

## LICENSING COMMITTEE

ABERDEEN, 6 September 2023. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Al-Samarai, Convener; Councillor Delaney, Vice-Convener; and Councillors Ali, Boulton, Clark, Cooke (as substitute for Councillor van Sweeden), Fairfull, Farquhar, Henrickson, Lawrence, MacGregor and McLeod.

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:-

The Convener declared an interest in relation to item 10.1 (Renewal of a Taxi Driver's Licence), by virtue of her knowing the applicant. She advised that the nature of her interest required her to leave the meeting and she therefore took no part in the Committee's deliberations thereon.

### MINUTE OF PREVIOUS MEETING OF 28 JUNE 2023

2. The Committee had before it the minute of its previous meeting of 28 June 2023, for approval.

**The Committee resolved:-**

to approve the minute.

### MINUTE OF MEETING OF THE LICENSING SUB COMMITTEE OF 7 AUGUST 2023

3. The Committee had before it the minute of meeting of the Licensing Sub Committee of 7 August 2023, for approval.

**The Committee resolved:-**

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.

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### **The Committee resolved:-**

- (i) to note the reason for the delay in relation to item 4 (Taxi Driver Training); and
- (ii) to otherwise note the Committee Business Planner.

### **LOW EMISSION ZONE - TIME-LIMITED EXEMPTION FOR TAXIS AND PRIVATE HIRE CARS - COM/23/188**

5. The Committee had before it a report by the Director of Commissioning which provided information in relation to the additional time-limited exemption from the Low Emission Zone (LEZ) granted to drivers of taxis and private hire cars (PHCs).

### **The report recommended:-**

that the Committee –

- (a) note the time-limited exemption from the LEZ granted to taxis and PHCs;
- (b) instruct the Interim Chief Officer – Governance (Legal) to communicate this decision to taxi and PHC operators; and
- (c) instruct the Chief Officer – Strategic Place Planning to report back to the Licensing Committee in June 2024 on the impacts of Glasgow's time-limited exemption for taxi operators.

### **The Committee resolved:-**

- (i) to approve the recommendations contained within the report;
- (ii) to instruct the Chief Officer – Strategic Place Planning to circulate a Service Update to all members of Council in relation to the report; and
- (iii) to refer the report to the Net Zero, Environment and Transport Committee for their information.

### **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 27 POWIS TERRACE**

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

### **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 42 BOTHWELL 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 the certification and work requirements to bring the property up to the current HMO standard had not been completed.

The applicant was not in attendance, nor represented.

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**The Committee resolved:-**

to refuse the licence.

**RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 40 BOTHWELL ROAD**

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 the certification and work requirements to bring the property up to the current HMO standard had not been completed.

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 - 118 GALLOWGATE**

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

**NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - FLAT F, 20 RICHMOND STREET**

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

**SHORT TERM LET APPLICATION (EXISTING OPERATOR) - 78 SEAMOUNT COURT**

11. The Committee had before it a report by the Private Sector Housing Manager, which advised (1) that the certification requirements to bring the property up to the current Short Term Let standard have not been completed; (2) that it had not been confirmed if a public Notice of Short Term Let Application was displayed outside the building for the 21-day statutory period, alerting the general public to the Short Term Let licence application; and (3) that the application required to be determined by 13 November 2023.

The applicant was not in attendance, nor represented.

**The Committee resolved:-**

(i) to defer consideration of the application in order for the applicant to (1) complete and supply the necessary certification to bring the property up to the current Short

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- Term Let standard; and (2) display a public Notice of Short Term Let Application outside the building for the 21-day statutory period, alerting the general public to the Short Term Let licence application, after which time the Chief Officer - Early Intervention and Community Empowerment could grant the licence under delegated powers if appropriate; and
- (ii) that if the above was not undertaken, to refer the application to a meeting of the Licensing Sub Committee for consideration.

### **SHORT TERM LET APPLICATION (EXISTING OPERATOR) - FLAT 34 FRASER HOUSE, 9 MARKET STREET**

12. 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 three letters of representation had been submitted.

By way of a preliminary matter, Mrs Jocelyn Janssen, Private Sector Housing Manager, advised that the applicant's agent Ms Mercy Brown, had submitted further correspondence that she wished the Committee to consider today.

The Committee resolved:-

to accept the additional correspondence into the proceedings.

Two of the three responders were in attendance.

The Committee resolved:-

to defer consideration of the application to the next meeting of the Committee to allow officers and responders time to consider the late documentation submitted by the applicant.

### **DECLARATION OF INTEREST**

**At this juncture, Councillor Ali declared an interest in relation to the following item of business 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.**

### **LANDLORD REGISTRATION (FIVE RENTAL PROPERTIES) - MIAN ALI**

13. The Committee had before it a report by the Private Sector Housing Manager, which (a) indicated 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; (b) requested that the Committee consider whether the applicant was a 'fit

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& proper person to be registered as a landlord in relation to property management and condition; and (c) intimated that copies of safety certificates were still required for the following five rental properties:-

- 33 Seamount Court;
- McDonald Court 78a, Jute Street;
- 7 Seamount Road;
- 4 Seamount Court; and
- 6a Charles Street.

