

Licensing Committee

ABERDEEN, 15 March 2023. Minute of Meeting of the LICENSING COMMITTEE.
Present:- Councillor Al-Samarai, Convener; Councillor Delaney, Vice-Convener;
and Councillors Boulton, Clark, Fairfull, Farquhar, Graham, Henrickson,
MacGregor, McLeod, Tissera and van Sweeden.

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. No declarations of interest or transparency statements were intimated.

MINUTE OF PREVIOUS MEETING OF 25 JANUARY 2023

2. The Committee had before it the minute of its previous meeting of 25 January 2023, for approval.

The Committee resolved:-
to approve the minute.

MINUTE OF MEETING OF THE TAXI AND PRIVATE HIRE CONSULTATION GROUP OF 8 FEBRUARY 2023, FOR NOTING

3. The Committee had before it the minute of meeting of the Taxi and Private Hire Consultation Group of 8 February 2023, for noting.

The Committee resolved:-
to note the minute.

COMMITTEE BUSINESS PLANNER

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

The Committee resolved:-
to note the business planner.

TAXI FARE REVIEW - REFERRAL FROM THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP OF 8 FEBRUARY 2023

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5. The Committee had before it an extract of the minute of meeting of the Taxi and Private Hire Car Consultation Group of 8 February 2023, which provided details of a request by Mr Russell McLeod (Rainbow Taxis) to commence a Taxi Fare Review earlier than scheduled.

The Consultation Group agreed to request that the Licensing Committee consider whether to accelerate a Taxi Fare Review at their next meeting in March 2023.

The Committee resolved:-

to agree with the request that a Taxi Fare Review commence in March 2023.

RENEWAL OF A LICENCE FOR LANDLORD REGISTRATION - 75 DON STREET - ROBERT LOWRY-CORRY

6. The Committee had before it a report by the Private Sector Housing Manager, which advised (a) that the Scottish Government's 'Prescribed Information' legislation (The Private Landlord Registration (Information) (Scotland) Regulations 2019) had come into force on 16 September 2019; (b) that any landlord who applied to register or renew were required to declare they meet specific obligations and required applicants to be more explicit about their compliance with existing legal responsibilities in relation to property management and condition; and (c) that if an applicant did not declare within the Prescribed Information section that they hold the relevant certification, the application was placed on hold and the landlord would be contacted.

The Committee heard from Jocelyn Janssen, Private Sector Housing Manager who advised that she had received no response from the applicant after numerous requests.

The applicant was not in attendance, nor represented.

The Committee resolved:-

- (i) to refuse the licence; and
- (ii) that in relation to Landlord Registration, to delegate authority to the Chief Officer – Early Intervention and Community Empowerment to refuse landlord registration applications where Landlords have failed to respond to three requests for Prescribed Information, from the Private Sector Housing Manager.

NEW LICENCE FOR LANDLORD REGISTRATION - SECOND FLOOR RIGHT, 7 ELMBANK ROAD - JAMES WATT

7. The Committee had before it a report by the Private Sector Housing Manager, which advised (a) that the Scottish Government's 'Prescribed Information' legislation (The Private Landlord Registration (Information) (Scotland) Regulations 2019) had come into force on 16 September 2019; (b) that any landlord who applied to register or renew were required to declare they meet specific obligations and required applicants to be

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The Committee heard from Jocelyn Janssen, Private Sector Housing Manager who advised that she had received no response from the applicant after numerous requests.

The applicant was not in attendance, nor represented.

The Committee resolved:-

to refuse the licence.

NEW LICENCE FOR LANDLORD REGISTRATION - 244 GEORGE STREET - CAMERON EWART

8. The Committee had before it a report by the Private Sector Housing Manager, which advised (a) that the Scottish Government's 'Prescribed Information' legislation (The Private Landlord Registration (Information) (Scotland) Regulations 2019) had come into force on 16 September 2019; (b) that any landlord who applied to register or renew were required to declare they meet specific obligations and required applicants to be more explicit about their compliance with existing legal responsibilities in relation to property management and condition; and (c) that if an applicant did not declare within the Prescribed Information section that they hold the relevant certification, the application was placed on hold and the landlord would be contacted.

