 2018 for approval.

The Committee resolved:

to approve the minute as a correct record.

MINUTE OF THE MEETING OF THE LICENSING SUB COMMITTEE OF 18 JANUARY 2019

5. The Committee had before it the minute of the meeting of the Licensing Sub Committee of 18 January 2019 for approval.

The Committee resolved:

to approve the minute as a correct record.

COMMITTEE BUSINESS PLANNER

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

The Committee resolved:

to note the committee business planner.

APPLICATIONS FOR LICENCES

7. 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.

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.

LICENSING COMMITTEE

19 February 2019

APPLICATIONS FOR LICENCES - CONFIDENTIAL BUSINESS

8. 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.

In accordance with the decision recorded under article 1 of this minute, the following item of business was considered with the press and public excluded.

APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION

9. With reference to article 7, Appendix B, of the minute of the meeting of the Licensing Committee of 11 December 2018, the Committee had before it a report by the Private Sector Housing Manager which provided an update on in respect of a licence for a house in multiple occupation at 139 Forest Avenue, Aberdeen previously considered by the Committee.

The report recommended:-

that the Committee agree to rescind the decision of the Committee on 11 December 2018 in respect of the application detailed in the report for the reasons outlined.

The Committee resolved:

to approve the recommendation.

REVIEW OF PUBLIC ENTERTAINMENT RESOLUTION - GOV/19/181

10. The Committee had before it a report by the Chief Officer – Governance which (1) advised of a review of the Resolution of venues and activities requiring a Public Entertainment Licence as a result of legislative changes; and (2) sought approval of the updated Resolution for issuing for consultation.

The report recommended:-

that the Committee –

- (a) approve the updated Resolution for venues and activities requiring a Public Entertainment Licence as contained at appendix 1 and instruct the Chief Officer (Governance) to publish the terms of the proposed Resolution and invite representations in line with the statutory requirements as detailed at section 3.2; and
- (b) instruct the Chief Officer - Governance to report back to the Committee at its meeting on 23 April 2019 with the results of the consultation exercise.

LICENSING COMMITTEE

19 February 2019

The Committee resolved:

to approve the recommendations.

TAXI DRIVER TRAINING - GOV19/179

11. With reference to article 12 of the minute of the meeting of the Licensing Committee of 12 September 2017 and article 12 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 provided an update regarding potential customer service training for taxi drivers, including the operation of a satellite navigation system.

The report recommended:-

that the Committee note the contents of the report and agree not to proceed with any formal training programme at present.

The Committee resolved:

- (i) to approve the recommendation; and
- (ii) to agree to instruct the Chief Officer – Governance to continue to investigate training programmes for taxi and private hire drivers and report back to the Committee in this regard as and when appropriate.

TAXI DEMAND SURVEY - TAXI RANK REVIEW - GOV/19/180

12. With reference to article 14 of the minute of the meeting of the Licensing Committee of 21 August 2018, the Committee had before it a report by the Chief Officer – Governance which advised of the results of an informal consultation with Police Scotland, the Council's Road's service and the Taxi and Private Hire Car Consultation Group on suggestions for new taxi ranks at Upperkirkgate and Guild Street and the future of the ranks at St Andrew's Street and Dee Street.

The report recommended:-

that the Committee note the result of the informal consultation of the report and to agree not to proceed with any action at present.

The Committee resolved:

to approve the recommendation.

- Councillor Reynolds, **CONVENER**

LICENSING COMMITTEE

19 February 2019

APPENDIX A

1. **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 61
LESLIE ROAD, ABERDEEN**
Application Reference 7/01

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

2. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 503
KING STREET, ABERDEEN**
Application Reference 7/02

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

3. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 19
LILYBANK PLACE, ABERDEEN**
Application Reference 7/03

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

4. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 1
LILYBANK PLACE, ABERDEEN**
Application Reference 7/04

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

5. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 12
WOODLANDS WALK, CULTS, ABERDEEN**
Application Reference 7/05

One of the joint applicants, Mr William Miller, was in attendance, and was accompanied by Ms Marlene Ogston, Geraghty-Gibb Property Management.

The Committee heard individually from the four the respondents all who were present, namely: Mr Hopkins, Mr George and Ms Murray-George, Mrs Fong and Ms Gillanders. Each of the respondents spoke in support of their letters of representation.

LICENSING COMMITTEE

19 February 2019

The Committee then heard from the applicant, Mr Miller, in support of the application.

The Committee asked questions of the respondents and applicant.

Each of the respondents summed up.

The applicant summed up.

The Convener moved, seconded by Councillor Delaney:-
that the Committee refuse the licence on the grounds that the property was not suitable for occupation as an HMO as a result of its location.

Councillor Townson moved, seconded by Councillor Catriona Mackenzie, as an amendment:-
that the Committee grant the licence.

On a division, there voted:- for the motion (3) – the Convener; and Councillors Bell and Delaney; for the amendment (6) – Councillors Allan, Henrickson, Macdonald, Catriona Mackenzie, Sellar and Townson.

The Committee resolved:
to adopt the amendment.

6. **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 13 ROSLIN TERRACE, ABERDEEN**
Application Reference 7/06

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

The applicant, Mr Andrew House, was not in attendance, however was represented by his agent, Ms Anna Munro, Stewart Property Services.

The respondent, Ms Una Sutherland, was in attendance and spoke in support of her representation.

The Committee then heard from the applicant's representative, Ms Munro, in support of the application.

The Committee asked questions of the applicant and respondent.

The respondent summed up.

The applicant's representative summed up.

LICENSING COMMITTEE

19 February 2019

The Committee resolved:-
to grant the licence.

7. REQUEST FOR EXEMPTION FROM THE AGE OF VEHICLES POLICY – MR FLORIN MACHEDON
Application Reference 7/07

The Committee had before it an information sheet prepared by the Chief Officer - Governance in respect of the request which advised that the applicant was seeking exemption from the Age of Vehicle policy.

The applicant, Mr Florin Machedon, was in attendance and spoke in support of his request and explained why his vehicle should be exempt from the Age of Vehicle policy.

The Committee asked questions of the applicant.

The applicant summed up.

The Committee resolved:

to agree to exempt the vehicle from the Age of Vehicle policy on the basis of the individual circumstances.

8. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE - MR NNAMID CHUKWUMA EZIKE
Application Reference 7/08

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

9. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE – MR WILLIAM FYVIE
Application Reference 7/09

The Committee noted that the application had been withdrawn.

LICENSING COMMITTEE
19 February 2019

APPENDIX B

1. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE
Application Reference 8/01

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 27 April 2019; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 29 November 2018.

The applicant was in attendance, accompanied by his solicitor, who spoke in support of his 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 and the applicant's representative both summed up.

The Committee resolved:

to grant the licence with the condition that the previous licence holder was not permitted to be on the premises during the hours of operation of the late hours licence.

2. APPLICATION FOR THE GRANT OF A TEMPORARY TAXI DRIVER'S LICENCE
Application Reference 7/02

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 20 May 2019; and (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 10 December 2018.

