

Licensing Committee

ABERDEEN, 15 November 2022. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Al-Samarai, Convener; Councillor Delaney, Vice-Convener; and Councillors Boulton, Clark, Crockett, Fairfull, Farquhar, Graham, Henrickson, MacGregor, McLeod, McRae (as substitute for Councillor van Sweeden) and Tissera.

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. Members were requested to intimate any declarations of interest or transparency statements in respect of the items on today's agenda, thereafter the following was intimated:-

The Vice Convener advised that he had a connection in relation to agenda item 8.1 (New Licence for a House of Multiple Occupation - 45 Huxterstone Drive) by virtue of him being a former Chair of the Scottish Federation of Housing Associations and as the Council's representative on Aberdeen Care and Repair, however having applied the objective test, he did not consider that he had an interest and would not be withdrawing from the meeting.

MINUTES OF PREVIOUS MEETINGS OF 6 SEPTEMBER AND 4 NOVEMBER 2022

2. The Committee had before it minutes of its previous meetings of 6 September and 4 November 2022, for approval.

The Committee resolved:-

to approve both minutes.

MINUTE OF MEETING OF THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP OF 12 OCTOBER 2022

3. The Committee had before it the minute of meeting of the Taxi and Private Hire Consultation Group of 12 October 2022.

The Committee resolved:-

- (i) to note that a demonstration of the of the 'Safe Cab' App would be arranged for the next meeting of the Consultation Group; and
- (ii) to otherwise note the minute.

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COMMITTEE BUSINESS PLANNER

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

The Committee resolved:-

- (i) to note the reason for the reporting delay in relation to item 4 (Taxi Fleet Composition) and that a report would likely be submitted to the meeting in March 2023; and
- (ii) to otherwise note the content of the planner.

NEW LICENCE FOR A HOUSE OF MULTIPLE OCCUPATION - 45 HUXTERSTONE DRIVE

5. 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 objection and one letter of representation from the applicant had been submitted; and that the necessary upgrading work and certification had not been completed.

Mrs Jocelyn Janssen, Private Sector Housing Manager advised that the works had now been completed.

The applicant, Isla Gray, Castlehill Housing Trust 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.

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 2 THE CHANONRY

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 objection had been submitted; and that the necessary upgrading work and certification had not been completed.

As a preliminary matter, Mrs Jocelyn Janssen, Private Sector Housing Manager advised that the HMO Unit had received a late letter of objection, therefore the Committee required to consider whether it be accepted into the proceedings.

The respondent of the late letter was not in attendance.

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The Committee resolved:-

not to accept the late letter into proceedings.

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

The other respondent, Mr Gordon Mutch was in attendance, and spoke in support of his letter of objection and responded to questions from members.

Both parties summed up.

The Convener, seconded by Councillor McRae moved:-

that the Committee 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.

The Vice Convener, seconded by Councillor Crockett, moved as an amendment:-

that the Committee 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 period of one year.

On a division, there voted:- for the motion (4) – the Convener and Councillors Clark, Graham and McRae; for the amendment (9) – the Vice Convener and Councillors Boulton, Crockett, Fairfull, Farquhar, Henrickson, MacGregor, McLeod and Tissera.

The Committee resolved:-

- (i) to adopt the amendment; and
- (ii) that the Private Sector Housing Manager contact colleagues in the Anti-Social Behaviour Team requesting that they provide details to the Private Sector Housing Team of instances of anti-social behaviour within HMO licensed properties.

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 379 LINKS ROAD

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 objection had been submitted; and that the necessary upgrading work and certification had not been completed.

As a preliminary matter, Mrs Jocelyn Janssen, Private Sector Housing Manager advised that the HMO Unit had received a late letter of objection, therefore the Committee required to consider whether it be accepted into the proceedings.

The respondent of the late letter was not in attendance.

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The Committee resolved:-

not to accept the late letter into proceedings.

The applicant's agent, Mr James Harley was in attendance and spoke in support of the application and responded to questions from members of the Committee.

The other 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.

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 44 KINCORTH PLACE

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 two letters of objection had been submitted; and that the necessary upgrading work and certification had not been completed.

The applicant's agent, Mr Fernan Rodriguez was in attendance and spoke in support of the application and responded to questions from members of the Committee.

Both respondents, Mrs Hazel Tiffen and Mrs Janet Bruce were in attendance, and spoke in support of their letters of objection and responded to questions from members.

All parties summed up.

The Committee resolved:-

to refuse the licence on the grounds that:-

- the applicant and/or agent was not considered to be a 'fit and proper' person to hold an HMO licence; and
- the property was unsuitable for occupation as an HMO for the following reasons:-
 - (1) the type and number of persons likely to occupy it; and
 - (2) the possibility of undue public nuisance.

