

# Public Document Pack



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

Town House,  
ABERDEEN 27 May 2019

## LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 4 JUNE 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 Members are requested to determine that any exempt business be considered with the press and public excluded.

#### CONFIDENTIAL BUSINESS

- 3.1 Items of confidential business are listed at item 9 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 received at this stage

## **MINUTES AND COMMITTEE BUSINESS PLANNER**

- 6.1 Minute of Previous Meeting of 23 April 2019 - for approval (Pages 7 - 16)
- 6.2 Committee Business Planner (Pages 17 - 18)

## **APPLICATIONS FOR LICENCES - INCLUDING LIST OF APPLICATIONS**

- 7.1 Renewal of a Licence for a House in Multiple Occupation - 15 Rose Street, Aberdeen (Pages 21 - 22)
- 7.2 Renewal of a Licence for a House in Multiple Occupation - 5 St Andrew Court, Aberdeen (Pages 23 - 24)
- 7.3 Renewal of a Licence for a House in Multiple Occupation - 21A Bedford Avenue, Aberdeen (Pages 25 - 26)
- 7.4 Renewal of a Licence for a House in Multiple Occupation - 23 Frater Place, Aberdeen (Pages 27 - 28)
- 7.5 Application for a Public Charitable Collection - NHS Grampian, Westholme, Woodend Hospital, Aberdeen (Pages 29 - 30)
- 7.6 Application for a Public Charitable Collection - British Heart Foundation, Aberdeen City Centre (Pages 31 - 32)
- 7.7 Application for a Public Charitable Collection - Maggie's Aberdeen, Aberdeen Beach Area (Pages 33 - 34)

## **COMMITTEE REPORTS**

- 8.1 Licensing Committee Annual Effectiveness Report (Pages 35 - 52)
- 8.2 Application for a Taxi Rank at TECA (Pages 53 - 70)

**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.**

- 9.1 Application for the Grant of a Late Hours Catering Licence (Pages 73 - 76)
- 9.2 Application for the Renewal of a Taxi Driver's Licence (Pages 77 - 80)
- 9.3 Application for the Grant of a Taxi Driver's Licence (Pages 81 - 82)
- 9.4 Application for the Renewal of a Taxi Driver's Licence (Pages 83 - 84)

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Should you require any further information about this agenda, please contact Allison Swanson, tel 01224 522822 or email [aswanson@aberdeencity.gov.uk](mailto:aswanson@aberdeencity.gov.uk)

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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, 23 April 2019. Minute of meeting of the LICENSING COMMITTEE.  
Present: Councillor Reynolds, Convener; Councillor Malik, Vice Convener; and Councillors Allan, Henrickson, Catriona Mackenzie, Sellar, Townson and Yuill (as a substitute for Councillor Delaney).

**The agenda and reports associated with this minute can be found at:-**  
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=6279&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.**

### CONFIDENTIAL BUSINESS

1. 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

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

### MINUTE OF PREVIOUS MEETING OF 19 FEBRUARY 2019 - FOR APPROVAL

3. The Committee had before it the minute of its meeting of 19 February 2019 for approval.

**The Committee resolved:**

to approve the minute as a correct record.

### MINUTE OF THE MEETING OF THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP OF 27 MARCH 2019 - FOR INFORMATION

4. The Committee had before it the draft minute of the meeting of the Taxi and Private Hire Consultation Group meeting of 27 March 2019 for information.

**LICENSING COMMITTEE**  
23 April 2019

**The Committee resolved:**

to note the draft minute.

**COMMITTEE BUSINESS PLANNER**

5. 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**

6. 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.**

**APPLICATIONS FOR LICENCES - CONFIDENTIAL BUSINESS**

7. 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.

**APPLICATION FOR TAXI RANK AT TECA**

8. The Committee had before it a report by the Chief Officer – Governance which advised of a request from SMG Europe Holdings Limited to establish a new permanent taxi rank at The Events Complex Aberdeen (TECA).



## LICENSING COMMITTEE

23 April 2019

### **The report recommended:-**

that the Committee

- (a) consider the request from SMG Europe Holdings Limited for a new permanent taxi rank at TECA as attached at Appendix 1;
- (b) subject to the approval of the request contained at recommendation (a), instruct 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, i.e. 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 the formal consultation would be reported back to the Licensing Committee at its meeting on 4 June 2019.

### **The Committee resolved:**

- (i) to accept the request from SMG Europe Holdings Limited for a new permanent taxi rank at TECA as attached at Appendix 1;
- (ii) to instruct 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, i.e. 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.
- (iii) to note that the outcome of this formal consultation would be reported back to the Licensing Committee at its meeting on 4 June 2019.

## **PUBLIC ENTERTAINMENT RESOLUTION**

9. With reference to article 10 of the minute of the meeting of the Licensing Committee of 19 February 2019, the Committee had before it a report by the Chief Officer – Governance which presented the responses to the draft Public Entertainment Licence Resolution and sought approval to publish the notice of the final Resolution and the date on which it would come into force.

**LICENSING COMMITTEE**

23 April 2019

**The report recommended:-**

that the Committee

- (a) consider the responses received in respect of the draft Public Entertainment Licensing Resolution and contained at appendix 10.2 and approved the draft published Resolution as contained at appendix 10.1 as the final Resolution for publication; and
- (b) instruct the Chief Officer (Governance) to publish a notice of the final Resolution and the date on which it was to come into force.

**The Committee resolved:**

- (i) to note the responses received in respect of the draft Public Entertainment Licensing Resolution and contained at appendix 10.2 and to approve the draft published Resolution as contained at appendix 10.1 as the final Resolution for publication; and
- (ii) to instruct the Chief Officer (Governance) to publish a notice of the final Resolution and the date on which it was to come into force.

- Councillor Reynolds, **CONVENER**

**LICENSING COMMITTEE**  
23 April 2019

**APPENDIX A**

1. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – TOP FLOOR FLAT, 35 KINGS CRESCENT, ABERDEEN**  
**Application Reference 7/01**

The Committee noted that the licence had been withdrawn.

2. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 9 ST. MARGARET’S PLACE, ABERDEEN**  
**Application Reference 7/02**

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

3. **APPLICATION FOR A PUBLIC CHARITABLE COLLECTION – SPORT ABERDEEN, QUEENS LINKS, ABERDEEN**  
**Application Reference 7/03**

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 been placed on the agenda as the applicant was seeking to hold a public charitable collection on a Sunday which was outwith the Committee’s guidelines.

The applicant, Sport Aberdeen, was not in attendance, nor represented.

**The Committee resolved:**

to agree that the application be exempt from the Public Collection Policy and to instruct the Chief Officer – Governance to process it accordingly.

4. **APPLICATION FOR THE GRANT OF A TEMPORARY TAXI OPERATOR’S LICENCE - MR ALLAN ROSS**  
**Application Reference 7/04**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that (1) the application had to be determined by 12 August 2019; and (2) the applicant had requested exemption from the following policies: Wheelchair Accessible Vehicle, Age of Vehicle and Type of Vehicle.

The applicant, Mr Allan Ross, was in attendance, accompanied by his wife.

**LICENSING COMMITTEE**

23 April 2019

**The Committee resolved:**

to agree that the application be exempt from the following policies: Wheelchair Accessible Vehicle, Age of Vehicle and Type of Vehicle on the basis of the individual circumstances and to instruct the Chief Officer – Governance to process it accordingly.