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett and the applicant's representative both summed up.

LICENSING COMMITTEE

19 February 2019

The Committee resolved:

to refuse the licence.

**3. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE
Application Reference 7/03**

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 20 May 2019; and (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 10 December 2018.

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett and the applicant's representative both summed up.

The Committee resolved:

to refuse the licence.

DECLARATIONS OF INTEREST

During consideration of the following item of business, the Convener and Councillors Delaney and Townson declared an interest in relation to this item by virtue of having previously considered a matter in respect of the applicant which was now to be the subject of court proceedings. All three Councillors withdrew from the meeting.

Councillor Allan took the chair for this item of business only.

**4. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE
Application Reference 7/04**

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 20 June 2019; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 18 January 2019.

LICENSING COMMITTEE

19 February 2019

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett and the applicant's representative both summed up.

The Committee resolved:
to refuse the licence.

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LICENSING COMMITTEE
19 February 2019

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TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP

ABERDEEN, 27 March 2019. Minute of Meeting of the TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP. Present:- Councillor Reynolds, Chairperson; ; and Councillor Sandy Stuart (as a substitute for Councillor McRae); and John Clark (Unite the Union), Chris Douglas (Aberdeen Taxis), Stewart Duncan (Airport Taxis), Graeme McColl (Aberdeen Taxi Group), Roy McHardy (GMB) and Russell McLeod (Rainbow City Taxis).

In attendance:- Sheila Barclay and William Whyte (Fleet Services), John Clark (Unite the Union), David McKane, Lynn May and Sandy Munro (Licensing), Sean Cremer (Finance), Derek Jamieson and Allison Swanson (Committee Services) and PC Steve Sharp (Police Scotland).

MINUTE OF MEETING OF 3 OCTOBER 2018 - FOR APPROVAL

1. The Consultation Group had before it the minute of its previous meeting of 3 October 2018.

The Taxi and Private Hire Car Consultation Group resolved:
to approve the minute.

ENFORCEMENT OFFICER REPORT

2. The Consultation Group had before it a report which provided an overview of the activity of the Enforcement Officers regarding taxi enforcement operations since the previous meeting.

Speaking in furtherance of the report, the Enforcement Officer requested that all drivers review the wording of the notice in their vehicles regarding credit/debit card charges to ensure that the wording was compliant with legislation. The Consultation Group then had an extensive discussion regarding the number of taxis accepting card payments, and the advantages and disadvantages of making acceptance of card payments mandatory. During the discussion there was a view that it should be policy that all drivers had to accept all forms of payment. In response, Mrs Lynn May, solicitor, advised that the Licensing Team was currently reviewing conditions, however at present accepting card payment could not be enforced on drivers. They would encourage all drivers to accept all payment methods but, at this time, this was an individual business decision for each driver.

Thereafter, Mr William Whyte, Fleet Manager, confirmed that wheelchair equipment in vehicles accessible vehicles was being checked at the start of the vehicle test.

The Consultation Group also discussed the decline in the number of licenced drivers, in particular the % of licences held by drivers over the age of 50 and the impact on the trade in the future if this was not addressed. It was agreed that this was a matter for the trade to discuss and Graeme McColl agreed to arrange a meeting for the trade for this purpose.

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP
27 March 2019

The Taxi and Private Hire Car Consultation Group resolved:

to note the update.

APPLICATION FOR TAXI RANK AT TECA - SUBMITTED BY LICENSING

3. The Consultation Group had before it an information note by the Licensing Team which advised that Aberdeen City Council as Licensing Authority had received an application from SMG Europe Holdings Ltd to establish a permanent taxi rank at The Events Complex Aberdeen (TECA).

The note explained that before the Authority could appoint any new taxi rank it had to carry out a formal consultation which had to include representatives of taxi operators in the area. A report seeking approval to commence the formal consultation process would be considered by the Licensing Committee at its meeting on 23 April 2019. If approved, the consultation would commence and the responses received would be reported back and considered by the Licensing Committee at a later date. The Consultation Group's initial comments regarding the proposal was sought at this time.

The Group was supportive of the proposal and hoped that the taxi rank would be approved by the Licensing Committee and in operation for TECA opening.

The Taxi and Private Hire Car Consultation Group resolved:

to support the proposal to establish a permanent taxi rank at The Events Complex Aberdeen (TECA) and should the Licensing Committee on 23 April 2019 agree to commence the formal consultation on the proposal to encourage the trade to respond to this.

OFFSHORE EUROPE TAXI CONCESSION - SUBMITTED BY RUSSELL MCLEOD, TAXI BOOKING OFFICES

4. The Consultation Group had before it a request from Mr Russell McLeod that the Consultation Group discuss concessions for taxi licensing during Offshore Europe week 2019.

The Group was in favour in principle of the Licensing Committee relaxing the condition zoning the city for the purposes of taxi operation at city centre taxi ranks for the duration of Offshore Europe week 2019, and permit airport zone taxis to pick up at city ranks, as well as any taxi rank that might be established at TECA for the purpose of Offshore Europe should the formal taxi rank at TECA not have been established by that time.

The Taxi and Private Hire Car Consultation Group resolved:

to note that the trade would submit a request to relax the condition zoning the city for the purposes of taxi operation at city centre taxi ranks for the duration of Offshore Europe week 2019 (the dates and time to be specified in the request), and to permit

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP
27 March 2019

airport zone taxis to pick up at city ranks, as well as any taxi rank established at TECA for the purpose of Offshore Europe should there not be a formal taxi rank at TECA established by that time, for consideration by the Licensing Committee.

TAXIS AND PRIVATE HIRE VEHICLES USE OF THE BUS GATE (RIGHT TURN) ENTRY TO TECA SITUATED ON A96 INVERURIE ROAD - SUBMITTED BY RUSSELL MCLEOD, TAXI BOOKING OFFICES

5. The Consultation Group had before it a request from Mr Russell McLeod to discuss taxi and private hire vehicles potential use of the bus gate (right turn) entry to TECA situated on the A96 Inverurie Road.

The Consultation Group heard from Ms Lynn May, Legal Services, who advised that the establishment of bus gates was a matter for the Council's Operational Development Committee, rather than the Licensing Committee. However, she could advise that the Council's roads section was working on proposals for the introduction of bus gates in the vicinity of TECA and, at this time, the intention was to implement the same access as with all bus gates in the city, i.e. to allow taxis only to use the bus gates and therefore private hire vehicles would not have access. Private hire cars would access with general traffic via the main entrance on Dyce Drive.

The Consultation Group discussed the proposal that public private hire vehicles would not have access to the bus gates at TECA, during which they highlighted that this would mean the exclusion of 228 private hire cars. Members were concerned of the impact of this on the service available to the public and noted that any representation on this matter would need to be made directly to the Chief Officer – Operations and Protective Services.

The Taxi and Private Hire Car Consultation Group resolved:
to note the information.

