

## LICENSING COMMITTEE

ABERDEEN, 28 October, 2009. - Minute of Meeting of the LICENSING COMMITTEE. Present: - Councillor Reynolds, Convener; and Councillors Allan, Cassie (to item 7), Clark, Collie (from item 2), Corall, Crockett (from item 2), Dean (substituting for Councillor J. Stewart (from item 2), Donnelly (substituting for Councillor Boulton), Dunbar, Hunter (from item 2), Kiddie (from item 3), K. West and Young (substituting for Councillor Crockett to item 2).

### MINUTE OF MEETING OF 02 SEPTEMBER, 2009

1. The Committee had before it the Minute of 02 September 2009.

**The Committee resolved:-**

to approve the Minute subject to it being noted that Councillor Corall's name had been misspelt on page 1 of the minute.

### MINUTE OF MEETING OF 09 SEPTEMBER, 2009

2. The Committee had before it the Minute of 09 September 2009.

**The Committee resolved:-**

to approve the Minute.

### COMMITTEE BUSINESS STATEMENT

3. The Business Statement was noted.

### APPLICATIONS FOR GRANT, RENEWAL OR VARIATION OF LICENCES

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 be subject to the Council's normal conditions unless otherwise stated.

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**NOTIFICATION OF PROPOSED PROCESSION: ABERDEEN TRADES UNION COUNCIL**

**DATE AND TIME: SATURDAY, 28 NOVEMBER 2009 AT 11.30AM**

5. The Committee heard from Mr. Sultan Feroz, the organiser of the proposed procession, who confirmed that he was willing to change the start time of the procession to 1300 hours as previously agreed in discussions with the Police. This change was for various reasons, one of which was that if the procession commenced at 11.30 it would come into conflict with supporters arriving to attend the Aberdeen FC v Rangers FC football match, which was due to kick off at 12.45. Thereafter the Committee heard from Inspector Iain MacLelland, who spoke in support of Grampian Police's letter of response, dated 8 October, 2009.

With reference to recommendation 4 in the police response, that a full road closure be implemented, Inspector MacLelland stated that this was the best way to ensure public safety. The Inspector then circulated documents detailing the costs and amount of police resources that would need to be deployed if a full road closure was not put in place for the procession. Thereafter the Committee heard from Bill Farquhar, Senior Events Officer, City Events who advised the Committee that there is now a recognised template in place whereby all processions which go down Union Street should be subject to a full road closure.

The Committee then heard from Raymond Moffat, Principal Technical Officer, Roads, who confirmed that his department had no objection to the procession.

**The Committee resolved:-**

to issue the Order with a start time of 1300 hours and to impose the police recommendations as additional conditions of the Order.

**REQUESTS TO FORM SALOON CAR PARTNERSHIPS**

6. With reference to Article 12 of the Minute of 02 September 2009, the Committee had before it, for its consideration, six requests from existing single taxi operators who wished now to operate their taxis by forming partnerships with other members of their families but who wished to be exempted from having to provide a wheelchair accessible vehicle in terms of the Licensing Committee's policy and instead continue to operate a saloon car.

The Committee heard from Eric Anderson, Senior Solicitor, on behalf of the City Solicitor, who advised the Committee that, where a taxi operator's licence is held by

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a single operator who then wishes to operate the taxi in the name of a partnership, this can be achieved by applying for a new taxi operator's licence in the name of the partnership. However, in terms of the Committee's policy, the vehicle provided must be wheelchair accessible. In the circumstances, those seeking to be exempted from the policy would have to persuade the Committee to relax its policy in regard to their individual case.

6.1 Colin Cleaven & Colin Cleaven, 12 Beech Road, Aberdeen

In the absence of the applicants, the Committee resolved to decline to consider the request.

6.2 Stan Robertson and Corall Craig, 75 Kepplestone Road, Bucksburn, Aberdeen

The Committee was advised that the request had been withdrawn.

6.3 William Smith, 251 Cairncry Road, Aberdeen, Stephen James Smith and Shona Louise Smith

The Committee heard from Stephen James Smith and Shona Louise Smith who spoke in support of the request.

**The committee resolved:-**

to agree to the request to exempt the requirement of a wheelchair accessible vehicle in the event of an application for a taxi operator's licence being submitted in the name of the proposed partnership.