**5. APPLICATION FOR THE GRANT OF A TAXI OPERATOR'S LICENCE - MR ALLAN ROSS**  
**Application Reference 7/05**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that (1) the application had to be determined by 12 August 2019; and (2) the applicant had requested exemption from the following policies: Wheelchair Accessible Vehicle, Age of Vehicle and Type of Vehicle.

The applicant, Mr Allan Ross, was in attendance, accompanied by his wife.

**The Committee resolved:**

to agree that the application be exempt from the following policies: Wheelchair Accessible Vehicle, Age of Vehicle and Type of Vehicle on the basis of the individual circumstances and to instruct the Chief Officer – Governance to process it accordingly.

**6. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE - MR STEPHEN SMITH**  
**Application Reference 7/06**

The Committee noted that the application had been withdrawn.

**7. APPLICATION FOR THE GRANT OF A TAXI OPERATOR'S LICENCE - MR MICHAEL MCLEOD**  
**Application Reference 7/07**

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

**LICENSING COMMITTEE**  
23 April 2019

**APPENDIX B**

1. **APPLICATION FOR THE GRANT OF A SPECIAL EVENTS PRIVATE HIRE  
CAR DRIVER'S 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 5 July 2019; and (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 8 February 2019.

The applicant was not in attendance, nor represented.

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

**The Committee resolved:**

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

2. **APPLICATION FOR THE GRANT OF A SPECIAL EVENTS PRIVATE HIRE  
CAR OPERATOR'S LICENCE**  
**Application Reference 8/02**

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 5 July 2019; and (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 8 February 2019.

The applicant was not in attendance, nor represented.

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

**The Committee resolved:**

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

**LICENSING COMMITTEE**

23 April 2019

**3. REQUEST TO LIFT A TAXI DRIVER'S LICENCE SUSPENSION****Application Reference 8/03**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the request that the licence holder's suspension be lifted.

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

**The Committee resolved:**

to lift the suspension of the licence holder's taxi driver's licence on the basis of a material change of circumstances.

**4. REQUEST FOR EXEMPTION FROM POLICY****Application Reference 8/04**

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 requesting exemption from the Wheelchair Accessible Vehicle Policy.

The applicant was in attendance, accompanied by his trade union representative who spoke in support of the request.

The Committee asked questions of the applicant.

The applicant's representative summed up.

**The Committee resolved:**

to approve the request for exemption of the licence holder's vehicle under licence T807 from the Wheelchair Accessible Vehicle policy on the basis of the individual circumstances.

**5. REQUEST FOR EXEMPTION FROM POLICY****Application Reference 8/05**

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 requesting exemption from the Wheelchair Accessible Vehicle Policy.

The applicant was in attendance, accompanied by her trade union representative who spoke in support of the request.

The Committee asked questions of the applicant.

**LICENSING COMMITTEE**  
23 April 2019

The applicant's representative summed up.

**The Committee resolved:**

to approve the request for exemption of the licence holder's vehicle from the Wheelchair Accessible Vehicle policy on the basis of the individual circumstances.

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	A	B	C	D	E	F	G	H	I
1	<b>LICENSING COMMITTEE BUSINESS PLANNER</b> 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	<b>Report Title</b>	<b>Minute Reference/Committee Decision or Purpose of Report</b>	<b>Update</b>	<b>Report Author</b>	<b>Chief Officer</b>	<b>Directorate</b>		<b>Delayed or Recommended for removal or transfer, enter either D, R, or T</b>	<b>Explanation if delayed, removed or transferred</b>
3	<b>04 June 2019</b>								
4	Annual Committee Effectiveness Report	To present the annual effectiveness report for the Committee.			Governance	Governance	GD7.5		
5	Taxi Rank at TECA			Lynn May	Governance	Governance	3		
6	<b>20 August 2019</b>								
7	No reports scheduled at this time.								
8	<b>29 October 2019</b>								
9	No reports scheduled at this time.								
10	<b>03 December 2019</b>								
11	No reports scheduled at this time.								
12	<b>TBC</b>								
13	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		
14	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		

	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									
15	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		
16	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		
17	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		

**LICENSING COMMITTEE  
04 JUNE 2019  
LIST OF APPLICATIONS**

	<b>Application Type</b>	<b>Name of Applicant(s)</b>	<b>Premises, Vehicle or Area to which Application Refers</b>	<b>Objections or Representations Received From</b>	<b>Date by which Application to be Determine (If Applicable)</b>	<b>Pages</b>
1.	Public Charitable Collection	NHS Grampian	Endowment Support Team, Westholme Woodend Hospital, Aberdeen.	Legal (Exemption from Policy)	N/A	21 - 22
2.	Public Charitable Collection	British Heart Foundation	Aberdeen City Centre	Legal (Exemption from Policy)	N/A	23 - 24
3.	Public Charitable Collection	Maggie's Aberdeen	Aberdeen Beach Area	Legal (Exemption from Policy)	N/A	25 - 26
4.	HMO Application (Renewal)	Yeargraph Ltd + Noor Ahmed	15 Rose Street, Aberdeen	HMO Team, Private Sector Housing Unit	18 June 2019	27 - 28
5.	HMO Application (Renewal)	Abbotshall Services Ltd	5 St.Andrew Court, Aberdeen	HMO Team, Private Sector Housing Unit	4 July 2019	29 - 30
6.	HMO Application (Renewal)	Hassan Baig	21A Bedford Avenue, Aberdeen	HMO Team, Private Sector Housing Unit	8 August 2019	31 - 32
7.	HMO Application (Renewal)	Alexander McLeod	23 Frater Place, Aberdeen	HMO Team, Private Sector Housing Unit	13 August 2019	33 - 34

**ABBREVIATIONS:**

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

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## LICENSING COMMITTEE INFORMATION SHEET

23 April 2019

### Public Application

**TYPE OF APPLICATION:** HMO LICENCE APPLICATION (RENEWAL)

**LICENCE- APPLICANT:** YEARGRAPH LIMITED

**ADDRESS OF HMO:** 15 ROSE STREET, ABERDEEN

### INFORMATION NOTE

At the date of drafting this Information Note, the property is not suitable for occupation as an HMO for the reason that the accommodation does not meet the requirements of the statutory HMO guidance. The meeting of the Licensing Committee on 4 June 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 4 June 2019. I will advise the Committee of the up-to-date position during the Committee meeting.

### DESCRIPTION

The premises at No.15 Rose Street, Aberdeen, is an upper-floor maisonette flat with accommodation comprising of 2 bathrooms, 2 public rooms and 6 letting bedrooms. The applicant has requested an occupancy of 8 tenants, which is acceptable in terms of space and layout.

### 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

### Public Application

**TYPE OF APPLICATION:** HMO LICENCE APPLICATION (RENEWAL)

**LICENCE- APPLICANT:** ABBOTSHALL SERVICES LIMITED

**ADDRESS OF HMO:** 5 ST.ANDREW COURT, JOPPS LANE, ABERDEEN

#### INFORMATION NOTE

At the date of drafting this Information Note, the property is not suitable for occupation as an HMO for the reason that the accommodation does not meet the requirements of the statutory HMO guidance. The meeting of the Licensing Committee on 4 June 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 4 June 2019. I will advise the Committee of the up-to-date position during the Committee meeting.

#### DESCRIPTION

The premises at No.5 St.Andrew Court, Aberdeen, is a third-floor flat with accommodation comprising of one bathroom, one kitchen and 4 letting bedrooms. The applicant has requested an occupancy of 4 tenants, which is acceptable in terms of space and layout.

