

LICENSING COMMITTEE

ABERDEEN, 5 June 2024. Minute of Meeting of the LICENSING COMMITTEE.
Present:- Councillor Al-Samarai, Convener; Councillor Delaney, Vice-Convener;
and Councillors Clark, Graham, Henrickson, Lawrence, 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. There were no Declarations of Interest or Transparency Statements intimated.

MINUTE OF PREVIOUS MEETING OF 24 APRIL 2024

2. The Committee had before it the minute of its previous meeting of 24 April 2024, for approval.

The Committee resolved:-
to approve the minute.

MINUTE OF MEETING OF THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP OF 2 MAY 2024, FOR APPROVAL

3. The Committee had before it the minute of meeting of the Taxi and Private Hire Car Consultation Group of 2 May 2024.

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 contents of the planner.

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LOW EMISSION ZONE TIME-LIMITED EXEMPTION FOR TAXIS AND PRIVATE HIRE CARS - CR&E/24/170

5. With reference to article 5 of the minute of meeting of 6 September 2023, the Committee had before it a report by the Director of City Regeneration and Environment which provided an update on Glasgow City Council's approach to time-limited exemption from the Glasgow Low Emission Zone (LEZ) for taxi and private hire car operators.

The report recommended:-

that the Committee note the update on Glasgow City Council's time-limited exemption from the Glasgow LEZ for taxi and private hire car operators.

The Committee resolved:-

- (i) to approve the recommendation; and
- (ii) to instruct the Chief Officer – Strategic Place Planning to report back to the Licensing Committee with an update prior to the one year exemption from the Aberdeen Low Emission Zone (LEZ) granted to taxi and private hire car (PHC) operators.

REVIEW OF LICENSING OF SHORT TERM LETS - F&C/24/171

6. With reference to article 21 of the minute of meeting of 6 September 2022, the Committee had before it a report by the Director of Housing, which provided an update on the operation of Short Term Let licensing within Aberdeen City since implementation on 1 October 2022, and sought approval of the updated Short Term Lets policy to enable the Council to continue licensing short-term lets under the 'Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022' (the 2022 Order).

The report recommended:-

that the Committee –

- (a) note the operation of the licensing scheme for Short Term Lets and enforcement of unlicensed operators within Aberdeen City; and
- (b) approve the updated Short Term Lets Policy with effect from 5 June 2024 as contained in Appendix 1.

The Committee resolved:-

to approve the recommendations.

PUBLIC CHARITABLE COLLECTION POLICY - CORS/24/172

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

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The report recommended:-

that the Committee consider the current resolution in relation to Public Charitable Collections and determine whether a formal review process was required.

The Committee resolved:-

to agree that a formal review process for Public Charitable Collections would not be required.

TAXI AND PRIVATE HIRE DRIVER TRAINING - CORS/24/173

8. With reference to article 11 of the meeting of 19 February 2019, the Committee had before it a report by the Director of Corporate Services, which sought approval to establish a training qualification for all new and current taxi and private hire drivers.

The report recommended:-

that the Committee –

- (a) introduce the training qualification for all taxi and private hire drivers;
- (b) complete all necessary background works required to implement the program; and
- (c) provide one month's notice of the date of implementation on the Council's website.

The Committee resolved:-

- (i) to note recommendations (a) and (c) above;
- (ii) to approve recommendation (b) above; and
- (iii) to instruct the interim Chief Officer – Governance to submit a report to the Committee in due course following the completion of (b).

HOUSE IN MULTIPLE OCCUPATION (NEW APPLICATION) - 19 PRIMROSEHILL GARDENS

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

The Committee resolved:-

to defer this item to the next meeting of the Committee, to allow officers to clarify whether a second letter of objection was valid.

SHORT TERM LET (EXISTING OPERATOR) - 23 QUEEN'S HIGHLANDS

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

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SHORT TERM LET (NEW OPERATOR) - 83 BEACONSFIELD PLACE

11. 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 work requirements to bring the property up to the current Short Term Let standard had not been completed.

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 or refuse the licence under delegated powers if appropriate.

