

LICENSING COMMITTEE

ABERDEEN, 10 November 2020. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Reynolds, Convener; Councillor Allan, Bell, Delaney, Henrickson, MacGregor (as substitute for Councillor Al-Samarai), Sellar, Townson and Wheeler (as substitute for Councillor Malik).

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

1. There were no declarations of interest intimated.

MINUTE OF PREVIOUS MEETING OF 1 SEPTEMBER 2020

2. The Committee had before it the minute of its previous meeting of 1 September 2020.

The Committee resolved:-
to approve the minute.

COMMITTEE BUSINESS PLANNER

3. The Committee had before it the committee business planner as prepared by the Chief Officer – Governance.

The Committee resolved:-
to note the committee business planner.

NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - MIGNON MURTLÉ ESTATE, NORTH DEESIDE ROAD

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

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 52 ALBURY PLACE

5. The Committee had before it a report by the Private Sector Housing Manager, which indicated that the application was before the Committee for the reason that three

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letters of objection/representation had been received, however all three letters, submitted by the same respondent, had been submitted outwith the statutory 21-day period.

The applicant, Mr Terry McDonald, was not in attendance nor represented.

Mr Thain, Private Sector Housing Manager explained that HMO Licensing legislation allowed the local authority to consider late written representations if it considered that it was reasonable for the respondent to submit the letter(s) after the deadline for doing so, and accordingly, if the Committee agreed, any or all of these letters would be circulated to members for consideration.

In addition, Mr Thain explained that a letter from the applicant responding to the letters had been submitted, and accordingly, if the Committee decide to consider the letters from the respondent, then the applicant's letter would also be circulated to members.

The Committee heard from the respondent Mr Trevor Spalding, on the reason why these late letters were not submitted within the statutory period.

The Committee resolved:-

to accept the three late letters from the respondent into the proceedings for consideration.

Mr Spalding, spoke in support of his letters of objection/representation.

The Committee asked questions of the respondent.

The respondent summed up.

The Committee resolved:-

- (i) to grant the licence; and
- (ii) that officers write to the applicant requesting that he replace floor coverings with carpets to mitigate against footfall noise levels.

NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 8 IVORY COURT

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 representation had been submitted.

The applicant, Mr Michael Higgins, was in attendance and spoke in support of the application.

The respondent, Mr Raymond Lynch, was in attendance and spoke in support of the letter of representation.

The Committee asked questions of the applicant and the respondent.

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The respondent summed up.

The applicant summed up.

The Committee resolved:-
to grant the licence.

TEMPORARY MARKET OPERATORS LICENCE - AFFA FINE OPEN AIR MARKETS (ETIOM LTD)

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

RENEWAL OF A PRIVATE HIRE DRIVER LICENCE - GLEN URQUHART

8. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the application had to be determined by 14 December 2020.

The applicant was not in attendance, nor represented.

The Committee resolved:-
to refuse the licence.

GRANT OF A SKIN PIERCING AND TATTOOING LICENCE - LEE ADAMS

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

RENEWAL OF A STREET TRADER LICENCE - IAIN LINTON

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

RENEWAL OF A PUBLIC ENTERTAINMENT LICENCE - FERRYHILL PARISH CHURCH

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

GRANT OF A LATE HOURS CATERING LICENCE - SUUR YUCE - PASHA KEBABS

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

PUBLIC CHARITABLE COLLECTION - STEVEN GRAHAM STV APPEAL

13. The Committee had before it an information note prepared by the Chief Officer – Governance which advised that the application was before the Committee for the reason that it had not been received within the required one month notice period.

The applicant, Steven Graham was in attendance and explained why the application had not been submitted within the required period.

The Committee resolved:-

- (i) to waive the one month notification period as prescribed in the current guidelines; and
- (ii) to note that the Licensing Team will now process the application.

TAXI FARE REVIEW - COM/20/187

14. With reference to article 18 of the minute of the previous meeting of 1 September 2020, the Committee had before it a report by the Chief Officer – Governance which presented the outcome of the representations to the proposed taxi tariff scales as advertised in accordance with statutory requirements.

