

LICENSING COMMITTEE

ABERDEEN, 18 March 2014. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Forsyth, Convener; and Councillors, Boulton, Corall, Cormie, Delaney, Graham, Kiddie, MacGregor, Malik, Townson and Young.

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

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=2927&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.

REQUESTS FOR DEPUTATION

1. The Committee were advised that two requests for deputation had been received from Graeme McColl on behalf of Aberdeen Taxi Group in relation to items 3.1 (CCTV – Taxis and Private Hire Cars) and 3.2 (Licence Application Fees – April 2014 to March 2015) on the agenda.

The Committee resolved:-

to hear the deputations prior to consideration of the reports.

MINUTE OF PREVIOUS MEETING OF 28 JANUARY 2014

2. The Committee had before it the minute of its previous meeting of 28 January, 2014.

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 28 January, 2014.

The Committee resolved:-

to note the informal business.

APPLICATIONS FOR LICENCES

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

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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 – CG/14/003

5. As agreed at the start of the meeting (Article 1 of this minute refers), the Committee received a deputation from Graeme McColl, on behalf of Aberdeen Taxi Group.

Mr McColl advised that there was a need to undertake proper consultation with the taxi trade in relation to CCTV in taxis and private hire cars. He made reference to the Council's proposed enforcement powers which in his view, would require training for the officer concerned to ensure that the appropriate type of CCTV was installed. He also indicated that guidance for the taxi trade would need to be prepared by the Council and that the trade would have to be very careful of a 'big brother' situation occurring. He concluded by advising that he was in support of taxi drivers being able to prove what happened in a particular situation, but explained that he was wary of the potential hazards within the proposal.

In response Paul Connolly, Solicitor, Litigation and Licensing advised that the Taxi Consultation Group had been consulted twice on CCTV in taxis private hire cars. Furthermore, full consultation with all licence holders was already inbuilt into the process and would be undertaken prior to a further report being submitted to the Committee for its consideration.

The Committee had before it a report on behalf of the Director of Corporate Governance on the recent developments towards CCTV in relation to taxis and private hire cars and proposed an appropriate legal and policy response.

The report recommended:-

that the Committee –

- (a) notes the draft policy on CCTV in taxis and private hire cars;
- (b) instructs officers to write to the Information Commissioner's Office – Scotland (Data Protection), the Equality and Human Right Commission – Scotland (Human Rights) and Police Scotland, Aberdeen City Division (Crime Prevention/Detection) to seek their views on the draft policy and thereafter to report back; and
- (c) agrees in principle to the proposed new CCTV licence conditions for taxi and private hire car licences.

The Committee resolved:-

- (i) to approve the recommendations;
- (ii) in relation to recommendation (b) above, to ensure full consultation with affected licence holders would be undertaken; and

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- (iii) to ensure that officers also take into account the use of rear facing cameras and how access to the recorded data will be dealt with and include details of these considerations within the report.

LICENCE APPLICATION FEES – APRIL TO MARCH 2015 – CG/14/039

6. As agreed at the start of the meeting (Article 1 of this minute refers), the Committee received a deputation from Graeme McColl, on behalf of Aberdeen Taxi Group.

Mr McColl advised that the taxi trade could see the benefit to every driver if the proposed reduction of fees were to be approved, however he indicated that if the fees were to be increased in a few years to take into account any future commissioning of surveys, for example the forthcoming Taxi Demand Survey, then this would give a false reduction. He indicated that if the 2014 budget included costs for a Taxi Demand Survey, then he suggested that the fees for 2014 should remain at the current level. He explained that the surplus could be used to look at increasing enforcement work, with the possibility of employing another Enforcement Officer which would benefit the trade and the Council.

The Committee had before it a report by the Director of Corporate Governance, which outlined the proposed level of application fees for licences administered through the Civic Government (Scotland) Act 1982 and other miscellaneous statutes and to obtain the Committee's approval for the fees to come into affect on 1 April 2014.

The report recommended:-

- (a) that the Committee approves the fees set out in appendices 1 and 2B of the report; and;
- (b) that all other existing fees were to remain at their current level.

The Committee resolved:-

- (i) to approve the fees set out in appendix 1; and
- (ii) to accept Aberdeen Taxi Group's request that all other existing fees remain at their current level and that further consideration be given to the use of any surplus in the budget.

STANDARD CONDITIONS FOR BOAT HIRE LICENCES – CG/14/040

7. The Committee had before it a report by the Director of Corporate Governance, which outlined the standard conditions for Boat Hire Licences (Small Crafts) which may be granted by the Council.

The report recommended:-

that the Committee –

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- (a) approves the standard conditions for Boat Hire Licences (Small Crafts) (see appendix 1 of the report)
- (b) notes that officers will publish the standard conditions online on the Committee's website as part of the application form for boat hire licences; and
- (c) delegates power to officers to grant boat hire licences except where an objection to the application is lodged or adverse observations on the application are submitted by an official of a local or central government department or agency, or the application involves special circumstances or unusual features in accordance with the Committee's existing scheme of delegation.

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:-

to note the updates contained within the statement.