The Committee heard from Jocelyn Janssen, Private Sector Housing Manager who advised that she had received no response from the applicant after numerous requests.

The applicant was not in attendance, nor represented.

The Committee resolved:-

to refuse the licence.

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 26 CRIMON PLACE

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

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

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

GRANT OF A PUBLIC ENTERTAINMENT LICENCE - CAIRNCRY COMMUNITY CENTRE, FORESTERHIL ROAD - CAIRNCRY COMMUNITY CENTRE ASSOCIATION

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

GRANT OF A PUBLIC ENTERTAINMENT LICENCE - GET ACTIVE AT NORTHFIELD, KETTLEHILLS CRESCENT - SPORT ABERDEEN

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

GRANT OF A STREET TRADER LICENCE - BEACH ESPLANADE EAST SIDE, 250M SOUTH OF LINKS ROAD SOUTH - DANIELLE SMITH, SWEET TOOTS CAKERY

13. The Committee had before it an information note prepared by the interim Chief Officer – Governance, which advised that the application required to be determined by 11 July 2023.

Committee resolved:-

- (i) to instruct the Chief Officer – Governance to undertake a consultation process in relation to Street Trading at the Beach Esplanade and that a report on the results of the consultation be submitted to the Committee at its meeting on 28 June 2023; and
- (ii) to defer consideration of the application pending the results of the consultation, referred to above.

GRANT OF A STREET TRADER LICENCE - BEACH ESPLANADE EAST SIDE, 240M SOUTH OF LINKS ROAD (SOUTH) - ABERDAM DUTCH FRIES

14. The Committee had before it an information note prepared by the interim Chief Officer – Governance, which advised that the application required to be determined by 28 August 2023.

Committee resolved:-

to defer consideration of the application pending the results of the Street Trading at the Beach consultation. (Article 13 above refers)

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VARIATION OF A STREET TRADER LICENCE - ESPLANADE, EAST SIDE, 120 NORTH OF NEW PIER ROAD - PAULIES MEDIA LTD

15. The Committee had before it an information note prepared by the interim Chief Officer – Governance, which advised that the application required to be determined by 16 October 2023.

Committee resolved:-

to defer consideration of the application pending the results of the Street Trading at the Beach consultation. (Article 13 above refers)

GRANT OF A STREET TRADER LICENCE - BEACH ESPLANADE EAST SIDE, 100M SOUTH OF LINKS ROAD (SOUTH) - PAVEL PLASEK

16. The Committee had before it an information note prepared by the interim Chief Officer – Governance, which advised that the application required to be determined by 16 October 2023.

Committee resolved:-

to defer consideration of the application pending the results of the Street Trading at the Beach consultation. (Article 13 above refers)

GRANT OF A STREET TRADER LICENCE - ESPLANADE, EAST SIDE, 160 NORTH OF NEW PIER ROAD - RENNIE AND DAUGHTER LTD, TRADING AS MOSHI MOSHI

17. The Committee had before it an information note prepared by the interim Chief Officer – Governance, which advised that the application required to be determined by 29 October 2023.

Committee resolved:-

to defer consideration of the application pending the results of the Street Trading at the Beach consultation. (Article 13 above refers)

RENEWAL OF A STREET TRADER LICENCE - POYNERNOOK ROAD NORTH SIDE, 13 METRES FROM THE JUNCTION OF STELL ROAD - DAWN OGSTON

18. The Committee had before it an information note prepared by the interim Chief Officer – Governance, which advised (a) that the application required to be determined by 1 May 2023; and (b) that Environmental Health had advised that the Certificate of Compliance expired on 1 August 2022.

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The Committee heard from Sandy Munro, Legal Adviser who advised that the applicant had submitted paperwork for the Certificate of Compliance, however Environmental Health had still to undertake an inspection.

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, or otherwise refuse the application if the Certificate of Compliance has not been issued by 1 May 2023 (the date by which the application must be determined).