VULNERABILITY THROUGH INTOXICATION - SUBMITTED BY THE LICENSING TEAM WITHIN POLICE SCOTLAND NORTH EAST DIVISION

6. The Consultation Group had before it an information note from the Licensing Team within Police Scotland North East Division which (1) advised of the work carried out within the city by Police Scotland in the past few months in relation to vulnerability through intoxication and (2) explained that Police Scotland were seeking the support of the Consultation Group to continue to promote this message and what they could do to help keep people safe.

PC Steve Sharp advised that the campaign highlighted the need for enhanced awareness of intoxication and associated vulnerability and that provisions to deal with such situations are in place to support a person perceived to be vulnerable or unable to

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP
27 March 2019

take reasonable care of themselves. Videos to support the campaign were available for Members to view on Youtube.

Members welcomed the information and requested that the information be circulated separately to Members to enable this to be cascaded to drivers.

The Taxi and Private Hire Consultation Group resolved:

to note the information and to request PC Steve Sharp to circulate information about the vulnerability through intoxication campaign to the Consultation Group to enable the information to be cascaded to drivers.

ABERDEEN GRAMPIAN CHAMBER OF COMMERCE VANGUARD PROJECT - SUBMITTED BY FINANCE

7. The Consultation Group heard from Sean Cremer, who advised of Aberdeen Grampian Chamber of Commerce's Vanguard project which was working with volunteers towards creating a bright future for the Aberdeen City Region.

He provided an overview of the Vanguard project and explained that there were three main project themes, namely:

1. Tourism – exploring how to get local people to become tourists in their own area and creating a package to attract the millennial weekend audience.
2. City Centre – considering how to inject pace into existing activities and further develop the Union Street brand.
3. Regional narrative – looking at work being undertaken to talk up the North-east, encompassing talent attraction and retention; cultural ambitions and making our city region a 'cool' place.

Mr Cremer explained that the Group had developed promotional material and were keen to work with all sectors who welcomed tourists/visitors to the city to improve customer experience and ensure a consistent welcome to the city regardless how they arrived. In this regard, he advised that the Group would like to liaise with the taxi and private hire car trade in providing a welcoming experience for all.

The Consultation Group were supportive of the project and agreed to cascade information to drivers from the Project. In addition to the brochure currently produced, Members suggested that a pocket sized map would be welcomed by visitors as this had previously proved successful during Offshore Europe week. The Group also highlighted that a digital platform containing all visitor information would be useful for the trade to sign post visitors to.

The Taxi and Private Hire Car Consultation Group resolved:

to note the information.

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP
27 March 2019

MEETING DATES 2019

8. The Consultation Group noted that the meeting dates for the rest of 2019 were:
- 26 June 2019 at 10am
 - 9 October 2019 at 10am

Both meetings would be held in the Town House, Broad Street, Aberdeen.

The Taxi and Private Hire Car Consultation Group resolved:
to note the meeting dates for 2019 as recorded above.

- Councillor John Reynolds, **CHAIRPERSON.**

DRAFT

TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP
Wednesday, 27 March 2019

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	A	B	C	D	E	F	G	H	I
1	LICENSING COMMITTEE BUSINESS PLANNER The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.								
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate		Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
3	23 April 2019								
4	Public Entertainment Licence Resolution	The Licensing Committee on 19/2/19 agreed to (a) approve the updated Resolution for venues and activities requiring a Public Entertainment Licence as contained at appendix 1 and instruct the Chief Officer (Governance) to publish the terms of the proposed Resolution and invite representations in line with the statutory requirements as detailed at section 3.2; and (b) instruct the Chief Officer - Governance to report back to the Committee at its meeting on 23 April 2019 with the results of the consultation exercise.	A report is on the agenda.	Sandy Munro	Governance	Governance	7		
5	Application for Taxi Rank at TECA	To seek approval to commence the formal consultation process.	A report is on the agenda.	Lynn May	Governance	Governance	3		
6	04 June 2019								
7	Annual Committee Effectiveness Report	To present the annual effectiveness report for the Committee.			Governance	Governance	GD7.5		
8	20 August 2019								
9	No reports scheduled at this time.								
10	29 October 2019								
11	No reports scheduled at this time.								
12	03 December 2019								
13	No reports scheduled at this time.								
14	TBC								
15	Taxi Fare Formula	Licensing Committee 25.10.16 article 5 and 9 - The Committee resolved amongst other things to 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.	Will be reported in January 2020	Lynn May	Governance	Governance	3		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate		Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
16	Age Policy For Private Hire And Taxi Vehicles	Licensing Committee 08.03.16 (article 3 appendix A) - Council on 11 May 2016 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.	Report to be submitted 12 months after the implementation of the accessible vehicle policy.	Sandy Munro	Governance	Governance	7		
17	Mixed Fleet Policy Options	Licensing Committee 5.03.18 (article 12). The Committee resolved to recognise that in compliance with The Equality Act 2010 that all taxi user requirements should be considered and instructs the Chief Officer Governance: (1) to prepare a report with suitable mixed fleet policy options for the split which would address all customer needs whether they are a wheelchair user, visually impaired or have other mobility requirements or other relevant disability; (2) to submit the aforementioned options to the Licensing Committee meeting by June 2022 for consideration, noting that subject to the approval in principle of the options a full consultation as outlined in section 4.2 of the report would be undertaken and the outcome reported back to the Committee; and (iv) to further recognise that in 1994 when new applications for taxi licences were required to be wheelchair accessible vehicles an exemption was allowed for existing licence holders, at that time, to retain a non-accessible vehicle and even licence a further non-accessible vehicle on renewal of the licence or replacement of such vehicle and to agree that this exemption should remain meantime and instructs the Chief Officer Governance to incorporate this exemption as an option within the proposed mixed fleet policy options to be submitted to Committee by June 2022.		Sandy Munro	Governance	Governance	7		
18	Sexual Entertainment Licences	To present options for consideration in light of new legislation. The Licensing Committee in August 2018 noted that the Legislation has still not been enacted and that a report presenting the options for consideration will be submitted once the legislation has been published.	Report pending legislation.	Alexander Munro	Governance	Governance	3		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate		Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
19	Taxi Driver Training	Licensing Committee 19/2/19 agreed to instruct the Chief Officer – Governance to continue to investigate training programmes for taxi and private hire drivers and report back to the Committee in this regard as and when appropriate.		Alexander Munro	Governance	Governance	3		

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LICENSING COMMITTEE
23 April 2019
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 (New)	Dey Properties Ltd	Top floor flat, 35 Kings Crescent, Aberdeen	HMO Team, Private Sector Housing Unit	20 May 2019	31 - 32
2.	HMO Application (New)	Archway (Respite Care and Housing) Ltd	9 St.Margaret's Place, Aberdeen	HMO Team, Private Sector Housing Unit	20 May 2019	33 - 34
3.	Public Charitable	Sport Aberdeen	Queens Links, Aberdeen	Legal (Policy)	N/A	35 - 36
4.	Taxi Operator (Temp grant)	Allan Ross	HF13 LZT	Legal (Exemption from policy)	12/08/2019	37 - 38
5.	Taxi Operator (Grant)	Allan Ross	HF13 LZT	Legal (Exemption from policy)	12/08/2019	39 - 40
6.	Private Hire Car Driver (Renewal)	Stephen Smith	N/A	Legal (Street Knowledge Test & Right To Work)	14/05/2019	41 - 42
7.	Taxi Operator	Michael McLeod	T342 FE12 XGH	Legal (No Hackney Pass)	30/04/2019	43 - 44

