

LICENSING COMMITTEE

ABERDEEN, 27 January 2015. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Carle, Convener; and Councillors Allan, Blackman, Boulton, Corall, Cormie, Delaney, Forsyth, MacGregor, 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&MIId=3477&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 MEETING OF 25 NOVEMBER 2014

1. The Committee had before it the minute of its meeting of 25 November 2014.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF MEETING OF THE LICENSING URGENT BUSINESS SUB COMMITTEE OF 12 JANUARY 2015

2. The Committee had before it the minute of the Licensing Urgent Business Sub Committee of 12 January 2015.

The Committee resolved:-

to approve the minute.

MINUTE OF MEETINGS OF THE SPORTS GROUND ADVISORY WORKING GROUP OF 6 MAY AND 4 SEPTEMBER 2014

3. The Committee had before it the minutes of the Sports Ground Advisory Working Group of 6 May and 4 September 2014.

The Committee resolved:-

to note the minutes.

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REQUEST FOR EXEMPTION FROM CCTV POLICY

4. The Committee had before it a request for exemption from the existing CCTV policy from Markerstudy Insurance who provided CCTV accident event recording cameras to the taxi and private hire care trade on the basis that their CCTV system and business model met all of the requirements of the policy with the exception that they used an SD card as storage whereas the policy required hard drive storage.

The Committee heard from Mr Berry, International Sales Director, Smart Witness Vehicle CCTV, in support of the request.

The Committee resolved:-

to grant the request for exemption from the CCTV Policy from Markerstudy Insurance and to instruct officers to review the requirements of the present policy, in particular in respect of SD cards and report back in this regard to a future meeting.

REQUESTS FOR FILM CLASSIFICATION - BELMONT CINEMA

5. The Committee had before it eight requests for film classification for screening at Belmont Cinema as follows:-

- (1) Junkyard - Suggested rating (15)
- (2) Consuming Spirits - Suggested rating (15)
- (3) The Maggot Feeder - Suggested rating (15)
- (4) Skhizien - Suggested rating (12)
- (5) The Ringer - Suggested rating (15)
- (6) The Bigger Picture - Suggested rating (15)
- (7) Me and My Moulton - Suggested rating (U)
- (8) Rocks in My Pockets - Suggested rating (15)

The Committee resolved:-

to approve the film classification certificates as listed above.

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 were subject to the Council's standard conditions unless otherwise stated.

COMMITTEE BUSINESS STATEMENT

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

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The Committee resolved:-

to note the updates contained in 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.**

APPLICATIONS FOR LICENCES

8. 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 were subject to the Council's standard conditions unless otherwise stated.

- COUNCILLOR SCOTT CARLE, CONVENER

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APPENDIX A**DECLARATION OF INTEREST**

Councillor Delaney declared an interest in the following article by virtue of his role as Chair of the Board of the Scottish Federation of Housing Associations, and withdrew from the meeting during consideration of the item.

1. APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number - 4/01
Premises – 19A Spital, Aberdeen

Mr Ally Thain, Private Sector Housing Manager advised that a letter of representation had been received in respect of the application beyond the statutory time period within which such letters must be received (21-day period). He further advised that the Committee might consider late representations if it was satisfied that it was reasonable for the respondents to make the representation after the deadline.

The respondent was not present and thereby could not explain why the letter of representation was late and why it should be considered today.

The Committee resolved:-

that the letter of representation should not be introduced into the proceedings.

The applicant's agent Ms Jacqui Tuckwell, University of Aberdeen was in attendance.

The Committee resolved:-

to grant the application.

DECLARATION OF INTEREST

Councillor Delaney declared an interest in the following article by virtue of his role as Chair of the Board of the Scottish Federation of Housing Associations, and withdrew from the meeting during consideration of the item.

2. APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number - 4/02
Premises – 19C Spital, Aberdeen

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Mr Ally Thain, Private Sector Housing Manager advised that a letter of representation had been received in respect of the application beyond the statutory time period within which such letters must be received (21-day period). He further advised that the Committee might consider late representations if it was satisfied that it was reasonable for the respondents to make the representation after the deadline.

The respondent was not present and thereby could not explain why the letter of representation was late and why it should be considered today.

The Committee resolved:-

that the letter of representation should not be introduced into the proceedings.

The applicant's agent Ms Jacqui Tuckwell, University of Aberdeen was in attendance.

The Committee resolved:-

to grant the application.

DECLARATION OF INTEREST

Councillor Delaney declared an interest in the following article by virtue of his role as Chair of the Board of the Scottish Federation of Housing Associations, and withdrew from the meeting during consideration of the item.

3. APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**Application Reference Number - 4/03****Premises – 19D Spital, Aberdeen**

Mr Ally Thain, Private Sector Housing Manager advised that a letter of representation had been received in respect of the application beyond the statutory time period within which such letters must be received (21-day period). He further advised that the Committee might consider late representations if it was satisfied that it was reasonable for the respondents to make the representation after the deadline.

The respondent was not present and thereby could not explain why the letter of representation was late and why it should be considered today.

The Committee resolved:-

that the letter of representation should not be introduced into the proceedings.

The applicant's agent Ms Jacqui Tuckwell, University of Aberdeen was in attendance.

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The Committee resolved:-
to grant the application.

DECLARATION OF INTEREST

Councillor Delaney declared an interest in the following article by virtue of his role as Chair of the Board of the Scottish Federation of Housing Associations, and withdrew from the meeting during consideration of the item.

4. APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number - 4/04
Premises – 19E Spital, Aberdeen

Mr Ally Thain, Private Sector Housing Manager advised that a letter of representation had been received in respect of the application beyond the statutory time period within which such letters must be received (21-day period). He further advised that the Committee might consider late representations if it was satisfied that it was reasonable for the respondents to make the representation after the deadline.

The respondent was not present and thereby could not explain why the letter of representation was late and why it should be considered today.

The Committee resolved:-
that the letter of representation should not be introduced into the proceedings.

The applicant's agent Ms Jacqui Tuckwell, University of Aberdeen was in attendance.

The Committee resolved:-
to grant the application.

DECLARATION OF INTEREST

Councillor Delaney declared an interest in the following article by virtue of his role as Chair of the Board of the Scottish Federation of Housing Associations, and withdrew from the meeting during consideration of the item.

5. APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number - 4/05
Premises – 19F Spital, Aberdeen

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Mr Ally Thain, Private Sector Housing Manager advised that a letter of representation had been received in respect of the application beyond the statutory time period within which such letters must be received (21-day period). He further advised that the Committee might consider late representations if it was satisfied that it was reasonable for the respondents to make the representation after the deadline.

The respondent was not present and thereby could not explain why the letter of representation was late and why it should be considered today.

The Committee resolved:-

that the letter of representation should not be introduced into the proceedings.

The applicant's agent Ms Jacqui Tuckwell, University of Aberdeen was in attendance.

The Committee resolved:-

to grant the application.

DECLARATION OF INTEREST

Councillor Delaney declared an interest in the following article by virtue of his role as Chair of the Board of the Scottish Federation of Housing Associations, and withdrew from the meeting during consideration of the item.

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

Application Reference Number - 4/06

Premises – 19G Spital, Aberdeen

Mr Ally Thain, Private Sector Housing Manager advised that a letter of representation had been received in respect of the application beyond the statutory time period within which such letters must be received (21-day period). He further advised that the Committee might consider late representations if it was satisfied that it was reasonable for the respondents to make the representation after the deadline.

The respondent was not present and thereby could not explain why the letter of representation was late and why it should be considered today.

The Committee resolved:-

that the letter of representation should not be introduced into the proceedings.

The applicant's agent Ms Jacqui Tuckwell, University of Aberdeen was in attendance.

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The Committee resolved:-
to grant the application.

7. APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number - 4/07
Premises - 33 Sunnybank Road, Aberdeen

With reference to item 7 of appendix A of the minute of the meeting of 25 November 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 might consider a further application for an HMO licence, only where it was satisfied that there had been a material change of circumstances and that the applicant's nephew had advised at the previous meeting that it was his view that a material change did exist as all of the necessary works on the property had been undertaken. He advised that further to the Committee's last meeting he could now confirm that a final inspection had been undertaken and that all of the necessary works had been undertaken.

The Committee resolved:-
to agree that the reason given and confirmation that all of the necessary works had been undertaken constituted a material change of circumstances and therefore to consider the application.

The Committee considered the application. The applicant was not in attendance.

The Committee resolved:-
to grant the application.

8. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE – PAULINE JANE MACKIE
Application Reference Number - 4/08

The Committee was advised that the application required to be determined by 31 January 2015, and that to date the applicant had not passed the street knowledge test which was required by the Committee's private hire driver licence policy.

The applicant was not in attendance.

The Committee resolved:-
to refuse the application.

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9. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE – IAN STEWART**
Application Reference Number - 4/09

The Committee was advised that the application had been withdrawn.

10. **APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE – FRANK MALIKEBU**
Application Reference Number - 4/10

The Committee was advised that the application had been withdrawn.

11. **APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE – BRYAN GARRIOCK**
Application Reference Number - 4/11

The Committee was advised that the application required to be determined by 3 February 2015, and that to date the applicant had not passed the street knowledge test which was a requirement.

The applicant was not in attendance.

The Committee resolved:-
to refuse the application.

