

LICENSING COMMITTEE

ABERDEEN, 29 January 2013. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Boulton, Convener; and Councillors Blackman, Corall, Forsyth, Graham, Ironside CBE, Kiddie, MacGregor, Malik, Malone, Nathan Morrison, Reynolds, Thomson (as substitute for Councillor Grant) and Townson.

The agenda and reports associated with this minute can be found at:-
<http://councilcommittees/ieListDocuments.aspx?CId=149&MId=2568&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 6.5 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 5 of Appendix B to this minute refers).

MINUTE OF PREVIOUS MEETING OF 20 NOVEMBER 2012

2. The Committee had before it the minute of its previous meeting of 20 November, 2012.

The Committee resolved:-

to approve the minute.

MINUTE OF MEETING OF THE SPORTS GROUND ADVISORY GROUP OF 2 NOVEMBER 2012

3. The Committee had before it the minute of meeting of the Sports Ground Advisory Group of 2 November, 2012.

The Committee resolved:-

to note the minute.

INFORMAL BUSINESS STATEMENT

4. The Committee had before it details of the business dealt with by the Informal Business Panel since 20 November, 2012.

LICENSING COMMITTEE

29 January 2013

The Committee resolved:-

to note the informal business.

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

5. 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 - VARIATION OF CONDITIONS - CG/13/008

6. With reference to article 6 of the minute of the previous meeting of 20 November 2012, the Committee had before it a report by the Director of Corporate Governance which provided a response to the consultation following the proposal to vary conditions for late hours catering licences.

The report recommended:-

that the Committee ratifies the changes to the conditions as follows:-

“The beginning or ending of British Summer Time is to be disregarded for the purpose of determining the time at which the period of licensed hours ends and, accordingly, the period ends at the time it would have ended had British Summer Time not begun or ended.” and

Condition 4 to be amended to read as follows:-

“The licence holder shall not supply food outwith the permitted hours, regardless of whether they have been ordered or paid for within these hours.”

The Committee resolved:-

to approve the recommendations.

VARIATION OF TAXI AND PRIVATE HIRE DRIVERS' LICENCE CONDITIONS - STATUTORY UPDATES IN RESPECT OF MEDICAL EXEMPTIONS - CG/13/014

7. The Committee had before it a report by the Director of Corporate Governance, which proposed necessary legislative updates to (1) the Conditions Applicable to Taxi Drivers' Licences (attached as appendix 1 to the report); and (2) the Conditions Applicable to Private Hire Car Drivers' Licences (attached as appendix 2 to the report).

The report recommended:-

that the Committee –

LICENSING COMMITTEE

29 January 2013

- (a) endorse in principle the proposed amendments to the conditions;
- (b) instruct officers to carry out the statutory variation procedure; and
- (c) report back to the Committee to finalise the procedure.

The Committee resolved:-

to approve the recommendations.

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:-

- (i) in relation to item 3 (Taxi Inspection Centre Audit), to note that the report would be submitted to the meeting on 18 June 2013 or the meeting thereafter; and
- (ii) to remove Item 4 (Late Hours Catering Licences and British Summertime) 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

9. 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.

LICENSING COMMITTEE

29 January 2013

APPENDIX A

1. APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 3/001
Premises – Top Floor Flat Left, 88 Bon Accord Street

The Committee had before it one letter of representation.

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

The respondent was not in attendance.

The Committee resolved:-

- (i) to defer consideration of the application until the works were completed, after which time officers could grant the application under delegated powers if appropriate; and
- (ii) to instruct officers to amend the HMO notice of application to include telephone and contact details.

2. APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 3/002
Premises – 53 Bannermill Place

Ally Thain, Private Sector Housing Manager, advised that there were two letters of representation, however they had been received beyond the statutory time period within which such letters must be received. He further advised that the Committee may consider late representations if it was satisfied that it was reasonable for the respondents to make the representations after the deadline.

The Committee heard from the respondents who explained why the letters of representation should be considered today.

