

LICENSING COMMITTEE

ABERDEEN, 27 August 2024. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Al-Samarai, Convener; Councillor Delaney, Vice-Convener; and Councillors Clark, Henrickson, Lawrence, MacGregor, Malik (as substitute for Councillor Graham), 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 was intimated:-

- (1) Councillor Clark advised that she had a connection in relation to agenda item 9.5 (Exemption from Policy: Wheelchair Accessible Vehicle – Garry Joseph McNulty) by virtue of her knowing 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 5 JUNE 2024

2. The Committee had before it the minute of its previous meeting of 5 June 2024, for approval.

The Committee resolved:-
to approve the minute.

MINUTE OF MEETING OF THE LICENSING SUB COMMITTEE OF 9 AUGUST 2024, FOR APPROVAL

3. The Committee had before it the minute of meeting of the Licensing Sub Committee of 9 August 2024, 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.

LICENSING COMMITTEE

27 August 2024

The Committee resolved:-

- (i) to note the reasons for deferral in relation to item 4 (Second Hand Dealer's Licence Resolution), item 5 (Public Entertainment Licensing Resolution) and item 9 (Taxi Demand Survey - including Review of Taxi Ranks);
- (ii) to remove item 7 (Taxi & Private Hire Policy) from the planner for the reason intimated therein; and
- (iii) to otherwise note the Business Planner.

HOUSE IN MULTIPLE OCCUPATION (NEW) - 19 PRIMROSEHILL GARDENS

5. 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 a late letter of objection had been submitted by Ms Keri Grieve, therefore the Committee required to consider whether it be accepted into the proceedings.

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 been completed.

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

The objectors, Ms Lisbeth-Anne McLaughlin and Ms Keri Grieve, spoke in support of their letters of objection and responded to questions from members.

Both parties were given the opportunity to sum up.

The Committee resolved:-

to grant the licence.

SHORT TERM LET (EXISTING OPERATOR) - 65 OAKHILL GRANGE

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

LICENSING COMMITTEE

27 August 2024

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

The applicant's Property Manager, Mr Craig McPetrie was in attendance, spoke in support of the application and responded to questions from members.

Mr Kal Masia, Mrs Maureen McMahon and Ms Gladys Ferguson were in attendance, spoke in support of their letters of objection and responded to questions from members.

All parties were given the opportunity to sum up.

The Committee resolved:-

to refuse the licence on the grounds that the premises was not suitable or convenient for the conduct of the activity having regard to:-

- (1) the location, character or condition of the premises; and
- (2) the possibility of undue public nuisance.

SHORT TERM LET (EXISTING OPERATOR) - 54 SHAW 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 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 been completed.

The applicant's Property Manager, Mr Duncan Kerr was in attendance, spoke in support of the application and responded to questions from members.

Mr Alastair Macdonald was in attendance, spoke in support of his letter of objection and responded to questions from members.

All parties were given the opportunity to sum up.

The Convener, seconded by Councillor Malik, moved:-
that the Committee grant the licence.

Councillor van Sweeden, seconded by the Vice Convener, moved as an amendment:-
that the Committee refuse the licence on the grounds that the premises was not suitable or convenient for the conduct of the activity having regard to:-

- (1) the possibility of undue public nuisance.

LICENSING COMMITTEE

27 August 2024

On a division, there voted:- for the motion (3) – the Convener and Councillors Henrickson and Malik; for the amendment (6) – the Vice Convener and Councillors Clark, Lawrence, MacGregor, McLeod and van Sweeden.

The Committee resolved:-

to adopt the amendment.

SHORT TERM LET (EXISTING OPERATOR) - 19 WOODLANDS TERRACE

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

As a preliminary matter, Mrs Jocelyn Janssen, Private Sector Housing Manager intimated that late additional photographs had been submitted by an objector (Ms Helen Nicoll) and the applicant relating to the property, therefore the Committee required to consider whether they be accepted into the proceedings.

The Committee resolved:-

not to accept the late photographs into the proceedings, given that these were of a similar nature to those contained within the agenda.

Mrs Janssen advised that the necessary upgrading works had still to be completed.

The applicant's Property Manager, Mr Duncan Kerr was in attendance, spoke in support of the application and responded to questions from members.

Mr Robert Anderson, Ms Effie Jamieson, Mr Jim Taylor on behalf of Ms Helen Nicoll, Mr Jim Murdoch on behalf of Mrs Alison Murdoch, Mr and Mrs Ross, Mr and Mrs Watson and Mr David Cameron; and Ms Catherine Dempsie were in attendance, spoke in support of their letters of objection and responded to questions from members.

All parties were given the opportunity to sum up.

The Committee resolved:-

to refuse the licence on the grounds that the premises was not suitable or convenient for the conduct of the activity having regard to:-

- (1) the location, character or condition of the premises; and
- (2) the possibility of undue public nuisance.

LICENSING COMMITTEE

27 August 2024

TRANSPARENCY STATEMENTS

During consideration of this item and following approval that a late letter of support be accepted into the proceedings:-

The Convener (Councillor Al-Samarai) advised that she had a connection in relation to the following item by virtue of her being an Adviser on North East Sensory Services Board. Having applied the objective test, she did not consider that she had an interest and would not be withdrawing from the meeting.

The Vice Convener (Councillor Delaney) advised that he had a connection in relation to the following item by virtue of his Stepfather being blind and receiving services from the North East Sensory Services. Having applied the objective test, he did not consider that he had an interest and would not be withdrawing from the meeting.

Councillor McLeod advised that he had a connection in relation to the following item by virtue of his son was profoundly deaf. 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 - GARRY JOSEPH MCNULTY

9. 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.

As a preliminary matter, the licence holder, Mr Garry McNulty, who was in attendance, requested that the Committee consider a late letter of support from North East Sensory Services.

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

Mr McNulty spoke in support of the exemption request and responded to questions from members.

The Committee resolved:-
to grant the request for exemption from the Wheelchair Accessible Vehicle Policy.

LICENSING COMMITTEE

27 August 2024

EXEMPTION FROM POLICY - AGE OF VEHICLE - THOMAS FORBES**10.**

The Committee had before it an information note prepared by the Interim Chief Officer – Governance, which advised that the licence holder was seeking an exemption from the Age of Vehicle policy.

The licence holder was not in attendance nor represented.

The Committee resolved:-

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

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.

LANDLORD REGISTRATION (NEW) - (AGENDA ITEM 10.1)

11. The Committee had before it (1) a report by the Private Sector Housing Manager; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 12 June 2024.

As a preliminary matter, the applicant who was in attendance, requested that a late letter of support be considered by the Committee.

The Committee resolved:-

to accept the late letter of support into the proceedings.

The applicant 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 Committee resolved:-

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

LICENSING COMMITTEE

27 August 2024

At this juncture, the Convener and Councillor Malik left the meeting. The Vice Convener assumed the Chair for the rest of the meeting.

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE - (AGENDA ITEM 10.2)

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

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE - (AGENDA ITEM 10.3)

13. The Committee were advised that this item had been deferred at the request of the licence holder.

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

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

LICENSING COMMITTEE

27 August 2024

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE - (AGENDA ITEM 10.5)

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

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

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

EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE - (AGENDA ITEM 10.7)

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

LICENSING COMMITTEE

27 August 2024

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

18. The Committee were advised that this item had been deferred.

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