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LICENSING COMMITTEE INFORMATION SHEET

23 April 2019

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (NEW)

APPLICANT: DEY PROPERTIES LIMITED

ADDRESS: 35 KINGS CRESCENT, ABERDEEN (TOP FLOOR FLAT)

INFORMATION NOTE

The Licensing Committee previously considered this HMO licence application on 21 August 2018 as a result of 2 objections having been submitted to the HMO Unit. The objectors did not attend the meeting, nor were they represented, and the Licensing Committee resolved to grant the HMO licence under delegated powers as soon as all work & certification requirements had been met. The objectors have no right of appeal to the Sheriff Court.

At the date of drafting this Information Note, the property is still not suitable for occupation as an HMO for the reasons that 1) the accommodation does not meet the requirements of the statutory HMO guidance, and 2) a Local Authority Certificate of Completion has not been granted. The meeting of the Licensing Committee on 23 April 2019, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the above-mentioned requirements have not been completed by the day of the Committee, and the application has not been withdrawn, the Committee are requested to consider the application. If the Committee are minded to refuse the application, they must do so at the meeting on 23 April 2019. I will advise the Committee of the up-to-date position during the Committee meeting.

DESCRIPTION

The premises at No.35 Kings Crescent, Aberdeen, is a top-floor flat occupying the whole floor of the tenement. The applicant obtained a Building Warrant to alter the layout of the flat and when the works are complete, the accommodation will comprise of one public room, one kitchen/dining room, one shower-room and 3 letting bedrooms. The applicant has requested an occupancy of 4 tenants, which is acceptable in terms of space and layout when the works are complete.

COMMITTEE GUIDELINES/POLICY

All applications for HMO licences are dealt with in accordance with the Scottish Government's document:
'Licensing of Houses in Multiple Occupation: Statutory Guidance for Scottish Local Authorities'

GROUNDS FOR REFUSAL

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

LICENSING COMMITTEE INFORMATION SHEET

23 April 2019

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (NEW)

APPLICANT: ARCHWAY (RESPITE CARE AND HOUSING) LIMITED

ADDRESS: 9 ST.MARGARET'S PLACE, ABERDEEN

INFORMATION NOTE

At the date of drafting this Information Note, the property is not suitable for occupation as an HMO for the reasons that 1) the accommodation does not meet the requirements of the statutory HMO guidance, and 2) a Local Authority Certificate of Completion has not been granted. The meeting of the Licensing Committee on 23 April 2019, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the above-mentioned requirements have not been completed by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 23 April 2019. I will advise the Committee of the up-to-date position during the Committee meeting.

DESCRIPTION

The premises at No.9 St.Margaret's Place, Aberdeen, is a detached bungalow which was purchased by the charity for conversion to a 4-bedroomed house to accommodate 4 adults with learning difficulties. Once conversion works are complete, the accommodation will comprise of one kitchen/dining/livingroom, one bathroom, one shower-room, one storeroom and 4 bedrooms. The applicant has requested an occupancy of 4 tenants, which is acceptable in terms of space and layout when the works are complete.

CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- A public Notice of HMO Application was displayed outside the building for the 21-day statutory period, alerting the general public to the HMO licence application.

OBJECTIONS/REPRESENTATIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- General public – no objections

COMMITTEE GUIDELINES/POLICY

All applications for HMO licences are dealt with in accordance with the Scottish Government's document:
'Licensing of Houses in Multiple Occupation: Statutory Guidance for Scottish Local Authorities'

GROUNDS FOR REFUSAL

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

LICENSING COMMITTEE INFORMATION SHEET

23 April 2019

INFORMATION NOTE

Public Charitable Collection
 Applicant: Sport Aberdeen
 Day and date: Sunday 05 May 2019.

This item has been placed on the agenda because the applicant is seeking to hold a public charitable collection, a Street Collection on a Sunday which is outwith the Committee's guidelines.

DESCRIPTION

Public Charitable Collection

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

Street collections are permitted every Monday, Thursday and Saturday and every day in December except Sundays and Public Holidays.

GROUNDS FOR REFUSAL

A local authority may refuse to grant permission under this section on any of the following grounds—

(a) that the date, time, frequency or area of the collection would cause undue public inconvenience;

(b) that another collection in respect of which permission under this section has been granted or which is exempt is due to take place on the same or a proximate day;

(c) that it appears to them that the amount likely to be applied for charitable purposes in consequence of the collection is inadequate having regard to the likely amount of the proceeds of the collection;

(d) that the organiser of the collection has been convicted of an offence under [section 5](#) of the [Police, Factories, etc. \(Miscellaneous Provisions\) Act 1916](#) or the [House to House Collections Act 1939](#) , or of any other offence which involves dishonesty or the commission of which would be likely to be facilitated by the grant of permission under this section or under [Part III](#) of the [Charities Act 1992](#) or regulations made under [section 73](#) of that Act

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LICENSING COMMITTEE INFORMATION SHEET

23 April 2019

INFORMATION NOTE

Applicant: Allan Ross
 Applications submitted 13/02/2019
 To be determined by 12/08/2019

The applicant previously held a taxi operator licence until 31/08/2018 when it lapsed and was not renewed.

The vehicle the applicant wishes to licence is not a WAV as required by Committee's policy for new grants.

In addition, the vehicle is a body-type which is not permitted under the vehicle policy (an SUV) due to its unsuitability as a taxi (this vehicle was previously licensed from 01/11/2017 due to an error at the Taxi Inspection Centre- current procedures now prevent this).

Furthermore, the vehicle is more than 5 years old which is against the current age of vehicles policy (first registered 01/03/2013).

DESCRIPTION

Taxi Operator Grant and Temporary

CONSULTEES

Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

Committee policy states that all new grants of a taxi operator licence must provide a WAV (from 1994 onwards).

Committee's policy with regard to vehicle types states-
 The following vehicle types are allowable as licensed Taxis-

- **Saloon Car (min 4 doors and 4 passenger seats)**
- **Estate Car (derived from a saloon only- min 4 doors and 4 passenger seats)**
- **MPV (8 passenger seats or less)**

Note- the three options above are only permitted where an existing licence has been in force before 1994.