6.4 Leslie Morrison, East Lynn, 1 Park Place, Newtonhill and Neil Morrison

The Committee heard from Leslie Morrison who spoke in support of the request.

**The committee resolved:-**

to agree to the request to exempt the requirement of a wheelchair accessible vehicle in the event of an application for a taxi operator's licence being submitted in the name of the proposed partnership.

6.5 John Robertson, 8 Arnage Place, Aberdeen and John Robertson, Junior

In the absence of the applicant, the Committee resolved to decline to consider the request.

6.6 Daniel Flood, 24 Lintmill Place, Aberdeen and John Flood

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The Committee heard from Daniel Flood who spoke in support of the request.

**The committee resolved:-**

to agree to the request to exempt the requirement of a wheelchair accessible vehicle in the event of an application for a taxi operator's licence being submitted in the name of the proposed partnership.

**AIRPORT ZONING**

7. With reference to Article 8 of the minute of 25 February 2009, the Committee had before it, for its consideration a report on Airport Zoning.

**The Committee resolved:-**

to defer consideration of the report to its next meeting to be held on 02 December 2009.

**LICENSING OF TAXIS TO TOTAL CAPACITY**

8. The Committee had before it, for its consideration a report on the licensing of taxis to their total capacity. Members were requested to agree that, with regard to vehicles that contain two front passenger seats, the total number of passengers specified in the taxi licence shall reflect the total passenger capacity of that vehicle.

The report reminded Members that the current practice adopted is that (in particular) vehicles which have a maximum capacity to carry eight passengers are only issued with a licence to carry seven passengers. The general internal layout of such vehicles is that there is capacity to carry six passengers in the back of the vehicle and two in the front by way of a double passenger seat located next to the drivers seat with a capacity to carry two passengers. The double passenger seat at the front is only currently counted as seating one passenger.

**The report recommended:-**

that the Committee agrees to alter its current practice and direct that the number of passengers specified in the licence shall reflect the total passenger capacity of the vehicle to which the licence pertains.

**The Committee resolved:-**

to adopt the recommendation.

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**SPACE SAVER WHEELS: AMENDMENT OF CONDITION**

9. With reference to Article 9 of the minute of 02 September 2009 the Committee had before it a report on the amendment of conditions in respect of taxi and private hire car operator licences for space saver wheels.

The purpose of the report is to ratify the change to Condition 19 of the Committee's standard conditions relating to taxi licences and Condition 16 of private hire car licences as detailed in the previous report to the Committee on 02 September 2009.

**The report recommended:-**

that the Committee agrees to amend the conditions.

**The Committee resolved:-**

to adopt the recommendation.

**APPLICATION FOR APPROVAL OF A VEHICLE TO BE USED AS A WHEELCHAIR ACCESSIBLE TAXI – CITROEN DESPATCH EUROTAXI LX**

10. The Committee had before it, for its consideration, an application by Allied Vehicles Limited, 230 Balmore Road, Glasgow, for the approval of the Citroen Eurotaxi LX to be used as a wheelchair accessible taxi in Aberdeen. The Committee noted that the vehicle does not meet all the criteria in the Committee's wheelchair accessible vehicle specification. Thereafter the Committee viewed the vehicle, an example of which had been made available for inspection.

**the Committee resolved:-**

to approve the application for the vehicle to be used as a wheelchair accessible taxi.

**INTRODUCTION OF A MANDATORY LICENSING SCHEME FOR KNIFE & SWORD DEALERS**

11. The Committee had before it, for its consideration, a report on the introduction of a mandatory licensing scheme for knife and sword dealers. The Committee noted (a) that under new legislation non-domestic knives and swords were now added to the categories of activities to be licensed under the Civic

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Government (Scotland) Act 1982 and (b) the proposed mechanisms for introducing and enforcing the legislation.

**The report recommended:-**

that the Committee –

- (a) notes the licensing regime for non-domestic knives and swords;
- (b) agrees that the licence duration will be three years;
- (c) authorises the City Solicitor to prepare appropriate conditions of licence, and produce application forms and guidance notes for the applicants;
- (d) notes the mandatory conditions and adopts the suggested local conditions in the manner outlined in the report at Appendices 1 and 2 of the report;
- (e) notes that the Committee has the power to apply other conditions in relation to specific premises;
- (f) authorises the City Solicitor to grant uncontentious applications under delegated powers; and
- (g) otherwise notes the contents of the report.