12. **APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE – ROY NORMAN KENNEDY**
Application Reference Number - 4/12

The Committee was advised that the application had been withdrawn.

13. **APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE – JENNIFER EVANS**
Application Reference Number – 4/13

The Committee was advised that the application had been withdrawn.

14. **APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE – SYED ASHABUR RAHMAN**
Application Reference Number - 4/14

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The Committee was advised that the application required to be determined by 24 February 2015, and that to date the applicant had not passed the street knowledge test which was a requirement.

The applicant was in attendance and after speaking to his application he advised that he wished to withdraw his application.

The Committee resolved:-

to note that the application had been withdrawn.

- 15. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE – DANIEL MCMILLAN**
Application Reference Number - 4/15

The Committee was advised that the application had been withdrawn.

- 16. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE – PETER FLOCKHART**
Application Reference Number - 4/16

The Committee was advised that the application had been withdrawn.

- 17. APPLICATION FOR THE RENEWAL OF A TAXI CAR LICENCE – GILBERT YOUNGSON BRESLIN**
Application Reference Number - 4/17

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

- 18. APPLICATION FOR THE RENEWAL OF A TAXI CAR LICENCE – GRAHAM JAMES HANSLEY**
Application Reference Number - 4/18

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

- 19. APPLICATION FOR THE RENEWAL OF A TAXI CAR LICENCE – CITY WIDE TAXIS LIMITED (T154)**
Application Reference Number – 4/19

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

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20. APPLICATION FOR THE RENEWAL OF A TAXI CAR LICENCE – GARETH TAYLOR (T703)
Application Reference Number – 4/20

The Committee was advised that the application required to be determined by 28 February 2015, and that to date the vehicle had not passed the required inspection.

The Committee was also advised that a letter of representation from Mr McKane, Enforcement Officer, had been received. The applicant had no objection to the letter being circulated. The Committee agreed that the letter be circulated.

The Committee heard from the applicant in support of his application during which he responded to the points raised in the letter from the Enforcement Officer and provided a detailed description of the events regarding the inspection of his vehicle.

The Committee resolved:-

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub Committee at which the Licensing Enforcement Officer and a representative from the Taxi Inspection Centre at Kittybrewster should be present.

21. APPLICATION FOR THE RENEWAL OF A TAXI CAR LICENCE – ALAN MATTHEW REID (T834)
Application Reference Number – 4/21

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

22. APPLICATION FOR THE RENEWAL OF A STREET TRADER (HOT FOOD) LICENCE – ELAINE ELRICK
Application Reference Number - 4/22
Location – Kirkton Avenue (south Side), 170metres North East of the southern Junction of Kirkton Avenue and Pitmedden Road
Days/Times – Monday to Friday, 08:00 to 14:00

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

23. APPLICATION FOR THE GRANT OF A STREET TRADER (HOT FOOD) LICENCE – TUANJAI MEARNES
Application Reference Number - 4/23
Location – Howemoss Avenue south side 20metres west of eastern spur of Howemoss Terrace

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Days/Times – Monday to Saturday, 09:00 to 17:00

The Committee was advised that this item had been placed on the agenda because it is an application for a grant of a street trader (hot food) licence and officers did not have delegated powers to grant such applications.

The Committee heard from the applicant, Ms Mearns, in support of her application.

The Committee resolved:-

- (i) to grant the application; and
- (ii) to request officers to review the current scheme of delegation specifically regarding the granting of licences for Street Trader's (Hot Foods) where it was (a) a new site and (b) there were no objections to the application and to report back to the Committee in this regard.

24. APPLICATION FOR THE GRANT OF A STREET TRADER (HOT FOOD) LICENCE – JAMES JOHNSTON

Application Reference Number - 4/24

Location – Kirkton Avenue north side 100metres west of Cothal View

Days/Times – Monday to Friday, 07:00 to 14:00 and Saturday, 08:00 to 12:00

The Committee was advised that this item had been placed on the agenda because it is an application for a grant of a street trader (hot food) licence and officers did not have delegated powers to grant such applications.

The Committee heard from the applicant, Mr Johnston, in support of his application.

The Committee resolved:-

to grant the application.

25. APPLICATION FOR THE GRANT OF A STREET TRADER (HOT FOOD) LICENCE – COLIN ANDERSON

Application Reference Number - 4/25

Location – Moss Road west side 45m south of Gateway Drive

Days/Times – Monday to Friday, 07:30 to 12:00 and Saturday, 08:00 to 12:00

The Committee was advised that this item had been placed on the agenda because it is an application for a grant of a street trader (hot food) licence and officers did not have delegated powers to grant such applications.

The Committee heard from the applicant, Mr Anderson, in support of his application.

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The Committee resolved:-
to grant the application.