RENEWAL OF A STREET TRADER LICENCE - ZONE 1, ZONE 5, ZONE 6 SEATON PARK - MOHAMMAD TOHIDUL ALAM

19. The Committee had before it an information note prepared by the interim Chief Officer – Governance, which advised that the application required to be determined by 7 September 2023.

Mr Alam was in attendance and spoke in support of his application.

The Committee resolved:-

- (i) to defer consideration of the application to the next meeting of the Committee, to allow the applicant to seek assistance to help him with language translation issues;
- (ii) to note that officers would investigate whether location maps of the street trading vessels within parks, could be provided; and
- (iii) to note that officers would include street trading days/times within future Information Notes.

TAXI FLEET COMPOSITION - COM/23/101

20. The Committee had before it a report by the Director of Commissioning, which sought to cancel the backstop date by which all taxis were required to be Wheelchair Accessible Vehicles (WAVs) and provided an update on the options for implementation of a mixed taxi fleet.

The report recommended:-

that the Committee –

- (a) agree that a report on the options for a mixed fleet are brought to Committee on 28 June 2023;
- (b) agree that all new applications for taxi licences still require to be for WAVs; and
- (c) agree that the fixed date of June 2023 for all taxis to be WAVs is no longer required.

The Committee resolved:-

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- (i) that a report on the options for a mixed taxi fleet be brought to Committee at its meeting on 6 September 2023; and
- (ii) to otherwise approve recommendations (b) and (c).

TAXI AND PRIVATE HIRE LICENSING - COM/23/102

21. With reference to article 10 of the minute of meeting of 15 November 2022, the Committee had before it a report by the Director of Commissioning, which provided an update on changes to policies on Age of Vehicles and Vehicle Type.

The report recommended:-

that the Committee –

- (a) agree to remove the policy on vehicle types following the addition of vehicle dimensions; and
- (b) agree to consult with the trade and the public on whether the age of vehicle policy is still necessary.

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.

RENEWAL OF A LICENCE FOR LANDLORD REGISTRATION - AGENDA ITEM 10.1

- 22.** The Committee were advised that the application had been withdrawn.

RENEWAL OF A TAXI DRIVER LICENCE - AGENDA ITEM 10.2

23. 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 4 July 2023; (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 27 January 2022; and (3) a supporting statement for the applicant which had been circulated to members following the initial agenda circulation.

The licence holder was in attendance, as was his union representative and both spoke in support of his application and responded to questions from members.

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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 EXEMPTION FROM THE STREET KNOWLEDGE TEST - AGENDA ITEM 10.3

24. 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 all intended applicants for a Taxi Driver Licence must pass the street knowledge test before a grant of a licence can be submitted.

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

The Committee resolved:-

to approve the request for exemption from the Street Knowledge Test.

RENEWAL OF A TAXI DRIVER LICENCE - AGENDA ITEM 10.4

25. The Committee had before it an information sheet prepared by the Interim Chief Officer – Governance which advised that the application required to be considered by 27 April 2023.

As a preliminary matter, Sandy Munro, Legal Adviser indicated that there was an error in the information sheet and the application required to be considered by 27 July 2023.

The licence holder was not in attendance, nor represented.

The Committee resolved:-

to refuse the licence.

RENEWAL OF A TAXI DRIVER LICENCE - AGENDA ITEM 10.5

26. The Committee had before it an information sheet prepared by the Interim Chief Officer – Governance which advised that the application required to be considered by 5 April 2023.

As a preliminary matter, Sandy Munro, Legal Adviser indicated that there was an error in the information sheet and the application required to be considered by 6 July 2023.

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

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 interim Chief Officer - Governance could grant the licence under delegated powers, or otherwise that the application be referred to the next meeting of the Committee.

VALEDICTORY

27. The Committee were advised that this would be Arlene Dunbar's (Para Legal, Licensing Team) last meeting before she commences her new job out with the Council.

The Committee resolved:-

to thank Arlene Dunbar for her 19 years of service and to wish her well in her new job.

- **COUNCILLOR GILL AL-SAMARAI, Convener**