

LICENSING COMMITTEE

ABERDEEN, 29 October 2019. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Reynolds, Convener; Councillor Malik, Vice-Convener; and Councillors Allan, Delaney, Donnelly (as substitute for Councillor Bell), Henrickson, Mennie, Sellar and Townson.

The agenda and reports associated with this minute can be found [here](#).

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 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/items of business 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.

DEPUTATIONS

2. The Committee had before it a request for deputation from Mr Mark Cullen, Taxi Driver in relation to item 8.2 (Taxi Fare Review) on the agenda.

The Committee resolved:-

to note the deputation and that it would be heard immediately prior to consideration of item 8.2 (Taxi Fare Review) on the agenda.

MINUTE OF PREVIOUS MEETING OF 20 AUGUST 2019

3. The Committee had before it the minute of its meeting of 20 August 2019 for approval.

The Committee resolved:

to approve the minute as a correct record.

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MINUTES OF MEETINGS OF THE LICENSING SUB COMMITTEE OF 14 AUGUST, 11 SEPTEMBER, 30 SEPTEMBER AND 11 OCTOBER 2019.

4. The Committee had before it the minutes of the meetings of the Sub Committee of 14 August, 11 September, 30 September and 11 October 2019 for approval.

The Committee resolved:

to approve the minutes as correct records.

MINUTE OF MEETING OF THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP OF 2 OCTOBER 2019

5. The Committee had had before it the minute of meeting of the Taxi and Private Hire Car Consultation Group of 2 October 2019.

With reference to article 9(A) of the minute (Bus Gates), the Convener advised that the Consultation Group agreed to request that the Committee consider referring the matter of allowing access for private hire car drivers through bus gates to the Operational Delivery Committee for their consideration, noting that taxi drivers were currently able to do so.

The Committee resolved:-

- (i) to refer the matter of allowing access for private hire car drivers through bus gates to the Operational Delivery Committee for their consideration; and
- (ii) to otherwise note the minute.

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.

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PUBLIC CHARITABLE COLLECTION POLICY REVIEW - GOV/19/403

8. The Committee had before it a report by the Chief Officer – Governance which provided information in relation to the review of the current Public Charitable Collection Policy to ensure that it was still fit for purpose.

The report recommended:-

that the Committee –

- (a) amend the policy to allow Street Collections to be permitted on any three days in a week, but not on consecutive days; and
- (b) grant delegated powers to the Chief Officer – Governance to grant permission for collections to be conducted at organised events, on any day, where no representations are received.

The Committee resolved:-

to approve the recommendations.

TAXI FARE REVIEW - GOV/19/302

9. In accordance with article 2 of this minute, the Committee received a deputation from Mr Mark Cullen, Taxi Driver in relation to item 8.2 (Taxi Fare Review) on the agenda.

Mr Cullen advised that he was a current taxi driver working for one of the two major taxi companies in the city and that he had canvassed the views of drivers in the trade through the two main social media sites which drivers subscribe to.

He indicated that the vast majority of respondents were broadly in favour of the proposed option to increase the taxi fare as outlined at section 3.4.1 of the report. He made reference to the downturn in the North East of Scotland economy, particularly the oil and gas industry and outlined the impact that this has had on business and leisure, although acknowledging that this industry had seen some recovery from early 2018. He made reference to fuel and car operating costs for drivers and the (previous) £40 charge to have taxi meters re-calibrated. He acknowledged that there would be criticism from some members of the public if the rise was approved, however he thought the increase in fares would be fair.

The Committee had before it a report by the Chief Officer – Governance which provided information which would allow the Committee to reach an informed decision on any changes to be made to the current taxi fare tariff and comply with its duty to review taxi fares under section 17 of the Civic Government (Scotland) Act 1982.

The report recommended:-

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that the Committee –

- (a) approve either Option A or Option B detailed at section 3.4 of the report as the proposed scales to be advertised for the taxi fare review in terms of section 17 of the Civic Government (Scotland) Act 1982;
- (b) instruct the Chief Officer - Governance to amend the fare card at surcharge 5 to reflect the holiday dates for 2020 and 2021;
- (c) instruct the Chief Officer - Governance to advertise the proposed scales agreed in a newspaper circulating in its area for at least one month together with the general effect of the proposed scales and the date when it is proposed that they will take effect; and
- (d) instruct the Chief Officer - Governance to submit a report to the Licensing Committee on 03 December 2019 on the outcome of the consultation on the proposed scales and seeking a final decision on the future taxi fare levels to be adopted from 29 January 2020.

