

LICENSING COMMITTEE

ABERDEEN, 1 July 2014. Minute of Meeting of the LICENSING COMMITTEE.
Present: Councillor Forsyth, Convener and Councillors Boulton, Corall, Cormie, Ironside CBE, Kiddie, Malik, MacGregor and Townson.

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MIId=3259&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.

MINUTE OF THE PREVIOUS MEETING OF 13 MAY 2014

1. The Committee had before it the minute of its previous meeting of 13 May, 2014.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF MEETING OF THE SPORTS GROUND ADVISORY WORKING GROUP OF 20 FEBRUARY 2014

2. The Committee had before it the minute of meeting of the Sports Ground Advisory Working Group of 20 February, 2014.

The Committee resolved:-

to note the minute.

INFORMAL BUSINESS STATEMENT

3. The Committee had before it details of the business dealt with by the Informal Business Panel since 13 May, 2014.

The Committee resolved:-

to note the informal business statement.

APPLICATIONS FOR 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 are subject to the Council's standard conditions unless otherwise stated.

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PITTODRIE SAFETY CERTIFICATE

5. The Committee had before it a report by the Acting Director of Corporate Governance which sought the adoption of the suggested amendments to the General Safety Certificate issued to Aberdeen Football Club annexed as appendix A to the report.

The report recommended:-

that the Committee approve the General Safety Certificate, July 2014, to be issued to Aberdeen Football Club in respect of Pittodrie Stadium, Aberdeen.

The Committee resolved:-

- (i) that the General Safety Certificate, July 2014, be issued to Aberdeen Football Club;
- (ii) to note that the Convener would write to Aberdeen Football Club on behalf of the Committee in relation to: (1) excessive noise levels from the public address system; (2) breach of the smoking policy within the stadium, particularly at the rear of the South Stand and the uncovered enclosure area; and (3) foul and abusive/racist language not being adequately addressed by the stewards; and
- (iii) to raise the above issues at the next meeting of the Sports Ground Advisory Group.

CCTV - TAXIS, PRIVATE HIRE CARS, OUTCOME OF CONSULTATION

6. The Committee had before it a report by the Acting Director of Corporate Governance, which provided information on the outcome of consultation on the previous report on developments towards CCTV in respect of taxis and private hire cars, and to propose an appropriate legal and policy response.

The report recommended:-

that the Committee -

- (a) considers the terms of the report, in particular the consultees' responses;
- (b) instructs officers to update the policy and condition following consideration of those responses;
- (c) thereafter instructs officers to consult further on the updated proposals with affected licence holders; and
- (d) instructs officers to report back with the results and final proposals for ratification at their meeting on 2 September 2014.

The Committee resolved:-

to approve the recommendations.

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CHANGE OF NAME - INFORMAL BUSINESS PANEL

7. The Committee had before it a report by the Acting Director of Corporate Governance, which provided information on the proposal to change the name of the Sub Committee currently known as the Informal Business Panel to bring it into alignment with the corporate approach to Sub Committees.

The report recommended:-

That the Committee -

- (a) agrees to rename its Sub Committee the "Licensing Urgent Business Sub Committee"; and
- (b) instructs officers to make the necessary amendments with Democratic Services in relation to Standing Orders and Committee Orders of Reference.

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 business 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.

APPLICATIONS 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 GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION****Application Reference Number – 3/001****Premises - 10C Powis Circle**

The Committee had before it a letter of representation on behalf of three respondents.

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

One of the respondents, Hayden Bennett, was present and advised that he represented all of the respondents. The Committee heard from the respondent in relation to their representation.

Thereafter the Committee heard from the applicant's agent, Marlene Leiper, 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 RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**Application Reference Number – 3/002****Premises - 384E King Street**

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 - 76 Gordon Street**

Mr Ally Thain, Private Sector Housing Manager, advised that upgrading works on the premises had not been completed.

The applicant was not in attendance.

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The Committee resolved:-

to refuse the application.

4. APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION

Application Reference Number – 3/004

Premises - 26 Links View

With reference to Appendix A (item 1) of the minute of the previous meeting of 13 May 2014, Mr Ally Thain, Private Sector Housing Manager, advised that the application had been submitted within one year of the date of refusal of the previous HMO licence application.

He explained that the local authority may consider a further application for an HMO licence, only where it is satisfied that there has been a material change of circumstances.

The Committee heard from the applicant's agent, Jenny Leys, in support of the application. She advised that the necessary works had now been undertaken to the property. She explained that they had not been completed previously as the owner lived in London and had not been contactable to instruct the works. She told them that this constituted a material change of circumstances.

The Committee resolved:-

to refuse the application on the basis that the Committee were not satisfied that the reason given constitutes a material change of circumstances.

5. APPLICATION FOR THE GRANT OF A MARKET OPERATOR'S LICENCE – ABERDEEN CASTLEGATE MARKET

Application Reference Number – 3/005

Location - Aberdeen Castlegate Market

Dates/Times – Friday, Saturday, Sunday and Public Holidays

09:00 to 17:00

The Committee had before it correspondence dated 11 March, 2014 from Andy Gilchrist, Housing and Environment, which advised that the service had no objection to the licence being granted on the following condition:-

‘that suitable facilities are available to enable effective hand washing to be undertaken by food handlers by food handlers’.

