

LICENSING COMMITTEE

ABERDEEN, 24 April 2024. Minute of meeting of the LICENSING COMMITTEE.
Present: Councillor Delaney, Vice Convener; and Councillors Clark, Copland (as substitute for the Convener), Graham, Henrickson, Lawrence, McLeod, McRae (as substitute for Councillor MacGregor) 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 Clark advised that she had a connection in relation to agenda item 9.21 (Exemption from Policy: Wheelchair Accessible Vehicle) by virtue of her having previously worked with the licence holder, however having applied the objective test, she did not consider that she had an interest and would not be withdrawing from the meeting.

MINUTE OF PREVIOUS MEETING OF 21 FEBRUARY 2024, FOR APPROVAL

2. The Committee had before it the minute of its previous meeting of 21 February 2024, for approval.

The Committee resolved:-
to approve the minute.

MINUTES OF MEETINGS OF THE LICENSING SUB COMMITTEE OF 28 FEBRUARY AND 19 MARCH 2024, FOR APPROVAL

3. The Committee had before it the minutes of meetings of the Licensing Sub Committee of 28 February and 19 March 2024, for approval.

The Committee resolved:-
to approve the minutes.

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 reasons for deferral in relation to item 5 (Taxi Demand Survey (including Review of Taxi Ranks), item 6 (Taxi Fleet Composition) and item 9 (Membership of the Taxi and Private Hire Car Consultation Group); and
- (ii) to otherwise note the Business Planner.

MEMBERSHIP OF THE LICENSING SUB COMMITTEE - CORS/24/097

5. The Committee had before it a report by the Director of Corporate Services which sought consideration of changes to the membership of the Licensing Sub Committee.

The report recommended:-

that the Committee approve the Licensing Sub Committee membership in accordance with the proposed composition at 3.4 of the report commencing on 1 May 2024.

The Committee resolved:-

to approve the recommendation.

PUBLIC ENTERTAINMENT LICENCE RESOLUTION - CORS/24/124

6. The Committee had before it a report by the Director of Corporate Services which sought consideration of a review of the position in relation to Public Entertainment licences and to determine whether a formal review process was required.

The report recommended:-

that the Committee consider the current resolution in relation to Public Entertainment licences and determine whether a formal review process is required.

The Committee resolved:-

to agree that in relation to Public Entertainment licences, that a formal review process be undertaken.

BACK WYND TAXI RANK HOURS OF OPERATION - CORS/24/125

7. The Committee had before it a report by the Director of Corporate Services which provided details of the results of the consultation exercise on the prospect of increasing the hours of operation of the Back Wynd taxi rank whilst the night time rank on Union Street was inaccessible.

The report recommended:-

that the Committee:-

- (i) note the results of the consultation exercise; and

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- (ii) instruct the interim Chief Officer - Governance to implement the change of hours of operation for the Back Wynd rank to 24 hours a day, commencing on 29 April 2024.

The Committee resolved:-

to approve the recommendations.

HOUSE IN MULTIPLE OCCUPATION (RENEWAL) - LOWER FLAT, 6 SUNNYSIDE ROAD

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

HOUSE IN MULTIPLE OCCUPATION (RENEWAL) - UPPER FLAT, 6 SUNNYSIDE ROAD

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

HOUSE IN MULTIPLE OCCUPATION (RENEWAL) - 6 TANFIELD AVENUE

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

HOUSE IN MULTIPLE OCCUPATION (NEW) - 1 ELMFIELD TERRACE

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

SHORT TERM LET (NEW OPERATOR) - 22 MAYFIELD GARDENS

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 objection, appended to the report were submitted to the Private Sector Housing Team.

Mrs Jocelyn Janssen, Private Sector Housing Manager advised that the necessary upgrading works had still to be completed.

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

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None of the objectors were in attendance, nor represented.

The Committee resolved:-

to defer consideration of the application until the necessary upgrading works are completed, after which time the Chief Officer - Housing could grant the licence under delegated powers if appropriate.

EXEMPTION FROM POLICY - STREET KNOWLEDGE TEST - SAMI BENMOUHOUB

13. The Committee had before it (1) an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the applicant was seeking an exemption from sitting the Street Knowledge Test; and (2) correspondence from the applicant outlining the request.

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

The Committee resolved:-

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

COMPLAINT - TAXI DRIVER AND VEHICLE LICENCE - ANDREW CARLE

14. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the Licensing Team had received a complaint relating to the licence holder.