**The Committee resolved:-**

to adopt the recommendations.

**APPLICATIONS FOR GRANT, RENEWAL OF VARIATION OF LICENCES – LIST OF APPLICATIONS**

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

**EXEMPT INFORMATION**

**The Committee resolved in relation to items 12(1) to 12(5) that members of the public and press be excluded from the meeting during discussions of the applications on the grounds that there would be disclosure to them of exempt information as defined in paragraph 14 of Schedule 7(A) to the Local Government Scotland Act 1973.**

**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 JOHN REYNOLDS, Convener.**

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APPENDIX A

APPENDIX A

1. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/001**  
**Premises - 493 King Street, Aberdeen**

In the absence of the applicant the Committee resolved to refuse the application.

2. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/002**  
**Premises – 8 Primrosehill Gardens, Aberdeen**

The Committee was advised that this application had been granted by delegated powers.

3. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/003**  
**Premises – 19B Powis Crescent, Aberdeen**

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

4. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/004**  
**Premises – Top Right, 60 Victoria Road, Aberdeen**

The Committee heard from Alastair Thain, Private Sector Housing Manager.

**The Committee resolved:-**

to defer consideration of the application to its next meeting to be held on 02 December 2009.

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5. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/005**  
**Premises – Attic Floor, 42 Ashvale Place, Aberdeen**

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

6. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/006**  
**Premises – 13 Talisman Road, Aberdeen**

The Committee heard from Alastair Thain, Private Sector Housing Manager.

**The Committee resolved:-**

to defer consideration of the application to its next meeting to be held on 02 December 2009.

7. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/007**  
**Premises – 57 Bedford Road, Aberdeen**

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

8. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/008**  
**Premises – 7 Polwarth Road, Aberdeen**

The Committee considered a memorandum dated 14 October 2009 from Alastair Thain, Private Sector Housing Manager and two letters of objection dated

02 August and 16 August 2009. Thereafter the Committee heard from Adrian Sangster, Aberdeen Considine on behalf of the applicant.

**The Committee resolved:-**

to give delegated powers to grant the application once the outstanding works were completed.



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9. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/009**  
**Premises – 19C Whitehouse Street, Aberdeen**

The Committee considered a memorandum dated 14 October 2009 from Alastair Thain, Private Sector Housing Manager and a letter of objection dated 17 August 2009. Thereafter the Committee heard from Dr Shona Coffey on behalf of the applicant.

**The Committee resolved:-**

to give delegated powers to grant the application once the outstanding works were completed.

10. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/010**  
**Premises – 42 Gaitside Drive, Aberdeen**

The Committee considered a memorandum dated 14 October 2009 from Alastair Thain, Private Sector Housing Manager and a letter of objection dated 19 August 2009. Thereafter the Committee heard from one of the three objectors who had signed the letter who spoke in support of the objection and thereafter heard from Mr Charles Bain, Bain Property Agency, on behalf of the applicant.

**The Committee resolved:-**

to give delegated powers to grant the application once the works had been completed.

11. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/011**  
**Premises – 109 Craigievar Crescent, Aberdeen**

The Committee was advised by Alastair Thain, Private Sector Housing Manager that a letter had been received from the applicant requesting that the matter be deferred to the next meeting.

**The Committee resolved:-**

to defer consideration of the application to its next meeting to be held on

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02 December 2009.

12. **APPLICATION FOR THE GRANT OF A STREET TRADER (HOT FOOD) LICENCE**

**Application Ref No. 2/012**

**Site – Lawson Drive, East Side, 83 metres from Pitmedden Road, Dyce**

**Times – 07:00 to 19:00**

The Committee heard from Eric Anderson, Senior Solicitor, on behalf of the City Solicitor that the application was before the Committee because it was a new site. In the absence of the applicant

**The Committee resolved:-**

to grant the application.

