

LICENSING COMMITTEE

ABERDEEN, 19 November 2013. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Forsyth, Convener; and Councillors, Boulton, Cameron (as substitute for Councillor Kiddie), Corall, Cormie, Delaney, Graham, Grant, Nathan Morrison (as substitute for Councillor Ironside CBE), MacGregor, and Townson.

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?Cid=149&Mid=2925&Ver=4>

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.

REQUEST FOR DEPUTATION

1. There were no requests for deputations submitted.

MINUTE OF PREVIOUS MEETING OF 17 SEPTEMBER 2013

2. The Committee had before it the minute of its previous meeting of 17 September, 2013.

The Committee resolved:-
to approve the minute.

MINUTE OF MEETING OF TAXI CONSULTATION GROUP OF 4 JUNE 2013

3. The Committee had before it the minute of meeting of the Taxi Consultation Group of 4 June, 2013.

The Committee resolved:-

- (i) in relation to article 2(B) (Access to Aberdeen Royal Infirmary), to note that officers in Enterprise, Planning and Infrastructure were liaising with Tommy Campbell, Unite the Union with regard to traffic enforcement issues at Aberdeen Royal Infirmary; and
- (ii) to otherwise note the minute.

INFORMAL BUSINESS STATEMENT

4. The Committee had before it details of the business dealt with by the Informal Business Panel since 14 September, 2013.

The Committee resolved:-
to note the informal business.

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APPLICATIONS FOR LICENCES

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.

TAXI FARE REVIEW – CG13/036

6. With reference to article 13 of the minute of the previous meeting of 17 September, 2013 the Committee had before it a report by the Acting Director of Corporate Governance, which provided information to allow the Committee to reach an informed decision on any changes to be made to the current taxi fare tariff.

The report recommended:-

that the Committee –

- (a) maintain the tariff and surcharges at their current level;
- (b) instruct officers to amend the fare card at surcharge 5 to reflect the holiday dates for 2014 and 2015; and
- (b) instruct the Head of Legal and Democratic Services to advertise the general effect of the proposals and the date when it is proposed that they will take effect.

The Committee resolved:-

to approve the recommendations.

COMMITTEE BUSINESS STATEMENT

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

The Committee resolved:-

to note the statement of Committee Business.

EXEMPT INFORMATION

IN ACCORDANCE WITH THE DATA PROTECTION ACT 1988 (PRINCIPLE 1), THE PRESS AND PUBLIC WERE EXCLUDED FROM THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM.

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APPLICATION FOR LICENCES

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 FRASER FORSYTH, Convener**

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APPENDIX A**1. APPLICATION FOR THE GRANT OF A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 2/001
Premises – 35 St Machar Drive**

The Committee had before it a letter of representation. The respondent was not in attendance.

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

The applicant spoke in support of the application.

The Committee resolved:-

to grant the application.

**2. APPLICATION FOR THE GRANT OF A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 2/002
Premises – 1A Orchard Place**

Mr. Ally Thain, Public Sector Housing Manager advised that there were three letters of representation from the same respondent. The letters were received out-with the statutory 21-day time period. He further advised that the Committee may consider late representations, only if it was satisfied that it was reasonable for the respondent to make the representations after the deadline.

Mr Thain made reference to an email containing attachments which had been submitted by the respondent to all members of the Committee prior to the meeting and explained that if any member had read the email and its attachments and believed that they could not make an impartial decision on whether or not to agree to consider the late letters of representation, then they must withdraw from considering the application. No members of the Committee withdrew from considering the application.

The Committee heard from the respondent who explained why the letters of representation should be considered. The respondent also sought the Committee's approval to circulate photographs she had brought with her, which showed the position of lamp-posts in the vicinity of the premises to which the application refers.

The applicant was not in attendance.

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The Committee resolved:-

that the letters of representation and the photographs would be admitted to the proceedings for consideration.

The Committee further resolved:-

- (i) to defer consideration of the application to allow the applicant to attend and speak to the application; and
- (ii) to convene an additional meeting of the Committee in approximately 14 days to consider the application.

3. APPLICATION FOR THE RENEWAL OF A MARKET OPERATOR LICENCE – SCORPION GB LTD**Application Reference Number – 2/003****Location – Castlegate****Days/Times – Fridays, Saturdays, Public Holidays, Christmas Eve and New Years Eve, 09.00 to 17.00**

The Committee had before it a letter of representation.

The Committee was advised that a further letter of representation had been submitted. However, it was received beyond the statutory time period within which such letters must be received. The Committee may consider a late representation if it was satisfied that it was reasonable for the respondent to make the representation after the deadline.