- **WAV (Must meet current WAV specifications)**

Committee policy with regard to the Age of Vehicles states-

- **Accessible taxi vehicles must be 10 years old or less at first licensing and at substitution.**
- **All other taxi vehicles must be 5 years old or less at substitution.**
- **Private hire car vehicles must be 5 years old or less at first licensing and at substitution.**

LICENSING COMMITTEE INFORMATION SHEET

23 April 2019

INFORMATION NOTE

Applicant: Allan Ross
Applications submitted 13/02/2019
To be determined by 12/08/2019

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In addition, the vehicle is a body-type which is not permitted under the vehicle policy (an SUV) due to its unsuitability as a taxi (this vehicle was previously licensed from 01/11/2017 due to an error at the Taxi Inspection Centre- current procedures now prevent this).

Furthermore, the vehicle is more than 5 years old which is against the current age of vehicles policy (first registered 01/03/2013).

DESCRIPTION

Taxi Operator Grant and Temporary

CONSULTEES

Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

Committee policy states that all new grants of a taxi operator licence must provide a WAV (from 1994 onwards).

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- **Private hire car vehicles must be 5 years old or less at first licensing and at substitution.**

LICENSING COMMITTEE INFORMATION SHEET

23 April 2019

INFORMATION NOTE

Applicant: Stephen Smith- PHD259
Renewal application submitted 15/11/2018
To be determined by 14/05/2019

The applicant has not passed the street knowledge test as required by Licensing committee policy.

To date he has sat the test on three occasions and failed all three. This is the maximum number of attempts allowable under the current policy for those PHC drivers who had not yet passed the test.

In addition, the applicant has not provided evidence of his right to work or live in the UK.

DESCRIPTION

Private Hire Car Driver – Renewal

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

All applicants for a Private Hire Car Driver licence must pass street knowledge test

All applicants must provide evidence of their right to work or live in the UK.

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

23 April 2019

INFORMATION NOTE

Applicant: Michael McLeod Licence: T342
Application submitted 31/10/2018
Must be determined by 30/04/2019

Vehicle FE12 XGH has not passed a hackney as required under Licensing Committee policy (one of the 2 required tests must be passed around the renewal date of the licence) and Taxi Licence Condition 5.

In addition, the licence holder has breached Section 11 (1) of the Civic Government (Scotland) Act 1982 by not producing the vehicle for testing as required by the Local Authority.

As the safety and condition of the vehicle cannot be confirmed, the licence renewal cannot be granted.

DESCRIPTION

Renewal Taxi Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

A licensed vehicle must pass 2 hackney tests per year, one of which must be around the date of the licence renewal, as per Licensing Committee policy. Taxi Licence condition 5 requires that a vehicle be tested twice per year. Section 11(1) of Civic Government (Scotland) Act 1982 requires a licence holder to produce a vehicle for inspection as required by the Local Authority.

GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

and otherwise shall grant the application.

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ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	23 April 2019
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Application for Taxi Rank at TECA
REPORT NUMBER	GOV/19/229
DIRECTOR	
CHIEF OFFICER	Fraser Bell
REPORT AUTHOR	Lynn May
TERMS OF REFERENCE	3.

1. PURPOSE OF REPORT

To advise the Committee of a request from SMG Europe Holdings Limited to establish a new permanent taxi rank at The Events Complex Aberdeen (TECA).

2. RECOMMENDATION(S)

That the Committee:-

2.1 considers the request from SMG Europe Holdings Limited for a new permanent taxi rank at TECA (A copy of the request is attached at Appendix 1); and

2.2 subject to approval of the request contained at recommendation 2.1, instructs the Chief Officer Governance to undertake the formal consultation on the proposal for a new permanent taxi rank at TECA, as illustrated in Appendix 2 and 3, in terms of Section 19 of the Civic Government (Scotland) Act 1982 with

- Persons or organisations appearing to be representative of taxi operators in the area, ie. the Taxi and Private Hire Consultation Group.
- The Chief Constable, Police Scotland.
- The Public, by way of notice of the proposal in an advertisement in at least one newspaper circulating in the area giving 28 days for any objections or representations.
- Aberdeen City Council as the Roads Authority.

The outcome of this formal consultation will be reported back to the Licensing Committee at its meeting on 4 June 2019.

3. BACKGROUND

- 3.1 The Events Complex Aberdeen (TECA), is the City's new events venue and arena, which is to be operational from Summer 2019. As part of the traffic management arrangements for the site it is proposed that a new permanent Taxi Rank be appointed for a maximum of 12 taxis. It is further proposed that there will be an additional taxi drop off area adjacent to this, and a further drop of area in relation to an on-site hotel. Plans illustrating the proposed new taxi rank and drop off point are attached to this report (Appendix 2 and 3)
- 3.2 In order to consider a proposal for the formation of new Taxi Rank, the Licensing Authority require to carry out a formal consultation with persons or organisations representative of taxi operators in the area (the Taxi and Private Hire Consultation Group (TPHCG)), the Chief Constable of Police Scotland, Aberdeen City Council as Roads Authority and members of the Public by way of public advertisement in a newspaper circulating in their area. The authority require to give 28 days for representations or objections in respect of the proposal for a new rank to be submitted to them, from the day of first publication of the public notice. Any responses received to this consultation will require to be fully considered by the Licensing Authority before a final decision can be taken and any new rank appointed.
- 3.3 The 2018 Taxi Demand Survey included a review of the taxi ranks in the City. As part of that review, stakeholders were asked to identify suggestions for new taxi ranks. These suggestions were assessed for suitability with respect to nearby land uses, potential road space to locate the ranks and suitability of such potential road space, together with the likelihood of a rank space becoming established. One of the suggested locations for a new rank was the AECC, as events result in large volumes of people leaving over a short period. It therefore states that provision for taxis to rank up during such periods when large of people are leaving after events, would be helpful and enable a flexible level of service to be provided. The survey noted that the AECC was to be replaced with a new larger facility, TECA, and suggested that a dedicated facility for taxis to rank up to pick up passengers in high volume would be a prudent addition to the new conference centre.

4. FINANCIAL IMPLICATIONS

- 4.1 The approval of the recommendations will require:
- 4.1.2 The staff costs of implementing the statutory formal consultation, detailed in recommendation 2.2, will be met from within existing approved licensing budgets.
- 4.1.3 The advertising costs of the public notice in a newspaper circulating in the authorities area, detailed in recommendation 2.2, will be met from the taxi licence budgets.

4.2 With reference to paragraph 5.1.2 below, any costs for signage or lining a rank at the TECA site have been included in the construction costs, and there will be no additional cost to Aberdeen City Council as a result of appointing a taxi rank.

5. LEGAL IMPLICATIONS

5.1 Appointment of a New Taxi Rank

Section 19 of the Civic Government (Scotland) Act 1982 authorises a licensing authority to appoint, after consultation, stances for taxis for the whole or any part of a day in any road within their area or on any land owned by the authority or, with the consent of the owner, on any land owned by him. A licensing authority may also from time to time, after consultation, vary the number of taxis permitted to be at each stance and alter the position of such stances or revoke the appointment thereof.

5.1.2 Section 19 further allows a licensing authority to erect and illuminate signs, and cause lines or marks to be made on roads; indicating the limits of taxi ranks.

6. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
Financial	The costs of implementing the recommendations and/or the cost of the signs and lining a rank exceed the budget provision available.	L	Close monitoring of the costs committed to the work and the budget available. The cost of the signs and lining a rank are mitigated by prior agreement.
Legal	As per paragraph 5 above.	L	Compliance with the statutory requirements
Employee	There is no risk to employees arising from the recommendations of this report.	L	N/A
Customer	The proposal for a new Taxi rank at TECA and subsequent consultation will consider the provision of ranks/taxis for the	L	The proposal and consultation on a new taxi rank in the City at TECA will be of interest to the Citizens

	customers and citizens of Aberdeen		of Aberdeen to help improve taxi services in the City.
Environment	There is no risk to the environment arising from the recommendations of this report	L	The 2018 Taxi Demand Survey recommended there be no increase in the limit of taxi licences granted and therefore no increase in the number of vehicles using any new taxi rank. A new taxi rank and provision for public transport at TECA may offset the number of private vehicles and thus emissions from visitors.
Technology	There is no risk to technology arising from the recommendations of this report.	L	N/A
Reputational	As a licensing authority there would be a reputational risk to the Council if it failed to undertake its legal duty to carry out the statutory procedure in section 19 of the Civic Government (Scotland) Act for consideration and consultation on any proposed new taxi rank.	L	As this report is recommending that the Committee undertake the statutory formal consultation and public notice procedure in order to consider the proposal for a new taxi rank, any risk will be mitigated.

7. OUTCOMES

Local Outcome Improvement Plan Themes	
	Impact of Report
Economy	TECA is Aberdeen and Scotland's new venue and arena which will bring a huge boost to the local economy and tourism. Good traffic management, facilities and transportation links ie. a Taxi Rank, will benefit TECA, its visitors and in turn the local economy.
People	All people in Aberdeen are entitled to feel safe and protected from harm, and fully included in the life of

	the City. TECA will allow people to enjoy large events but it is necessary they enjoy these safely and can leave and disperse from these in a safe manner. Therefore a well managed taxi rank and good traffic management is required.
Place	The provision of sufficient and suitable taxi ranks are essential to the sustainable development of and investment in infrastructure necessary for commuters and visitors to the City.

Design Principles of Target Operating Model	
	Impact of Report
Customer Service Design	TECA will offer a significant event facility to the people of Aberdeen and visitors to the City. The 2018 Taxi Demand Survey had already identified that a dedicated taxi rank would be a prudent addition for the new TECA. It has further been identified that the location of a taxi rank at TECA will allow connectivity to the City's other main transport links, Aberdeen International Airport, the new AWPR and the City's railway stations. It will further assist with the overall traffic management of the TECA site, particularly at large events. The proposal suggests a rank will therefore help cater for customer need at this new venue. Formal consultation however requires to be conducted before a taxi rank can be appointed.
Partnerships and Alliances	Section 19 of The Civic Government (Scotland) Act 1982 requires a formal consultation process to be undertaken before a new taxi rank can be appointed. This includes consulting with representatives of taxi licence holders in the City and members of the public or other interested bodies, including potential customers and users of taxis and any proposed rank, by way of an advertisement in the local press. The Licensing Authority also require to consult with the Roads Authority and Police Scotland. The Licensing Authority require to consider all responses to the consultation before making a final decision, and therefore all relevant views will have been sought and considered before any rank is appointed.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	Completed and not required
Data Protection Impact Assessment	Not required
Duty of Due Regard / Fairer Scotland Duty	Not applicable

9. APPENDICES (if applicable)

- 9.1 Appendix 1 – Application Letter from TECA/SMG Europe Holdings Limited
Appendix 2 – Plan – Taxi Rank & Drop Off Point
Appendix 3 – Plan – TECA Site

11. REPORT AUTHOR CONTACT DETAILS

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

For the attention of Aberdeen Licensing Committee.

Dear Sir/Madam,

We would like for our application for a permanent taxi rank which can hold 12 taxis along with a drop off area which can hold up to 9 taxis to be in operation at The Events Complex Aberdeen (TECA) to be put forward to the April 2019 licensing board. We would request the TECA taxi rank to be operational as of the 1st of July 2019.

TECA is Scotland's brand new events venue and arena bringing the best entertainment and a world class fan experience to the North East. Replacing the Aberdeen Exhibition and Conference Centre (AECC), TECA is a £333 million development delivered by Aberdeen City Council in partnership with Henry Boot Developments. TECA is to attract an additional 4.5 million visitors, £113 million of visitor spend by 2025, to boost the local economy.

TECA is the largest ever single investment in a venue in the UK and reflects the ambition of Aberdeen City Council to diversify the local economy and brings an opportunity to add real value to the city, region and to Scotland as a whole. It boasts an impressive airport location, contemporary design and will be very eco-friendly.

TECA will offer a far more flexible and technologically advanced space than the current AECC site, enabling it to compete nationally and internationally for new events as well as broadening the appeal of the North East to business and leisure visitors from across the globe. A permanent taxi rank onsite at TECA will give our visitor's connectivity to the surrounding area namely Aberdeen International Airport, the UK's most connected regional airport, just minutes from the city's new western peripheral route, and in prime position for rail links between Aberdeen and the North of Scotland.

To assist with the overall traffic management of the site TECA will host over 2000 car parking spaces and we are in discussion with Stagecoach and First Bus to arrange bus routes to travel through the site. The taxi rank will be in use not only for TECA but also a service for the newly built Aloft and Hilton Hotel. The Hilton Hotel will also be accessible to taxis hosting a pick up and drop off area at their main entrance. With the rank being in place for the opening of TECA we can correctly manage the taxis in this area, allowing us to prohibit private hires using our rank.

The permanent taxi rank will also support the traffic management for SPE Offshore Europe will be held in September 2019. With the new venue comes new opportunities, and SPE Offshore Europe will bring around 36,000 attendees, more than 900 exhibitors from international market leaders to new innovative companies.