#### 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

### Public Application

**TYPE OF APPLICATION:** HMO LICENCE APPLICATION (RENEWAL)

**LICENCE- APPLICANT:** HASSAN BAIG

**ADDRESS OF HMO:** 21A BEDFORD AVENUE, ABERDEEN

#### INFORMATION NOTE

At the date of drafting this Information Note, the property is not suitable for occupation as an HMO for the reason that the accommodation does not meet the requirements of the statutory HMO guidance. The meeting of the Licensing Committee on 4 June 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 4 June 2019. I will advise the Committee of the up-to-date position during the Committee meeting.

#### DESCRIPTION

The premises at No.21A Bedford Avenue, Aberdeen, is a ground-floor flat with accommodation comprising of one public room, one bathroom, one kitchen and 3 letting bedrooms. The applicant has requested an occupancy of 3 tenants, which is acceptable in terms of space and layout.

#### 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

### Public Application

**TYPE OF APPLICATION:** HMO LICENCE APPLICATION (RENEWAL)

**LICENCE- APPLICANT:** ALEXANDER MCLEOD

**ADDRESS OF HMO:** 23 FRATER 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 the accommodation does not meet the requirements of the statutory HMO guidance. The meeting of the Licensing Committee on 4 June 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 4 June 2019. I will advise the Committee of the up-to-date position during the Committee meeting.

#### DESCRIPTION

The premises at No.23 Frater Place, Aberdeen, is a 3-storey townhouse with accommodation comprising of one public room, 2 bathrooms, one kitchen and 4 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.

#### 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

04 June 2019

### INFORMATION NOTE

Public Charitable Collection  
Applicant: Paul James Breen, NHS Grampian  
Day and date: Sunday, 28 July 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.

The applicant is seeking a relaxation of the Committee's guidelines should the committee grant the relaxation the application will be processed in the usual manner

### DESCRIPTION

Public Charitable Collection

### CONSULTEES

N/A

### 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

N/A

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## LICENSING COMMITTEE INFORMATION SHEET

04 June 2019

### INFORMATION NOTE

Public Charitable Collection  
Applicant: Kathryn McIlwaine, British Heart Foundation  
Day and date: Friday, 29 November 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 Friday which is outwith the Committee's guidelines.

The applicant is seeking a relaxation of the Committee's guidelines should the committee grant the relaxation the application will be processed in the usual manner

### DESCRIPTION

Public Charitable Collection

### CONSULTEES

N/A

### 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.

### GROUND FOR REFUSAL

N/A

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## LICENSING COMMITTEE INFORMATION SHEET

04 June 2019

### INFORMATION NOTE

Public Charitable Collection  
Applicant: Paula Cormack, Maggie's Aberdeen  
Day and date: Friday, 21 June 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 Friday which is outwith the Committee's guidelines.

The applicant is seeking a relaxation of the Committee's guidelines should the committee grant the relaxation the application will be processed in the usual manner.

### DESCRIPTION

Public Charitable Collection

### CONSULTEES

N/A

### 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

N/A

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## ABERDEEN CITY COUNCIL

<b>COMMITTEE</b>	Licensing Committee
<b>DATE</b>	4 June 2019
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Licensing Committee Annual Effectiveness Report
<b>REPORT NUMBER</b>	GOV/19/284
<b>CHIEF OFFICER</b>	Fraser Bell
<b>REPORT AUTHOR</b>	Allison Swanson
<b>TERMS OF REFERENCE</b>	GD 7.5

### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to present the annual report of the Licensing Committee.

### 2. RECOMMENDATION

That Committee:-

- 2.1 note the annual report.

### 3. BACKGROUND

#### **Annual Reports on Committee Terms of Reference**

- 3.1 The Governance Review of 2017/18 was initiated as part of the Council's work with the Chartered Institute of Public Finance and Accountancy (CIPFA) and the aim to secure that organisation's accreditation in governance excellence. As part of CIPFA's interim assessment of the Council's governance arrangements, CIPFA recommended that each Committee should annually review its effectiveness, including its information and reporting needs, to help ensure that it is following its Terms of Reference, is operating effectively and to identify any training needs or improvements to the Council's decision making structures. When approving the new Terms of Reference in March 2018, the Council agreed that each Committee would be required to review their own effectiveness against their Terms of Reference through an annual report and approved the proposed template for those reports.

3.2 CIPFA reviewed the approved template and in general terms stated:

*A committee effectiveness report has the potential to support the improvement journey by accounting for the ways that committees support a quality improvement culture with quality assurance of services and feedback loops. A template that goes beyond tick box and more clearly offers the opportunity to address some current and historic issues and, importantly give a clear signal that good governance is taken seriously. It could therefore provide support to a number of the developments that Aberdeen City Council seeks in its journey towards achieving the excellence in governance mark.*

3.3 The first annual report for 2018/2019 is appended for the Committee's consideration. Following consideration by the Committee, the report will be submitted to Council on 24 June 2019 for noting.

#### 4. FINANCIAL IMPLICATIONS

4.1 There are no direct financial consequences from the recommendation.

#### 5. LEGAL IMPLICATIONS

5.1 There are no direct legal implications arising from the recommendation of this report.

#### 6. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
<b>Financial</b>	None	N/A	N/A
<b>Legal</b>	None	N/A	N/A
<b>Employee</b>	None	N/A	N/A
<b>Customer</b>	None	N/A	N/A
<b>Environment</b>	None	N/A	N/A
<b>Technology</b>	None	N/A	N/A
<b>Reputational</b>	None	N/A	N/A

#### 7. OUTCOMES

<b>Design Principles of Target Operating Model</b>	
	<b>Impact of Report</b>
<b>Organisational Design</b>	The report reflects recognition of the process of organisational design and provides assurance

	through scrutiny of committee effectiveness. The review of the Committee will support the redesign of the organisation and ensure that the Committee discharges its role in accordance with the Scheme of Governance.
<b>Governance</b>	The committee effectiveness report enhances transparency and understanding of the Committee as well as help to address any areas for improvement.

## 8. IMPACT ASSESSMENTS

Assessment	Outcome
<b>Equality &amp; Human Rights Impact Assessment</b>	Not required
<b>Data Protection Impact Assessment</b>	Not required
<b>Duty of Due Regard / Fairer Scotland Duty</b>	Not applicable

## 9. BACKGROUND PAPERS

None.

## 10. APPENDICES

10.1 Licensing Committee Annual Effectiveness Report 6 March 2018 to 29 April 2019.

## 11. REPORT AUTHOR CONTACT DETAILS

Allison Swanson  
 Committee Officer  
[aswanson@aberdeencity.gov.uk](mailto:aswanson@aberdeencity.gov.uk)

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# Licensing Committee Annual Effectiveness Report



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# 1. INTRODUCTION

- 1.1 I am pleased to present the first annual effectiveness report for the Licensing Committee. This first annual report is a good mechanism for the Committee to reflect on the business of the Committee over the past year and to look to the Committee's focus for the year ahead and represents good practice in terms of governance.
- 1.2 In terms of the business over the last year, the Committee has worked collectively to ensure that its decision making process was open and transparent and all parties treated fairly and equally. It was also encouraging to see the responses to the public consultations increase as a result of greater use of all media channels.
- 1.3 The Committee has also been proactive in reviewing Policy and seeking assurance that it was operating in accordance with legislation and best practice and I am confident that this will continue into the year ahead.