The licence holder was in attendance, provided a response to the complaint and responded to questions from members.

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.

COMPLAINT - TAXI DRIVER AND VEHICLE LICENCE - MOHAMAD ELBEHADERIE

15. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the Licensing Team had received two complaints relating to the licence holder.

As a preliminary matter, Mr Sandy Munro, Legal Adviser advised that further late information had been submitted by the licence holder, namely a character reference and evidence relating to the movement of the vehicle, therefore the Committee required to consider whether it be accepted into the proceedings.

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The Committee resolved:-
to accept the late information into the proceedings.

The licence holder and his representative Mr Dean Purdie were in attendance, provided a response to the complaints and responded to questions from members.

The Committee resolved:-
to take no action.

SECOND HAND DEALER LICENCE - VARIATION - CEX LTD - 46 UNION STREET

16. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that a variation of a second-hand dealer's licence was sought, specifically in relation to the removal of Condition 3 on the licence.

The licence holder's representative, Mr Connor Hill was in attendance, spoke in support of the request and responded to questions from members.

The Vice Convener, seconded by Councillor Graham, moved:-
that the Committee grant the variation of the licence.

Councillor Copland, seconded by Councillor Van Sweeden, moved as an amendment:-
that the Committee refuse the variation of the licence.

On a division, there voted:- for the motion (7) – the Vice Convener and Councillors Clark, Graham, Henrickson, Lawrence, McLeod and McRae; for the amendment (2) – Councillors Copland and Van Sweeden.

The Committee resolved:-
to adopt the motion and to therefore grant the variation to the licence.

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE - MATTHEW CHYLA

17. The Committee had before it (1) an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the licence holder was seeking an exemption to the Wheelchair Accessible Vehicle policy; (2) correspondence from the licence holder outlining the request.

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

The Vice Convener, seconded by Councillor Copland, moved:-
that the Committee refuse the request for exemption.

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Councillor McRae, seconded by Councillor Clark, moved as an amendment:-
that the Committee approve the request for exemption.

On a division, there voted:- for the motion (5) – the Vice Convener and Councillors Copland, Graham, Henrickson and Van Sweeden; for the amendment (4) – Councillors Clark, Lawrence, McLeod and McRae.

The Committee resolved:-

to adopt the motion, and to therefore refuse the request for exemption from the Wheelchair Accessible Vehicle Policy.

TRANSPARENCY STATEMENT

At this juncture, Councillor McRae advised that he had a connection in relation to the following item by virtue of him being a Shop Steward for Unite the Union. Having applied the objective test, he did not consider that he had an interest and would not be withdrawing from the meeting.

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE - ASHLEY CANALE

18. The Committee had before it (1) an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the licence holder was seeking an exemption to the Wheelchair Accessible Vehicle policy; (2) correspondence from the licence holder outlining the request.

As a preliminary matter, the applicant advised that she had further information to circulate to the Committee, therefore the Committee required to consider whether it be accepted into the proceedings.

The Committee resolved:-

to accept the late correspondence into the proceedings.

The licence holder was in attendance with her representative Mr Peter Cambell, they spoke in support of the request and responded to questions from members.

The Vice Convener moved that the exemption request be refused and that instead, the applicant receive a personal exemption from assisting wheelchair passengers, however, this was not seconded, therefore the motion fell.

The Committee resolved:-

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

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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.

TAXI DRIVER LICENCE - RENEWAL (AGENDA ITEM 9.12)

19. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance (Legal) which advised that the application required to be considered by 11 November 2024; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 8 February 2024.

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

PC Gary Forbes was in attendance and spoke in support of Police Scotland's letter of objection.

Both parties were given the opportunity to sum up.

The Vice Convener, seconded by Councillor Henrickson, moved:-
that the Committee refuse the licence on the grounds that the licence holder was not a fit and proper person.

Councillor Van Sweeden, seconded by Councillor McRae, moved as an amendment:-
that the Committee grant the licence.

On a division, there voted:- for the motion (4) – the Vice Convener and Councillors Clark, Henrickson and Lawrence; for the amendment (5) – Councillors Copland, Graham, McLeod, McRae and Van Sweeden.

The Committee resolved:-

to adopt the amendment, and to therefore grant the licence.

STREET TRADER LICENCE - GRANT (AGENDA ITEM 9.13)

20. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance (Legal) which advised that the application required to be considered by 22 October 2024; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 8 February 2024.