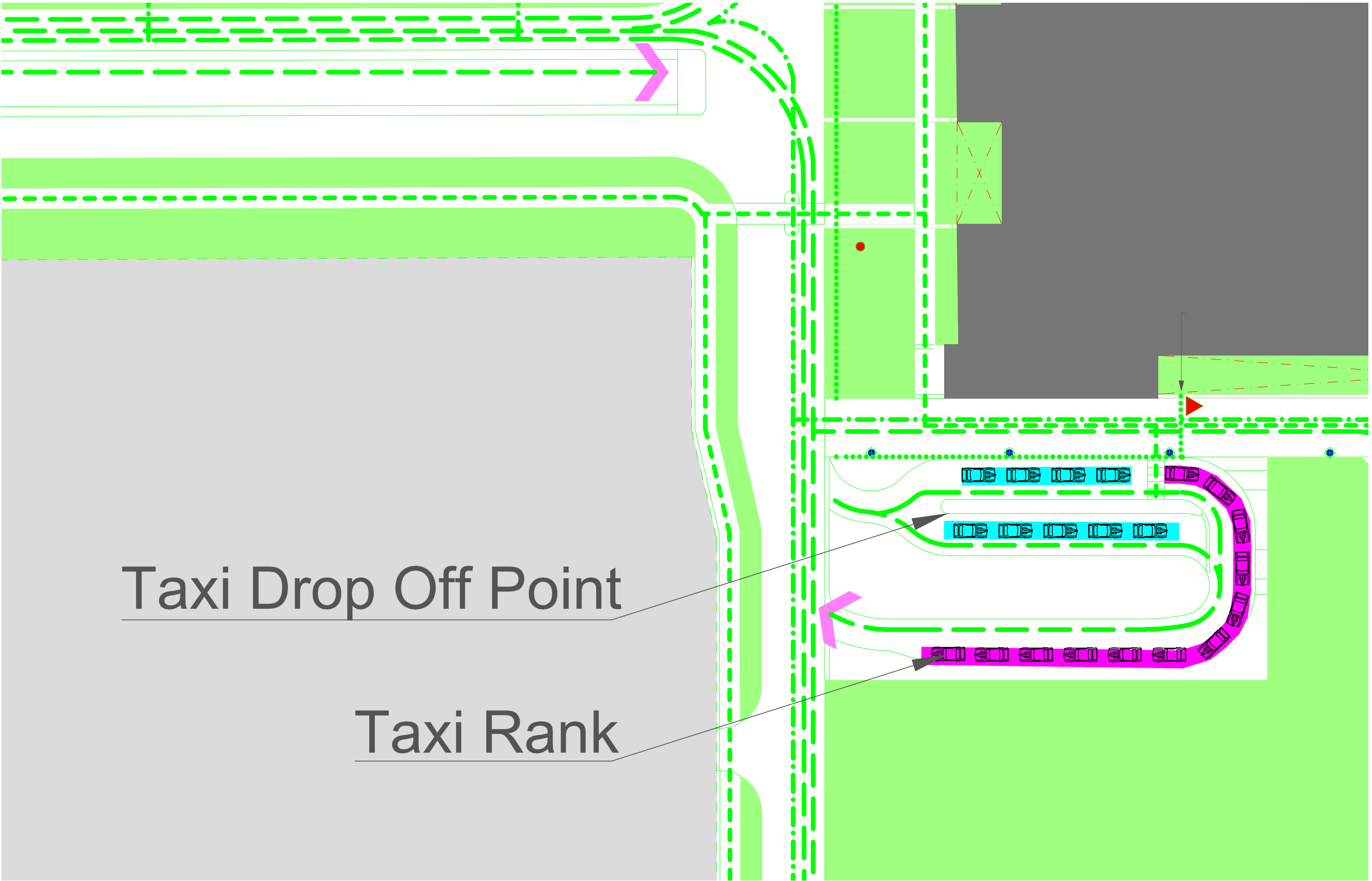
Please find enclosed two site maps showing the location of the taxi rank in detail along with the Hilton taxi pick up and drop off area.

If you have any questions or would like further details please do not hesitate to contact myself.

Yours sincerely,

General Manager
TECA on behalf of SMG Europe Holdings Limited

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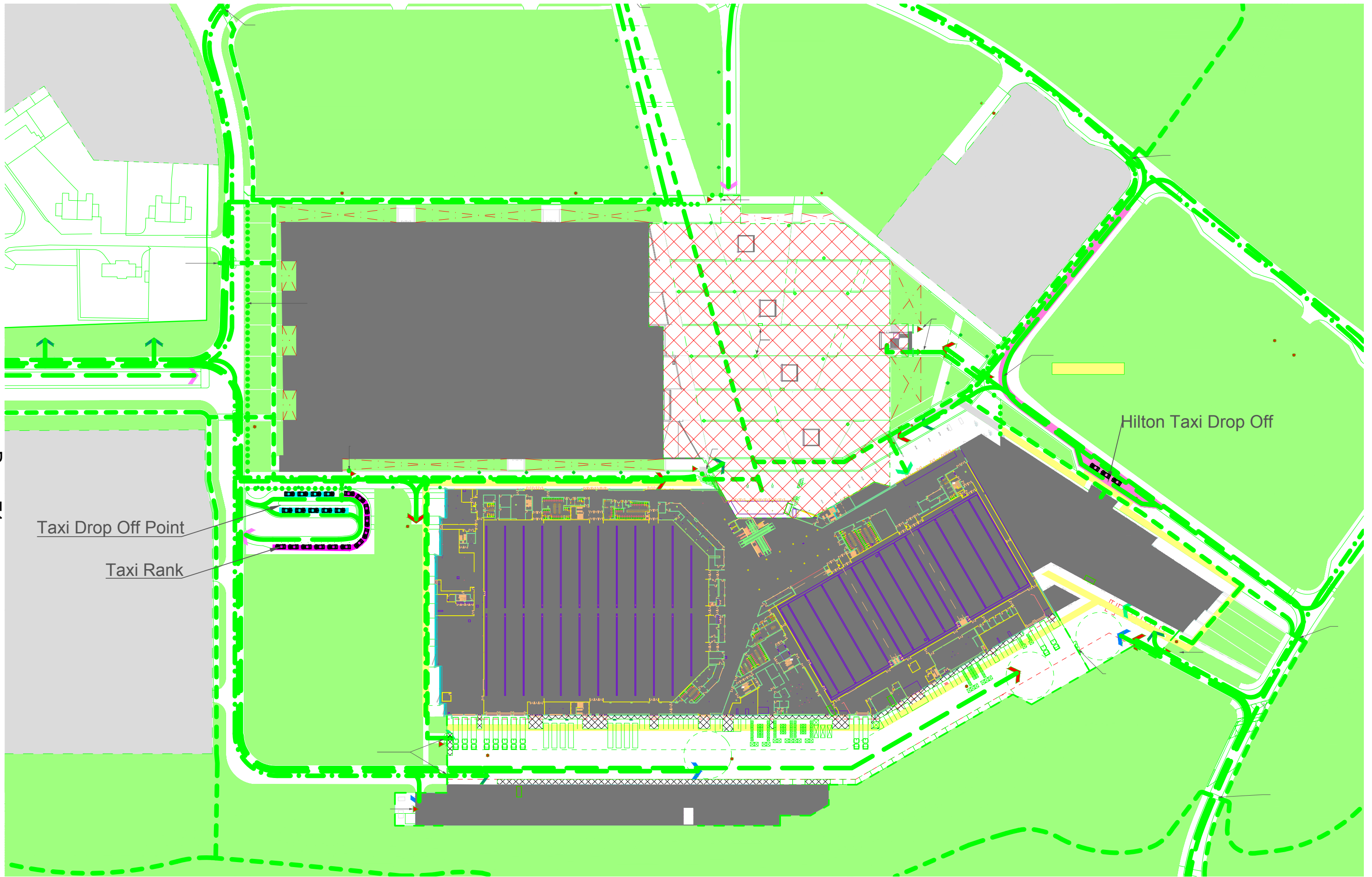


Taxi Drop Off Point

Taxi Rank

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Event Date:			Scale:	NTS
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Taxi Drop Off Point .dwg					
Event Date:		Rev Notes:		Paper Size:	A3
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ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
EXEMPT	No
CONFIDENTIAL	No
DATE	23 April 2019
REPORT TITLE	Public Entertainment Resolution
REPORT NUMBER	GOV/19/228
CHIEF OFFICER	Fraser Bell
REPORT AUTHOR	Sandy Munro
TERMS OF REFERENCE	7

1. PURPOSE OF REPORT

To present the responses to the draft Public Entertainment Licence Resolution and to seek approval to publish the notice of the final Resolution and the date on which it will come into force.