The Committee heard from the applicant, Mr Keith A Lamb who objected to the letters of representation being introduced to the proceedings on the basis that the letters were not submitted timeously.

The Committee resolved:-

to decline the letters of representation from being admitted to the proceedings for consideration.

Mr Thain, advised that works on the premises had still to be completed, although this was not the reason it was before the Committee today.

LICENSING COMMITTEE

29 January 2013

The Committee heard from the Mr Lamb, in support of his 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 – 72 Sunnyside Road**

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 respondent.

The Committee heard from the applicant, Mr John C Jennings, 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.

**4. APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 3/004
Premises – Flat 1, 438 Union Street**

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

**5. APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 3/005
Premises – Flat 2, 438 Union Street**

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

LICENSING COMMITTEE

29 January 2013

6. APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 3/006
Premises – 31 Auchinyell Road

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

7. APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE
Application Reference Number – 3/007
Premises – Dyce Parish Church

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

8. APPLICATION FOR A THE RENEWAL OF A THEATRE LICENCE
Application Reference Number – 3/008
Premises – Westpark School, Aberdeen City Council

Eric Anderson, Senior Solicitor, Litigation and Licensing referred to correspondence received from the applicant and advised that works on the premises had still to be completed.

The Committee resolved:-

to defer the application until the next meeting.

9. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE
Application Reference Number – 3/009
Premises – H&G (Abd) Ltd, 1A Chapel Street
Days/Times – Monday to Sunday, 23:00 to 05:00

The Committee heard from Mr Alistair Gunn on behalf of the applicant in support of the application.

The Committee resolved:-

- (i) to grant the application; and
- (ii) to instruct officers to prepare location maps for future late hours catering applications.

LICENSING COMMITTEE

29 January 2013

10. APPLICATION FOR THE VARIATION OF A LATE HOURS CATERING LICENCE

Application Reference Number – 3/010

Premises – McDonalds, Benville Restaurants Ltd, 117 Union Street

Days/Times – Monday to Sunday, 23:00 to 05:00

The Committee heard from Eric Anderson, Senior Solicitor, Litigation and Licensing who advised that a letter of representation dated 17 January 2013, had been received from Chief Inspector Martin Mackay, Grampian Police. The letter was circulated to members of the Committee for consideration.

The Committee heard from the applicant's agent Lesley Johnston in support of the application.

The Convener, seconded by Councillor Thomson moved:-

“that in terms of Paragraph 10 of Schedule 1 to the Civic Government (Scotland) Act 1982 the application be refused on the grounds that the hours sought is outwith the Committee's guidelines for late hours catering licences.”

Councillor Corral, seconded by Councillor Malone moved as an amendment:-

“that the application be granted”

On a division, there voted:- for the motion (12) – the Convener and Councillors Blackman, Forsyth, Graham, Ironside CBE, Kiddie, MacGregor, Malik, Nathan Morrison, Reynolds, Thomson and Townson; for the amendment (2) – Councillors Corral and Malone.

The Committee resolved:-

to adopt the motion to refuse the application.

11. APPLICATION FOR THE GRANT OF A SKIN PIERCING AND TATTOOING LICENCE

Application Reference Number – 3/011

Applicant – Magdalena Klimkiewicz

The Committee heard from Eric Anderson, Senior Solicitor, Litigation and Licensing who referred to correspondence received from Nick Glover, Environmental Health Trading Standards, Housing and Environment advising that arrangements to inspect a steam steriliser had still to be undertaken.

The applicant Magdalena Klimkiewicz was in attendance and agreed to withdraw the application at this time.

LICENSING COMMITTEE

29 January 2013

12. **APPLICATION FOR GRANT OF A SECOND HAND DEALER LICENCE**
Application Reference Number – 3/012
Applicant – John Wilson

The Committee were advised that the application had been withdrawn.

