

Licensing Committee

ABERDEEN, 28 June 2023. 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 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. Members were requested to intimate any declarations of interest or transparency statements in respect of the items on today's agenda, thereafter the following were intimated:-

- (1) Councillor Malik declared an interest in relation to item 10.4 (Exemption from Policy – Age of Vehicle and Wheelchair Accessible Vehicle), by virtue of him knowing the applicant. He advised that the nature of his interest required him to leave the meeting and took no part in the Committee's deliberations thereon.
- (2) Councillor Boulton declared an interest in relation to item 10.4 (Exemption from Policy – Age of Vehicle and Wheelchair Accessible Vehicle), by virtue of her being called as a witness in Court proceedings relating to the applicant. She advised that the nature of her interest required her to leave the meeting and took no part in the Committee's deliberations thereon; and
- (3) Councillor MacGregor declared an interest in relation to item 10.4 (Exemption from Policy – Age of Vehicle and Wheelchair Accessible Vehicle), by virtue of him knowing the applicant. He advised that the nature of his interest required him to leave the meeting and took no part in the Committee's deliberations thereon.

DEPUTATION FROM RUSSELL MCLEOD RELATING TO THE TAXI FARE REVIEW 2023

2. The Committee had before it a deputation received from Mr Russell McLeod, Rainbow Cars Limited in relation to item 8.1 (Taxi Fare Review 2023).

The Committee resolved:-

to agree that the deputation would be heard prior to consideration of the report.

MINUTE OF PREVIOUS MEETING OF 3 MAY 2023

3. The Committee had before it the minute of its previous meeting of 3 May 2023, for approval.

The Committee resolved:-

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to approve the minute.

COMMITTEE BUSINESS PLANNER

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

The Committee resolved:-

- (i) in relation to item 8 (Taxi Fleet Composition), to note that a report would be submitted to the meeting on 12 December 2023; and
- (ii) to otherwise note the Committee Business Planner.

TAXI FARE REVIEW 2023 - COM/23/198

5. The Committee received a deputation from Russell McLeod, Rainbow City Taxis.

Mr McLeod advised that his deputation related to the implementation of any taxi fare increase or change, and as a trade they were informed that there was no Council budget to arrange a venue for the forthcoming taxi tariff upgrade. He indicated that they were somewhat bemused by this as it was the Council who govern the trade and who would insist that each taxi meter was up to date and accurate. He questioned why the trade should pay for this upgrade. He intimated that the trade had managed to secure a suitable venue at a reduced cost from previous occasions. He explained that the trade had also agreed recently to defer the Demand Survey for 12 months which would have been a cost to the Council (approx. £8k to £10k) and noting that the fees for driver and taxi licenses had all increased substantially. He intimated that the trade would not want to request an audit of taxi licensing to then be told that the trade should pick up the costs instead of the Council, noting that the Council had paid for this previously, therefore he urged the Committee to agree to meet these costs.

The Committee thanked Mr McLeod for his deputation.

With reference to article 16 of the minute of the previous meeting of 3 May 2023, the Committee had before it a report by the Director of Commissioning which provided the responses to the draft fare tariff.

The report recommended:-

that the Committee –

- (a) approve the fare tariff at Appendix 1 of the report;
- (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, instruct the Chief Officer - Governance to publish the final fare tariff to take effect as of 31 July 2023.

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Following questions from members, Mr Sandy Munro, Legal Adviser indicated that he was not aware of any local authorities who pay for a venue in order for the taxi trade to undertake the fare tariff update, however he intimated that enquiries have been made and there may be an option to obtain the use of Lochside Academy car park to undertake this process free of charge.

The Committee resolved:-

to approve the recommendations.

STREET TRADING AT ABERDEEN BEACH CONSULTATION - COM/23/189

6. With reference to article 13 of the minute of the meeting of 15 March 2023, the Committee had before it a report by the Director of Commissioning which provided the results of the consultation on street trading activities at Aberdeen Beach.

The report recommended:-

that the Committee –

- (a) consider the Consultation responses in Appendices 1 to 4; and
- (b) agree to continue to consider applications for street trading at the beachfront on a case-by-case basis.

The Committee resolved:-

- (i) to approve the recommendations contained within the report;
- (ii) to provide the results of the consultation exercise to the Beach Front Masterplan Team for consideration in connection with the redesign of the beach front;
- (iii) that the Chief Officer – Governance (Legal) circulate details of the number of Street Trader pitches currently at the Beach front to all members of the Committee by way of email; and
- (iv) that the Chief Officer – Governance (Legal) include responses from the Council's Roads Development Management Team within future Information Sheets.

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 11 CAIRNFIELD PLACE

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

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 75 RUTHRIESTON CIRCLE

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

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NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 21 SUNNYBANK ROAD

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

The applicant's agent, Ms Felicity Little was in attendance and spoke in support of the application and responded to questions from members of the Committee.

The 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 Chief Officer - Early Intervention and Community Empowerment could grant the licence under delegated powers if appropriate.

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

10. With reference to article 14 of the minute of meeting of 15 March 2023, the Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the application required to be determined by 28 August 2023.

The applicant was not in attendance nor represented.

Committee resolved:-

to grant the licence.

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

11. With reference to article 15 of the minute of meeting of 15 March 2023, the Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the application required to be determined by 16 October 2023.

