

LICENSING COMMITTEE

ABERDEEN, 28 January 2014. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Boulton, Convener; and Councillors, Corall, Cormie, Delaney, Graham, Grant, Kiddie, Ironside CBE, Nathan Morrison (as substitute for Councillor Forsyth), MacGregor, Malik, Malone and Townson.

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

<http://committees.aberdeencity.gov.uk/documents/g2926/Public%20reports%20pack%2028th-Jan-2014%2010.00%20Licensing%20Committee.pdf?T=10>

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.

APPOINTMENT OF CONVENER

1. The Committee were advised that Councillor Forsyth (Convener) was unable to attend the meeting today due to illness.

In terms of Standing Order 7(1) the Committee considered the appointment of a Convener for the meeting today amongst those present.

The Committee resolved:-

that Councillor Boulton be appointed as Convener for the meeting today.

MINUTE OF MEETING OF 19 NOVEMBER 2013

2. The Committee had before it the minute of meeting of 19 November, 2013.

The Committee resolved:-

to approve the minute subject to amending (1) the sederunt to include Councillor Malone; and (2) the heading in Appendix B, item 8 to read "Application for the Grant of a Window Cleaner Licence".

MINUTE OF PREVIOUS MEETING OF 2 DECEMBER 2013

3. The Committee had before it the minute of its previous meeting of 2 December, 2013.

The Committee resolved:-

to approve the minute.

LICENSING COMMITTEE

28 January 2014

MINUTE OF MEETING OF TAXI CONSULTATION GROUP OF 29 OCTOBER 2013

4. The Committee had before it the minute of meeting of the Taxi Consultation Group of 29 October, 2013.

The Committee resolved:-

to note the minute.

INFORMAL BUSINESS STATEMENT

5. The Committee had before it details of the business dealt with by the Informal Business Panel since 19 November, 2013.

The Committee resolved:-

to note the informal business.

APPLICATIONS FOR LICENCES

6. 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.

CCTV – TAXIS AND PRIVATE HIRE CARS

7. The Committee were advised that the report had been withdrawn.

TAXI LICENCES – AMENDMENTS TO CONDITION 16, ROOF SIGNS – CG/14/002

8. With reference to article 11 of the minute of the meeting of 17 September, 2013 the Committee had before it a report by the Director of Corporate Governance, which sought ratification of earlier proposals to vary the Committee's roof sign condition for taxi licences and resolutions to related matters.

The Committee heard from Mr Russell McLeod on behalf of Rainbow Taxis who had submitted a representation during the consultation process.

The report recommended:-

that the Committee –

- (a) agree to the variation to Condition 16 of the Conditions Applicable to Taxi Licences, both city and airport zones;

LICENSING COMMITTEE

28 January 2014

- (b) agree to the variation to Condition 16A of the Conditions Applicable to Private Hire Car Licences; and
- (c) instruct officers to complete the statutory variation procedures.

The Committee resolved:-

- (i) to approve the recommendations; and
- (ii) that enforcement of the condition take effect in three months time to allow licence holders time to install the necessary equipment within their taxis to operate the roof signs.

TAXI FARE REVIEW – OUTCOME OF CONSULTATION – CG/14/008

8. With reference to article 6 of the minute of the meeting of 19 November, 2013 the Committee had before it a report by the Director of Corporate Governance, which provided information in relation to the outcome of consultation following the Taxi Fare Review.

The report recommended:-

that the Committee –

- (a) note the content of the report;
- (b) confirm its decision to fix fares and other charges at their existing levels;
- (c) approve the fare card attached at appendix 1 of the report; and
- (d) agree that the tariff will take effect from 3 March 2014, provided no appeal is lodged with the Traffic Commissioner.

The Committee resolved:-

to approve the recommendations

COMMITTEE BUSINESS STATEMENT

9. 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.