13. **APPLICATION FOR THE GRANT OF A STREET TRADER (HOT FOOD) LICENCE**
Application Reference Number – 3/013
Sites – (1) York Street, North side 202m South East of its junction with York Place
(2) Beach Esplanade 30m East of junction with New Pier Road
(3) Crawpeel Road, West side, 400m South of Hareness Road
Days/Times – Monday to Saturday, 07:00 to 14:00

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, Karen Sim in support of the application.

The Committee resolved:-

to grant the application for the Crawpeel Road site only, subject to the Traffic Management Team's approval of the actual location when identified by the applicant.

14. **APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE – DOUGLAS THOMSON**
Application Reference Number 3/014

The Committee were advised that the application had been withdrawn.

LICENSING COMMITTEE

29 January 2013

APPENDIX B

1. APPLICATION FOR LANDLORD REGISTRATION
Application Reference Number – 5/001

The Committee heard from Mr Ally Thain, Private Sector Housing Manager who referred to his letter, dated 17 January 2013.

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

The Committee resolved:-

to grant the application.

2. APPLICATION FOR THE GRANT OF A MARKET OPERATOR LICENCE
Application Reference Number – 5/002

The Committee were advised that the applicants wished to submit a letter in support of their application. The Committee agreed to accept the letter for consideration.

The Committee had before it a letter of representation, dated 24 November, 2012 from the Chief Constable, Grampian Police and heard Sergeant Barry Skinner speak in its support.

The Committee heard the applicants speak in support of their application.

The Committee resolved:-

- (i) to grant the application; and
- (ii) to instruct officers to investigate the possibility of amending all relevant licensing application forms to inform the applicant, when completing the form, to include motoring offences (if any) where the applicant is obliged to provide details of any previous convictions.

3. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE
Application Reference Number – 5/003

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

The Committee heard the applicant's agent, Karen Copeland, speak in support of the application.

LICENSING COMMITTEE

29 January 2013

The Committee resolved:-

to grant the application for a period of six months.

4. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE
Application Reference Number – 5/004

The Committee had before it a letter of objection, dated 13 November, 2012 from the Chief Constable, Grampian Police.

As a preliminary point, the Committee heard Sergeant Keith Middler, on behalf of the Chief Constable, seek the Committee's approval to admit details of the applicant's spent convictions on the basis that justice could not be done except by the Committee admitting or requiring evidence to those convictions.

The applicant indicated that he had no objection to the details of the spent convictions being admitted and therefore the Committee agreed to accept them for consideration.

The Committee heard Sergeant Middler speak in support of the letter.

The Committee heard the applicant speak in support of his application.

Councillor Thomson, seconded by Councillor Forsyth moved:-

“that the application be refused on the ground that the applicant is not a fit and proper person to be the holder of the licence.”

Councillor Corral, seconded by Councillor Nathan Morrison moved as an amendment:-

“that the application be granted for six months.”

On a division, there voted:- for the motion (11) – the Convener and Councillors Blackman, Forsyth, Ironside CBE, Kiddie, MacGregor, Malik, Malone, Reynolds, Thomson and Townson; for the amendment (3) – Councillors Corall, Graham and Nathan Morrison.

The Committee resolved:-

to adopt the motion to refuse the application.

5. APPLICATION FOR THE GRANT OF A STREET TRADER LICENCE
Application Reference Number – 5/005

The Committee had before it a letter of objection, dated 15 November, 2012 from the Chief Constable, Grampian Police and heard Sergeant Barry Skinner speak in its support.

LICENSING COMMITTEE

29 January 2013

The Committee heard the applicant speak in support of his application.

Councillor Townson, seconded by Councillor Blackman moved:-
“that the application be granted for a six month period.”

Councillor Thomson, seconded by the Convener moved as an amendment:-
“that the application be refused on the ground that the applicant is not a fit and proper person to be the holder of the licence.”

On a division, there voted:- for the motion (11) – Councillors Blackman, Corral, Forsyth, Graham, Ironside CBE, Kiddie, MacGregor, Malik, Malone, Nathan Morrison and Townson; for the amendment (3) – the Convener and Councillors Reynolds and Thomson.

The Committee resolved:-

to adopt the motion to grant the application for a six month period.