The Committee heard from the respondent who explained why the letter of representation should be considered.

The Committee then heard from the applicant's agent, Mr Bukhsh who objected to the letter of representation being introduced to the proceedings on the basis that the letters were not submitted timeously.

The Committee resolved:-

that the letter of representation would be admitted to the proceedings for consideration.

The Committee heard from the two respondents in terms of their letters of representation.

The Committee then heard from Mr Bukhsh in support of the application.

The Committee resolved:-

- (i) to defer consideration of the application until the meeting on 28th January 2014; and

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- (ii) to request that Tom Moore, City Centre Manager, Enterprise, Planning and Infrastructure monitor the situation and current set-up of the Castlegate Market operated by Scorpion GB, Limited and to report his findings to the meeting in January 2014.

4. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE - ADIE'S

Application Reference Number – 2/004

Premises – 62-64 Bedford Road

Days/Times – 23.00 to 05.00 daily

The Committee had before it a letter of observation dated 7th August, 2013 from the Chief Constable, Police Service of Scotland, Aberdeen City Division, and heard Sergeant Barry Skinner speak in its support.

The applicant was not in attendance.

Councillor Grant, seconded by Councillor Nathan Morrison moved:-
to refuse the application on the grounds that there would be an increase in noise nuisance and anti social behaviour.

Councillor Cameron, seconded by Councillor Corall moved as an amendment:-
to approve the application.

On a division, there voted:- for the motion (5) – Councillors Boulton, Delaney, Graham, Grant and Nathan Morrison; for the amendment (7) – the Convener and Councillors Cameron, Corall, Cormie, MacGregor, Malone and Townson.

The Committee resolved:-

to adopt the amendment to grant the application.

5. APPLICATION FOR THE VARIATION OF A LATE HOURS CATERING LICENCE – CHINA KINGDOM

Application Reference Number – 2/005

Premises – 12-16 Guild Street

Days/Times – Vary closing time from 02.00 to 04.00

The Committee had before it a letter of objection dated 15th August, 2013 from the Chief Constable, Police Service of Scotland, Aberdeen City Division, and heard Sergeant Barry Skinner speak in its support.

The Committee heard from the applicant in support of his application. The applicant requested that a letter of support also be circulated to members for

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consideration. Sergeant Skinner had no objection to its circulation and the Committee agreed to circulate the letter.

It was suggested that the applicant may wish to consider trading during the hours of 23.00 until 03.00 (Sunday to Thursday) and 23.00 to 04.00 (Friday and Saturday). The applicant advised that he would accept the aforementioned trading hours.

The Committee resolved:-

to grant the application subject to the trading hours being 23.00 until 03.00 (Sunday to Thursday) and 23.00 to 04.00 (Friday and Saturday).

6. APPLICATION FOR THE GRANT OF A STREET TRADER LICENCE – FENG LAN HUANG

Application Reference Number – 2/006

Location – Zone 9 (City Centre)

Days/Times – Fridays and Saturdays, 23.00 to 04.00

The Committee was advised that the current guidelines do not permit street trading on Union Street or any pedestrianised area in the city centre unless a special case is made by the applicant as to why the guideline should not apply.

The applicant was not in attendance.

The Committee resolved:-

to refuse the application.

7. APPLICATION FOR THE GRANT OF A STREET TRADER LICENCE – LINDA GILMOUR

Application Reference Number – 2/007

Location – Denmore Road, Bridge of Don at football pitch car park

Days/Times – 07.00 to 19.00 daily

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

8. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE – MOUNIR BOUSSAG

Application Reference Number – 2/008

The Committee were advised that the application had been withdrawn.

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9. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE – FLORIN GEORGIAN MACHEDON
Application Reference Number – 2/009

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

10. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE – ROY NORMAN BREMNER
Application Reference Number – 2/010

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

11. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – DYCE CABS LTD
Application Reference Number – 2/011

The Committee was advised that to date the applicant's vehicle had still not passed the taxi vehicle inspection and that the application requires to be determined by 30 November 2013.

The applicant was not in attendance.

The Committee resolved:-
to refuse the application.

12. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – DAVID ADAMS NELSON
Application Reference Number – 2/012

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

13. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – CITY WIDE TAXIS LTD
Application Reference Number – 2/013

The Committee was advised that to date the applicant's vehicle had not passed the taxi vehicle inspection and that the application requires to be determined by 24 December 2013.