The applicant and his colleague were in attendance and spoke in support of the application and responded to questions from members.

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PC Gary Forbes was in attendance and spoke in support of Police Scotland's letter of objection.

Both parties were given the opportunity to sum up.

The Committee resolved:-

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

TAXI DRIVER LICENCE - RENEWAL (AGENDA ITEM 9.14)

21. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance (Legal) which advised that the application required to be considered by 11 November 2024; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 27 February 2024.

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

PC Gary Forbes was in attendance and spoke in support of Police Scotland's letter of objection.

Both parties were given the opportunity to sum up.

The Committee resolved:-

to grant the licence.

TAXI VEHICLE LICENCE - RENEWAL (AGENDA ITEM 9.15)

22. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance (Legal) which advised that the application required to be considered by 10 November 2024; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 6 March 2024.

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

PC Gary Forbes was in attendance and spoke in support of Police Scotland's letter of representation.

Both parties were given the opportunity to sum up.

The Committee resolved:-

to grant the licence.

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STREET TRADER LICENCE - GRANT (AGENDA ITEM 9.16)

23. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance (Legal) which advised that the application required to be considered by 5 November 2024; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 12 March 2024.

The licence holder was not in attendance, nor represented.

The Committee resolved:-

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

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 9.17)

24. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance (Legal), which advised that the licence holder was seeking an exemption from the Wheelchair Accessible Vehicle policy; (2) correspondence relating to the exemption request.

The licence holder was in attendance with their representative Mr Peter Cambell, they spoke in support of the exemption request and responded to questions from members.

The Committee resolved:-

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

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 9.18)

25. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance (Legal), which advised that the licence holder was seeking an exemption from the Wheelchair Accessible Vehicle policy; (2) correspondence relating to the exemption request.

The licence holder was in attendance with their representative Mr Peter Cambell, they spoke in support of the exemption request and responded to questions from members.

The Committee resolved:-

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

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EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 9.19)

26. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance (Legal), which advised that the licence holder was seeking an exemption from the Wheelchair Accessible Vehicle policy; (2) correspondence relating to the exemption request.

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

The Vice Convener moved that the request for exemption from the Wheelchair Accessible Vehicle policy be refused, however as he did not receive a seconder, the motion fell.

The Committee resolved:-

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

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 9.20)

27. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance (Legal), which advised that the licence holder was seeking an exemption from the Wheelchair Accessible Vehicle policy; (2) correspondence relating to the exemption request.

The licence holder was in attendance with their representative Mr Peter Cambell, they spoke in support of the exemption request and responded to questions from members.

The Committee resolved:-

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

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 9.21)

28. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance (Legal), which advised that the licence holder was seeking an exemption from the Wheelchair Accessible Vehicle policy; (2) correspondence relating to the exemption request.

The licence holder was in attendance with their representative Mr Peter Cambell, they spoke in support of the exemption request and responded to questions from members.

The Committee resolved:-

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

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EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 9.22)

29. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance (Legal), which advised that the licence holder was seeking an exemption from the Wheelchair Accessible Vehicle policy; (2) correspondence relating to the exemption request.

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

The Committee resolved:-

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

TRANSPARENCY STATEMENT

At this juncture, Councillor Graham advised that he had a connection in relation to the following item by virtue of him knowing the licence holder. Having applied the objective test, he did not consider that he had an interest and would not be withdrawing from the meeting.

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 9.23)

30. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance (Legal), which advised that the licence holder was seeking an exemption from the Wheelchair Accessible Vehicle policy; (2) correspondence relating to the exemption request.

The licence holder was not in attendance, nor represented.

The Committee resolved:-

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

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 9.24)

31. With reference to article 41 of the minute of the previous meeting of 21 February 2024, the Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance (Legal), which advised that the licence holder was seeking an exemption from the Wheelchair Accessible Vehicle policy; (2) correspondence relating to the exemption request.

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As a preliminary matter, Mr Sandy Munro, Legal Adviser advised that further correspondence had been received from the licence holder, therefore the Committee required to consider whether it be accepted into the proceedings.

The Committee resolved:-

that the contents of the correspondence be accepted without the need for circulation.

The licence holder was in attendance with his representative Mr Graham Morrison, they spoke in support of the exemption request and responded to questions from members.

The Committee resolved:-

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

- **COUNCILLOR STEVE DELANEY, Vice Convener.**