Councillor Reynolds  
Convener, Licensing Committee

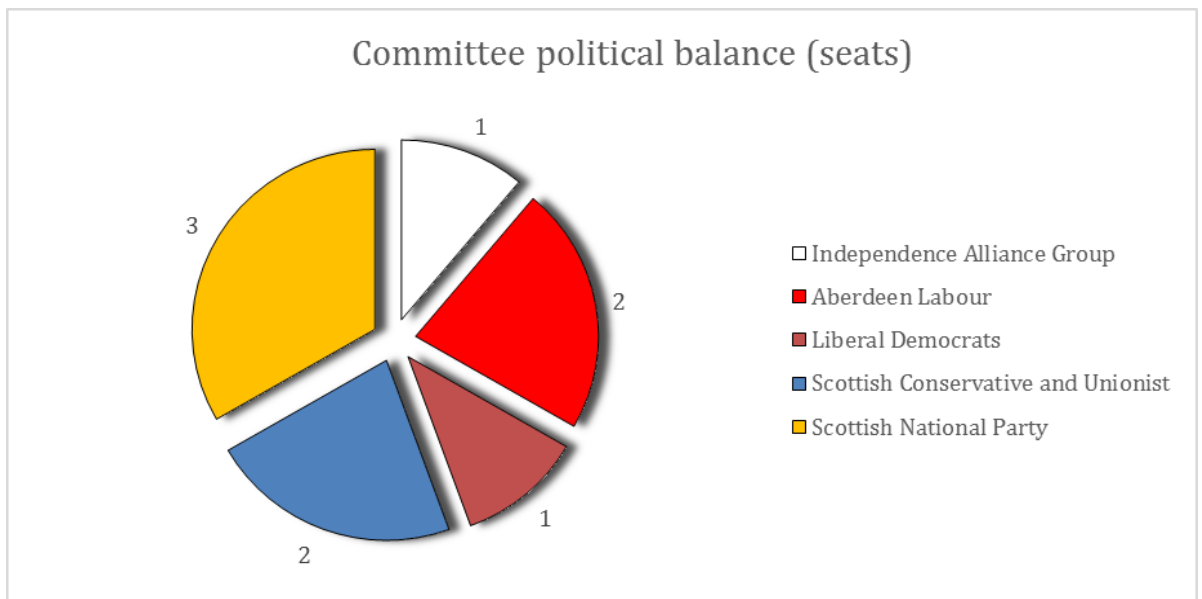


## 2. THE ROLE OF THE COMMITTEE

- 2.1 The role of the Committee is to deal with the functions of the Council in relation to all licensing matters under the Civic Government (Scotland) Act 1982 and all other Acts (not falling specifically within the remit of the Licensing Board or any other Committee) covering personal or other licences, certificates and permits.
- 2.2 The previous Terms of Reference for the Committee as approved by Council on 5 March 2018 are appended to the report.

## 3. MEMBERSHIP OF THE COMMITTEE DURING 2018/2019

- 3.1 The Licensing Committee has 9 members and the composition is presented below.



## 4. MEMBERSHIP CHANGES

- 4.1 During the reporting period there was one change in membership with Councillor Henrickson replacing Councillor McRae in September 2018.

## 5. MEMBER ATTENDANCE

Member	Total Anticipated Attendances	Total Attendances	Nominated Substitute
Councillor Reynolds	9	7	2, Councillor Donnelly
Councillor Malik	9	8	1, Councillor Macdonald
Councillor Allan	9	8	1, Councillor L Dunbar
Councillor Bell	9	7	1, Councillor Lumsden and Macdonald
Councillor Delaney	9	7	2, Councillor Greig and Yuill
Councillor McRae	5	4	1, Councillor Henrickson
Councillor Catriona Mackenzie	9	7	2, Councillor Henrickson
Councillor Sellar	9	8	1, Councillor Donnelly
Councillor Townson	9	8	1, Councillor Nicoll
Councillor Henrickson	4	4	0

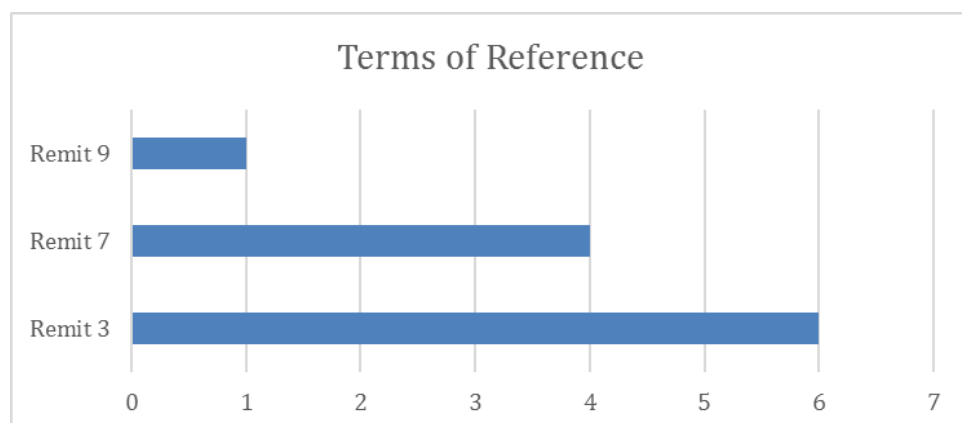
## 6. MEETING CONTENT

6.1 During the 2018/2019 reporting period (6 March 2018 to 29 April 2019) the Committee had 9 meetings and considered a total of 13 reports.

6.2 During this period the Committee also considered 106 Licensing applications.

### 6.3 Terms of Reference

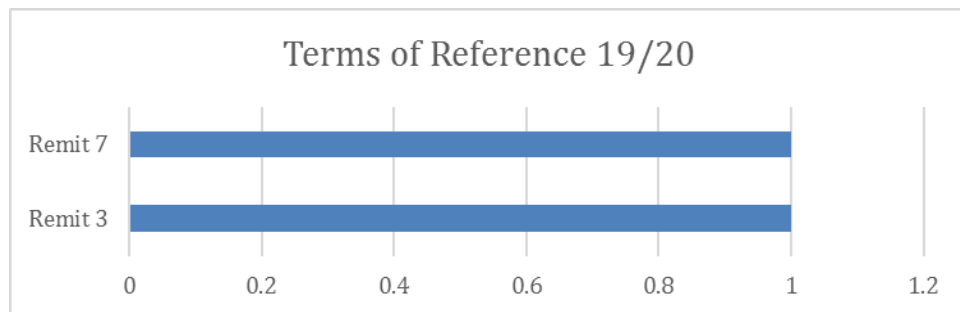
Of the 13 committee reports received during the reporting period 11 reports were considered under the Terms of Reference approved by Council on 5 March 2018 and the following table details how those 11 reports aligned to those Terms of Reference for the Committee.



