

LICENSING COMMITTEE

ABERDEEN, 2 September 2014. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Forsyth, Convener; and Councillors Boulton, Cormie, Delaney, Graham, Kiddie, Malik, Malone and Townson.

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

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=2929&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.

STATEMENT BY THE CONVENER

1. At the commencement of the meeting, the Convener advised that this would be his last meeting as Convener of the Licensing Committee, he therefore wished to thank officers and members of the Committee for the work they have undertaken and the support they have provided in relation to the Committee. He especially wished to thank the previous Conveners, Councillors Boulton and Blackman for their support since his appointment as Convener and Councillors Townson, Boulton and Malone for their contribution at the Evidential Hearings Sub-Committee meetings.

MINUTE OF PREVIOUS MEETING OF 1 JULY 2014

2. The Committee had before it the minute of its previous meeting of 1 July, 2014.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF MEETING OF THE LICENSING URGENT BUSINESS SUB-COMMITTEE OF 8 JULY 2014

3. The Committee had before it the minute of meeting of the Licensing Urgent Business Sub-Committee of 8 July, 2014.

The Committee resolved:-

to note the minute.

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MINUTE OF MEETING OF THE LICENSING URGENT BUSINESS SUB-COMMITTEE OF 23 JULY 2014

4. The Committee had before it the minute of meeting of the Licensing Urgent Business Sub-Committee of 23 July, 2014.

The Committee resolved:-
to note the minute.

MINUTE OF MEETING OF THE LICENSING URGENT BUSINESS SUB-COMMITTEE OF 28 JULY 2014

5. The Committee had before it the minute of meeting of the Licensing Urgent Business Sub-Committee of 28 July, 2014.

The Committee resolved:-
to note the minute.

REQUESTS FOR FILM CLASSIFICATION - ABERDEEN FILM FESTIVAL

6. The Committee had before it a number of requests for film classification submitted by the Aberdeen Film Festival.

The Committee resolved:-
to approve the film classification certificates as listed in the report.

REQUESTS FOR FILM CLASSIFICATION - BELMONT CINEMA

7. The Committee had before it a number of requests for film classification submitted by the Belmont Cinema.

The Committee resolved:-
to approve the film classification certificates as listed in the report.

APPLICATIONS FOR LICENCES

8. 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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TAXI LICENSING AND TAXI INSPECTION CENTRE – CG/14/101

9. The Committee had before it a report by the Acting Director of Corporate Governance which advised members of the roles and responsibilities of the Litigation and Licensing Team and the Taxi Inspection Centre in relation to the delivery of the Taxi Licence Function.

The report recommended:-
that the Committee note the report.

The Committee resolved:-
to approve the recommendation.

COMMITTEE BUSINESS STATEMENT

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

The Committee resolved:-
to delete item 1 (Taxi Licensing and Taxi Inspection Centre) from 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.

APPLICATION FOR LICENCES

11. 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 are subject to the Council's standard 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 – 4/01
Premises - 26 Bedford Place

With reference to Appendix A, Item 6 of the minute of meeting of the Committee of 2 June, 2010, the Committee had before it an application for a licence to operate a House in Multiple Operation (HMO) for the reason of the applicant's previous HMO history with the Council.

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.

The Committee had circulated a letter from the applicant's agent Mr Chris Minchin and heard him speak in its support.

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 – 4/02
Premises – 61 Leslie Road

Mr Ally Thain, Private Sector Housing Manager advised that a letter of representation had been received in respect of the application approximately 4 weeks beyond the statutory time period within which such letters must be received (21-day period). He further advised that the Committee may consider late representations if it was satisfied that it was reasonable for the respondents to make the representation after the deadline. Mr Thain also indicated that works on the premises had still to be completed, although this was not the reason it was before the Committee today.

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

The Committee heard from the applicant, Mr Michael McFadyen who did not object to the letter of representation being submitted, although he did advise that if the letter was to be accepted, that the Committee also accept a letter of response to the letter of representation.

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The Committee resolved:-

that the letter of representation and the letter of response from the applicant be introduced to the proceedings.

The Committee heard from the respondent in support of the letter of representation.

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

Councillor Townson, seconded by the Convener moved:-

to defer consideration of the application until the works were completed, after which time officers could grant the application under delegated powers if appropriate.

Councillor Malone, seconded by Councillor Boulton moved as an amendment:-

to defer consideration of the application until a site visit had been undertaken.

On a division, there voted:- for the motion (4) – the Convener and Councillors Graham, Malik and Townson; for the amendment (5) – Councillors Boulton, Cormie, Delaney, Kiddie and Malone.

The Committee resolved:-

to adopt the amendment

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

Application Reference Number – 4/03

Premises – 2 The Chanonry

The Committee had before it eight letters of representation.

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

The Committee heard from one of the respondents on behalf of five other respondents. They also heard from Mr Gordon Mutch on behalf of Old Aberdeen Community Council.

