

LICENSING COMMITTEE

ABERDEEN, 16 March 2021. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Reynolds, Convener; Councillor Malik, Vice Convener; and Councillors Allan, Bell, Delaney, Henrickson, Radley, 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.

DECLARATIONS OF INTEREST

1. Members were requested to intimate any declarations of interest in respect of the items on today's agenda, thereafter the following were intimated:-
(1) Councillor Radley declared an interest in item 7.6 (Grant of a Street Trader Licence – Douglas Durno, Canal Street (Woodside) South Side, 25m East of Bank Street (outside No 26), by virtue of her having prior involvement at the site in terms of another role she had. She considered that the nature of her interest required her to leave the meeting and she therefore took no part in the consideration of this item.

MINUTE OF PREVIOUS MEETING OF 19 JANUARY 2021

2. The Committee had before it the minute of its previous meeting of 19 January 2021.

The Committee resolved:-
to approve the minute.

COMMITTEE BUSINESS PLANNER

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

The Committee resolved:-

- (i) to note that in relation to item 4 (Taxi and Private Hire Policy Review), that officers would publicise the amended date for the report to be submitted to Committee;
- (ii) to remove item 16 (Age Policy for Private Hire and Taxi Vehicles) and item 17 (Mixed Fleet Policy Options), for the reasons outlined in the planner; and
- (iii) to otherwise note the Committee Business Planner.

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RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 48A FOUNTAINHALL ROAD

4. The Committee were advised that the licence had been granted under delegated powers.

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - FIRST FLOOR FLAT, 64 GREAT WESTERN ROAD

5. With reference to article 6 of the minute of the previous meeting of 19 January 2021, the Committee had before it a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reason that one letter of representation had been submitted.

The applicant's agent, Ms Anna Munro, was in attendance and spoke in support of the application and responded to questions from members of the Committee.

The respondent's partner, Ms Claire O'Farrell, was in attendance and spoke in support of the letter of representation and responded to questions from members of the Committee.

Both parties summed up.

The Committee resolved:-

- (i) 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; and
- (ii) that the applicant be encouraged to install a floor covering system (e.g. rugs) to mitigate against footfall noise levels.

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 386D KING STREET

6. The Committee had before it a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reason that one letter of representation had been submitted.

The applicant, Mr Ka Wai Cheng, was in attendance and spoke in support of the application and responded to questions from members of the Committee.

The respondent, Mr Edward Robinson was in attendance and spoke in support of the letter of representation and responded to questions from members of the Committee.

Both parties summed up.

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The Committee resolved:-

to defer consideration of the application until the next meeting of the Committee to allow the Private Sector Housing Manager to liaise with colleagues in the Housing Repairs Team to determine the history relating to water leaks from the HMO flat into the Council-owned flat immediately below.

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 15 SPITAL

7. The Committee had before it a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reason that one letter of representation had been submitted.

The applicant and his agent, Mr Duncan Love, was in attendance and spoke in support of the application and responded to questions from members of the Committee.

The respondent, Dr Jacinta Birchley, was in attendance and spoke in support of the letter of representation and responded to questions from members of the Committee.

Both parties summed up.

Councillor Townson, seconded by the Vice Convener, 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 the full three-year term.

Councillor Delaney, seconded by Councillor Bell, 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 a one year period.

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

The Committee resolved:-

to adopt the amendment.

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 17 SPITAL

8. The Committee had before it a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reason that one letter of representation had been submitted.

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The applicant and his agent, Mr Duncan Love, was in attendance and spoke in support of the application and responded to questions from members of the Committee.

The respondent, Dr Jacinta Birchley, was in attendance and spoke in support of the letter of representation and responded to questions from members of the Committee.

Both parties summed up.

Councillor Townson, seconded by the Vice Convener, 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 the full three-year term.

Councillor Delaney, seconded by Councillor Bell, 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 a one year period.

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

The Committee resolved:-

to adopt the amendment.

DECLARATION OF INTEREST

In accordance with article 1 of this minute, Councillor Radley withdrew from the meeting prior to consideration of the following item of business.

GRANT OF A STREET TRADER LICENCE - DOUGLAS DURNO, CANAL STREET (WOODSIDE) SOUTH SIDE, 25M EAST OF BANK STREET (OUTSIDE NO 26)

9. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the application required to be determined by 29 November 2021 and that officers had yet to receive evidence of landowner consent to occupy the site.

Mr Sandy Munro, Team Leader indicated that landowner's consent had now been received but unfortunately due to an administrative error, some respondents had not been invited to attend the meeting today, and as a result, he suggested that a Licensing Sub Committee meeting be arranged to consider the application with all parties being invited to attend and participate in the proceedings if they so wish. He also advised that one of the Ward Councillors had withdrawn their objection.

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The Committee resolved:-

- (i) to note the information provided by the Licensing Team Leader regarding the administrative error; and
- (ii) to defer consideration of the application to a meeting of the Licensing Sub Committee, noting that the objection by Ward Councillor 1 had been withdrawn.

CONFIDENTIAL INFORMATION

The press and public were excluded from the meeting for consideration of the following items which contained confidential information in terms of Section 50A 3(b) of the Local Government (Scotland) Act 1973.

GRANT OF A LATE HOURS CATERING LICENCE (AGENDA ITEM 8.1)

10. The Committee were advised that the application had been withdrawn.

RENEWAL OF A TAXI DRIVER LICENCE (AGENDA ITEM 8.2)

11. With reference to article 17 of the minute of the previous meeting of 19 January 2021, the Committee had before it (1) an information note prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 19 January 2022; and (2) a letter of representation from the Chief Superintendent, Police Scotland, c/o North East Division dated 2 February 2021.

The licence holder's agent, Mr Tony Dawson was 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.

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

The Committee resolved:-

to grant the renewal of the licence.

RENEWAL OF A TAXI DRIVER LICENCE (AGENDA ITEM 8.3)

12. The Committee had before it an information note prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 20 July 2021.

The licence holder was in attendance and spoke in support of the application and responded to questions from members of the Committee.

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The Committee resolved:-

to grant the renewal of the licence.

**TAXI EXEMPTION FROM WHEELCHAIR ACCESSIBLE VEHICLE POLICY
(AGENDA ITEM 8.4)**

13. 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; and (2) a letter dated 8 February 2021, from the Council's Occupational Health Provider.

The licence holder was not in attendance nor represented.

The Committee resolved:-

to approve the exemption to the Committee Policy.

RENEWAL OF A TAXI DRIVER LICENCE (AGENDA ITEM 8.5)

14. The Committee were advised that the licence had been granted under delegated powers.

- **COUNCILLOR JOHN REYNOLDS, Convener**