6.3.1 The 11 reports considered by the Committee under the Terms of Reference approved by Council on 5 March 2018 related to either

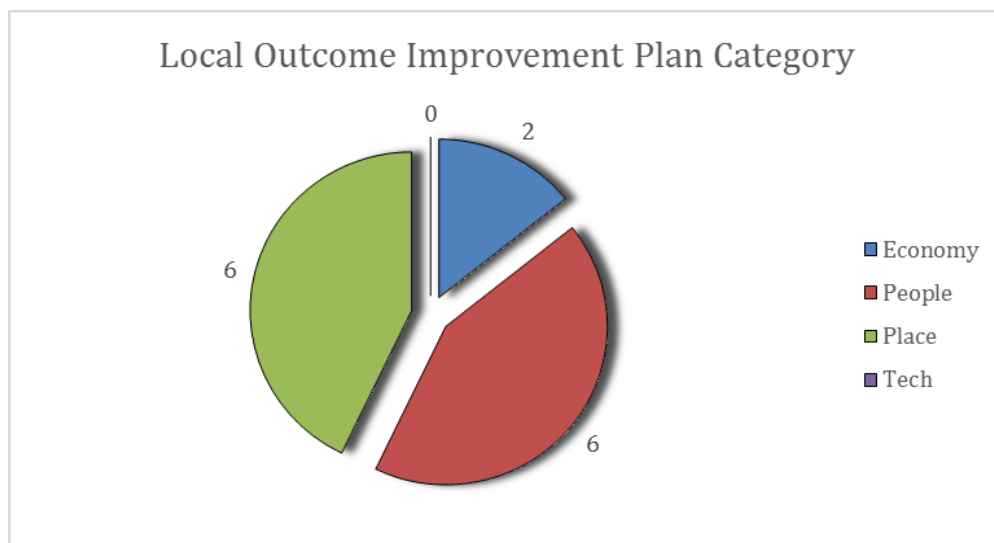
policies or connected licensing matters, such as the taxi demand survey and Public Entertainment Licence. All of the reports ensured the Committee's compliance with the relevant licensing legislation (remit 7 and 3 of the Terms of Reference). With the exception of the remits 3, 7 and 4, all of the other remits of the Committee's Terms of Reference were reported to the Committee by means of licensing applications, of which there were 106 considered during the reporting period. There were no matters in relation to section 4 which required the Committee's consideration.

6.3.2 Of the 13 committee reports received during the reporting period 2 reports were considered under the Terms of Reference approved by Council on 4 March 2019 and the following table details how the reports aligned to those Terms of Reference for the Committee.



#### 6.4 Local Outcome Improvement Plan

The following table details of the 13 reports how many had a link to the themes of the Local Outcome Improvement Plan.



## 6.5 Reports and Committee Decisions

The following table details the outcome of the Committee's consideration of the 13 reports presented to it throughout the year.

	Total	% Total Reports
Confidential	0	0.0%
Exempt	1	7.7%
Number of reports where the Committee has amended officer recommendations	3	23.1%
Number and percentage of reports approved unanimously	10	76.9%
Number of reports requested by members during the consideration of another report to provide additional assurance and not in forward planner	2	N/A
Number of service updates requested by members during the consideration of another report to provide additional assurance and not in forward planner	0	N/A
Number of decisions delayed for further information	0	0.0%
Number of times the Convener has had to remind Members about acceptable behaviour and the ethical values of Public Life	0	0.0%
Number of late reports received by the Committee (i.e. reports not available for inspection by members of the public at least three clear days before a meeting)	0	0.0%
Number of referrals to Council, or other Committees in terms of Standing Order 33.1	0	0.0%

## 6.6 Notices of Motion, Suspension of Standing Orders, Interface with the Public

	Total
Number of notices of motion	0
Number of times Standing Orders were suspended and the specific Standing Orders suspended	1

Standing order number (ref)	39.2
Number of deputations	4
Number of petitions considered	0
Number of Members attending meetings of the committee as observers	6
Number of Meetings held by the Convener with other Conveners, relevant parties, to discuss joint working and key issues being raised at other Committee meetings	As and when required

## 7. TRAINING REQUIREMENTS AND ATTENDANCE

- 7.1 Training on the role of the Licensing Committee was provided for all elected members following the Local Government Election in May 2017. A further training session was provided in March 2018. A further Licensing training session is arranged for 10 June 2019.
- 7.2 The following specific Scheme of Governance training which is related to the operation of all Committees was provided:
- Scheme of Governance Effective Decision Making on 23, 27 and 28 March 2018
  - Financial and Procurement Regulations on 23 and 29 March 2018
- 7.3 Training on the Councillors' Code of Conduct was provided in January and February 2018.

## 8. CODE OF CONDUCT – DECLARATIONS OF INTEREST

- 8.1 There were 12 declarations of interest in total during the reporting period. 4 declarations of interest on committee reports and 8 declarations made in respect of Licensing applications. We measure this information to evidence awareness of the requirements to adhere to the Councillors' Code of Conduct and the responsibility to ensure fair decision making.

## 9. CIVIC ENGAGEMENT

- 9.1 The Committee's focus throughout the reporting period has largely been on compliance with the licensing legislation. A number of public consultations have been undertaken by the Committee in order to engage with the wider public to inform the development and approval of policy. In doing so, there has been greater use of all available media channels to increase participation and ensure a wider audience and range of responses. For example, the consultation on the wheelchair accessible vehicle policy attracted almost 300 responses which represented an approximate increase of 200% from when the same topic was last consulted upon.
- 9.2 The Committee also liaises directly with representatives of the taxi and private hire car vehicle trade by way of the Council's Taxi and Private Hire Car Consultation Group throughout the year to discuss matters of interest to the trade. Representatives from Police Scotland, the Disability Equity

Partnership and Trades Unions also participate in these discussions. Any recommendations from the Consultation Group were considered by the Committee.

- 9.3 The Committee has also engaged with statutory partners such as Police Scotland, Scottish Fire and Rescue Service, Roads Authority, Environmental Health and Building Standards to ensure all public safety matters are being brought to the Committee’s attention.
- 9.4 Through the course of the next year, consideration will be given to enhancing civic engagement in the discharge of the committee’s remit.

## 10.OFFICER SUPPORT TO THE COMMITTEE

Officer	Total Anticipated Attendances	Total Attendances	Substitute Attendances
Private Sector Housing Manager	6	6	0
Legal – Licensing Solicitor	9	9	0

## 11. EXECUTIVE LEAD’S COMMENTS

- 11.1 The Committee would appear to be working effectively noting that:
- No decisions on committee reports required to be delayed
  - All sections of the terms of reference with the exception of remit 4 (Council’s functions under the Safety of Sports Ground Act 1975) were engaged
  - The vast majority of business was approved/noted unanimously
  - All applications were considered by the Committee in accordance with the statutory requirements
  - 12 of the 13 committee reports were able to be considered in public
- 11.2 No late reports were submitted to the Committee showing evidence that Committee business was being appropriately managed and scheduled.
- 11.3 The reporting mechanisms of the various licensing applications to the Committee were reviewed by officers during the reporting period and to ensure the presentation of consistent information and decision making by the Committee, a single standard reporting template has been introduced.
- 11.4 Throughout the next reporting period we will continue to review the Committee’s business against the Terms of Reference and any changes proposed will be considered as part of the annual review of the Council’s Scheme of Governance.

## 12.NEXT YEAR'S FOCUS

- 12.1 The Committee will continue to discharge functions by licensing legislation with any changes to existing legislation, or new legislation being reported to the Committee in a timely manner. Policies will also be kept under review and consulted upon, where applicable, to ensure they remain fit for purpose; comply with legislation and align to the Council's strategies (including the refreshed Local Outcome Improvement Plan).
- 12.2 In considering the review of policies when required by legislative changes as well as matters arising from the business planner the Committee will continue to consider how those decisions can integrate with and support the Council's Policy Statement. This will include ensuring the taxi and private hire trade play an important part in the local transport strategy and are well placed to contribute to the accessibility of all parts of the city to visitors and residents alike, and that all licensable activity is carried out in a manner designed to safeguard public safety.
- 12.3 In terms of legislation, licensing income must be generally equivalent to licensing expenditure. The Committee is responsible for the setting of taxi fares and a report on the review of the existing taxi fare formula, including surcharges, will be submitted for the Committee's consideration early in 2020.
- 12.4 Council on 4 March 2019 approved new Terms of Reference and a further review will be reported to Council in March 2020. Throughout the next reporting year, we will review the Terms of Reference in line with the business submitted to the Committee and reflect on whether any areas require refinement moving forward to ensure the efficient operation of the Committee.
- 12.5 Annual refresher training covering all areas of the Committee's Terms of Reference will be provided.



