

LICENSING COMMITTEE

ABERDEEN, 26 October 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 Malik declared an interest in item 10.1 (Request for the Suspension or Revocation of a Private Hire Car Driver Licence Under Paragraph 11) by virtue of him knowing the licence holder. He considered that the nature of his interest required him to leave the meeting and he therefore took no part in the consideration of this item.

MINUTE OF PREVIOUS MEETING OF 29 SEPTEMBER 2021, FOR APPROVAL

2. The Committee had before it the minute of its previous meeting of 29 September 2021 for approval.

The Committee resolved:-

to approve the minute as a correct record.

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 the reason for the reporting delay in relation to item 5 (Review of Street Trader Licence Policy and Procedure); and
- (ii) to otherwise note the content of the Business Planner.

LICENSING COMMITTEE

26 October 2021

REVIEW OF TAXI RANKS - REFERRAL FROM THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP OF 13 OCTOBER 2021

4. The Committee had before it by way of a referral, an extract from the minute of meeting of the Taxi and Private Hire Car Consultation Group of 13 October 2021, which requested that the Committee consider the proposal to undertake a Review of the Taxi Ranks in Aberdeen at the earliest opportunity.

The Committee resolved:-

to instruct the Chief Officer – Governance to undertake a Review of the Taxi Ranks in Aberdeen at the earliest opportunity following any Council decision being taken on the options for vehicle access on Union Street and the Spaces for People interventions in that area.

REVIEW OF THE STREET KNOWLEDGE TEST - REFERRAL FROM THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP OF 13 OCTOBER 2021

5. The Committee had before it by way of a referral, an extract from the minute of meeting of the Taxi and Private Hire Car Consultation Group of 13 October 2021, which requested that the Committee consider undertaking a review of the Street Knowledge Test.

The Committee resolved:-

to instruct the Chief Officer – Governance to report back to the Committee on the feasibility of a time limited modular street knowledge test at the meeting on 22 March 2022.

EXEMPTION REQUEST FOR A LATE HOURS CATERING LICENCE - MARKS AND SPENCER - UNIT 2 AND 3, UNION SQUARE SHOPPING PARK, UNIT 2, BRIDGE OF DON RETAIL PARK, STONEYWOOD PARK

6. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the applicant was seeking an exemption under Section 42(5) Civic Government (Scotland) Act 1982 from requiring a Late Hours Catering Licence during the hours 23:00 to 00:00 from 18 December 2021 to 24 December 2021.

The applicant's agent Mr Chris Grunert was in attendance and spoke in support of the request and responded to questions from members of the Committee.

The Committee resolved:-

to approve the exemption request.

LICENSING COMMITTEE

26 October 2021

TAXI AND PRIVATE HIRE POLICY REVIEW - COM/21/258

7. With reference to article 13 of the minute of the meeting of 18 May 2021, the Committee had before it a report by the Chief Officer - Governance which presented the amended policies for taxis and private hire for final approval.

The report recommended:-

that the Committee –

- (a) agree the highlighted amendments to policy at 5.3.4, 5.3.7, 5.3.8, 5.4.2 and 5.4.3 in Appendix 1;
- (b) agree an implementation date of 1 April 2022, for all amendments with the exception of 5.3.8; and
- (c) agree to defer the implementation of the changes to policy 5.3.8 pending further information about the installation of the necessary infrastructure.

The Committee resolved:-

to approve the recommendations.

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.

DECLARATION OF INTEREST

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

REQUEST FOR THE SUSPENSION OR REVOCATION OF A PRIVATE HIRE CAR DRIVER LICENCE UNDER PARAGRAPH 11 (AGENDA ITEM 10.1)

8. The Committee had before it (1) an information sheet prepared by the Chief Officer – Governance, which advised that a request had been received under Paragraph 11, Schedule 1 of the Civic Government (Scotland) Act 1982 for the suspension or revocation of a private hire car driver licence; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division dated 8 October 2021.

Sergeant Flett was in attendance and by way of a preliminary matter indicated that it was the Chief Constable's contention that justice could not be done in this case, except by admitting evidence relating to 'protected' matters and sought approval, as per Section 7(3) of the Rehabilitation of Offenders Act 1974, to allow the 'protected' matters to be considered by way of the circulation of an additional letter dated 8 October 2021.

LICENSING COMMITTEE

26 October 2021

The licence holder was in attendance and was represented by a friend who was then given an opportunity to argue against the inclusion of the second police letter.

The Committee resolved:-

to admit the details of the 'protected' matters into proceedings for consideration.

The second police letter containing the details of the protected matters was then circulated to Members.

Sergeant Flett spoke in support of Police Scotland's letters and responded to questions from members of the Committee,

The licence holder's representative responded to the details circulated in the letters.

Sergeant Flett and the Licence holder's representative both summed up.

The Convener, seconded by Councillor Townson moved:-

that the Committee suspend the licence holder for a period of one month.

Councillor Delaney, seconded by Councillor Bell, moved as an amendment:-

that the Committee suspend the licence holder for the unexpired period of his licence.

Councillor Allan, seconded by Councillor Radley, moved as a further amendment:-

that the Committee suspend the licence holder for a period of six months.

There being a motion and two amendments, the Committee first divided between the amendment by Councillor Delaney and the amendment by Councillor Allan.

On a division, there voted:- for the amendment by Councillor Delaney (1) – Councillor Delaney; for the amendment by Councillor Allan (5) – Councillors Allan, Bell, Henrickson, Radley and Sellar; declined to vote (2) – the Convener and Councillor Townson.

The Committee then divided between the motion and the amendment by Councillor Allan.

On a division, there voted:- for the motion (2) – the Convener and Councillor Townson; for the amendment by Councillor Allan (6) – Councillors Allan, Bell, Delaney, Henrickson, Radley and Sellar.

The Committee resolved:-

to adopt the amendment, thereby suspending the licence holder for a period of six months.

LICENSING COMMITTEE

26 October 2021

RENEWAL OF A TAXI DRIVER LICENCE (AGENDA ITEM 10.2)

9. The Committee had before it an information note prepared by the Chief Officer – Governance which advised that the application had to be determined by 29 October 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 10.3)

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

RENEWAL OF A TAXI DRIVER LICENCE (AGENDA ITEM 10.4)

11. The Committee had before it an information note prepared by the Chief Officer – Governance which advised that the application had to be determined by 3 December 2021.

The licence holder was not in attendance, nor represented.

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.

- **COUNCILLOR JOHN REYNOLDS, Convener**