The registered landlord, Mr Mian Ali was in attendance and spoke in support of his application.

**The Committee resolved:-**

to defer the application to the next meeting of the Committee to (1) allow the landlord time to undertake the necessary works and submit evidence to the Landlord Registration Team that safety certification and smoke detection was in place for all 5 rental properties; and (2) allow the landlord to provide access for a Council Officer to inspect the rental properties.

**REQUEST FOR EXEMPTION FROM THE WHEELCHAIR ACCESSIBLE POLICY AND STREET KNOWLEDGE TEST - GEORGE PIRIE**

14. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the licence holder was seeking exemptions from the Wheelchair Accessible Policy and Street Knowledge Test.

The applicant, Mr George Pirie was in attendance, spoke in support of the request and responded to questions from members.

**The Committee resolved:-**

to approve the requests for exemption from the Wheelchair Accessible Policy and Street Knowledge Test.

**REQUEST FOR EXEMPTION FROM THE WHEELCHAIR ACCESSIBLE POLICY - LARRY LEAPER**

15. The Committee had before it an information note prepared by the Interim Chief Officer – Governance (Legal), which advised that the applicant was seeking an exemption from the Wheelchair Accessible Vehicle policy.

The licence holder was not in attendance, nor represented.

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Mr Sandy Munro, Licensing Team intimated that he had received an email from the licence holder advising that he was unwell and could not attend the meeting today.

**The Committee resolved:-**

to defer consideration of this item to a meeting of the Licensing Sub Committee.

**BREACH OF TAXI DRIVER'S LICENCE CONDITION - MAJID ALI**

16. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which (a) advised that the vehicle pass certificate for the licence holder's vehicle (licence PH036) had expired and he was informed by the Council's Enforcement Officer that his vehicle could not be used as a Private Hire Car until it had passed the vehicle inspection test; (b) indicated that the licence holder had undertaken 40 hires between 20 and 22 January 2023 after he was advised that he could not use the vehicle, which had been confirmed by the booking office through which the licence holder had obtained his fares; (c) explained that this was a breach of condition 15 of the Private Hire Operator licence; and (d) appended correspondence from the licence holder.

The licence holder, Mr Majid Ali was in attendance and spoke in support of his licence.

**The Committee resolved:-**

- (i) to issue a warning to the licence holder that any similar conduct in this regard may result in the suspension or revocation of the licence; and
- (ii) to agree to take no further action.

**GRANT OF A PRIVATE HIRE CAR LICENCE - ADIL SALAM**

17. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which (a) advised that the applicant had submitted an application for the grant of a Private Hire Car licence, however the vehicle to be licensed was older than 5 years of age; and (b) indicated that the vehicle had been previously licensed under a temporary Private Hire Car licence which expired on 15 June 2023 without an application for the full grant being submitted.

The applicant Mr Adil Salam was in attendance and spoke in support of his application.

**The Committee resolved:-**

to grant the licence, subject to the vehicle passing the usual inspection test at Fleet Services.

**CONFIDENTIAL INFORMATION**

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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.

At this juncture, in accordance with Article 1 of this minute, the Convener left the meeting prior to consideration of the following item of business.

The Vice Convener chaired the meeting for this item only.

**RENEWAL OF A TAXI DRIVER'S LICENCE (AGENDA ITEM 10.1)**

18. 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 23 April 2024; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 25 July 2023.

The licence holder was in attendance and spoke in support of his application and responded to questions from members.

PC Ian Duthie was in attendance and spoke in support of Police Scotland's letter of representation.

Both parties summed up.

**The Committee resolved:-**

to grant the renewal of the licence.

**REQUEST FOR EXEMPTION FROM THE WHEELCHAIR ACCESSIBLE VEHICLE POLICY (AGENDA ITEM 10.2)**

19. 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 from the Wheelchair Accessible Vehicle policy.

The applicant was not in attendance, nor represented.

**The Committee resolved:-**

to defer this item to the next meeting of the Committee.

**NOTICE OF COMPLAINT (AGENDA ITEM 10.3)**

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**20.** The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that a letter of complaint had been received in relation to the licence holder.

The licence holder and his representative Mr Ian Morrison was in attendance, spoke in support of the application and responded to questions from members.

The licence holder's representative summed up.

**The Committee resolved:-**

- (i) to issue a warning to the licence holder that any similar conduct in this regard may result in the suspension or revocation of the licence; and
- (ii) to agree to take no further action.

**NOTICE OF COMPLAINT (AGENDA ITEM 10.4)**

**21.** The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that a letter of complaint had been received in relation to the licence holder.

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

The licence holder summed up.

**The Committee resolved:-**

to defer this item to a future meeting of the Committee to allow the licence holder to seek legal advice.

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