The Committee heard from the applicant's agent Mr Michael Stewart who spoke in support of the application.

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At this juncture, Mr Stewart also sought to vary the times of operation, however Mr Sandy Munro, Legal Adviser explained that this additional request was not included within the original application, therefore could not be considered by the Committee today and that a further application to vary the Street Trader Licence would require to be submitted.

Committee resolved:-

to grant the variation to the licence in respect of the location only.

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

12. With reference to article 16 of the minute of meeting of 15 March 2023, the Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the application required to be determined by 16 October 2023.

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

The Committee resolved:-

to grant the licence.

GRANT OF A STREET TRADER LICENCE - ESPLANADE, EAST SIDE, 160 NORTH OF NEW PIER ROAD - MOSHI MOSHI

13. With reference to article 17 of the minute of meeting of 15 March 2023, the Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the application required to be determined by 29 October 2023.

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

The Committee resolved:-

to grant the licence.

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

14. With reference to article 13 of the minute of meeting of 15 March 2023, the Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the application required to be determined by 11 July 2023.

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

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The Committee resolved:-

to grant the licence.

GRANT OF A STREET TRADER LICENCE - BEACH ESPLANADE EAST SIDE, 130M NORTH OF NEW PIER ROAD, BEACH ESPLANADE EAST SIDE, 100M NORTH OF NEW PIER ROAD, BEACH ESPLANADE EAST SIDE, 250M NORTH OF NEW PIER ROAD - SARAH-CLAUDIA WYATT

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

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

The Committee resolved:-

to grant the licence for the site at Beach Esplanade East Side, 130m North of New Pier Road.

EXEMPTION FROM POLICY - STREET TRADER - UNION STREET - LAURA RIPLEY

16. The Committee had before it a request for an exemption from the Committee Policy that stated that the Licensing Committee had designated the city centre (Zone 9) as an exclusion zone for street trading, therefore there was a presumption against street trading in Union Street or any pedestrianised area in the city centre, except where a special case could be made by the applicant or licence holder.

Ms Laura Ripley was in attendance and spoke in support of the exemption request.

The Committee resolved:-

to approve the request for exemption from the Street Trader City Centre Policy.

GRANT OF SKIN PIERCING AND TATTOOING LICENCE - 505 BLACK PEARL TATTOO STUDIO. 505 GEORGE STREET - MATEUSZ BYLICKI

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

GRANT OF SKIN PIERCING AND TATTOOING LICENCE - 505 BLACK PEARL TATTOO STUDIO. 505 GEORGE STREET - SYLWIA ZAREBA

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

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 10.1)

19. The Committee had before it (1) an information note prepared by the interim Chief Officer – Governance (Legal); and (2) a letter from Police Scotland, c/o North East Division, dated 25 May 2023.

The applicant was in attendance, spoke in support of the application and responded to questions from members.

Inspector George Nixon was in attendance and spoke in support of Police Scotland's letter.

Both parties were given the opportunity to sum up.

The Vice Convener, seconded by Councillor Fairfull, moved:-

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

Councillor Boulton, seconded by Councillor Graham, moved as an amendment:-

that the Committee grant the licence.

On a division, there voted:- for the motion (3) – the Vice Convener and Councillors Clark and Fairfull; for the amendment (9) – the Convener and Councillors Boulton, Farquhar, Graham, Henrickson, MacGregor, Malik, McLeod and van Sweeden.

The Committee resolved:-

to adopt the amendment and to therefore grant the licence.

RENEWAL OF A TAXI OPERATOR LICENCE (AGENDA ITEM 10.2)

20. The Committee had before it (1) an information note prepared by the interim Chief Officer – Governance (Legal); and (2) a letter from Police Scotland, c/o North East Division, dated 25 May 2023.

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The applicant was in attendance, spoke in support of the application and responded to questions from members.

Inspector George Nixon was in attendance and spoke in support of Police Scotland's letter.

Both parties were given the opportunity to sum up.

The Committee resolved:-
to grant the licence.

EXEMPTION FROM POLICY - STREET KNOWLEDGE TEST (AGENDA ITEM 10.3)

21. The Committee had before it an information sheet prepared by the Interim Chief Officer – Governance (Legal), 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 could be submitted.

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

The Committee resolved:-
to approve the request for exemption from the Street Knowledge Test Policy.

At this juncture, in accordance with Article 1 of this minute, Councillors Boulton, MacGregor and Malik left the meeting prior to consideration of the following item of business and Councillor Cooke joined the meeting as Councillor MacGregor's substitute.

EXEMPTION FROM POLICY - AGE OF VEHICLE AND WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 10.4)

22. The Committee had before it an information sheet prepared by the Interim Chief Officer – Governance (Legal), which advised that the applicant was seeking an exemption to current Committee Policies which (1) 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 was submitted; and (2) stated that any new grant application for a taxi must be for a Wheelchair Accessible Vehicle

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

The Committee resolved:-

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to approve the request for exemption from the Age of Vehicle and Wheelchair Accessible Vehicle Policies.

EXEMPTION FROM POLICY - AGE OF VEHICLE (AGENDA ITEM 10.5)

23. With reference to article 21 of the minute of the previous meeting of 3 May 2023, the Committee had before it an information sheet prepared by the Interim Chief Officer – Governance (Legal), 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 was submitted.

The licence holder was in attendance and spoke in support of the exemption.

The Committee resolved:-

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

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