

## **Licensing Committee**

ABERDEEN, 22 March 2022. Minute of Meeting of the LICENSING COMMITTEE.  
Present:- Councillor Reynolds, Convener; Councillor Malik, Vice-Convener; and Councillors Allan, Al-Samarai (as substitute for Councillor Radley), Bell, Delaney, Henrickson, 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 AND TRANSPARENCY STATEMENTS**

1. There were no declarations of interest or transparency statements intimated at this stage in the proceedings.

### **MINUTE OF PREVIOUS MEETING OF 18 JANUARY 2022, FOR APPROVAL**

2. The Committee had before it the minute of its previous meeting of 18 January 2022, for approval.

**The Committee resolved:-**  
to approve the minute.

### **MINUTE OF MEETING OF TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP OF 3 MARCH 2022**

3. The Committee had before it the minute of meeting of the Taxi and Private Hire Car Consultation Group of 3 March 2022, for approval.

**The Committee resolved:-**

- (i) to agree to amend the membership of the Taxi and Private Hire Consultation Group to have representation from three 'Independent Drivers' and to invite those three members who expressed an interest to join the group;
- (ii) to note that consideration of incorporating the Queen's Platinum Jubilee Bank Holiday as a public holiday in respect of the taxi tariff, with a view to the taxi trade charging an additional £1 for each journey fare would be discussed at item 9.3 (Taxi Fare Review 2022) on the agenda (article 18 of this minute refers);
- (iii) to note that arrangements have been made to undertake the Taxi Tariff Meters change at the Airport; and
- (iv) to otherwise approve the minute.

### **COMMITTEE BUSINESS PLANNER**

## **LICENSING COMMITTEE**

22 March 2022

4. The Committee had before it the Committee Business Planner as prepared by the Chief Officer – Governance.

**The Committee resolved:-**

- (i) to note the reason outlined in the planner for the delay to item 5 (Review of the Street Knowledge Test); and
- (ii) to otherwise note the planner.

**RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 123A SPITAL**

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

**NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 179 SKENE 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 - 1 ABBOTSWELL DRIVE**

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

**RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 92D KING STREET**

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

**RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - FLAT C, 14 WELLINGTON STREET**

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

**NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 625 KING STREET**

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

**LICENSING COMMITTEE**

22 March 2022

**RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 15  
VIEWFIELD AVENUE**

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

**RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 13  
VIEWFIELD AVENUE**

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

**RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 11  
SUNNYSIDE TERRACE**

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

**RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 61 LESLIE  
ROAD**

14. The Committee were advised that the letter of representation/objection had been withdrawn, therefore officers could grant the application under delegated powers when the necessary upgrading works and certification was completed.

**REQUEST FOR EXEMPTION FROM AGE OF VEHICLE POLICY - STEVE SMITH**

15. The Committee had before it (1) an information sheet prepared by the Chief Officer – Governance, which advised that the applicant was seeking an exemption to the Committee Policy that stated that the vehicle for any new grant application for a Private Hire must be no more than 5 years old; and (2) an email from the applicant indicating the grounds on which he was seeking the exemption.

The applicant was in attendance and spoke in support of the exemption request and responded to questions from members of the Committee.

**The Committee resolved:-**

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

## **LICENSING COMMITTEE**

22 March 2022

### **QUEEN STREET TAXI RANK PROPOSAL - COM/22/066**

**16.** With reference to article 6 of the minute of meeting of 14 December 2021, the Committee had before it a report by the Director of Commissioning, which provided information on the results of the consultation with Police Scotland, Aberdeen City Council's Roads Service and the general public.

**The report recommended:-**

that the Committee –

- (a) consider the consultation responses in Appendices 1 and 2; and
- (b) reject the proposal for a taxi rank at Queen Street as unsuitable at present.

**The Committee resolved:-**

to instruct the Chief Officer - Operations and Protective Services, to undertake the statutory process, in accordance with "The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999", to provide for a Traffic Regulation Order (TRO) that would establish a Taxi Rank on Queen Street.

### **REVIEW OF STREET TRADER POLICY - COM/22/062**

**17.** The Committee had before it a report by the Director of Commissioning which provided details in relation to the current policies in place regarding street trader's licences and sought approval for change to update the practice and procedure relating to these licences.

**The report recommended:-**

that the Committee –

- (a) agree to maintain its current guideline prohibiting street trading in the City Centre;
- (b) agree to strengthen its current advertising policy by advertising applications for hot food on Tell Me Scotland in addition to a local newspaper;
- (c) agree that any application for a fixed stance trader in a residential area is referred to Committee;
- (d) agree to maintain all nine zones in relation to mobile traders and confirm that the zones exclude city parks and Council car parks;
- (e) allow hot food vans, for example a Fish and Chip van to operate on a mobile basis;
- (f) instruct the Chief Officer - Governance to consult the holders of Street Traders Licences and The Chief Constable, Police Scotland on the proposed changes to Street Trader Conditions;
- (g) agree a 3-year duration for a street trader licence;
- (h) instruct the Chief Officer - Governance to proceed with the consultation process on any revised policy, and report back to this Committee with a final draft of the revised policy by September 2022.

**The Committee resolved:-**

**LICENSING COMMITTEE**

22 March 2022

to approve the recommendations, subject to amending (c) above, to read:- to agree that any application for a fixed stance trader in a residential area and the Beach South Esplanade area is referred to Committee.

**TAXI FARE REVIEW 2022 - COM/22/067**

18. With reference to article 13 of the minute of meeting of 18 January 2022, the Committee had before it a report by the Director of Commissioning which provided details of the responses to the draft fare tariff.