The Committee also had before it correspondence dated 11 June, 2014 from Tom Moore, City Centre Manager, Enterprise Planning and Infrastructure, which explained that before traders could operate on or occupy public footways or roadways, they require permission from the Director of the Enterprise, Planning and Infrastructure Service, and must supply full details of the management,

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operation of the stalls, site map, parking arrangement for vehicles, and setting up conditions.

The Committee heard from the applicants, Mr Heslop, Mr Williams and Mr Cowie, in support of their application. The applicants assured the Committee that appropriate facilities would be made available to maintain adequate personal hygiene.

The Committee resolved:-

to grant the application for a provisional period of 18 months, subject to the applicant complying with Enterprise, Planning and Infrastructure conditions.

6 APPLICATION FOR THE GRANT OF A SECOND HAND DEALER'S LICENCE - LESLEY MARGARET GRAHAM

Application Reference Number – 3/006

Location – Aberdeen Antique Centre, 24 South College Street

The Committee were advised that the application required to be considered by 2 September, 2014 and that the applicant had not provided a certificate stating that they have complied with the requirement contained in paragraph 2 of Schedule 1 to the Civic Government (Scotland) Act 1982 to display a notice at or near the premises for a period of 21 days beginning with the date on which the application was submitted to the licensing authority.

The applicant was not in attendance.

The Committee resolved:-

to defer consideration of the application until the next meeting of the Committee.

7. APPLICATION FOR THE RENEWAL OF A STREET TRADER'S LICENCE - PRAWIT PHANUTHAT

Application Reference Number – 3/007

Location – Denmore Place, 120m West of Denmore Road

Days/Times – Monday to Saturday, 12:00 to 15:00

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

8. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE- STEPHEN DOWNIE (T908)

Application Reference Number – 3/008

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

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9. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE- TONY ADU
Application Reference Number – 3/009

The Committee were advised that the application required to be determined by 28 July, 2014 and that Fleet Services had advised that to date a suitable vehicle had not been presented for or passed inspection.

The Committee heard from the applicant Tony Adu in support of his application. He advised that he now had a suitable vehicle and understood that it must be a vehicle not attached to another taxi or private hire car licence.

The Committee resolved:-

to allow the applicant additional time to present a suitable vehicle to pass its inspection, and if he did not refer the application to the Licensing (Urgent Business) Sub-Committee for consideration and determination.

10. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE- RICHARD WILSON
Application Reference Number – 3/010

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

11. RENEWAL OF A PRIVATE HIRE CAR - RAINBOW CARS LIMITED
Application Reference Number – 3/011

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

12. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE - ROLAND M MENZIES
Application Reference Number – 3/012

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

13. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE - JOHN GRANT
Application Reference Number – 3/013

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

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14. **APPLICATION FOR THE RENEWAL OF A TAXI LICENCE - GEORGE RONALD MACGREGOR**
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 PRIVATE HIRE CAR LICENCE - RAINBOW CARS LIMITED**
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 - CITY WIDE TAXIS LIMITED**
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 - LESLIE SCOTT MCROBBIE**
Application Reference Number – 3/017

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

18. **APPLICATION FOR THE RENEWAL OF A TAXI LICENCE - ALEXANDER FRASER MASSIE**
Application Reference Number – 3/018

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

19. **APPLICATION FOR THE RENEWAL OF A TAXI LICENCE - TX CAB CO.**
Application Reference Number – 3/019

The Committee were advised that the application required to be determined by 27 August, 2014 and that Fleet Services had advised that to date the vehicle had

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not passed inspection. The licence had been suspended for repeated failure to present the vehicle for inspection.

The applicant was not in attendance.

The Committee resolved:-

to refuse the application.

20. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE - PAUL ANDREW CHEYNE
Application Reference Number – 3/020

The Committee were advised that the application required to be determined by 6 July, 2014 and 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.

21. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE - NEIL CRAWFORD
Application Reference Number – 3/021

The Committee were advised that the application required to be determined by 13 July, 2014 and 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.

22. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE - SCOTT WILLOX
Application Reference Number – 3/022

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

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23. **APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE - TERENCE ROSE**
Application Reference Number – 3/023

The Committee were advised that the application had been withdrawn.

24. **APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE - ADEDAYO ADEGOKE**
Application Reference Number – 3/024

The Committee were advised that the application required to be determined by 23 August, 2014 and 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.

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APPENDIX B**1. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE****Application Reference Number – 6/001**

The Committee had before it a letter of objection dated 17 January, 2014 from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard Sergeant Barry Skinner speak in its support.

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

The applicant was not in attendance.

The Committee resolved:-

to refuse the application.

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

The Committee had before it a letter of representation dated 8 May, 2014 from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard Sergeant Barry Skinner speak in its support.

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

The applicant was not in attendance.

The Committee resolved:-

to refuse the application.

3. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE**Application Reference Number – 6/003**

The Committee had before it a letter of objection dated 10 April, 2014 from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard Sergeant Barry Skinner speak in its support.

The Committee heard from Mr Gary Sturrock (Solicitor), the applicant's agent in support of the application. He also requested that three letters of support be circulated to members for consideration. Sergeant Skinner had no objection to their circulation. The Committee agreed to circulate the letters of support.

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The Committee resolved:-
to refuse the application.

**4. APPLICATION FOR PERMISSION TO HOLD A PUBLIC CHARITABLE
COLLECTION**
Application Reference Number – 6/004

The Committee had before it a letter of objection dated 29 May, 2014 from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard Sergeant Barry Skinner speak in its support.

The applicant was not in attendance.

The Committee resolved:-
to refuse the application.