

LICENSING COMMITTEE

ABERDEEN, 4 December 2024. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Al-Samarai, Convener; and Councillors Clark, Copland (as substitute for Councillor Delaney), 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.

EXEMPT BUSINESS

1. The Convener proposed that the Committee consider item 10.1 (Landlord Registration – New), item 10.2 (Landlord Registration – New), item 10.3 (Taxi Driver Licence – Renewal) and item 10.4 (Second Hand Dealers Licence - Grant) with the press and public excluded from the meeting.

The Committee resolved:-

in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the meeting during consideration of the above items so as to avoid disclosure of information of the classes described in the following paragraph of Schedule 7(A) to the Act:- articles 18 to 21 (paragraph 14).

DECLARATIONS OF INTEREST AND TRANSPARENCY STATEMENTS

2. 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 MacGregor declared an interest in relation to agenda item 9.8 (Request for Exemption from Policy - Age of Vehicle - Varinder Kumar Sood) by virtue of him knowing the licence holder and having dealings with him previously. He considered that the nature of his interest would require him to leave the meeting, therefore he took no further part in proceedings for this item.

MINUTE OF PREVIOUS MEETING OF 9 OCTOBER 2024

3. The Committee had before it the minute of its previous meeting of 9 October 2024, for approval.

The Committee resolved:-

to approve the minute.

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MINUTE OF SPECIAL MEETING OF 11 NOVEMBER 2024

4. The Committee had before it the minute of its special meeting of 11 November 2024, for approval.

The Committee resolved:-

to approve the minute.

MINUTE OF MEETING OF THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP OF 6 NOVEMBER 2024

5. The Committee had before it the minute of meeting of the Taxi and Private Hire Car Consultation Group of 6 November 2024.

The Committee resolved:-

to note the minute.

COMMITTEE BUSINESS PLANNER

6. The Committee had before it the Committee Business Planner as prepared by the Interim Chief Officer – Governance.

The Committee resolved:-

- (i) to note the reason for deferral in relation to item 4 (Street Trader's Licence Policy) and item 7 (Taxi Demand Survey (including Review of Taxi Ranks)); and
- (ii) to otherwise note the Business Planner.

ANNUAL LICENSING COMMITTEE EFFECTIVENESS REPORT - CORS/24/309

7. The Committee had before it a report by the Director of Corporate Services, which presented the annual report of the Licensing Committee to enable Members to provide comment on the data contained within.

The report recommended:-

that the Committee –

- (a) provide comments and observations on the data contained within the annual report; and
- (b) note the annual report of the Licensing Committee.

The Committee resolved:-

- (i) to instruct the Director of Corporate Services to include a breakdown of the type of applications being considered by the Committee in future reports; and
- (ii) to otherwise note the annual report of the Licensing Committee.

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TAXI FLEET COMPOSITION - CORS/24/358

8. The Committee had before it a report by the Director of Corporate Services which provided an update on the options for implementation of a mixed taxi fleet.

The report recommended:-

that the Committee –

- (a) consider the options for the implementation of a mixed fleet;
- (b) agree the details in Appendix 2 to be put to a public consultation; and
- (c) instruct the Chief Officer - Governance to report the results of the public consultation to the Committee on 19 February 2025.

The Committee resolved:-

to approve the recommendations.

TAXI FARE REVIEW - CORS/24/359

9. The Committee had before it a report by the Director of Corporate Services which sought to agree a fare tariff.

The report recommended:-

that the Committee –

- (a) approve a fare tariff after considering the trade responses;
- (b) instruct the Chief Officer - Governance to publish the fare tariff to take effect as of a specified date; and
- (c) instruct the Chief Officer - Governance to report any representations to Committee prior to 28 January 2025, or in the absence of any representation, to notify all operators of taxis within 7 days of the new tariff and their rights of appeal to the Traffic Commissioner.

The Committee resolved:-

- (i) to approve the fare tariff in appendix 2, subject to the yardage errors being amended;
- (ii) to instruct the Chief Officer - Governance to publish the fare tariff to take effect in the first week of the Easter holidays in 2025; and
- (iii) to approve recommendation (c).

HOUSE OF MULTIPLE OCCUPATION (RENEWAL) - COOPER'S COURT, DUNBAR STREET

10. With reference to article 6 of the minute of meeting of 9 October 2024, the Committee had before it a report by the Private Sector Housing Manager, which advised

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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 represented by Mark Oakley, Catriona Thomson and Elaine Elder were in attendance, spoke in support of the application and responded to questions from members.

The objector was not in attendance, nor represented.

The applicant was given the opportunity to sum up.

The Committee resolved:-
to grant the licence.

HOUSE OF MULTIPLE OCCUPATION (RENEWAL) - LOWER FLAT, SPRING COTTAGE, 1 AND A HALF SOUTH CROWN STREET

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 one letter 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 Ms Shairron Murray was in attendance, spoke in support of the application and responded to questions from members.

Ms Diane Pirie was in attendance, spoke in support of her letter of objection and responded to questions from members.

All parties were given the opportunity to sum up.

The Committee resolved:-
to defer consideration of the application until the necessary upgrading works were completed, after which time the Chief Officer - Housing could grant or refuse the licence under delegated powers if appropriate.

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SHORT TERM LET (EXISTING OPERATOR) - 24E ESSLEMONT AVENUE (LATE OBJECTION)

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 a late letter of objection was submitted to the Private Sector Housing Team.