13. **APPLICATION FOR THE GRANT OF A STREET TRADER (GENERAL) LICENCE**

**Application Ref No. 2/013**

**Site – St Nicholas Street, Aberdeen**

**Times – Friday to Wednesday – 08:00 to 19:00, Thursday – 08:00 to 21:00**

The Committee heard from Eric Anderson, Senior Solicitor, on behalf of the City Solicitor, that the application was before the Committee because the site was within the city centre zone. Thereafter the Committee heard from the applicant.

**The Committee resolved:-**

to grant the application for the period 15 November - 30 December 2009.

14. **APPLICATION FOR THE RENEWAL OF A CINEMA LICENCE**

**Application Ref No. 2/014**

**Premises – Vue Cinema, 10 Shiprow, Aberdeen**

The Committee heard from David Kidd, Team Leader (Building Standards), that most of the outstanding works had been completed however there was still one item to be addressed before a clear report could be given.

**The Committee resolved:-**

to give delegated powers to grant the application once the outstanding issue had been addressed.

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15. **APPLICATION FOR THE RENEWAL OF A CINEMA LICENCE**  
**Application Ref No. 2/015**  
**Premises – Cineworld, Unit 1, Queens Links Leisure Park, Aberdeen**

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

16. **APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE**  
**Application Ref No. 2/016**  
**Premises – Alexander Collie Sports and Community Centre, Bridge of Don, Aberdeen**

The Committee was advised by Graham Wark, Head of Service, Neighbourhood Services (South Area), that the application had been withdrawn.

17. **APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE**  
**Application Ref No. 2/017**  
**Premises – Bridge of Don Swimming Pool, Braehead Way, Aberdeen**

The Committee was advised by Graham Wark, Head of Service, Neighbourhood Services (South Area), that the application had been withdrawn.

18. **APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE**  
**Application Ref No. 2/018**  
**Premises – Bucksburn Swimming Pool, Aberdeen**

The Committee was advised by Graham Wark, Head of Service, Neighbourhood Services (South Area), that the application had been withdrawn.

19. **APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE**  
**Application Ref No. 2/019**  
**Premises – Dyce Swimming Pool, Riverview Drive, Dyce, Aberdeen**

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The Committee was advised by Graham Wark, Head of Service, Neighbourhood Services (South Area), that the application had been withdrawn.

20. **APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE**

**Application Ref No. 2/020**

**Premises – Hazlehead Swimming Pool, Groats Road, Aberdeen**

The Committee was advised by Graham Wark, Head of Service, Neighbourhood Services (South Area), that the application had been withdrawn.

21. **APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE**

**Application Ref No. 2/021**

**Premises – The Jesmond Centre, Jesmond Drive, Bridge of Don, Aberdeen**

The Committee was advised by Graham Wark, Head of Service, Neighbourhood Services (South Area), that the application had been withdrawn.

22. **APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE**

**Application Ref No. 2/022**

**Premises – Northfield Swimming Pool, Kettlehills Crescent, Aberdeen**

The Committee was advised by Graham Wark, Head of Service, Neighbourhood Services (South Area), that the application had been withdrawn.

23. **APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE**

**Application Ref No. 2/023**

**Premises – Sheddocksley Sports Centre, Springhill Road, Aberdeen**

The Committee was advised by Graham Wark, Head of Service, Neighbourhood Services (South Area), that the application had been withdrawn.

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24. **APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE**

**Application Ref No. 2/024**

**Premises – Kincorth Sports Centre, Corthan Crescent, Aberdeen**

The Committee was advised by Graham Wark, Head of Service, Neighbourhood Services (South Area), that the application had been withdrawn.

25. **APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE**

**Application Ref No. 2/025**

**Premises – Kincorth Swimming Pool, Cairngorm Drive, Aberdeen**

The Committee was advised by Graham Wark, Head of Service, Neighbourhood Services (South Area), that the application had been withdrawn.

26. **APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE**

**Application Ref No. 2/026**

**Premises – Torry Youth and Leisure Centre, Oscar Road, Aberdeen**

The Committee was advised by Graham Wark, Head of Service, Neighbourhood Services (South Area), that the application had been withdrawn.