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.

APPLICATION FOR LICENCES

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 FRASER FORSYTH, Convener

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APPENDIX A

1. APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION

Application Reference Number – 2/001
Premises – 147 Bannermill Place

The Committee had before it a letter of representation.

Mr Ally Thain, Private Sector Housing Manager, advised that upgrading works on the premises had been completed, however the safety work instructed by the Scottish Fire and Rescue Service had not been completed, although this was not the reason it was before the Committee today.

The Committee heard from the respondent. The respondent alleged that there had been anti-social behaviour at the applicant premises and on occasion the Police had been called out.

Members inquired whether or not there had been Police had been consulted in this regard as per the Committee's standing request for them to check if there had been Police involvement with the applicant premises.

The Police representative explained that their records had not been checked on this occasion. He highlighted that the Committee had not made a formal request to Police Scotland and as such no procedure was in place. The Police had not been made aware of the parameters of the request or its legal basis. Furthermore, he wished to know if the request was in addition to the standard criminal background inquiry on applicants.

The legal adviser explained that the Committee may make inquiries about the application as it thinks fit. If they make such inquiries they would then make a report of any matter arising therefrom which they consider relevant to the determination of the application. In those circumstances, the Committee must give the applicant a copy of any such report, which then must be accompanied by a notice specifying the period (of not less than 7 days from the date on which the notice is given) during which the applicant may give a written response to the Committee on any matter set out in the copy report. This procedure would require to be completed before the application was considered. The Committee thereafter must consider the report at the hearing to determine the application. It was suggested that the Committee clarify the parameters of their request and thereafter a formal letter of request could be issued to the Police.

Members clarified that these inquiries would be separate to the standard Police inquiry on each application. Where a respondent alleges Police involvement at the applicant premises they wished the Police to be asked whether or not and such complaints had been made to them and if they had been required to attend

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the premises to resolve matters. The Committee did not seek details of the incidents only whether or not they had occurred.

The Committee resolved:-

- (i) that their request be made formally to Police Scotland, Aberdeen City Division;
- (ii) that the main circumstances in which such an inquiry would be made to the Police would be where a respondent alleged in their letter of representation that the Police had been called out to the applicant premises; and
- (iii) that the Private Sector Housing Manager would highlight the allegation to the Police when he submits the application in the ordinary course of submitting the application to them to make their standard inquiries.

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

Councillor Townson, seconded by Councillor Kiddie moved:-
that the application be granted.

Councillor Delaney, seconded by Councillor Corall moved as an amendment:-
that the application be granted for a period of 12 months, during which time the premises be monitored in terms of any anti social behaviour incidences.

On a division, there voted:- for the motion (8) – the Convener and Councillors Cormie, Graham, Kiddie, MacGregor, Malik, Townson and Young; for the amendment (2) – Councillors Corall and Delaney.

The Committee further resolved:-

to adopt the motion to grant the application under delegated powers, subject to the Scottish Fire and Rescue Service being satisfied with fire safety issues within the property.

2. APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**Application Reference Number – 2/002****Premises – 9 University Road**

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

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3. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Reference Number – 2/003
Premises – First Floor Flat, 559 George Street

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

4. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Reference Number – 2/004
Premises – 2 Inchbrae Road

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

5. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Reference Number – 2/005
Premises – 52 Albury Place

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

6. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Reference Number – 2/006
Premises – 21 Mearns Street

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

7. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Reference Number – 2/007
Premises – 22 Hilton Place

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

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8. APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE
Application Reference Number – 2/008
Premises – Cairncry Community Centre

The Committee were advised that the application had been withdrawn.

9. APPLICATION FOR THE RENEWAL OF A MARKET OPERATORS LICENCE
– INTERNATIONAL MARKET, GERAUD MARKETS (UK) LTD
Application Reference Number – 2/009
Location – Union Terrace from its junctions with Union Street and
Schoolhill, including Diamond Lane
Days/Times – Four Markets Per Year – Spring, Summer, Autumn and
Winter

The Committee had before it a letter from the Housing and Environment Service recommending that suitable facilities would need to be made available to enable effective hand washing to be undertaken by food handlers.

The Committee heard from the applicant's agent Mr John Connolly in support of the application. He made an undertaking to the Committee that appropriate facilities would be made available to comply with the necessary food hygiene requirements.

The Committee resolved:-
to grant the application.

10. APPLICATION FOR THE GRANT OF A SECOND HAND DEALER'S LICENCE
– MOREEN MITCHELL (BUCHAN)
Application Reference Number – 2/010
Location – Castlegate
Dates/Times – Friday and Saturday, 07.00 to 16.00

The Committee were advised that the certificate stating that the applicant had displayed the notice at or near the premises for a period of 21 days beginning with the date on which the application was submitted to the local authority had been undertaken.

The applicant was in attendance.

The Committee were reminded of the Council's policy that no street trading in Union Street or any pedestrianised area of the city centre is permitted unless a special case can be made by the applicant. It was also noted that there was no markets currently on the Castlegate.

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The Committee resolved:-

to grant the application.