## **LICENSING COMMITTEE**

### **PURPOSE OF COMMITTEE**

To deal with the functions of the Council in relation to all licensing matters under the Civic Government (Scotland) Act 1982 and all other Acts (not falling specifically within the remit of the Licensing Board or any other Committee) covering personal or other licences, certificates and permits. This includes but is not restricted to applications for:

#### **Licences under Civic Government (Scotland) Act 1982**

##### Mandatory Licences

- Metal Dealer's Licences
- Indoor Sports Entertainment Licences
- Skin Piercing and Tattoo Licences
- Houses in Multiple Occupation Licences
- Knife Dealer's Licences
- Taxi Booking Office Licences

##### Discretionary Licences

- Taxi and Private Hire Car Licences
- Taxi and Private Hire Car Driver's Licences
- Second Hand Dealer's Licences
- Boat Hire Licences
- Street Trader's Licences
- Market Operator's Licences
- Public Entertainment Licences
- Late Hours Catering Licences
- Window Cleaner's Licences
- Sex Shop Licences
- Permission to organisations for public charitable collections and public processions

##### Miscellaneous Licences under other Legislation

- Houses in Multiple Occupation - Housing (Scotland) Act 2006
- Registration of Private Landlords - Antisocial Behaviour etc.(Scotland) Act 2004
- Theatre Licence – Theatre Act 1968
- Cinema Licence - Cinema Act 1985
- Safety in Sports Grounds - Safety in Sports Ground Act 1975

## **POWERS OF COMMITTEE**

The Committee will:

1. consider applications for the grant, renewal, revocation, variation or suspension of any licence as appropriate;
2. consider applications and reviews for Houses in Multiple Occupation under the Housing (Scotland) Act 2006 (the responsibility for all other matters relating to the licensing of houses in Multiple Occupation resting with the Operational Delivery Committee);
3. consider all other matters relating to licensing including the setting of taxi fares and the designation of taxi stances;
4. oversee the Council's functions under the Safety of Sports Ground Act 1975;
5. consider landlord registration applications under the Antisocial Behaviour Etc (Scotland) Act 2004;
6. consider film classifications under The Cinemas Act 1985;
7. review and approve policies relating to its function;
8. consider theatre licences under the Theatre Act 1968; and
9. consider which of the optional licences they will invoke and which categories of activity within those licence categories shall be licenced under the Civic Government (Scotland) Act 1982.

### **JOINT WORKING WITH OTHER COMMITTEES:**

The Committee, through its lead officers, Convener and Vice Convener, will regularly consider key issues arising through other committees of the Council, including the Public protection Committee. This will help ensure that matters of mutual interest are dealt with in the most efficient and effective way.

### **JOINT WORKING WITH NON COUNCIL BODIES:**

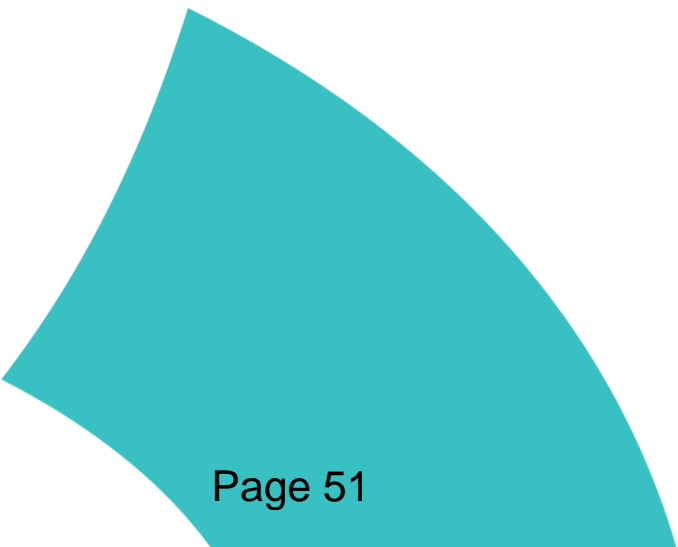
**Executive Lead: Chief Officer – Governance**

### **LICENSING SUB COMMITTEE**

Members of the Sub Committee will be members of the Licensing Committee and any substitute who is not on the parent Committee will have completed the required training.

The Sub Committee will:

1. consider any application referred to it by the Licensing Committee for the grant, renewal, revocation, variation or suspension of any licence; and
2. consider and determine any urgent business placed before it by the Chief Officer - Governance relating to any matters falling within the remit of the Licensing Committee.



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## ABERDEEN CITY COUNCIL

<b>COMMITTEE</b>	Licensing Committee
<b>DATE</b>	4 June 2019
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Application for a Taxi Rank at TECA
<b>REPORT NUMBER</b>	GOV/19/269
<b>DIRECTOR</b>	
<b>CHIEF OFFICER</b>	Fraser Bell
<b>REPORT AUTHOR</b>	Lynn May
<b>TERMS OF REFERENCE</b>	3.

### 1. PURPOSE OF REPORT

To report the outcome of the formal consultation on the proposal to establish a new permanent taxi rank at The Events Complex Aberdeen (TECA).

### 2. RECOMMENDATION(S)

That the Committee :-

2.1 consider the responses received to the formal consultation, on the proposal for a new permanent taxi rank at TECA, in terms of Section 19 of the Civic Government (Scotland) Act 1982.

2.2 agree to appoint a new permanent taxi rank at The Events Complex Aberdeen (TECA), which will be situated to the west of the main TECA building, will provide spaces for 12 taxis, will extend for 67.8 metres or thereby, and will operate 24 hours per day, 7 days a week.

### 3. BACKGROUND

3.1 The Licensing Committee at their meeting on 23 April 2019 considered a report from the Chief Officer Governance regarding a request from SMG Holdings LTD to establish a new permanent taxi rank at The Events Complex Aberdeen (TECA), and resolved

- (i) to approve the request from SMG Europe Holdings Limited for a new permanent taxi rank at TECA; and
- (ii) to instruct the Chief Officer Governance to undertake the formal consultation on the proposal for a new permanent taxi rank at TECA, 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.

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

3.1.2 Plans illustrating the proposed new taxi rank and drop off point are attached to this report (Appendix 1 and 2).

3.2 The Public Consultation was undertaken by way of a public notice appearing in the Evening Express newspaper on Wednesday 24 April 2019, a copy of which is attached to this report at Appendix 3, inviting comments by 22 May 2019. The Public Notice was also displayed on the Aberdeen City Council Website Consultation Hub for the statutory consultation period of 28 days until 22 May 2019.

3.2.1 Twenty-five responses were received to the public consultation, the majority were in favour of the proposal to establish a permanent taxi rank at TECA. It was noted that a number of the respondents questioned whether 12 spaces for taxis at the rank would be sufficient. It is advised that the operation of the rank, along with the other traffic management arrangements at TECA, will be kept under review and further proposals can be placed before the Committee if required. Details of the responses received are attached to this report at Appendix 4.