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 consider any responses received in respect of the draft Public Entertainment Licensing Resolution and agree the final Resolution for publication.
- 2.2 instruct the Chief Officer (Governance) to publish a notice of the final Resolution and the date on which it is to come into force.

3. BACKGROUND

- 3.1 The Air Weapons and Licensing (Scotland) Act 2015 (the '2015 Act') repeals the existing mandatory requirement for theatrical performances to be licensed under the Theatre Act 1968 (the "1968 Act"). It also removes the exemption for premises licensed under the 1968 Act from the Civic Government (Scotland) Act 1982 (the "1982 Act"). This means that local authorities will be able to licence theatres under the public entertainment licence requirements contained in section 41 of the 1982 Act.

- 3.2 In order to include theatres under the Public Entertainment licensing regime the Committee requires to review the Resolution for venues and activities requiring such a licence. The proposed amended Resolution requires to be published in a newspaper and representations invited within 28 days of the first publication of the notice. The Committee must then consider any representations before finalising the Resolution, at which point the finalised Resolution must be published in a newspaper with a note of the date on which it comes into effect. Such date must be no earlier than 9 months after the date of the Resolution.
- 3.3 The draft Resolution was approved by the Committee on 19 February following informal consultation with the regular consultees for Public Entertainment applications. It was published in accordance with the legislative requirements on 12 March 2019 and representations were requested by 9 April 2019. The draft resolution was also recirculated to the previous consultees and advertised via the Council’s media channels. A copy of the draft Resolution is enclosed as Appendix 1 and a note of any representations is attached as Appendix 2.

4. FINANCIAL IMPLICATIONS

- 4.1 There will be loss of revenue obtained via theatre licensing. As the Theatres Act is being repealed this is unavoidable. Some of this will be offset however by additional Public Entertainment licensing revenue if theatres and other venues/activities are added to the Public Entertainment Resolution.

5. LEGAL IMPLICATIONS

- 5.1 If the resolution is not amended to include theatres then those premises will be unlicensed once the Theatres Act 1968 is repealed.

6. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
Financial	Loss of revenue from Theatre Licences.	M	Potential for increased revenue from Public Entertainment Licences.
Legal	Theatres could become unlicensed in the event the Public Entertainment Licence resolution is not updated.	L	Regulated by other legislation in addition to licensing, such as Building Standards and Fire. Mitigated also if included in the public entertainment licence regime.

Employee	N/A		
Customer	Holders of Theatre Licences will be required to apply for a different licence.	L	Application process is broadly similar. Current licence holders will be kept updated with the change in licensing requirements.
Environment	N/A		
Technology	N/A		
Reputational	Failure to licence theatres may attract adverse publicity.	L	Recommendation is to include theatres within Public Entertainment licensing.

7. OUTCOMES

Local Outcome Improvement Plan Themes	
	Impact of Report
Prosperous People	Updating the Public Entertainment resolution ensures licensing requirements on the grounds of public safety are kept up to date and relevant. Delivery of Primary Drivers of “Safe and responsible” and “Protected from harm”.
Prosperous Place	Updating the Public Entertainment resolution ensures that all events taking place in the city do so to the required standards. Delivery of Primary Driver of “Safe and resilient communities”.

Design Principles of Target Operating Model	
	Impact of Report
Customer Service Design	Ensure licensing requirements are fit for purpose.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	Full EHRIA not required
Data Protection Impact Assessment	Not required
Duty of Due Regard / Fairer Scotland Duty	Not applicable

9. BACKGROUND PAPERS

9.1 The Air Weapons and Licensing (Scotland) Act 2015

10. APPENDICES (if applicable)

10.1 Published draft Resolution.

10.2 Consultee responses.

11. REPORT AUTHOR CONTACT DETAILS

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Proposed Public Entertainment Resolution

Notice that Aberdeen City Council intend to make the following resolution in respect of Public Entertainment Licensing. Representations can be made to licensing@aberdeencity.gov.uk no later than Tuesday 9 April 2019.

Premises/activities which require a public entertainment licence are:

- Bonfires
- Bowling Alleys
- Bungee Jumping Sites
- Church Halls (a public entertainment licence shall not be required for a church hall belonging to or occupied by any religious body while being used wholly or mainly for purposes connected with that body)
- Circuses
- Community Centres
- Concert Halls
- Dance Halls
- Discotheques
- Dry Ski Centres
- Fairgrounds – to include any event/activity which utilises funfair equipment including bouncy castles and other inflatable equipment
- Events which utilise Temporary Demountable Structures (such as marquees, tents, Inflatables, stages or platforms)
- Firework Displays
- Halls used for Voluntary Organisations
- Ice Rinks
- Concerts
- Live Band Performances
- Theatrical performances
- Musical Shows or Festivals
- Raves
- Paint Ball Games

- Laser Display
- Laser Games
- Premises for Health and Fitness including Gyms
- Public Halls
- Roller Skating Rinks
- Schools and other Educational Establishments (or parts thereof) within which the number of members of the public admitted to or taking part in any single event or activity at any one time exceeds 60
- Skateboarding
- Sports Centres
- Swimming Pools
- Vehicle Stunt Shows
- Motorsports and Rallying
- Go-karting
- Trampolining
- Highland Games
- Endurance events
- Running events with over 100 participants
- Martial sports

Appendix 2 – Responses to draft PEL Resolution:

Police Scotland

Endurance events - yes, I agree with this as this can be a public health issue and is currently poorly controlled.

Bonfires - would it be worth adding "and events involving fires, e.g. fire walking, juggling, etc"

Events which utilise Temporary Demountable Structures (such as marquees, tents, inflatables, stages or platforms) - most PEL Resolutions have a clause saying that local Fetes and Galas would not require a PEL unless it includes an activity as listed in the PEL.

So, take a local gala where no PEL is applied for currently, however under the proposed PEL if they have a tent they would need to apply for a PEL. Are Aberdeen Council going to apply such a clause also?

Environmental Health (Suggested amendments marked in red italics)

- Fairgrounds – to include any event/activity which utilises funfair equipment including *bouney castles and other* inflatable *play* equipment
- *inflatable play equipment events*
- Events which utilise Temporary Demountable Structures (*such as including* marquees, tents, Inflatables, stages or platforms)

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