11. APPLICATION FOR THE GRANT OF A STREET TRADER LICENCE – COVE BAY NURSERIES

Application Reference Number – 2/011

Location – The Green, Bottom of stairs leading to Union Street

Dates/Times – Fridays, 07.00 to 15.00

The Committee had before it correspondence from Doug Ritchie, Team Leader, Traffic Management and Road Safety who requested that the applicant comply with the following three conditions:-

1. The applicant must not occupy or store goods on the footpath area and maintain it to its full width at all times;
2. The area at the bottom of the steps has just recently had new drop kerbs installed along with tactile paving to assist members of the public to cross this section of the road. These new drop kerbs must be kept clear at all times;
3. This area of “The Green” has restricted access and egress times for vehicles entering the area. The trader must ensure that the vehicle complies with those times otherwise they will be open to enforcement by Police Scotland. This relates to the movement in and out of “The Green” area and not to the vehicle being parked out with these times.

The applicant, Aileen Penny was in attendance and agreed to adhere to the above conditions.

The Committee resolved:-

to grant the application.

12. APPLICATION FOR THE GRANT OF A STREET (EMPLOYEE) TRADER LICENCE – IAN DAVID PENNY

Application Reference Number – 2/012

Location – The Green, Bottom of stairs leading to Union Street

Dates/Times – Fridays, 07.00 to 15.00

The applicant Ian David Penny was in attendance.

The Committee resolved:-

to grant the application.

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13. **APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE – DILSHAD WASTA AZIZ**
Application Reference Number – 2/013

The Committee were advised that the application had been withdrawn.

14. **APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE – VICTOR AMUGO**
Application Reference Number – 2/014

The Committee were advised that to date the applicant had not passed the street knowledge test.

The applicant was not in attendance.

The Committee resolved:-
to refuse the application.

15. **APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE – SALEK MIAH**
Application Reference Number – 2/015

The Committee were advised that to date the applicant had not passed the street knowledge test.

The Committee heard from the applicant, Salek Miah who confirmed that he wished to withdraw the application.

The Committee resolved:-
to note that the application had been withdrawn.

16. **APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE – SYED ASHABUR RAHMAN**
Application Reference Number – 2/016

The Committee were advised that to date the applicant had not passed the street knowledge test.

The Committee heard from the applicant, Syed Ashabur Rahman who confirmed that he wished to withdraw the application.

The Committee resolved:-
to note that the application had been withdrawn.

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17. **APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – ABERDEEN TAXI CENTRE LTD (T874)**
Application Reference Number – 2/017

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

18. **APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – WRAINBOW CARS (T836)**
Application Reference Number – 2/018

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

19. **APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – MICHAEL MCLEOD (T101)**
Application Reference Number – 2/019

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

20. **APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – MICHAEL MCLEOD (T340)**
Application Reference Number – 2/020

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

21. **APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – PHILIP RITCHIE (T028)**
Application Reference Number – 2/021

The Committee were advised that this item had been withdrawn from the agenda.

22. **APPLICATION FOR THE RENEWAL OF A TAXI LICENCE – WILLIAM MCLEOD (T048)**
Application Reference Number – 2/022

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

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APPENDIX B**1. APPLICATION FOR THE GRANT OF A STREET TRADER LICENCE**
Application Reference Number – 5/001

The Committee had before it a letter of representation from the Chief Constable, Police Scotland, Aberdeen City Division dated 5 February 2014 and heard Sergeant Gillian Flett speak in its support.

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

The Committee resolved:-
to grant the application.

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

The Committee had before it correspondence dated 31 January 2014, 8 and 11 October 2013 from Lynn May and Paul Connolly, Solicitors, Litigation and Licensing relating to a meeting of the Evidential Hearings Sub-Committee held on 10 October 2013.

The Committee also had before it correspondence from the Chief Constable, Police Scotland, Aberdeen City Division, dated 3 October, 2013 and heard Sergeant Gillian Flett speak in its support.

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

The Committee resolved:-
to defer consideration of the application to allow the applicant time to obtain a vehicle for testing at Fleet Services, following which, if the vehicle passes the test, that the application be considered by the Informal Business panel prior to 8 June 2014 (the date by which that the application must be determined).

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

The Committee had before it correspondence from the Committee's nominated Occupational Health Service Provider (Serco) dated 2 December, 2013 and 25 February, 2014 in relation to the applicant.

The Committee were advised that the applicant had passed the street knowledge test.

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The applicant was in attendance.

The Committee resolved:-
to grant the application.

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

The Committee had before it a letter of representation submitted by the Chief Constable, Police Scotland, Aberdeen City Division, dated 14 December, 2013 and heard Sergeant Gillian Flett speak in its support.

The Committee were advised that the applicant had passed the street knowledge test.

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

The Committee resolved:-
to grant the application.

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

The Committee had before it a letter of representation submitted by the Chief Constable, Police Scotland, Aberdeen City Division, dated 20 January, 2014 and heard Sergeant Gillian Flett speak in its support.

The Committee were advised that the applicant had passed the street knowledge test.

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

The Committee resolved:-
to grant the application.