The Committee then heard from the applicant's agent Ms Dorothy Angest in support of the application.

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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.

4. APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**Application Reference Number – 4/04****Premises – 10F Roslin Street**

The Committee were advised that the application had been withdrawn.

5. APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**Application Reference Number – 4/05****Premises – 33 Sunnybank Road**

Mr Ally Thain, Private Sector Housing Manager advised that works on the premises had still to be completed. He also explained that the Scottish Fire and Rescue Service had served the applicant with a Prohibition Notice which would remain in place until such time the Service is satisfied with the fire-safety in the property.

The applicant was not in attendance.

The Committee resolved:-

to refuse the application.

6. APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**Application Reference Number – 4/06****Premises – 13F Seaton Drive**

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

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7. APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 4/07
Premises – 39 Holland Street

Mr Ally Thain, Private Sector Housing Manager advised that works on the premises had still to be completed.

The applicant was not in attendance.

The Committee resolved:-
to refuse the application.

8. APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 4/08
Premises – 64 Montrose Drive

The Committee were advised that the application had been withdrawn.

9. APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 4/09
Premises – Hayfield Riding Centre

Mr Ally Thain, Private Sector Housing Manager advised that works on the premises had recently been completed and that the Scottish Fire and Rescue Service were now satisfied with the fire-safety requirements. He explained that the applicants have a lease on the premises until 31 December, 2015.

The Committee heard the applicant's agent Mr John Crawford speak in support of the application.

The Committee resolved:-
to grant the application until 31 December, 2015.

10. APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 4/10
Premises – 24F Market Street

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

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11. GRANT OF A LATE HOURS CATERING LICENCE**Application Reference Number – 4/11****Premises – Papa John’s, Aberdeen**

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

12. GRANT OF A LATE HOURS CATERING LICENCE**Application Reference Number – 4/12****Premises - Spiceation**

The Committee had before it a letter of representation dated 26 June, 2014 from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard Sergeant Gillian Flett speak in its support.

The applicant was not in attendance.

The Committee resolved:-

to grant the application, subject to the hours being 23:00 to 00:00 seven days a week.

13. GRANT OF A SECOND HAND DEALERS LICENCE - CORNEL STANA**Application Reference Number – 4/13**

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

14. RENEWAL OF A STREET TRADER (HOT FOOD) LICENCE - MAUREEN WOOD**Application Reference Number – 4/14****Location – 100m East of Wellheads Crescent, Dyce****Days/Times – Monday to Saturday, 07:00 to 14:00**

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

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15. **GRANT OF A STREET TRADER (ICE CREAM) LICENCE - NIGEL CARTER**
Application Reference Number – 4/15
Location – Zones 6, 7 and
Days/Times – Daily, 10:00 to 22:00

The Committee were advised that the applicant had not provided a food safety certificate.

The applicant was not in attendance.

The Committee resolved:-
to refuse the application.

16. **RENEWAL OF A STREET TRADER (HOT FOOD) LICENCE - ALLAN MOULE**
Application Reference Number – 4/16
Location – Whitemyers Avenue, 150m West of Whitemyers Place
Days/Times – Monday to Friday, 08:00 to 14:00

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

17. **GRANT OF A STREET TRADER (GENERAL) LICENCE - FENG HUANG**
Application Reference Number – 4/17
Location – City Centre, outside various pubs and clubs
Days/Times – Friday to Sunday, 23:00 to 04:30

With reference to Appendix A, Item 6 of the minute of meeting of 19 November 2013, the Committee heard Lynn May, Solicitor, Litigation and Licensing advise that the application had been submitted within one year of the date of refusal of the previous application. She explained that the local authority may consider a further application for a licence, only where it is satisfied that there has been a material change of circumstances.

The Committee heard from the applicant Feng Huang in support of the application. She advised that she was unable to attend the meeting last year to speak in support of her application as she was attending a funeral. She indicated that this constituted a material change in circumstances.

The Committee resolved:-
to grant the application with the condition that the applicant sells flowers only.

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18. GRANT OF A STREET TRADER (HOT FOOD) LICENCE - DONNA MARIE SHARPE

Application Reference Number – 4/18

Location – Blackness Road - East Side, 200m South of Hareness Road, Crawpeel Road – West Side, 400m South of Hareness Road

Days/Times – Monday to Saturday, 06:00 to 16:00

The Committee were advised that the applicant was seeking to trade between 06:00 and 16:00 hours, although the local authority guidelines advises that trading should not commence before 07:00.

The Committee heard from the applicant Donna Marie Sharpe in support of the application. She indicated that she was only preparing food from 06:00 hours and would not be trading until 07:00 hours.

The Committee resolved:-

- (i) to grant the application, subject to the trading times being 07:00 to 16:00; and
- (ii) that a report be submitted to a future meeting of the Committee in relation to the policy guidelines for Street Trader Licences, including details with regards to trading in industrial areas.