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

The Committee resolved:-

to refuse the late correspondence into the proceedings.

Mrs Janssen advised that the necessary upgrading works had still to be 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) - 24G ESSLEMONT AVENUE (LATE OBJECTION)

13. 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 a late letter of objection was submitted to the Private Sector Housing Team.

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

The Committee resolved:-

to refuse the late correspondence into the proceedings.

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

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SECOND HAND VEHICLE DEALER (GRANT) - GEARY MOTORS LTD - 6 STELL ROAD

14. The Committee had before it (1) an information note prepared by the interim Chief Officer – Governance, which advised that the application required to be determined by 13 February 2025; and (2) a letter of objection received from the Council’s City Warden’s Team.

The licence holder was not in attendance, nor represented.

The objector was not in attendance, nor represented.

The Committee resolved:-

to grant the licence.

SKIN PIERCING & TATTOO LICENCE (RENEWAL) - HANNA KASZTELAN - YARSON TATTOO STUDIO, UNITS 9-10 LANGSTANE PLACE

15. The Committee were advised that this item had been withdrawn.

REQUEST FOR EXEMPTION FROM POLICY - STREET KNOWLEDGE TEST - MICHAEL LIONEL MCGARTH LAND

16. The Committee had before it an information note prepared by the interim Chief Officer – Governance, which advised that the applicant was applying for an exemption from having to undertake the street knowledge test as required by current licensing policy.

The applicant, Lionel McGarthland and his son, David McGarthland were in attendance and spoke in support of the request for exemption and responded to questions from members.

The Committee resolved:-

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

At this juncture, in accordance with Article 2 of this minute, Councillor MacGregor left the meeting prior to consideration of the following item of business.

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REQUEST FOR EXEMPTION FROM POLICY - AGE OF VEHICLE - VARINDER KUMAR SOOD

17. 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 in attendance and spoke in support of his request.

The Committee resolved:-

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

LANDLORD REGISTRATION - NEW (AGENDA ITEM 10.1)

18. 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 17 July 2024.

The applicant spoke in support of his application and responded to questions from members.

Sergeant Neil Grant 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 refuse the registration on the grounds that he was not considered to be a fit and proper person.

LANDLORD REGISTRATION - NEW (AGENDA ITEM 10.2)

19. 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 17 July 2024.

The applicant spoke in support of his application and responded to questions from members.

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

Both parties were given the opportunity to sum up.

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The Committee resolved:-

to grant the registration.

TAXI DRIVER LICENCE - RENEWAL (AGENDA ITEM 10.3)

20. 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 28 May 2025; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 19 September 2024.

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

Sergeant Neil Grant 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.

SECOND HAND DEALERS LICENCE - GRANT (AGENDA ITEM 10.4)

21. The Committee were advised that this item had been granted under delegated powers.

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 11.1)

22. 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 18 January 2025.

The licence holder was not in attendance, nor represented.

The Committee resolved:-

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to defer consideration of the application to allow a medical report to be received 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.

TAXI DRIVER LICENCE - RENEWAL (AGENDA ITEM 11.2)

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

REQUEST FOR EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 11.3)

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; and (2) correspondence relating to the exemption request.

The licence holder and her trade union representative, Mr Peter Campbell were in attendance and spoke in support of the application and responded to questions from members.

The Committee resolved:-

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

REQUEST FOR EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 11.4)

25. The Committee were advised that this item had been deferred until the next meeting.

REQUEST FOR EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 11.5)

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 and his trade union representative, Mr Peter Campbell were in attendance and spoke in support of the application 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.

REQUEST FOR EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 11.6)

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; and (2) correspondence relating to the exemption request.

The licence holder and her trade union representative, Mr Peter Campbell were in attendance and spoke in support of the application and responded to questions from members.

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

Councillor Graham moved as an amendment that the Committee approve the request for exemption, however he did not receive a seconder, therefore in terms of Standing Order 29.14, the amendment was not put to a vote.

The Committee resolved:-

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

REQUEST FOR EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 11.7)

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; and (2) correspondence relating to the exemption request.

The licence holder was in attendance and spoke in support of the application 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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REQUEST FOR EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 11.8)

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 and as a preliminary matter, he wished to submit a GP letter dated 28 November 2024, relating to his request, 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 spoke in support of his request.

The Committee resolved:-

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

REQUEST FOR EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 11.9)

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; and (2) correspondence relating to the exemption request.

The licence holder was in attendance with his trade union representative, Mr Peter Campbell and as a preliminary matter, he wished to submit a GP letter dated 22 November 2024, relating to his request, 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 spoke in support of his request.

The Committee resolved:-

- (i) to refuse the request for exemption from the Wheelchair Accessible Vehicle Policy; and
- (ii) to approve a personal exemption from wheelchair assistance.

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REQUEST FOR EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 11.10)

31. 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; and (2) correspondence relating to the exemption request.

The licence holder was in attendance with his trade union representative, Mr Peter Campbell and spoke in support of the request.

The Committee resolved:-

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

REQUEST FOR EXEMPTION FROM POLICY - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 11.11)

32. 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; and (2) correspondence relating to the exemption request.

The licence holder was in attendance and as a preliminary matter, he wished to submit a GP letter dated 14 November 2024, relating to his request, 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 spoke in support of his request.

The Committee resolved:-

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

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