

## LICENSING COMMITTEE

20 November 2012

ABERDEEN, 20 November 2012. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Boulton, Convener; and Councillors Blackman, Corall, Cormie, Forsyth, Graham, Kiddie, MacGregor, Nathan Morrison, Reynolds, Townson and Yuill (as substitute for Councillor Malone).

The agenda and reports associated with this minute can be found at:-

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=2567&Ver=4>

### **DETERMINATION OF EXEMPT BUSINESS**

1. Members were requested to resolve that any exempt business on the agenda be considered with the press and public excluded.

#### **The Committee resolved:-**

in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the meeting during consideration of the following items of business:- 6.1 to 6.3 so as to avoid disclosure of exempt information of the class described in paragraph 14 of Schedule 7(A) to the Act (Items 1 to 2 of Appendix B to this minute refers).

### **MINUTE OF PREVIOUS MEETING OF 4 SEPTEMBER 2012**

2. The Committee had before it the minute of its previous meeting of 4 September, 2012.

#### **The Committee resolved:-**

to approve the minute.

### **INFORMAL BUSINESS STATEMENT**

3. The Committee had before it details of the business dealt with by the Informal Business Panel since 4 September, 2012.

#### **The Committee resolved:-**

to note the informal business.

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### APPLICATION FOR GRANT, RENEWAL OR VARIATION OF LICENCES - LIST OF APPLICATIONS

4. The Committee had before it, for its consideration, the applications listed in Appendix A to this minute.

**The Committee resolved:-**

that all applications be determined on the basis shown in Appendix A and that all licences are subject to the Council's standard conditions unless otherwise stated.

### LATE HOURS CATERING LICENCES AND BRITISH SUMMERTIME – CG/12/110

6. The Committee had before it a report by the Director of Corporate Governance which provided information on how the beginning and end of British Summer Time (BST) affects certain late hours catering licences and proposed a new condition for late hours catering licences to bring them into line with how BST is treated in respect of liquor licenses premises under the Licensing (Scotland) Act 2005.

**The report recommended:-**

that the Committee –

- (a) adopt in principle the proposed new condition;
- (b) instruct officers to undertake the statutory variation procedure to implement it; and
- (c) instruct officers to report back to committee once (b) is complete.

**The Committee resolved:-**

to approve the recommendations.

### TAXI LICENCE LIMIT SURVEYS UPDATE – CG/12/117

7. With reference to article 3 of the minute of meeting of 23 November 2011, the Committee had before it a report by the Director of Corporate Governance, which provided further information on taxi licence limit surveys.

**The report recommended:-**

that the Committee –

- (a) note the terms of the report; and
- (b) instruct officers to prepare a report to the first Licensing Committee meeting in 2014 seeking an instruction in respect of a taxi demand survey.

**The Committee resolved:-**

to approve the recommendations.

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### COMMITTEE BUSINESS STATEMENT

8. The Committee had before it a statement of Committee Business from the Head of Legal and Democratic Services.

**The Committee resolved:-**

to remove Item 2 (Review of the Policy on Taxi Licences) from the Statement.

### EXEMPT INFORMATION

**In accordance with the information provided under Article 1 of the minute, the following items were considered with the press and public excluded.**

### APPLICATION FOR GRANT, RENEWAL OR VARIATION OF LICENCES - LIST OF APPLICATIONS TO BE HEARD IN PRIVATE

8. The Committee had before it, for its consideration, the applications listed in Appendix B to this minute.

**The Committee resolved:-**

that all applications be determined on the basis shown in Appendix B and that all licences be subject to the Council's normal conditions unless otherwise stated.

**- COUNCILLOR MARIE BOULTON, Convener.**

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### APPENDIX A

1. **APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Reference Number – 3/001**  
**Premises – 137 Morrison Drive**

The Committee had before it one letter of representation.

Ally Thain, Private Sector Housing Manager, advised that works on the premises had still to be completed, although this was not the reason it was before the Committee today.