LICENSING COMMITTEE

28 January 2014

APPLICATION FOR LICENCES

10. 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

28 January 2014

APPENDIX A**1. APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION****Application Reference Number – 3/001****Premises – 642 George Street**

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

Mr 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 Committee heard from Mr Chris Minchin, the applicant's agent 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 THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**Application Reference Number – 3/002****Premises – 136 Great Northern Road**

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

3. APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**Application Reference Number – 3/003****Premises – 138 Great Northern Road**

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

LICENSING COMMITTEE

28 January 2014

4. **APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE – SUNNY’S ABERDEEN LTD**
Application Reference Number – 3/004
Premises – 36-40 Market Street
Days/Times – Sunday to Thursday, 23:00 to 03:00
Friday and Saturday and Local Holiday Monday, 23:00 to 04:00

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

5. **APPLICATION FOR THE VARIATION OF A LATE HOURS CATERING LICENCE – MCDONALDS RESTAURANTS LTD**
Application Reference Number – 3/005
Premises – Broadfold Road, Bridge of Don
Days/Times – 23:00 to 04:00 daily

The Committee were advised that the application was before it because the hours sought were out with the Committee’s policy guidelines.

The Committee heard from Ms. Elena McLaughlan, the applicant’s agent in support of the application.

The Committee resolved:-
to grant the application.

6. **APPLICATION FOR THE RENEWAL OF A SKIN PIERCING AND TATTOOING LICENCE – WAVES**
Application Reference Number – 3/006
Premises – 35 Market Street
Days/Times – Monday to Friday, 09.00 to 17:30
Thursday, 09:00 to 19:00
Saturday, 09:00 to 16.30

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

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.

LICENSING COMMITTEE

28 January 2014

7. APPLICATION FOR THE RENEWAL OF A MARKET OPERATOR LICENCE – SCORPION GB LTD
Application Reference Number – 3/007
Location – Castlegate
Days/Times – Fridays, Saturdays, Public Holidays, Christmas Eve and New Years Eve

The Committee had before it two letters of representation.

The Committee also had before it a report by Mr Tom Moore, City Centre Manager, Enterprise, Planning and Infrastructure which provided details in relation to the current operation of the Castlegate Market throughout December 2013 into January 2014.

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

The Committee then heard from Mr Bukhsh, the applicant's agent in support of the application.

Councillor Malone, seconded by Councillor Delaney moved:-
to refuse the application on the grounds that the applicant was not a fit and proper person to hold the licence.

Councillor Townson moved as an amendment that the application be granted, however he had not received a seconder, therefore in terms of standing order 12(6), the amendment had fallen.

The Committee resolved:-

- (i) to refuse the application on the grounds that the applicant was not a fit and proper person to hold such a licence; and
- (ii) to request that officers of Enterprise, Planning and Infrastructure review the flexibility of trading to permit a mixture of stalls for the market prior to any future application in this location being granted.

8. APPLICATION FOR THE GRANT OF A STREET TRADER (HOT FOOD) LICENCE - BIG B'S BURGER LTD
Application Reference Number – 3/008
Locations – (1) Kirkton Drive, east side, 110m south of mini roundabout at the north end; and (2) Kirkton Avenue, north side, 310m from the northerly junction of Pitmedden Road and Kirkton Avenue
Days/Times – Monday to Saturday, 07:00 to 15:00

The Committee heard from the applicant Mr Ben Duncan in support of his application. He indicated that he wished to withdraw Kirkton Avenue from his application as a location to trade.

LICENSING COMMITTEE

28 January 2014

The Committee resolved:-

to grant the application for the Kirkton Drive location only.

9. **APPLICATION FOR THE GRANT OF A STREET TRADER (HOT FOOD) LICENCE – DARREN JACKSON**
Application Reference Number – 3/009
Locations – York Place, east side, 30m south of junction with St Clement Street
Days/Times – 08:00 to 14:00 daily

The Committee had before it a letter of representation.

The respondent was not in attendance at the meeting.

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

The Committee resolved:-

to grant the application.

10. **APPLICATION FOR THE GRANT OF A BOAT HIRE LICENCE – GEORGE HOSIE**
Application Reference Number – 3/010
Location – Duthie Park Pond (Lower), Riverside Drive

The Committee was advised that the application had been withdrawn.

11. **APPLICATION FOR THE GRANT OF A TEMPORARY BOAT HIRE LICENCE – GEORGE HOSIE**
Application Reference Number – 3/011
Location – Duthie Park Pond (Lower), Riverside Drive

The Committee were advised that the application had been withdrawn.

12. **APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR LICENCE – JAMES HENDRY LEIPER (PH219)**
Application Reference Number – 3/012

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

LICENSING COMMITTEE

28 January 2014

13. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR LICENCE – ABDELHAMID CHAFI (PH101)
Application Reference Number – 3/013

The Committee were 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 01 March, 2014.