The Committee resolved:-

- (i) to approve Option A, which was to increase the current basic tariff by 7% as outlined in Appendix 1 of the report; and
- (ii) to approve recommendations (b) to (d) above.

CONFIDENTIAL INFORMATION

The press and public were excluded from the meeting for consideration of the applications listed in section 9 on the agenda and appendix 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

10. 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 – 26
BALMORAL ROAD, ABERDEEN**
Application Reference 7/01

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

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The applicant, Mr James Stewart, was in attendance and spoke in support of his application.

Two of the three respondents were not in attendance, nor represented.

Ms Cecilia Davis, respondent, was in attendance and spoke in support of her letter of representation.

The Committee asked questions of the applicant and respondent.

The respondent summed up.

The applicant summed up.

Councillor Delaney, seconded by Councillor Donnelly moved:-

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, for one year.

Councillor Townson, seconded by Councillor Allan, moved as an amendment:-

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, for the full three-year term.

On a division, there voted:- for the motion (4) – Councillors Delaney, Donnelly, Henrickson and Mennie; for the amendment (5) – the Convener, the Vice Convener and Councillors Allan, Sellar and Townson.

The Committee resolved:-

to adopt the amendment.

**2. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION –
456A GREAT WESTERN ROAD, ABERDEEN
Application Reference 7/02**

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

The applicant's agent, Mr John Carroll, was in attendance and spoke in support of the application.

The respondent's agent, Mr Dean Purdie, was in attendance and spoke in support of the letter of representation submitted by Ms Frances Wilson.

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The Committee asked questions of the applicant's agent and the respondent's agent.

The respondent's agent summed up.

The applicant's agent summed up.

The Committee resolved:-

to grant the renewal of the licence.

3. **APPLICATION FOR A NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 130 GREAT NORTHERN ROAD, ABERDEEN**
Application Reference 7/03

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

The applicant's agent, Mr Alexander Chan, was in attendance and spoke in support of the application.

The respondent was not in attendance, nor represented.

The Committee resolved:-

to grant the licence.

4. **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 225 UNION GROVE, ABERDEEN**
Application Reference 7/04

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

The applicant's agent, Mr Chris Minchin, was in attendance and spoke in support of the application.

The respondent was not in attendance, nor represented.

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.

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**5. EXEMPTION FROM LATE HOURS CATERING LICENCE
APPLICANT: WM MORRISON SUPERMARKET PLC
LOCATION: FILLING STATION, 130 WEST NORTH STREET
Application Reference 7/05**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which provided details of a request for an exemption to their licence to open the petrol filling station for the hours 23:00 to 00:30 on Saturday 21 December, 2019 and Monday 23 December, 2019.

The applicant's agents Mr Alex Green and Mr David Hughes were in attendance and spoke in support of the request.

The Committee resolved:-

to grant the exemption, therefore allowing the petrol filling station including convenience store to trade on Saturday, 21 December and Monday, 23 December 2019 during the hours 23:00 to 00:30.

**6. APPLICATION FOR THE GRANT OF A STREET TRADER'S LICENCE
APPLICANT: ROOTS PLANT BASED CATERING
LOCATION: BEACH ESPLANADE, EAST SIDE, 86 METRES NORTH OF NEW PIER ROAD AND BEASH ESPLANADE EAST SIDE, 73 METRES SOUTH OF LINKS ROAD
Application Reference 7/06**

The Committee noted that the licence had been granted under delegated powers after the letter of representation submitted by the Community Council had been withdrawn.

**7. APPLICATION FOR THE GRANT OF A STREET TRADER'S LICENCE
APPLICANT: CLINT SANGBARANI
LOCATION: BEACH BOULEVARD RETAIL PARK – SOUTH CAR PARK
Application Reference 7/07**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 16 March 2020 and one representation from Castlehill and Pittodrie Community Council had been received.