The Committee heard from the agent for the applicant, Mike Mathieson of James and George Collie, in support of the application.

**The Committee resolved:-**

to defer consideration of the application until the works were completed, after which time officers could grant the application under delegated powers if appropriate.

2. **APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Reference Number – 3/002**  
**Premises – 644 George Street**

The Committee had before it three letters of representation and a statement from the applicant.

Ally Thain, Private Sector Housing Manager, advised that a final inspection had still to be carried out.

The Committee heard from the applicant, Mrs Elizabeth Wilkinson, in support of the application.

**The Committee resolved:-**

to defer consideration of the application until the works were completed, after which time officers could grant the application under delegated powers if appropriate.

3. **APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Reference Number – 3/003**  
**Premises – 21 Sunnybank Road**

The Committee had before it one letter of representation.

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Ally Thain, Private Sector Housing Manager, advised that all works had now been completed.

The Committee heard from the applicant, Mrs Fiona Boyd, in support of the application.

**The Committee resolved:-**  
to grant the application.

**4. APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Reference Number – 3/004**  
**Premises – 77-79 Bon Accord Street**

The Committee had before it a copy of the Community Engagement Group report for Bon Accord Street from April 2011-September 2012, and were advised that the number of objectors to this HMO had dropped dramatically since last year, there being no objections submitted in respect of this application.

**The Committee resolved:-**

- (i) to grant the application; and
- (ii) to thank the various officers, elected members and members of the public for their excellent partnership working in regard to the application.

**5. APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Reference Number – 3/005**  
**Premises – Andarabad, Nigg Kirk Road**

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

**6. APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Reference Number – 3/006**  
**Premises – 188 Great Western Road**

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

**7. APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Reference Number – 3/007**  
**Premises – 636 King Street**

The Committee was advised that the application had been withdrawn.

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**8. APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Reference Number – 3/008**  
**Premises – 1 Roslin Terrace**

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

**9. APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Reference Number – 3/009**  
**Premises – 2 Roslin Terrace**

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

**10. APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Reference Number – 3/010**  
**Premises – 490 King Street**

The Committee was advised that the application had been withdrawn.

**11. APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE**  
**Application Reference Number – 3/011**  
**Premises – Powis Gateway Community Centre**

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

**12. APPLICATION FOR GRANT OF A PUBLIC ENTERTAINMENT LICENCE**  
**Application Reference Number – 3/012**  
**Premises – Froghall Community Centre**

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

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13. **APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE**  
**Application Reference Number – 3/013**  
**Premises – McDonalds Restaurants Ltd, Garthdee Road**  
**Days/Times – Seven Days, 23:00 to 05:00**

The Committee was advised that the application had been withdrawn.

14. **APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE**  
**Application Reference Number 3/014**  
**Premises – Lohar Ltd, the One £ Plus Store, 192 George Street**  
**Days/Times – Thursday to Saturday, 23:00 – 05:00**

The Committee had before it one letter of objection and heard the objector speak in furtherance of it.

The Committee then heard from the applicant who spoke in support of the application.

**The Committee resolved:-**

to grant the application with a condition that no hot food or beverages can be sold at the premises.

15. **APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE**  
**Application Reference Number 3/015**  
**Premises – Shop Express Scotland, 10 Crown Street**  
**Days/Times – Seven Days, 23:00 – 05:00**

The Committee heard from the applicant, in support of the application.

**The Committee resolved:-**

to grant the application.

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- 16. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE**  
**Application Reference Number 3/016**  
**Premises – L & M Kilminster Ltd, 132-134 Hutcheon Street**  
**Days/Times – Seven Days, 23:00 – 05:00**

The Committee heard from the agent for the applicant, Mrs Wilkie, in support of the application.

**The Committee resolved:-**  
to grant the application.

- 17. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE**  
**Application Reference Number 3/017**  
**Premises – Tesco Stores Ltd, Laurel Drive, Danestone**  
**Days/Times – Seven Days, 23:00 – 05:00**

The Committee heard from the agent for the applicant, Mr Nigel Wood of Brodies LLP, in support of the application.