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

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The Committee resolved:-

to defer consideration of the application and request that it be submitted to the Informal Business Panel for consideration.

14. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – MICHAEL LARKINS
Application Reference Number – 2/014

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

15. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – OLDMILL MOTORS
Application Reference Number – 2/015

The Committee was advised that to date the applicant's vehicle had not passed the taxi vehicle inspection and that the application requires to be determined by 31 December 2013.

The Committee resolved:-

to defer consideration of the application and request that it be submitted to the Informal Business Panel for consideration.

16. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR LICENCE – PAUL WEST
Application Reference Number – 2/016

The Committee was advised that the licence had been surrendered by the applicant.

17. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR LICENCE – DIXON PACITTI
Application Reference Number – 2/017

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

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**18. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR LICENCE –
IAN SHEARER**
Application Reference Number – 2/018

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

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APPENDIX B

1. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE
Application Reference Number – 5/001

The Committee was advised that the application had been withdrawn.

DECLARATION OF INTEREST

Councillor Nathan Morrison declared a personal interest in the subject matter of the following item of business by virtue of him knowing the applicant and chose to withdraw from the meeting during its consideration.

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

The Committee had before it a letter of objection from the Chief Constable of the Police Service of Scotland, Aberdeen City Division, dated 17 July, 2013 and heard Sergeant Barry Skinner speak in its support.

As a preliminary point, Sergeant Skinner sought the Committee's approval to introduce details of the applicant's spent convictions on the basis that justice could not be done except by admitting or requiring evidence relating to the spent convictions.

The applicant had no objection to the spent convictions being admitted to the proceedings.

The Committee resolved:-
to admit the spent convictions into the proceedings for consideration.

Thereafter, the Committee heard the applicant speak in support of the application.

The Committee further resolved:-
to refuse the application.

3. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE
Application Reference Number – 5/003

The Committee had before it a letter of representation, dated 29 August, 2013 from the Chief Constable of the Police Service of Scotland, Aberdeen City

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Division and heard Sergeant Barry Skinner speak in its support. Sergeant Skinner advised the Committee to disregard the information opposite the date 29/4/1993.

The Committee heard from the applicant in support of his application and who had requested that a letter of support also be circulated to members for consideration. Sergeant Skinner had no objection to its circulation. The Committee agreed to circulate the letter.

The Committee resolved:-

to grant the application.

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

The Committee had before it a letter of representation, dated 13 September, 2013 from the Chief Constable of the Police Service of Scotland, Aberdeen City Division and heard Sergeant Barry Skinner speak in its support.

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

The Committee resolved:-

to grant the application.

DECLARATION OF INTEREST

Councillor Townson declared a personal interest in the subject matter of the following item of business by virtue of him knowing the applicant and chose not to withdraw from the meeting during its consideration.

**5. APPLICATION FOR THE GRANT OF TAXI DRIVER LICENCE
Application Reference Number – 5/005**

The Committee had before it a letter of representation, dated 30 September, 2013 from the Chief Constable of the Police Service of Scotland, Aberdeen City Division and heard Sergeant Barry Skinner speak in its support.

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

The Committee resolved:-

to grant the application.

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6. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE
Application Reference Number – 5/006

The Committee had before it a letter of objection, dated 24 September, 2013 from the Chief Constable of the Police Service of Scotland, Aberdeen City Division and heard Sergeant Barry Skinner speak in its support.

The Committee heard from the applicant in support of his application and who had requested that a letter of support also be circulated to members for consideration. Sergeant Skinner had no objection to its circulation and the Committee agreed to circulate the letter.

The Committee resolved:-
to refuse the application.

7. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR LICENCE
Application Reference Number – 5/007

The Committee had before it a letter of representation, dated 15 September, 2013 from the Chief Constable of the Police Service of Scotland, Aberdeen City Division and heard Sergeant Barry Skinner speak in its support.

The applicant was not in attendance.

The Committee resolved:-
to grant the application.

8. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR LICENCE
Application Reference Number – 5/008

The Committee had before it a letter of representation, dated 21 August, 2013 from the Chief Constable of the Police Service of Scotland, Aberdeen City Division and heard Sergeant Barry Skinner speak in its support.

As a preliminary point, Sergeant Skinner sought the Committee's approval to introduce details of the applicant's spent convictions on the basis that justice could not be done except by admitting or requiring evidence relating to the spent convictions.

The applicant was not in attendance.

The Committee resolved:-
to admit the spent convictions into the proceedings for consideration.

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The Committee resolved:-
to grant the application.