3.3 The following responses have been received to the formal statutory consultation on the proposed new taxi rank at TECA :-

3.3.2 Aberdeen City Council as Roads Authority commented that “They are content with the proposals and have been involved in the Traffic Management proposals for the development” at TECA.

3.3.3 Police Scotland commented that they are content and therefore have no comment on the proposals.

#### 4. FINANCIAL IMPLICATIONS

- 4.1 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.

- 5.2 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
<b>Financial</b>	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.
<b>Legal</b>	As per paragraph 5 above.	L	Compliance with the statutory requirements
<b>Employee</b>	There is no risk to employees arising from the recommendations of this report.	L	N/A
<b>Customer</b>	The proposal for a new Taxi rank at TECA and 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.
<b>Environment</b>	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.
<b>Technology</b>	There is no risk to technology arising from the recommendations of this report.	L	N/A
<b>Reputational</b>	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 consider the responses from the statutory formal consultation and public notice procedure in order to therefore determine the proposal for a new taxi rank, any risk will be mitigated.

## 7. OUTCOMES

<b>Local Outcome Improvement Plan Themes</b>	
	<b>Impact of Report</b>
	The proposals in this report have no direct impact on the LOIP.



<b>Design Principles of Target Operating Model</b>	
	<b>Impact of Report</b>
<b>Customer Service Design</b>	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. A formal consultation required to be undertaken and the responses considered before a taxi rank can be appointed.
<b>Partnerships and Alliances</b>	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 have been sought and will be considered before any rank is appointed.

## 8. IMPACT ASSESSMENTS

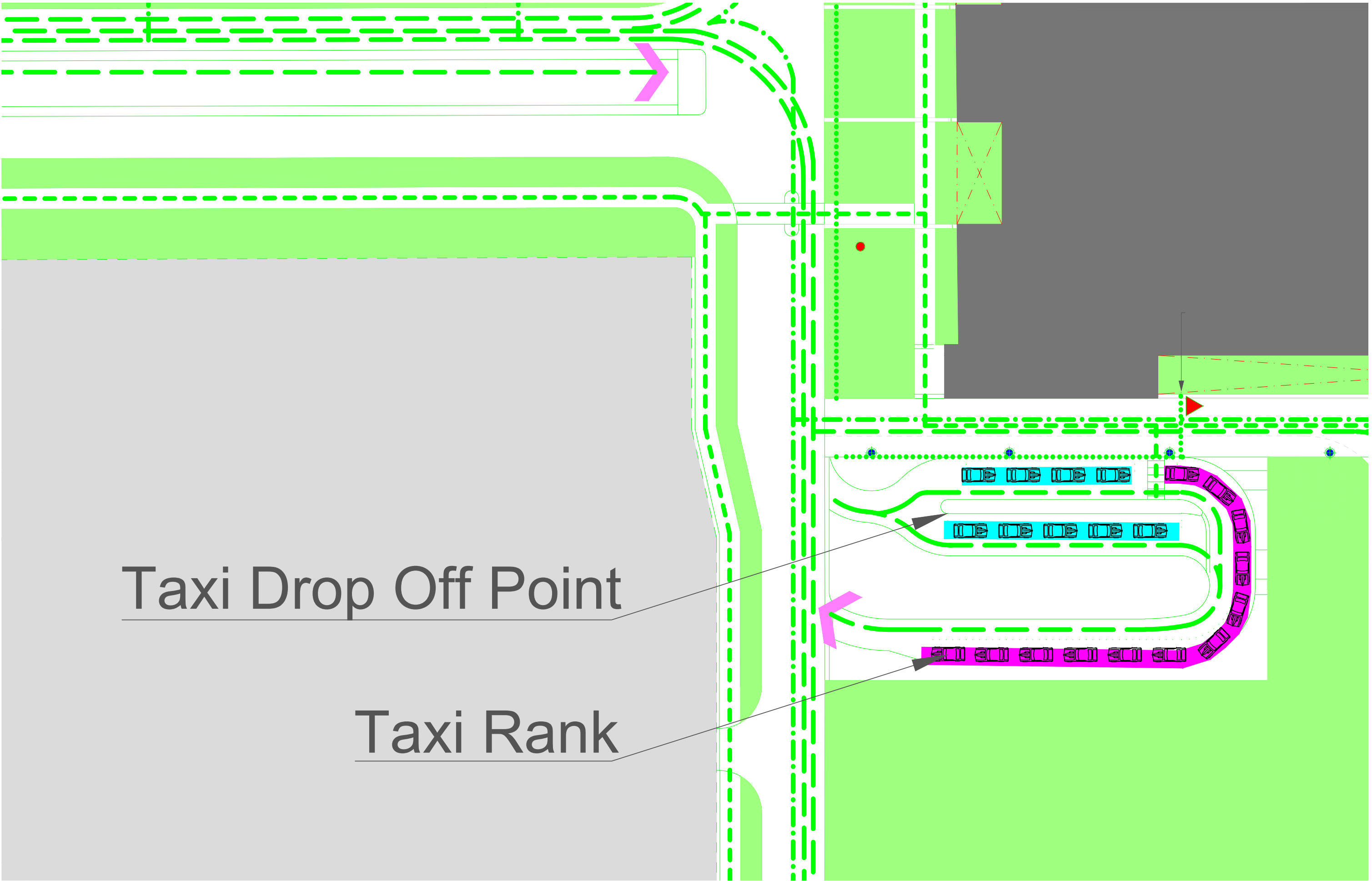
<b>Assessment</b>	<b>Outcome</b>
<b>Equality &amp; Human Rights Impact Assessment</b>	Completed and not required
<b>Data Protection Impact Assessment</b>	Not required
<b>Duty of Due Regard / Fairer Scotland Duty</b>	Not applicable

**9. APPENDICES (if applicable)**

- 9.1 Appendix 1 – Plan – Taxi Rank & Drop Off Point  
Appendix 2 – Plan – TECA Site  
Appendix 3 - Public Notice in Evening Express 24 April 2019  
Appendix 4 - Responses to Public Consultation