**The report recommended:-**

that the Committee –

- (a) approve the fare tariff at Appendix 1;
- (b) instruct the Chief Officer - Governance to notify all operators of taxis within 7 days of the new tariff and their rights of appeal to the Traffic Commissioner; and
- (c) in the absence of an appeal to the Traffic Commissioner, instructs the Chief Officer - Governance to publish the final fare tariff to take effect as of 30 April 2022.

**The Committee resolved:-**

to approve the recommendations, subject to amending (a) above to read:- approve the fare tariff at Appendix 1, subject to adding the Queen's Platinum Jubilee Bank Holiday under section (5) of the Surcharges.

**TAXI AND PRIVATE HIRE CAR CONDITIONS - COM/22/065**

19. With reference to article 7 of the minute of meeting of 26 October 2021, the Committee had before it a report by the Director of Commissioning which outlined the amended conditions for taxis and private hire for final approval following the amendments to policy.

**The report recommended:-**

that the Committee –

- (a) approve the amendments to conditions in Appendix 1; and
- (b) agree an implementation date of 1 April 2022 for all amendments to coincide with the amendments to policy.

**The Committee resolved:-**

to approve the recommendations.

**CONFIDENTIAL INFORMATION**

**LICENSING COMMITTEE**

22 March 2022

**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.**

**NEW LANDLORD REGISTRATION (AGENDA ITEM 10.1)**

**20.** The Committee had before it (1) an information note prepared by the Private Sector Housing Manager, which provided details in relation to a new application for Landlord Registration; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division dated 21 February 2022.

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

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

Sergeant Grant and the applicant summed up.

**The Committee resolved:-**

to refuse the application.

**REQUEST FOR SUSPENSION OR REVOCATION (PARAGRAPH 11) OF A STREET TRADER LICENCE (AGENDA ITEM 10.2)**

**21.** 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 Street Trader's licence; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division dated 27 January 2022.

As a preliminary matter, Mr Munro, Legal Adviser, Aberdeen City Council advised that he had recently received two character references in support of the licence holder and that the Committee required to consider whether they be accepted into the proceedings.

**The Committee resolved:-**

to accept the character references into proceedings.

Sergeant Grant was in attendance, spoke in support of Police Scotland's letter and responded to questions from members.

The licence holder was in attendance, responded to the details within Police Scotland's letter and to member's questions.

Both parties summed up.

**LICENSING COMMITTEE**

22 March 2022

**The Committee resolved:-**

to take no action.

**DECLARATION OF INTEREST**

At this point in the proceedings, the Vice-Convener declared an interest in item 10.3 (Request for the Suspension or Revocation (Paragraph 11 and 12) of a Taxi Driver Licence) 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 withdrew from the meeting and took no part in the consideration of the following item of business.

**REQUEST FOR SUSPENSION OR REVOCATION (PARAGRAPH 11 & 12) OF A TAXI DRIVER LICENCE (AGENDA ITEM 10.3)**

22. 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 and 12, Schedule 1 of the Civic Government (Scotland) Act 1982 for the suspension or revocation of a Taxi Driver's licence; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 8 February 2022.

Sergeant Grant was in attendance, spoke in support of Police Scotland's letter and responded to questions from members.

The licence holder was in attendance, as was his representative, Mr Graham Morrison who spoke in support of the licence holder, responded to the details within Police Scotland's letter and to member's questions.

Both parties summed up.

**The Committee resolved:-**

- (i) to suspend the licence holder for a period of six months on the grounds that the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause a threat to public order or public safety; and
- (ii) that the circumstances of the case justify immediate suspension.

**BOOKING OFFICE LICENCE REVIEW (AGENDA ITEM 10.4)**

23. The Committee had before it (1) an information note prepared by the Chief Officer – Governance in respect of the Review; (2); a copy of the Enforcement Officer's report; (3) a letter from Anderson Strathern, the Licence holder's agent dated 25 February 2022, which included a copy of a contract between the licence holder's company and an organisation.

**LICENSING COMMITTEE**

22 March 2022

As a preliminary matter, Mr Munro, Legal Adviser, Aberdeen City Council advised that the licence holder wished to circulate further information, namely (a) an email chain between the licence holder's company and an organisation in relation to the contract; and (b) a renewal notice letter dated 14 August 2018.

**The Committee resolved:-**

to accept the correspondence into the proceedings.

Mr Munro explained the circumstances behind the review and referred to various sections pertaining to the Civic Government (Scotland) Act 1982. He then responded to questions from members.

The licence holder's agent, Mr Skinner provided details in relation to the Booking Office contract and spoke in support of the licence holder. He then responded to questions from members.

Both parties summed up.

Councillor Al-Samarai, seconded by the Convener, moved:-  
that the Committee take no action.

Councillor Delaney moved as an amendment:-

that the Committee instruct the Chief Officer – Governance to make the necessary arrangements to instruct Counsel to report back to the Committee with an opinion as to whether the Civic Government (Scotland) Act 1982 would apply in terms of the contract between the licence holder's company and the organisation.

Councillor Delaney did not have a seconder therefore in terms of Standing Order 29.12, his motion fell.

**The Committee resolved:-**

to take no action.

**VALEDICTORY**

**24.** The Convener advised that this would be the last meeting of the Committee prior to the forthcoming Local Government Election in May 2022.

The Convener wished to express his thanks to all officers for their work and support and Councillor's past and present who served on the Committee during his 36 years a member and Convener on the Committee. Finally, he specifically wished to thank Councillor Allan, who was also a long-standing member on the Committee and made reference to the fact that they would both be retiring.



**LICENSING COMMITTEE**

22 March 2022

Councillor Delaney added his best wishes to both the Convener and Councillor Allan.

- **COUNCILLOR JOHN REYNOLDS, Convener**