**The Committee resolved:-**  
to grant the application.

- 18. APPLICATION FOR THE VARIATION OF A LATE HOURS CATERING LICENCE**  
**Application Reference Number 3/018**  
**Premises – Tesco Stores Ltd, Tesco Express, King Street**  
**Days/Times – Seven Days, 23:00 – 05:00**

The Committee heard from the agent for the applicant, Mr Wood, in support of the application.

**The Committee resolved:-**  
to grant the application.

**The Committee further resolved:-**

that, in addition to its current guidelines in respect of late hours catering licences, in the event of any future application for the grant, renewal or variation of a late hours catering licence where the applicant seeks to trade beyond the committee's current guideline terminal hours and the application attracts no objection or adverse observation, the application may be granted by officers under delegated powers. Such additional delegation of powers would not apply to premises trading in hot food and/or hot beverages.



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**19. APPLICATION FOR A TEMPORARY LATE HOURS CATERING LICENCE – G & M WHYTE**

**Application Reference Number 3/019**

**Site - St Nicholas Street**

**Days/Times – Friday and Saturday, 23:00 – 02:00**

The Committee heard from the applicant in support of the application.

**The Committee resolved:-**

to grant the application with effect from 26 November 2012.

**20. APPLICATION FOR A TEMPORARY STREET TRADER (HOT FOOD) LICENCE – G & M WHYTE**

**Application Reference Number 3/020**

**Site - Outside Main Entrance, Union Square**

**Days/Times – 07:00 – 19:00**

The Committee heard from the applicant in support of the application.

The Committee was advised that the applicant had not applied for a Food Safety Certificate and the papers which stated the specific location of the unit had also not been submitted.

**The Committee resolved:-**

to agree that following production by the applicant of a valid Food Safety certificate being granted, the Licence could be granted under delegated powers.

**21. APPLICATION FOR THE RENEWAL OF A STREET TRADER (HOT FOOD) LICENCE – ALISON DIANN CAMPBELL**

**Application Reference Number 3/021**

**Site – Cloverhill Road, Bridge of Don**

**Days/Times – Seven Days, 07:00 - 19.00**

The Committee had before it two letters of objection, one of which was from Doug Ritchie, Road Safety and Traffic Management, Enterprise, Planning and Infrastructure, which raised concerns regarding the proposed renewal of the above licence.

Louise Traynor, Asset Management and Operations (Roads), was in attendance and spoke in furtherance of their objection.

The Committee agreed to have circulated for consideration, five letters of support, which had been submitted, and following this, heard from the applicant in support of the application.

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### **The Committee resolved:-**

- (i) to instruct officers from Enterprise, Planning and Infrastructure to investigate whether public parking spaces in the vicinity of the burger van could be time restricted, and to report to the Enterprise, Planning and Infrastructure Committee accordingly;
- (ii) to request officers in Licensing to confirm with the objector from Barclay + Mathieson Ltd that he submitted the original objection letter; and
- (iii) to otherwise grant the application.

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**APPENDIX B**

**1. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE**  
**Application Reference Number – 6/001**

The applicant was not in attendance at the meeting.

The Committee had before it a letter of objection dated 30 July 2012 from the Chief Constable, Grampian Police and heard Sergeant Keith Middler speak in its support.

**The Committee resolved:-**  
to refuse the application.

**2. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE**  
**Application Reference Number – 6/002**

The applicant was not in attendance at the meeting.

The Committee had before it a letter of objection dated 18 September, 2012 from the Chief Constable, Grampian Police and heard Sergeant Keith Middler speak in its support.

**The Committee resolved:-**  
to defer the application to the next meeting, to allow the applicant another opportunity to attend the committee.

**3. APPLICATION FOR THE GRANT OF A SECOND HAND DEALER LICENCE**  
**Application Reference Number – 6/003**

The Committee was advised that the application had been granted under delegated powers following the withdrawal of the letter of objection from Grampian Police.