The Committee heard from the applicant Mr Abdelhamid Chafi who confirmed that he wished to withdraw the application and surrender the plates as he no longer owned the vehicle.

The Committee resolved:-

to note that the application had been withdrawn.

14. APPLICATION FOR THE RENEWAL OF A LICENCE – GILBERT BRESLIN (T287)
Application Reference Number – 3/014

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

15. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – CITY WIDE TAXIS LIMITED (T674)
Application Reference Number – 3/015

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

16. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – YVONNE FALLON (T592)
Application Reference Number – 3/016

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

17. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – JOHN NOBLE (T059)
Application Reference Number – 3/017

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

LICENSING COMMITTEE

28 January 2014

- 18. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – WALTER JAMES PHILIP (T678)**
Application Reference Number – 3/018

The Committee were advised that the applicant was recently deceased.

The Committee resolved:-

- (i) to decline to consider the application; and
- (ii) to offer their condolences to the applicant's family.

- 19. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – KIRKHILL AUTO SERVICES LTD (T844)**
Application Reference Number – 3/019

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

- 20. APPLICATION FOR THE GRANT OF A TAXI LICENCE – DARREN LESLIE WILLIAM MATTHEW**
Application Reference Number – 3/020

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

- 21. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – JOHN THOMSON FORBES (A107)**
Application Reference Number – 3/021

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

- 22. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – COMPUTER CAB (ABERDEEN) LTD (T435)**
Application Reference Number – 3/022

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

LICENSING COMMITTEE

28 January 2014

23. **APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – KIRKHILL AUTO SERVICES LTD (T369)**
Application Reference Number – 3/023

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

24. **APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – DEREK SANGSTER (T222)**
Application Reference Number – 3/024

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

25. **APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – JAMES GORDON ANDREWS (T694)**
Application Reference Number – 3/025

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

26. **APPLICATION FOR THE GRANT OF A TAXI LICENCE – STEPHEN BAXTER (A042)**
Application Reference Number – 3/026

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

27. **APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – DYCE CABS (T609)**
Application Reference Number – 3/027

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

28. **APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – THOMAS MCMILLAN (T764)**
Application Reference Number – 3/028

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

LICENSING COMMITTEE

28 January 2014

**29. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – ALBERT
BARRON THOMPSON (T261)
Application Reference Number – 3/029**

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

LICENSING COMMITTEE

28 January 2014

APPENDIX B

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

The Committee had before it correspondence dated 3, 8 and 11 October 2013 and 8 January 2014 +from Paul Connolly, Solicitor, Litigation and Licensing relating to a meeting of the Evidential Hearings Sub-Committee meeting held on 10 October 2013.

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

The Committee resolved:-

to defer consideration of the application until the next meeting in order to clarify the position with the applicant's vehicle.

2. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE
Application Reference Number – 6/002

The Committee had before it a letter of objection from the Chief Constable of the Police Service of Scotland, Aberdeen City Division, dated 11 October, 2013 and heard Sergeant Barry Skinner speak in its support.

The Committee heard from the applicant's agent Ms Hayley Mitchell in support of the application.

Councillor Cormie, seconded by Councillor Kiddie moved:-
to grant the application.

The Convener, seconded by Councillor Delaney moved as an amendment:-
to refuse the application on the grounds that the applicant was not a fit and proper person to hold the licence.

On a division, there voted:- for the motion (9) – Councillors Corall, Cormie, Graham, Ironside CBE, Kiddie, MacGregor, Malik, Malone and Townson; for the amendment (2) – the Convener and Councillor Delaney.

The Committee resolved:-

to adopt the motion to grant the application.

LICENSING COMMITTEE

28 January 2014

3. APPLICATION FOR THE GRANT OF A WINDOW CLEANER LICENCE
Application Reference Number – 6/003

The Committee had before it a letter of objection from the Chief Constable of the Police Service of Scotland, Aberdeen City Division, dated 15 November, 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 grant the application.

4. APPLICATION FOR THE GRANT OF A WINDOW CLEANER LICENCE
Application Reference Number – 6/004

The Committee were advised that the letter of representation submitted by the Chief Constable of the Police Service of Scotland, Aberdeen City Division, dated 15 November, 2013 had now been withdrawn.

The Committee resolved:-

to grant the application.