SHORT TERM LET (EXISTING OPERATOR) - FLAT G, 20 RICHMOND STREET

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

SHORT TERM LET (NEW OPERATOR) - 44 GILCOMSTOUN LAND, KIDD STREET

13. The Committee were advised that the application had been granted under delegated powers.

SHORT TERM LET (EXISTING OPERATOR) - 38 FONTHILL AVENUE

14. The Committee were advised that the application had been granted under delegated powers.

SHORT TERM LET (EXISTING OPERATOR) - 33 QUEEN'S HIGHLANDS

15. The Committee were advised that the application had been granted under delegated powers.

SHORT TERM LET (EXISTING OPERATOR) - 46 QUEEN'S HIGHLANDS

16. The Committee were advised that the application had been granted under delegated powers.

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SHORT TERM LET (EXISTING OPERATOR) - 34 QUEEN'S HIGHLANDS

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

SHORT TERM LET (EXISTING OPERATOR) - 43 QUEEN'S HIGHLANDS

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

SHORT TERM LET (EXISTING OPERATOR) - 72 QUEEN'S CRESCENT

19. The Committee were advised that the application had been granted under delegated powers.

SHORT TERM LET (EXISTING OPERATOR) - 68 QUEEN'S CRESCENT

20. The Committee were advised that the application had been granted under delegated powers.

SHORT TERM LET (EXISTING OPERATOR) - 76 QUEEN'S CRESCENT

21. The Committee were advised that the application had been granted under delegated powers.

SHORT TERM LET (EXISTING OPERATOR) - 578 KING STREET

22. The Committee were advised that the application had been granted under delegated powers.

SHORT TERM LET (EXISTING OPERATOR) - 30 ALBURY ROAD

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

As a preliminary matter, Mrs Jocelyn Janssen, Private Sector Housing Manager advised that the objection letter had been received late, therefore the Committee required to consider whether it be accepted into the proceedings.

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The Committee resolved:-

to accept the late letter of objection into the proceedings.

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

The applicant was not in attendance, nor represented.

The objector was not 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 or refuse the licence under delegated powers if appropriate.

SHORT TERM LET (EXISTING OPERATOR) - SECOND FLOOR RIGHT, 52 UNION GROVE

24. 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 objection, appended to the report was 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 Martin Snape was in attendance, spoke in support of the application and responded to questions from members.

The objector, Mr Benedict Mellor was in attendance, spoke in support of his letter of objection and responded to questions from members.

Both parties were given the opportunity to sum up.

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 or refuse the licence under delegated powers if appropriate.

SHORT TERM LET (NEW OPERATOR) - FLAT 10, 6 UNION ROW

25. 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

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letter of objection, appended to the report was 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 Ally Pittendreich was in attendance, spoke in support of the application and responded to questions from members.

The objector was not 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 or refuse the licence under delegated powers if appropriate.

SEXUAL ENTERTAINMENT VENUE - VARIATION OF STANDARD CONDITIONS - BUGSY BROWNS

26. 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 19 December 2024; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 23 April 2024.

The licence holder's agent, Mr Neil Fraser 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 Convener, moved:-

that the Committee grant the application, subject to a review being undertaken, however her motion was not seconded, therefore in terms of Standing Order 29.13, the motion fell.

The Committee resolved:-

to refuse the variation of the standard licence conditions.

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TAXI DRIVER LICENCE (GRANT) - ABDELHAMID CHAFI

27. The Committee had before it an information note prepared by the Interim Chief Officer – Governance which advised that the application required to be considered by 26 July 2024.

The applicant was not in attendance, nor represented.

The Committee resolved:-
to refuse the licence.

TAXI AND PRIVATE HIRE CAR BOOKING OFFICE LICENCE (GRANT) - UBER SCOT LTD

28. 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 11 January 2025; and (2) 485 notifications in support of the application and 23 objections.

As a preliminary matter, Mr Sandy Munro, Legal Adviser advised that a further three letters of objection had been received after the required cut-off date, therefore the Committee required to consider whether they be accepted into the proceedings.

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

The applicant's agents, Ms Caroline Loudon, Mr Jordan Little, Mr Paul King and Mr Matthew Freckelton were in attendance and spoke in support of the application and responded to questions from members.

Mr Adrian Watson (Aberdeen Inspired), Ms Dominique Dawson, Mr Brian Harrison and Mr Robert Nairn were in attendance and spoke in support of their letters of representation which supported the application.

Mr Paul Reynolds, Mr Raymond Mitchell, Mr Barry Coull, Mr Roderick Kennedy, Mr David Alita and Mr Chris Douglas (on behalf of the Taxi Trade representatives on the Taxi and Private Hire Car Consultation Group) were in attendance and spoke in support of their letters of objection, some of whom responded to questions from members.

All parties were given the opportunity to sum up.

The Committee resolved:-
to grant the licence.

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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.

STREET TRADER EMPLOYEE LICENCE - GRANT (AGENDA ITEM 10.1)

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

TAXI DRIVER LICENCE - GRANT (AGENDA ITEM 10.2)

30. 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 2 January 2025; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 18 April 2024.