REQUEST FOR EXEMPTION FROM POLICY - STREET KNOWLEDGE TEST - KENNETH WATSON

9. The Committee were advised that the request for exemption had been withdrawn.

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REQUEST FOR EXEMPTION FROM POLICY - AGE OF VEHICLE - ALAN AND VALERIE MITCHELL

10. The Committee had before it an information sheet prepared by the Interim Chief Officer – Governance, which advised that the applicant was seeking an exemption to the current Committee Policy which stated that any vehicle being licensed as part of a Grant of Licence, Temporary Licence or Substitution application must be 5 years old or less on the day the application is submitted.

The applicant, Mrs Valerie Mitchell was in attendance and spoke in support of her request and responded to questions from members of the Committee.

The Committee resolved:-

- (i) to approve the request for exemption from the Age of Vehicle Policy; and
- (ii) to instruct the Interim Chief Officer - Governance to undertake a review of the Age of Vehicle Policy, noting that a report would be submitted to the Committee in early 2023.

RENEWAL OF A TAXI OPERATOR LICENCE - JANE AND GARY MAIR (A PARTNERSHIP) - SV17 VAK

11. The Committee were advised that the application had been deferred to the next meeting of the Committee.

RENEWAL OF A TAXI OPERATOR LICENCE - PAUL REYNOLDS - SF60 AZP

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

REQUEST FOR EXEMPTION FROM POLICY - STREET KNOWLEDGE TEST - DILSHAD WASTA AZIZ

13. The Committee had before it an information sheet prepared by the Interim Chief Officer – Governance, which advised that the applicant was seeking an exemption from the Committee Policy that stated that an applicant for a Taxi Driver or Private Hire Car Driver licence must pass the street knowledge test.

The applicant was in attendance and spoke in support of his request.

Councillor Boulton, seconded by Councillor McRae, moved:-

that the Committee approve the request for exemption from the Street Knowledge Test Policy.

Councillor MacGregor, seconded by Councillor Fairfull, moved as an amendment:-

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that the Committee refuse the request for exemption from the Street Knowledge Test Policy.

On a division, there voted:- for the motion (10) – the Convener, the Vice Convener and Councillors Boulton, Crockett, Farquhar, Graham, Henrickson, McLeod, McRae and Tissera; for the amendment (3) – Councillors Clark, Fairfull and MacGregor.

The Committee resolved:-

to adopt the motion.

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 SECOND HAND DEALER'S LICENCE (AGENDA ITEM 10.1)

14. The Committee had before it (1) an information sheet prepared by the Interim Chief Officer – Governance, which advised that the application required to be determined by 6 September 2023; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 14 October 2022.

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

The licence holder was in attendance and spoke in support of his application.

Both parties summed up.

The Committee resolved:-

to refuse the licence on the grounds that the applicant was not a fit and proper person to hold the licence.

RENEWAL OF A TAXI DRIVER LICENCE (AGENDA ITEM 10.2)

15. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance which advised that the application required to be considered by 6 September 2023; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 13 October 2022.

The licence holder was in attendance and spoke in support of his application.

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

Both parties summed up.

The Committee resolved:-

to approve the licence.

**REQUEST FOR THE SUSPENSION OF A TAXI DRIVER LICENCE (PARAGRAPH 11)
(AGENDA ITEM 10.3)**

16. The Committee had before it (1) an information sheet prepared by the Interim 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 Taxi Driver's licence; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division dated 26 September 2022.

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

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

Both parties summed up.

The Committee resolved:-

to take no action.

**REQUEST FOR THE SUSPENSION OF A TAXI DRIVER LICENCE (PARAGRAPH 11)
(AGENDA ITEM 10.4)**

17. The Committee had before it (1) an information sheet prepared by the Interim 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 Taxi Driver's licence; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division dated 7 July 2022.

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

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

Both parties summed up.

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The Convener, seconded by the Vice Convener, moved:-
that the Committee suspend the licence holder for the unexpired period of his licence.

Councillor MacGregor moved as an amendment that the Committee take no action, however as he had no seconder, in terms of Standing Order 29.12, the amendment fell.

The Committee resolved:-

to suspend the licence holder for the unexpired period of his licence (until 30 April 2023).

REQUEST FOR EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 10.5)

18. The Committee had before it (1) an information sheet prepared by the Interim Chief Officer – Governance, which advised that the applicant was seeking an exemption to the current Committee Policy which stated that any application for the Grant of a Taxi Licence must be for a Wheelchair Accessible Vehicle; and (2) correspondence from the applicant indicating the grounds under which he was seeking the exemption.

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

The Committee resolved:-

to approve the request for exemption from the Wheelchair Accessible Vehicle Policy.

WRITTEN SUBMISSION RELATING TO ITEM 8.7 (AGENDA ITEM 10.6)

19. The Committee noted that the application had been deferred (Article 11 refers).
- **COUNCILLOR GILL AL-SAMARAI, Convener**