

LICENSING COMMITTEE

ABERDEEN, 18 May 2021. Minute of meeting of the LICENSING COMMITTEE.
Present: Councillor Reynolds, Convener; Councillor Malik, Vice Convener; and Councillors Allan, Bell, Henrickson, Radley, Sellar, Townson and Yuill (as substitute for Councillor Delaney).

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. There were no declarations of interest intimated.

MINUTE OF PREVIOUS MEETING OF 16 MARCH 2021

2. The Committee had before it the minute of its meeting of 16 March 2021 for approval.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF MEETING OF THE LICENSING SUB COMMITTEE OF 7 APRIL 2021

3. The Committee had before it the minute of meeting of the Licensing Sub Committee of 7 April 2021, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE BUSINESS PLANNER

4. 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.

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

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5. With reference to article 6 of the minute of the previous meeting of 16 March 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.

Mr Thain, Private Sector Housing Manager advised that he had recently received 16 photographs of the property, including the bathroom that the applicant wished to submit into proceedings.

The Committee resolved:-

to accept the photographs into proceedings.

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.

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.

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 627 KING STREET

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

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 77-79 BON ACCORD STREET

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

TAXI - REQUEST FOR EXEMPTION FROM AGE OF VEHICLE POLICY - MATTHEW CHYLA

8. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the applicant was seeking an exemption to the current Committee Policy which stated that any saloon vehicle to be licensed as a taxi or private hire car must be no older than 5 years old from the date of registration.

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The applicant, Matthew Chyla was in attendance and spoke in support of his request and answered questions from members of the Committee.

The Committee resolved:-

to reject the request for exemption from Age of Vehicle Policy.

GRANT OF A STREET TRADER LICENCE - NUM OWEN

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 13 July 2021 and that officers had yet to receive the Certificate of Compliance in relation to food hygiene.

The Committee resolved:-

to defer consideration of the application until Environmental Health have undertaken an inspection for the Certificate of Compliance, after which time the Chief Officer - Governance could grant the licence under delegated powers if appropriate.

GRANT OF A STREET TRADER LICENCE - ABERDEEN BIKE VENDING LTD

10. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the application required to be determined by 24 January 2022 and that three letters of representation had been received.

The information sheet indicated that the application was for the following locations - Monday to Sunday (10.00 – 20.00 hrs):-

- (1) Beach Esplanade, East Side 50m South of Beach Boulevard;
- (2) Beach Esplanade, East Side 825m South East of King Street;
- (3) Seaton Park, Car park, East Side;
- (4) Seaton Park, 305m North of St Machars Cathedral;
- (5) George Street, East Side, 50m North of Loch Street;
- (6) Westburn Park, Grass Area, 37m South of The Pavilion;
- (7) Victoria Park, North Western Corner, 20m East of Entrance; and
- (8) Beach Esplanade, East Side 150m South of Links Road.

The applicants, Dimitrov and Dimitar Nikolaev, were in attendance and spoke in support of their application and responded to questions from members of the Committee.

None of the respondents were in attendance.

The Committee resolved:-

to grant the licence.

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GRANT OF A STREET TRADER LICENCE - JBG CATERING

11. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the application required to be determined by 2 February 2022; and that letters of representation had been received from Aberdeen City Council's Roads and Parks Teams, Cove and Altens Community Council and 15 members of the public.

The information sheet indicated that the application was for the following locations - Monday to Sunday (11.00 – 23.00 hrs):-

- (1) Bervie Brow Car Park (East) North Side, 10m West of Marchmont Street;
- (2) Doonies Farm Car Park, North Side 200m North of Doonies Farm;
- (3) Coast Road, Easy Side, Layby North End, 120m North East of Burnbank Village entrance;
- (4) Wellington Circle Northern Spur, East side, 25m North of Wellington House carpark entrance; and
- (5) Wellington Road (Old), Northerly End, West side, 75m North of Entry/Exit to Wellington Road

The applicant, Jean Baptiste Pose, was in attendance, spoke in support of his application and responded to questions from members of the Committee.

Ms Vycki Ritson, Roads Team was in attendance.

No other respondents were in attendance.

The Committee resolved:-

to grant the licence for the following locations and that trading be Monday to Sunday (16:00 – 21.00 hrs):-

- (1) Bervie Brow Car Park (East) North Side, 10m West of Marchmont Street; and
- (2) Wellington Circle Northern Spur, East side, 25m North of Wellington House carpark entrance.