27. **APPLICATION FOR THE GRANT OF A THEATRE LICENCE**

**Application Ref No. 2/027**

**Premises – St Machar Academy, St Machar Drive, Aberdeen**

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

28. **APPLICATION FOR THE GRANT OF A THEATRE LICENCE**

**Application Ref No. 2/028**

**Premises – Summerhill Community Centre, Stronsay Drive, Aberdeen**

The Committee was advised that this application had twice previously been

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deferred and there had been no response from the applicant to any of the letters sent in respect of the application.

The Committee then heard from David Kidd, Team Leader (Building Standards), that there are still outstanding works that would be required to be undertaken before a licence could be granted. In the absence of the applicant

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

29. **APPLICATION FOR THE GRANT OF A THEATRE LICENCE**  
**Application Ref No. 2/029**  
**Premises – Glashieburn School, Jesmond Drive, Bridge of Don, Aberdeen**

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

30. **APPLICATION FOR THE GRANT OF A THEATRE LICENCE**  
**Application Ref No. 2/030**  
**Premises – Albyn School, 17 – 23 Queens Road, Aberdeen**

The Committee heard from David Kidd, Team Leader (Building Standards), that there were still some major issues to be resolved with this application. In the absence of the applicant

**The Committee resolved:-**  
to defer consideration of the application to its meeting to be held on 02 December 2009.

31. **APPLICATION FOR THE GRANT OF A THEATRE LICENCE**  
**Application Ref No. 2/031**  
**Premises – Sunnybank School, Sunnybank Road, Aberdeen**

The Committee heard from David Kidd, Team Leader (Building Standards), that the necessary works were now in the course of being completed.

**The Committee resolved:-**  
to defer consideration of the application to its meeting to be held on 02 December 2009.

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**APPENDIX B**

1. **TAXI DRIVER**  
**Reference No. 10/001**

The Committee was advised that the letter inviting the driver to attend the meeting had been sent to the wrong address, therefore the Committee resolved to defer consideration of this item to its meeting to be held on 02 December 2009.

2. **VARIATION OF A TAXI DRIVER'S LICENCE**  
**Application Reference No. 10/002**

The Committee heard from Eric Anderson, Senior Solicitor, on behalf of the City Solicitor that this licence, the application for which having failed to be determined within the statutory 6 month period, was therefore deemed to have been granted unconditionally. In addition, the licence holder had not passed his taxi tests. However, in terms of paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act 1982, the licence can be varied by the Licensing Authority on any grounds they think fit. The Committee were asked to vary the licence by attaching the standard conditions to the licence plus one further condition; namely that the licence holder must pass his taxi tests before he commences working as a taxi driver. Thereafter the Committee heard from Sergeant Keith Middler on behalf of the Chief Constable.

**The Committee resolved:-**

to attach the aforementioned conditions to the licence.

3. **APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE**  
**Application Reference No. 10/003**

In the absence of the applicant the Committee resolved to refuse the application.

4. **APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE**  
**Application Reference No. 10/004**

The Committee had before it, for its consideration, letters dated 16 July and 02 September 2009 from Grampian Police. This matter had been deferred

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from the meeting of 02 September 2009, to give the applicant a copy of the police letter of that date. Thereafter the Committee heard from Sergeant Keith Middler, on behalf of the Chief Constable. The Committee then heard from the applicant.

Councillor Dunbar seconded by Councillor Kirsty West moved:-  
to refuse the application.

Councillor Donnelly, seconded by Councillor Dean moved:-  
to defer consideration of the application to the meeting to be held on 02 December 2009, to allow the applicant to bring evidence that the matter referred to in Grampian Police's letter of 02 September 2009 had been dropped.

On a division, there voted:- for the motion (7) – the Convener; and Councillors Allan, Clark, Crockett, Dunbar, Hunter and K West; for the amendment (4) – Councillors Donnelly, Collie, Dean and Kiddie.

**The Committee resolved:-**  
to adopt the motion.

5. **APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE**  
**Application Reference No. 10/005**

The Committee considered a letter dated 18 September 2009 from Grampian Police. Thereafter the Committee heard from Sergeant Keith Middler on behalf of the Chief Constable. The Committee then heard from Colin Wilson, Michael Allan Solicitors and also from the applicant himself.

**The Committee resolved:-**  
to give delegated powers to grant the application for a six month period provided the applicant passes his taxi tests.