**26. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE –
MELISSA MCKIMMIE
Application Reference Number - 4/26**

The Committee was advised that the application required to be determined by 29 January 2015, and that to date the applicant had not passed the street knowledge test which was required by the Committee's private hire driver licence policy.

The applicant was not in attendance.

The Committee resolved:-
to refuse the application.

**27. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE –
SHARON LEE MUNDIE
Application Reference Number - 4/27**

The Committee was advised that the application required to be determined by 29 January 2015, and that to date the applicant had not passed the street knowledge test which was required by the Committee's private hire driver licence policy.

The applicant was not in attendance.

The Committee resolved:-
to refuse the application.

**28. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE –
SKYE MACKIE
Application Reference Number - 4/28**

The Committee was advised that the application required to be determined by 31 January 2015, and that to date the applicant had not passed the street knowledge test which was required by the Committee's private hire driver licence policy.

The applicant was not in attendance.

The Committee resolved:-
to refuse the application.

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Appendix B**1. APPLICATION FOR THE RENEWAL OF A TAXI LICENCE**
Application Reference Number - 6/01

The Committee had before it a letter of representation dated 24 November 2014, from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard Sergeant Gillian Flett speak in its support during which she advised that the Chief Constable, Police Scotland, was objecting to the renewal of the licence.

The Committee heard from the applicant's counsel and solicitor in support of the application. The applicant was not in attendance.

The Committee resolved:-

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub Committee on 10 February 2015.

2. APPLICATION FOR THE GRANT OF A TAXI LICENCE
Application Reference Number - 6/02

The Committee had before it a letter of representation dated 24 November 2014, from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard Sergeant Gillian Flett speak in its support during which she advised that the Chief Constable, Police Scotland, was objecting to the granting of the licence.

The Committee heard from the applicant's counsel and solicitor in support of the application. The applicant was not in attendance.

The Committee resolved:-

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub Committee on 10 February 2015.

3. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE
Application Reference Number - 6/03

The Committee was advised that the application had been withdrawn.

4. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE
Application Reference Number - 6/04

The Committee was advised that the application had been withdrawn.

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5. **APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE** **Application Reference Number - 6/05**

Mrs Lynn May, Litigation and Licensing, advised that a letter of objection had been received from Police Scotland in respect of the application beyond the statutory time period within which such letters must be received. She further advised that the Committee might consider late representations if it was satisfied there was a sufficient reason why it was not made in the time required.

The Committee heard from Sergeant Gillian Flett, Police Scotland who explained why the letter of representation was late and should be considered today.

The Committee heard from the applicant's representative who did not object to the letter of representation being considered.

The Committee resolved:-

that the letter of representation from Police Scotland be introduced to the proceedings.

The Committee had before it a letter of objection dated 21 November 2014, from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard Sergeant Gillian Flett speak in its support.

The Committee heard from the applicant and the applicant's representative in support of the application.

Councillor Malik, seconded by Councillor Allan moved:-

that the application be granted for the full three year period.

Councillor Blackman, seconded by Councillor Delaney moved as an amendment:-

that the application be granted for one year.

On a division, there voted:- for the motion (9) – the Convener and Councillors Allan, Corall, Cormie, Forsyth, McGregor, Malik, Malone and Townson; for the amendment (3) – Councillors Blackman, Boulton and Delaney.

The Committee resolved:-

to adopt the motion.

6. **APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE** **Application Reference Number - 6/06**

The Committee had before it a letter of representation dated 7 November 2014, from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard Sergeant Gillian Flett speak in its support.

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

The Committee resolved:-

to grant the application.

7. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE
Application Reference Number - 6/07

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

The Committee heard from the applicant's counsel and solicitor in support of the application. The applicant was also in attendance.

The Committee resolved:-

to refuse the application.

8. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE
Application Reference Number - 6/08

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

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

The Committee resolved:-

to grant the application.

9. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE
Application Reference Number - 6/09

The Committee had before it a letter from the Committee's nominated Occupational Health Service Provide (Serco) dated 14 January 2015 in relation to the applicant.

The applicant was not in attendance.

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.

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10. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE
Application Reference Number - 6/10

The Committee had before it a letter from the Committee's nominated Occupational Health Service Provide (Serco) dated 14 November 2014 in relation to the applicant.

The Committee heard from the applicant 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.

11. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE
Application Reference Number - 6/11

The Committee had before it a letter from the Committee's nominated Occupational Health Service Provide (Serco) dated 14 November 2014 in relation to the applicant.

The Committee heard from the applicant 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.

12. SUSPENSION OF A TAXI DRIVER LICENCE
Application Reference Number - 6/12

The Committee was advised that the letter of complaint from Police Scotland had been withdrawn.