The report recommended:-

that the Committee –

- (a) note the content of the report and that there were no representations made by members of the taxi trade or the public to the consultation;
- (b) agree to the current basic tariff and to increase surcharge 8 tariff by £1.00 to a charge of £3.00;
- (c) approve the Tariff Card attached at Appendix 1 and instructs the Chief Officer – Governance to provide written notice to all taxi licence holders of the new tariff and their right of appeal; and
- (d) agree that the tariff will take effect from 30 November 2020, provided no appeal is lodged with the Traffic Commissioner.

The Committee resolved:-

to approve the recommendations.

SEXUAL ENTERTAINMENT VENUE LICENSING - COM/20/190

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15. With reference to article 8 of the minute of meeting of 3 December 2019, the Committee had before it a report by the Chief Officer – Governance which sought approval to amend the implementation date for the Sexual Entertainment Venue licensing regime.

The report recommended:-

that the Committee –

- (a) affirm the resolution to introduce a licensing regime for Sexual Entertainment Venues in line with the previous decision made on 3 December 2019; and
- (b) amend the date of implementation of the licensing regime to 1 December 2021.

The Committee resolved:-

to approve the recommendations.

TAXI AND PRIVATE HIRE POLICY REVIEW - COM/20/191

16. The Committee had before it a report by the Chief Officer – Governance, which provided details of the review of all taxi and private hire policies and sought approval to consult on the proposed changes.

The report recommended:-

that the Committee –

- (a) note the proposed policy changes detailed in Appendix 1;
- (b) instruct the Chief Officer – Governance to consult with the Trade and all relevant stakeholders on the proposed policy changes; and
- (c) report back to Committee on 16 March 2021 with the results of the consultation exercise.

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.

NEW APPLICATION FOR LANDLORD REGISTRATION

17. 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; (2) a letter from the Deputy Chief Constable designate, Police Scotland, c/o North East Division dated 31 August 2020; and (3) correspondence from the applicant dated 23 October 2020.

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The applicant was not in attendance, nor represented.

Sergeant Flett was in attendance and spoke in support of Police Scotland's letter. She intimated that item 2 in the table should not have been included, therefore the Committee should disregard that information when considering the application.

The Committee resolved:-
to refuse the application.

REQUEST FOR SUSPENSION OF A TAXI DRIVER LICENCE

18. With reference to article 2 of the minute of meeting of the Licensing Sub Committee of 17 December 2019, the Committee had before it (1) an information note prepared by the Chief Officer – Governance which advised that a request had been received by Police Scotland for the suspension of a taxi driver's licence held by the licence holder in terms of paragraphs 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 ("the Schedule"); (2) a letter from the Chief Superintendent, Police Scotland, North East Division dated 19 October 2020; (3) an sworn affidavit signed by a Solicitor and Notary Public dated 23 October 2020; and (4) a letter of support from the applicant's employer.

Mr Munro, Legal Advisor, provided the Committee with an update in relation to the request for suspension.

Sergeant Flett was in attendance on behalf of Police Scotland and spoke in support of the letter.

The licence holder and his representative were in attendance, and his representative spoke in response to the request for suspension of the licence and in support of the licence holder.

The Committee asked questions of Sergeant Flett and the licence holder's representative.

The licence holder's representative and Sergeant Flett summed up.

Councillor Townson, seconded by Councillor Allan moved:-
that the Committee take no action.

Councillor Delaney, moved as an amendment to suspend the licence for its remaining period, however Councillor Delaney's amendment was not seconded, therefore in terms of Standing Order 29.12, the amendment fell.

The Committee resolved:-
to take no action.

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RENEWAL OF A TAXI DRIVER LICENCE

19. The Committee had before it (1) an information note prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 27 May 2021; and (2) a letter of representation from the Chief Superintendent, Police Scotland, c/o North East Division dated 15 September 2020.

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

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

Sergeant Flett and the applicant both summed up.

The Committee resolved:-

to grant the renewal of the licence.

RENEWAL OF A TAXI DRIVER LICENCE

20. The Committee were advised that the licence was granted under delegated powers.

TEMPORARY MARKET OPERATORS LICENCE - AFFA FINE OPEN AIR MARKETS (ETIOM LTD) - CONFIDENTIAL DOCUMENTS

21. With reference to article 7 above, the Committee noted that the licence had been granted under delegated powers.

- **COUNCILLOR JOHN REYNOLDS, Convener.**