The applicant and his representative Mr Russell McLeod were 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 representation.

Both parties were given the opportunity to sum up.

The Committee resolved:-
to grant the licence.

TAXI DRIVER LICENCE - RENEWAL (AGENDA ITEM 10.3)

31. 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 18 July 2024; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 23 October 2023.

The licence holder, his spouse and his trade union representative, Mr Peter Cambell were 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 representation.

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Both parties were given the opportunity to sum up.

The Committee resolved:-

to grant the licence.

TAXI LICENCE - RENEWAL (AGENDA ITEM 10.4)

32. 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 31 December 2024; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 16 April 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 representation.

Both parties were given the opportunity to sum up.

The Committee resolved:-

to grant the licence.

TAXI DRIVER LICENCE - RENEWAL (AGENDA ITEM 10.5)

33. The Committee had before it an information note prepared by the Interim Chief Officer – Governance which advised that the application required to be considered by 23 July 2024.

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

The Committee resolved:-

to defer consideration of the application to allow a medical report to be received from the Council's medical provider by 23 July 2024 (the date by which the application must be determined) and should the applicant meet DVLA Group 2 Standards, the Chief Officer - Governance could grant the licence under delegated powers, otherwise refuse the licence if a medical report does not meet the aforementioned standards or if the medical report is received after the date. In the event the application is refused as the report has not been received by the relevant date and a report confirming the applicant meets DVLA Group 2 standards is received after the relevant date, the Chief Officer - Governance may waive the application fee for the grant of a Taxi Driver's licence and waive the requirement for the applicant to resit the Street Knowledge Test.

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EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 10.6)

34. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance, 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 trade union representative Mr Peter Cambell, they spoke in support of the exemption request and responded to questions from members.

The Vice Convener moved:-

that the Committee refuse the request for exemption, however his motion was not seconded, therefore in terms of Standing Order 29.13, 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 10.7)

35. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance, 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 and spoke in support of the exemption request and responded to questions from members.

The Committee resolved:-

to defer consideration of this item until the next meeting of the Committee, to allow receipt of medical information from the applicant's GP.

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 10.8)

36. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance, 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 and spoke in support of the exemption request and responded to questions from members.

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The Committee resolved:-

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

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 10.9)

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

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

The Convener, seconded by the Vice Convener, moved:-
that the Committee defer consideration of this item until the next meeting of the Committee, to allow receipt of medical information from the applicant's GP.

Councillor Henrickson, seconded by Councillor MacGregor, moved as an amendment:-
that the Committee grant the request for exemption from the Wheelchair Accessible Vehicle Policy.

On a division, there voted:- for the motion (5) – the Convener, the Vice Convener and Councillors Clark, McLeod and van Sweeden; for the amendment (3) – Councillors Henrickson, Lawrence and MacGregor.

The Committee resolved:-

to adopt the motion, therefore to defer consideration of this item until the next meeting of the Committee, to allow receipt of medical information from the applicant's GP.

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 10.10)

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

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

The Convener, seconded by the Vice Convener, moved:-

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that the Committee refuse the request for exemption from the Wheelchair Accessible Vehicle Policy.

Councillor van Sweeden, seconded by Councillor MacGregor, moved as an amendment:-

that the Committee grant the request for exemption from the Wheelchair Accessible Vehicle Policy.

On a division, there voted:- for the motion (5) – the Convener, the Vice Convener and Councillors Clark, Henrickson and McLeod; for the amendment (3) – Councillors Lawrence, MacGregor and van Sweeden.

The Committee resolved:-

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

At this juncture, the Committee agreed to suspend Standing Order 40.2 to extend the length of the meeting.

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 10.11)

39. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance, 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 and 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 10.12)

40. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance, 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 and spoke in support of the exemption request and responded to questions from members.

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The Vice Convener, seconded by the Convener, moved:-
that the Committee defer consideration of this item until the next meeting of the Committee to allow receipt of further medical information from the applicant's GP.

Councillor van Sweeden, seconded by Councillor MacGregor, moved as an amendment:-
that the Committee grant the request for exemption from the Wheelchair Accessible Vehicle Policy.

On a division, there voted:- for the motion (5) – the Convener, the Vice Convener and Councillors Clark, Henrickson and McLeod; for the amendment (3) – Councillors Lawrence, MacGregor and van Sweeden.

The Committee resolved:-

to adopt the motion, therefore to defer consideration of this item until the next meeting of the Committee to allow receipt of further medical information from the applicant's GP.

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