

LICENSING COMMITTEE

ABERDEEN, 20 August 2019. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Reynolds, Convener; Councillor Malik, Vice Convener; and Councillors Allan, Delaney, Henrickson, Hutchison, Sellar, Townson and Wheeler (as a substitute for Councillor Bell).

URGENT BUSINESS

1. The Convener had determined that a taxi licensing concession request in relation to Offshore Europe be considered as a matter of urgency in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, and that it would be considered as item 7.11 on the agenda.

The Committee resolved:-
to concur with the Convener.

The agenda and reports associated with this minute can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=6808&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

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

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

DECLARATIONS OF INTEREST

3. The following declaration of interest was intimate:
(i) Councillor Wheeler declared an interest in relation to items 7.1 to 7.5 and 9.1 (all applications for licences for a House in Multiple Occupation), by virtue of being a landlord. Councillor Wheeler did not consider that the nature of his interest required him to leave the meeting during consideration of the aforementioned items.

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MINUTE OF PREVIOUS MEETING OF 4 JUNE 2019

4. The Committee had before it the minute of its meeting of 4 June 2019 for approval.

The Committee resolved:

to approve the minute as a correct record.

MINUTES OF THE MEETINGS OF THE LICENSING SUB COMMITTEE OF 25 JUNE AND 3 AND 17 JULY 2019

5. The Committee had before it the minutes of the meetings of the Sub Committee of 25 June and 3 and 17 June 2019 for approval.

The Committee resolved:

to approve the minutes of the Sub Committee 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 0 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.

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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.

- **Councillor Reynolds, CONVENER**

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APPENDIX A

**1. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 34
ERSKINE STREET, ABERDEEN (TOP FLOOR FLAT)**
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 – 32
KINTORE PLACE, ABERDEEN**
Application Reference 7/02

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

**3. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION –
124 DON STREET, WOODSIDE, ABERDEEN**
Application Reference 7/03

The Committee noted that the application had been withdrawn.

**4. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION –
121 OSCAR ROAD, ABERDEEN**
Application Reference 7/04

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

**5. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 39
KING'S CRESCENT, ABERDEEN**
Application Reference 7/05

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

The applicant Sujon Hoque was attendance.

None of the three respondents were in attendance, nor represented.

The Committee then heard from the applicant, Sujon Hoque, in support of the application.

The Committee asked questions of the respondent.

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The applicant summed up.

The Committee resolved:

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

6. APPLICATION FOR A PUBLIC CHARITABLE COLLECTION – MAGGIE’S ABERDEEN, ROOF TERRACE OF ST NICHOLAS CENTRE AND GEORGE STREET, ABERDEEN
Application Reference 7/06

The Committee had before it an information sheet prepared by the Chief Officer - Governance in respect of the application which advised that the application had been placed on the agenda as the applicant was seeking to hold a public charitable collection on Saturday 7 September 2019. However, another public charitable collection had already been granted a permit for that date and Committee guidelines were to only permit one collection in the same area on the same day.

The applicant, Ms Paula Cormack, Maggie’s Aberdeen, was in attendance and spoke in support of the application and explaining why it should be exempt from Policy.

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.

7. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE APPLICANT: CRAIGTON FOODS LTD
LOCATION: MCDONALD’S KITTYBREWSTER RETAIL PARK
Application Reference 7/07

The Committee noted that the licence had been granted under delegated powers after the applicant had amended the application to comply with policy.

8. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE APPLICANT: NASIFA LTD
LOCATION: QISMAT 2, 63 HAYTON ROAD
Application Reference 7/08

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application

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had to be determined by 4 October 2019; and the applicant was requesting a late hours catering licence from 23:00 to 02:00 Monday to Thursday and 23:00 to 03:00 Friday and Saturday and as the premises were located outwith the City Centre this request was outwith the policy.

The applicant was not in attendance, nor represented.

The Committee resolved:

to grant the licence on the basis of the operating hours as detailed in the Late Hours Catering Policy and therefore not beyond midnight Monday to Sunday.