APPLICATION FOR CHANGES TO THE CITY CENTRE TAXI RANKS - COM/21/064

12. With reference to article 9 of the minute of meeting of the Licensing Committee of 19 January 2021, the Committee had before it a report by the Director of Resources which provided details on the outcome of the formal consultation on the proposal to make changes to taxi ranks due to current access restrictions on city centre streets through the Spaces for People programme.

The report recommended:-

that the Committee –

- (a) note the responses received to the formal consultation, on the proposal for changes to taxi ranks in the city centre, in terms of Section 19 of the Civic Government (Scotland) Act 1982; and

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(b) agree to make the changes as detailed:-

(1) Full Time Ranks – Suspension

- Hadden Street: Westbound feeder rank 7 No. stances – as shown in Appendix A; and
- Back Wynd: Southbound rank 15 No. stances – as shown in Appendix B;

(2) Full Time Ranks – Appointment - which will operate 24 hours per day, 7 days a week:-

- Exchange Street: Northbound 7 No. stances - as shown in Appendix C;
- Rosemount Viaduct: Eastbound 12 No. stances – as shown in Appendix D;
- Exchequer Row/Shiprow: Northbound 10 No. stances – as shown in Appendix E;
- Union Row Southbound 4 No. stances – as shown in Appendix F; and
- Justice Mill Lane Westbound 3 No. stances – as shown in Appendix G.

The Committee resolved:-

to approve the recommendations.

TAXI AND PRIVATE HIRE POLICY REVIEW CONSULTATION RESPONSES - COM/21/114

13. With reference to article 16 of the minute of meeting of the Licensing Committee of 10 November 2020, the Committee had before it a report by the Chief Officer – Governance, which outlined the results of the public consultation on the proposed changes to the Taxi and Private Hire Policies.

The report recommended:-

that the Committee –

- (a) note the results of the consultation exercise detailed in Appendices 1, 2 and 3 of the report;
- (b) approve in principle the amendments to policy; and
- (c) instruct the Chief Officer – Governance to report back to the Committee on 31 August 2021 with proposed policies for approval.

The Committee resolved:-

- (i) to approve recommendations (a) and (c); and
- (ii) to approve in principle the amendments to policy, with the exception of the proposal to abolish the Council’s existing zoning in relation to the airport, which would remain status quo.

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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.

RENEWAL OF A TAXI DRIVER LICENCE (AGENDA ITEM 9.1)

14. The Committee had before it an information note prepared by the Chief Officer – Governance which advised that the application had to be determined by 18 May 2021.

The licence holder was not in attendance, nor represented.

The Committee resolved:-

to refuse the renewal of the licence.

RENEWAL OF A TAXI DRIVER LICENCE (AGENDA ITEM 9.2)

15. 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 6 March 2022; and (2) a letter of representation from the Chief Superintendent, Police Scotland, c/o North East Division dated 23 March 2021.

The licence holder 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 both summed up.

The Committee resolved:-

to grant the renewal of the licence.

RENEWAL OF A TAXI DRIVER LICENCE (AGENDA ITEM 9.3)

16. 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 14 June 2021.

The licence holder was not in attendance, nor represented.

The Committee resolved:-

to refuse the renewal of the licence.

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PARAGRAPH 11 SUSPENSION (AGENDA ITEM 9.4)

17. The Committee had before it (1) an information note prepared by the Chief Officer – Governance which advised that a request had been received by Police Scotland for the suspension of a Taxi Driver Licence and a Taxi Operator Licence held by the licence holder in terms of paragraphs 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 (“the Schedule”); and (2) a letter from the Chief Superintendent, Police Scotland, North East Division dated 16 April 2021.

Sergeant Flett was in attendance on behalf of Police Scotland and spoke in support of the letter.

The licence holder and his representative Ms Sian Fish were in attendance, and his representative spoke in response to the request for suspension of the licences and in support of the licence holder.

Sergeant Flett and the Licence holder’s agent both summed up.

The Committee resolved:-

to suspend the licence holder for the unexpired portion of both the Taxi Driver Licence and Taxi Operator Licence.

GRANT OF A STREET TRADER LICENCE (AGENDA ITEM 9.5)

18. The Committee had before it (1) an information note prepared by the Chief Officer – Governance in respect of the application; and (2) a letter of representation from the Chief Superintendent, Police Scotland, c/o North East Division, dated 10 March 2021.

Mr Sandy Munro, Legal Adviser, Aberdeen City Council advised that there had been an error in the information note circulated with the agenda pack, he explained that the application had been submitted in February 2021 and not May 2019.

The licence holder 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 representation.

Sergeant Flett and the applicant both summed up.

The Committee resolved:-

to grant the licence.

- **COUNCILLOR JOHN REYNOLDS, Convener**