The applicant, Mr. Clint Sangbarani, was in attendance and spoke in support of the application.

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Mr Jonathan Smith representing the Community Council, was in attendance and advised that following discussions with the applicant, the Community Council was withdrawing its letter of representation and supporting the application.

The Committee resolved:-
to grant the licence.

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APPENDIX B

1. **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION –
105B SUNNYSIDE ROAD, ABERDEEN**
Application Reference 9/01

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

Mr Thain, Private Sector Housing Manager advised that a letter of support for the application had been omitted from the agenda due to an administrative error and sought approval from the Committee to circulate it to all parties.

The Committee resolved:-
to circulate the letter.

The applicant was represented by her father who spoke in support of the application.

Two of the three respondents were not in attendance, nor represented.

One of the respondents was in attendance and spoke in support of his letter of representation.

The Committee asked questions of the applicant's representative and respondent.

The respondent summed up.

The applicant's representative summed up.

Councillor Delaney, seconded by Councillor Allan, moved:-
to grant the renewal of the licence for a period of one year, with a condition that the licence-holder ensures that a good-quality carpet and underlay is laid in the lounge of the property, to the satisfaction of an authorised officer from Aberdeen City Council, and all within one month of the licence commencement date.

Councillor Townson, seconded by Councillor Donnelly, moved as an amendment:-
to grant the renewal of the licence for the full three-year term.

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On a division, there voted:- for the motion (5) – the Convener and Councillors Allan, Delaney, Henrickson and Mennie; for the amendment (4) – the Vice Convener and Councillors Donnelly, Sellar and Townson.

The Committee resolved:-

- (i) to adopt the motion; and
- (ii) to request that a short presentation be held by the ASBIT Team at the next meeting of the Licensing Committee, which would outline the process they undertake when complaints are received from members of the public.

2. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 105C SUNNYSIDE ROAD, ABERDEEN
Application Reference 9/02

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

The applicant's representatives were in attendance and spoke in support of the application.

Two of the three respondents were not in attendance, nor represented.

One of the respondent's was in attendance and spoke in support of his letter of representation.

The respondent summed up.

The applicant's agent summed up.

The Committee resolved:-

to grant the renewal of the licence.

3. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 71 HILTON AVENUE, ABERDEEN
Application Reference 9/03

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

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

The respondent was in attendance and spoke in support of her letter of representation.

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The Committee asked questions of the applicant and respondent.

The respondent summed up.

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.

**4. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 75 HILTON AVENUE, ABERDEEN
Application Reference 9/04**

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

The applicant and his agent were in attendance and spoke in support of the application.

One of the two respondents was not in attendance, nor represented.

The respondent who was in attendance spoke in support of her letter of representation.

The Committee asked questions of the applicant and respondent.

The respondent summed up.

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.

**5. REQUEST FOR EXEMPTION FROM WHEELCHAIR ACCESSIBLE VEHICLE POLICY
Application Reference 9/05**

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The Committee had before it 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, nor represented.

The Committee resolved:

to refuse the request for an exemption from the Wheelchair Accessible Vehicle Policy.

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

Application Reference 9/06

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 7 November 2019; and (2) a letter of representation from the Chief Superintendent, Police Scotland, c/o North East Division dated 28 May 2019.

The licence holder and his Trade Union representative were in attendance and spoke in support of the application.

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

The Committee asked questions of the applicant and Sergeant Flett.

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

The Committee resolved:

to grant the renewal of the licence.

7. APPLICATION FOR THE GRANT OF A STREET TRADER'S LICENCE (EMPLOYEE)

Application Reference 9/07

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 9 January 2020; and (2) a letter of objection from the Chief Superintendent, Police Scotland, c/o North East Division dated 5 August 2019.

Mr Sandy Munro, Interim Licensing Team Leader made reference to Police Scotland's letter and advised that information on the first page and details within

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the last two paragraphs of the letter should have been on a paper apart and therefore, the Committee should not take that information into consideration when coming to a decision.

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 both summed up.

The Committee resolved:

to refuse the grant of the licence.

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