**10. REPORT AUTHOR CONTACT DETAILS**

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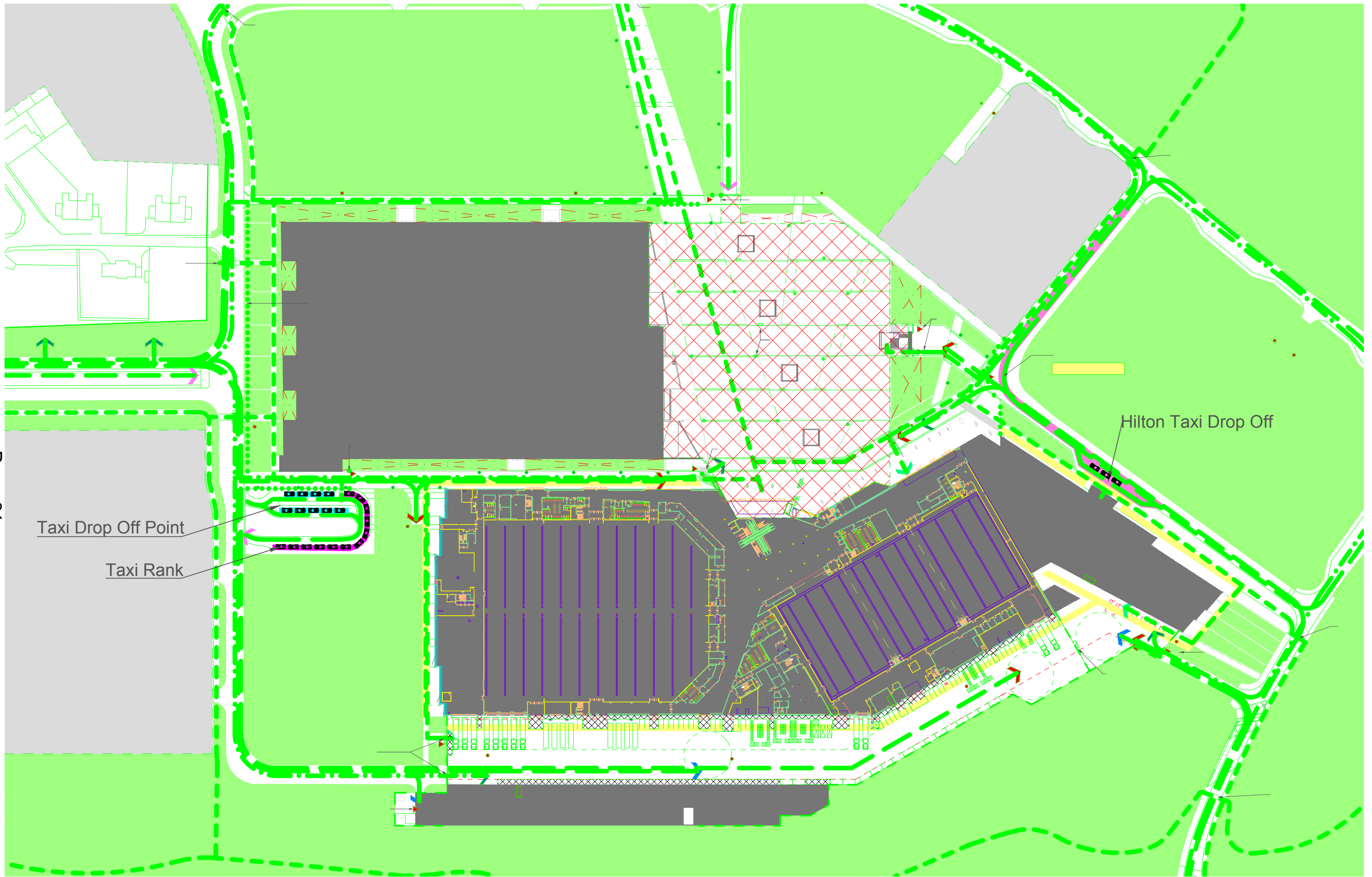


Taxi Drop Off Point

Taxi Rank

<b>Taxi Drop Off Point.dwg</b>		Rev Notes:	Paper Size:	A3
Event Date:			Scale:	NTS
Last Mod Date:	13/03/2019		Last modified by:	stevemorrison
Space:	TECA			

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<b>Taxi Drop Off Point.dwg</b>					
Event Date:		Rev Notes:		Paper Size:	A3
Last Mod Date:	21/03/2019			Scale:	NTS
Space:	TECA			Last modified by:	stevemorrison

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**TAXI RANK PROVISION AT TECA – PUBLIC CONSULTATION RESPONSES**

<b>No.</b>	<b>Organisation/Responder</b>	<b>Response</b>
1		Good idea
2	None	It would be stupid not to have a TAXI rank. But is 12 big enough?
3		Taxi rank required at this location to provide the public with easy transportation links.
4		Good idea as it will get vast amount of people away from venue at end of concerts quickly and safely.
5	Public	I think we need to include dedicated uber pick up and drop off zones. Uber is massive all over the world and planning now will help make it easier and safer for the public to use. In Vegas there are pick up and drop off points at every hotel which are in the car parking area and this planning allows less congestion and is safer for the public.
6	None	It is vital that a taxi rank is installed at the new exhibition centre so it is easier to get transport after a concert or conference.

<b>7</b>	Driver	As long as they stick to the rules i don't see a problem
<b>8</b>	None	Agree
<b>9</b>		Think it makes a lot of sense to have a taxi tank there permanently
<b>10</b>	Private	I think it is a very good idea as whenever I have been at the AECC it has always been a problem in getting taxis at the venue or having to wait ages for one to arrive when ordering over the phone.
<b>11</b>		Uber is better than any taxi rank.
<b>12</b>	Taxis	<p>Good Evening,</p> <p>Whilst it is commendable that you wish to install a 12 vehicle taxi rank that will operate 24x7 is not more beneficial to consider the advance in technology and take the lead in making different arrangements from the normal?</p> <p>Why not install automated booking machines such as Taxi Butler? Why not install a pre booked App pick up point? Why not ask the local taxi companies to bid for the right to</p>

		<p>service your venue and generate revenue for the Centre from the companies? You don't require to have a sole provider contract - you could award to 2 or 3 companies. Why not have a preference for drivers with Electric or Hybrid Vehicles.</p> <p>There is so much more that can be done and an opportunity to set a new chapter rather than a bog standard taxi rank. You restrict the available vehicles with a taxi rank. By utilizing technology you allow the private hires the opportunity to serve the Centre and provide a service to you and your customers.</p>
<b>13</b>	Public Sector	Taxi rank is defo a good idea but on big events this would require to be patrolled by security.
<b>14</b>		It is a necessity to have a taxi rank outside or else it would be chaos.
<b>15</b>	Personal	I feel that it should be placed away from the arena. Having used the Hysto in Glasgow on a number of occasions there needs to be a rank I feel away from the main arena as it is likely

		to result in gridlock especially after a concert. Cars will be trying to leave, people in taxi will be charged a fortune before even starting their journey .
<b>16</b>		Taxis MUST be electric or hydrogen to support our fight against environmental damage. Taxis sitting 24/7 with diesel or petrol engines running is unacceptable. I recently travelled in an electric taxi in Dundee and this strategy should be applied throughout our city. Its your duty to protect the citezens of Aberdeen, not roll over to taxi driver demands!!
<b>17</b>		Need to be larger than 12 spaces for a venue of that size.
<b>18</b>		A welcome addition, but 12 taxis when thousands may be attending events?...
<b>19</b>	N/A	Connectivity is one of my major concerns for this new development. Aberdeen risks severe egg on their face if they cannot provide suitable transport links from this huge investment from opening. All efforts need to be made for concert or event

		attendees to get to and from TECA to the city centre for onward transport links. A light rail is severely needed for both the airport and TECA but in lieu of that, taxi and bus links need to be in great force to handle such a large capacity. Any travellers who may be within catchment area will be put off returning and opt for venues in Glasgow or similar should we not have this work. Allow as much taxi availability as possible.
<b>20</b>		For me, it doesn't look like it would be big enough considering the amount of people who will be visiting.
<b>21</b>	Community Network	I'm all for the taxi rank. But I also think there should be a bus rank so that First Aberdeen Service 16 and the Stagecoach bluebird can pick up and drop off there as well rather than stop on the dual carriageway.
<b>22</b>		Welcome the initiative
<b>23</b>	Homeowner	2hr before concert to 2hr after concert only

24		A taxi rank will be a useful addition to the TECA complex.
25	Taxi Service	If you have an event with 12000+ people, a rank for 12 cars is insufficient. It should have at least 40 spaces and be operational only when there are events on at TECA. There is no need for it to be operational 24/7 as Teca is not operational 24/7, but it doesn't need to have a sign stating this just an illuminated XL taxi rank sign. It would also be beneficial to have Taxi Marshalls at rank after large events too.

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