9. APPLICATION FOR THE GRANT OF A STREET TRADER'S LICENCE
APPLICANT: C & L CATERING

LOCATIONS:

1. **BEACH ESPLANADE, WEST SIDE, 408 METRE NORTH OF BOULEVARD JUNCTION**
2. **LINKS ROAD (NORTHERN SPUR) NORTH SIDE, 85 METERS FROM ESPLANADE JUNCTION**
3. **BEACH ESPLANADE, EAST SIDE, 209 METERS SOUTH OF BOULEVARD JUNCTION**
4. **BEACH ESPLANADE, EAST SIDE, 256 METERS NORTH OF LINKS ROAD (SOUTHERN SPUR)**
5. **BEACH ESPLANADE, EAST SIDE, 146 METRES NORTH OF LINKS ROAD (SOUTHERN SPUR)**

Application Reference 7/09

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 25 October 2019 and one representation from Councillor Macdonald had been received.

The applicant was not in attendance, nor represented.

The respondent, Councillor Macdonald, was not in attendance.

The Committee resolved:

to grant the licence for the following two locations:

1. Links Road (Northern Spur) north side, 85 metres from Esplanade Junction; and
2. Beach Esplanade, east side, 256 metres north of Links Road (Southern Spur).

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**10. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE
APPLICANT: JOHN MCDONALD
Application Reference 7/10**

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

**11. TAXI LICENSING CONCESSION REQUEST – OFFSHORE EUROPE
Application Reference 7/09**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of a request for the following concessions for taxi licensing during Offshore Europe week 2019

1. All Airport Taxis able to pick up from the rank that is being created at the AECC (from 2 September 2019 to midnight on 6 September 2019); and
2. If there were members of the public waiting at City Centre Ranks then Airport Licenced Taxis were permitted to pick up (this would not affect the normal midnight – 5am Saturday and Sunday)

The applicant was not in attendance, nor represented.

The Committee resolved:

to relax the condition zoning the city for the purposes of taxi operation at city centre taxi ranks from 6am on 2 September to midnight on 6 September 2019 in light of Offshore Europe week 2019, and to permit airport zone taxis to pick up at city ranks, as well as the taxi rank at the P&J Live Arena.

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APPENDIX B

1. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 9 CRAIGIEVAR CRESCENT, ABERDEEN
Application Reference 9/01

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

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

The respondent was in attendance and spoke in support of his representation.

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

The respondent summed up.

The applicant summed up.

The Convener, seconded by the Vice Convener, moved:-
that the Committee defer consideration of the application until the works were completed, after which time the Private Sector Housing Manager could grant the licence for a period of six months under delegated powers if appropriate.

Councillor Hutchison, seconded by Councillor Allan, moved as an amendment:-
that the Committee refuse the licence on the grounds that (1) the property was unsuitable for occupation as an HMO due to its condition and the safety and security of the persons likely to occupy it; and (2) the applicant was not considered to be a fit and proper person to hold an HMO licence.

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

The Committee resolved:
to adopt the motion.

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**2. REQUEST FOR EXEMPTION FROM THE WHEELCHAIR ACCESSIBLE VEHICLE POLICY
Application Reference 9/02**

The Committee had before it (1) an information sheet prepared by the Chief Officer – Governance in respect of the request for exemption from the Wheelchair Accessible Vehicle Policy.

The licence holder was not in attendance, however had requested a deferral to enable him to be in attendance.

The Committee resolved:

to defer consideration of the request to the next meeting of the Committee to enable the licence holder to be present.

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

With reference to article 2 of appendix B of the minute of the meeting of the Licensing Committee of 4 June 2019, the Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 11 October 2019; and presented information in respect of the applicant for the Committee's consideration, including a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 2 May 2019.

The applicant was in attendance and was represented by his solicitor.

Sergeant Flett was in attendance on behalf of Police Scotland's letter of representation.

Sergeant Flett as a preliminary point advised that she had a further letter of representation from Police Scotland that she wished to submit into proceedings and explained the reason for the late submission.

The Committee resolved:

to accept the late submission from Police Scotland into proceedings.

In light of the acceptance of the late submission into proceedings, the applicant's representative requested that consideration of the application be deferred to enable the applicant to consider the content of the letter.

The Committee resolved:

to defer consideration of the application to a meeting of the Licensing Sub Committee.

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

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 4 October 2019 and a medical report from the Council's Occupational Health had been received.

The applicant was not in attendance, nor represented.

The Committee resolved:
to refuse the application.

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

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 27 September 2019 and a medical report from the Council's Occupational Health had not been received.

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

The Committee resolved:
to defer consideration of the application to allow a medical report to be received and to agree that should a clear medical report be received, the Chief Officer - Governance could grant the licence under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Sub Committee for consideration.

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