19. GRANT OF A STREET TRADER (HOT FOOD) LICENCE - HAZEL DALGARNO

Application Reference Number – 4/19

Location – Greenbank Road – South Side 200m East of Hillview Road or Greenwell Road – South Side 100m East of Greenbank Crescent

Days/Times Monday to Friday, 08:00 to 15:00 and Saturday, 08:00 to 11:00

The Committee were advised that the applicant now had a the valid Food Safety Certificate granted.

The Committee heard the applicant Hazel Dalgarno speak in support of the application. She advised that there was a disused van currently occupying her first option location on Greenbank Road.

The Committee resolved:-

to grant the application for both site locations.

20. RENEWAL OF A TAXI LICENCE - ALISON HEEPS (T802)

Application Reference Number – 4/20

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

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21. RENEWAL OF A TAXI LICENCE - CENTRAL TAXIS ABERDEEN (T618)
Application Reference Number – 4/21

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

22. RENEWAL OF A TAXI LICENCE - GARY GRIEVE LEIPER (T488)
Application Reference Number – 4/22

The Committee were advised that the application required to be determined by 22 November, 2014 and that to date the vehicle had not passed the taxi inspection.

The applicant was not in attendance.

The Committee resolved:-
to refuse the application.

23. RENEWAL OF A PRIVATE HIRE LICENCE - RAINBOW CARS (PH220)
Application Reference Number – 4/23

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

24. RENEWAL OF A PRIVATE HIRE LICENCE - RAINBOW CARS (PH259)
Application Reference Number – 4/24

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

25. GRANT OF A TAXI DRIVER'S LICENCE - GEORGE STRACHAN
Application Reference Number – 4/25

The Committee were advised that the application had been withdrawn.

26. GRANT OF A TAXI DRIVER'S LICENCE - LESLIE MORRISON
Application Reference Number – 4/26

The Committee were advised that the application had been withdrawn.

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APPENDIX B

1. GRANT OF A LATE HOURS CATERING LICENCE
Application Reference Number – 7/01

The Committee had before it a letter of representation dated 20 June, 2014 from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard Sergeant Gillian Flett speak in its support.

The applicant spoke in support of the application.

Councillor Townson, seconded by Councillor Graham moved:-

that the application be granted for a period of one year, subject to the condition which prevents the owner being on the premises, in any capacity, for the hours in which the licence is in effect.

Councillor Delaney, seconded by the Convener moved as an amendment:-

that the application be refused on the grounds that the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself.

On a division, there voted:- for the motion (6) – Councillors Boulton, Graham, Kiddie, Malik, Malone and Townson; for the amendment (3) – the Convener and Councillors Cormie and Delaney.

The Committee resolved:-
to adopt the motion.

2. RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number – 7/02

The Committee had before it a letter of representation dated 10 June, 2014 from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard Sergeant Gillian Flett 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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3. RENEWAL OF A TAXI DRIVER'S LICENCE

Application Reference Number – 7/03

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

4. RENEWAL OF A TAXI DRIVER'S LICENCE

Application Reference Number – 7/04

The Committee had before it three letters from the Committee's nominated Occupational Health Service Provide (Serco) dated 11 June, 15 July and 13 August, 2014 in relation to the applicant.

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

The Committee resolved:-

to grant the application, subject to the applicant undertaking a medical examination with Serco in 12 months time to assess his fitness.

5. RENEWAL OF A TAXI DRIVER'S LICENCE

Application Reference Number – 7/05

The Committee had before it two letters from the Committee's nominated Occupational Health Service Provide (Serco) dated 25 June and 15 July, and 6 August, 2014 in relation to the applicant.

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

The Committee resolved:-

to grant the application, subject to the applicant undertaking a medical examination with Serco in 12 months time to assess his fitness.

6. RENEWAL OF A TAXI DRIVER'S LICENCE

Application Reference Number – 7/06

The Committee had before it a letter from the Committee's nominated Occupational Health Service Provide (Serco) dated 29 July, 2014 in relation to the applicant.

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

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The Committee resolved:-

to defer consideration of the application to allow time for Serco to evaluate the letter from the applicant's medical advisor, thereafter that a further assessment be produced by Serco and that it be considered by the Licensing Urgent Business Sub-Committee.

7. RENEWAL OF A TAXI DRIVER'S LICENCE

Application Reference Number – 7/07

The Committee had before it (1) a letter from the Committee's nominated Occupational Health Service Provide (Serco) dated 18 June, 2014 in relation to the applicant; and (2) a letter from the applicant dated 15 July, 2014.

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

The Committee resolved:-

to defer consideration of the application to allow time for Serco to evaluate the letter from the applicant's medical advisor, thereafter that a further assessment be produced by Serco and that it be considered by the Licensing Urgent Business Sub-Committee.