

LICENSING COMMITTEE

ABERDEEN, 12 May 2015. Minute of meeting of the LICENSING COMMITTEE.
Present: Councillor Carle, Convener; and Councillors Boulton, Corall, Cormie, Crockett (as substitute for Councillor Allan), Delaney, Lesley Dunbar, Graham, 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=3479&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 CONVENER

1. The Convener advised that Sergeant Skinner, Police Scotland, who had regularly attended the Committee on behalf of the police for several years was moving to a different post and would therefore no longer be appearing before the Committee. The Convener conveyed his thanks to Sergeant Skinner for his contribution to the Committee. The Committee concurred with the Convener's remarks.

MINUTE OF PREVIOUS MEETING OF 17 MARCH 2015

2. The Committee had before it the minute of its previous meeting of 17 March 2015.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF THE MEETING OF THE LICENSING URGENT BUSINESS SUB COMMITTEE OF 7 APRIL 2015

3. The Committee had before it the minute of the Licensing Urgent Business Sub Committee meeting of 7 April 2015.

The Committee resolved:-

to approve the minute as a correct record.

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MINUTE OF THE MEETING OF THE LICENSING URGENT BUSINESS SUB COMMITTEE OF 16 APRIL 2015

4. The Committee had before it the minute of the Licensing Urgent Business Sub Committee meeting of 16 April 2015.

The Committee resolved:-

to approve the minute as a correct record.

APPLICATION FOR LICENCES

5. 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.

TAXI FARE REVIEW – OUTCOME OF CONSULTATION (CG/15/52)

6. With reference to article 6 of the minute of its meeting of 17 March 2015, the Committee had before it a report by the interim Director of Corporate Governance which informed members of any representations received in relation to the review of taxi fares and the proposal (a) not to alter the existing scales and surcharges and thereby fix these at the same level and (b) to implement a new surcharge for non-airport zoned taxis dropping off at the inner forecourt of the airport.

The report recommended:-

that the Committee -

- (a) confirm its decision to fix fares and surcharges at their current levels and to add a £1 surcharge for non-airport zoned taxis dropping off at the inner forecourt of the airport as advertised in a local newspaper;
- (b) approve the fare card attached at appendix 1; and
- (c) agree that the tariff would take effect from 17 June 2015 provided no appeal was lodged with the Traffic Commissioner.

The Committee resolved:-

to approve the recommendations.

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TAXI FLEET – INCLUSION OF “4X4S” (CG/15/64)

7. With reference to article 26 of Appendix A of the minute of its meeting of 25 November 2014, the Committee had before it a report by the interim Director of Corporate Governance regarding the suitability of 4x4 vehicles for the taxi fleet.

The report recommended:-

that the Committee -

- (a) agree that a 4x4 vehicle was unsuitable to be licensed as a taxi or private hire car in the Aberdeen fleet; and
- (b) instruct the Head of Legal and Democratic Services to arrange publication of the updated policy and letters to go to existing licence holders currently operating 4x4 vehicles in Aberdeen regarding the change of policy.

The Committee resolved:-

to approve the recommendations.

SAFETY OF SPORTS GROUNDS ACT 1975 AS AMENDED - GENERAL SAFETY CERTIFICATE PITTODRIE (CG/15/54)

8. The Committee had before it a report by the interim 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 2015 to be issued to Aberdeen Football Club.

The Committee resolved:-

to approve the recommendation.

COMMITTEE BUSINESS STATEMENT

9. 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 in the statement.

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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

10. 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 SCOTT CARLE, Convener

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APPENDIX A

1. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number - 3/01
Premises – 172 Bannermill Place

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, Mr Gowans, was in attendance.

The Committee further 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. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number - 3/02
Premises – 8 St Machar Place

The Committee heard from Mr Eric Anderson, Legal Advisor, who advised that there had been a request from Councillor Milne, local member for the Tillydrone /Seaton / Old Aberdeen ward, to address the Committee in respect of the application. Mr Anderson explained that in accordance with the Housing (Scotland) Act 2006, the Committee could invite any other person it saw fit to speak at the meeting and that person should be provided with seven days' notice. He sought the Committee's consideration on whether it wished to invite the local member to address it and, if it did, advised that the Committee should offer the applicant the opportunity to defer his application in order to consider the comments made by Councillor Milne. Councillor Milne advised that he was happy to waive the requirement to be provided seven days' notice of the invite should the Committee agree to hear him.

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The Convener asked the applicant's view regarding the request to hear Councillor Milne. The applicant advised that he was content for Councillor Milne to address the Committee, however highlighted the short notice he was provided in respect of the opportunity to have legal representation at today's meeting.

The Committee resolved:-

to invite Councillor Milne, as a local member, to the meeting in respect of this item of business only.

The Committee heard from Councillor Milne in respect of the application.

The Committee had before it three letters of representation.

The Committee heard from two of the respondents namely Mr Morgan on behalf of Old Aberdeen Community Council and thereafter Christine Burgess. The representative of Old Aberdeen Heritage Society advised that they wished for their written representation to be considered and did not wish to address the Committee verbally.

The Committee then heard from the applicant Mr Watt in support of the application during which he confirmed that he wished the application to be determined today.

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

Councillor Boulton, seconded by Councillor Malone moved as an amendment:-
that the application be refused on the basis of location and whilst the matter of overprovision of HMOs in this area was being reviewed.

On a division, there voted:- for the motion (10) – the Convener and Councillors Corall, Cormie, Crockett, Delaney, Lesley Dunbar, Graham, MacGregor, Malik and Townson; for the amendment (2) – Councillors Boulton and Malone.

The Committee resolved:-

to adopt the motion.

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3. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number - 3/03
Premises – 37 Corthan Crescent

The Committee had before it four letters of representation.

The Committee heard from two of the respondents, namely Mr Clark and Mr McHardy. Mr Clark advised that he had stated everything in his letter. The remaining two respondents were not present.

The Committee then heard from the applicant Mr Mijares in support of the application.

The Committee resolved:-
to grant the application.

4. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number - 3/04
Premises – 3C Froghall Gardens

The Committee was advised that the application had been withdrawn.

5. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number - 3/05
Premises – 71 Clifton Road

The Committee had before it one letter of representation.

The respondent was not present.

The Committee then heard from the applicant's agent, Mr Greave, in support of the application.

The Committee resolved:-
to grant the application.

6. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number - 3/06
Premises – 632 George Street

The Committee had before it one letter of representation.

The Committee heard from the respondent Mr McRobbie.

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The Committee then heard from the applicant, Mr Scott, 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.

7. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION

Application Reference Number - 3/07

Premises – 130 Hamilton Place

The Committee had before it a report Mr Ally Thain, Private Sector Housing Manager which advised that the application was before the Committee as the HMO Unit had concerns about the licence applicant's conduct.

The applicant, Mr Mearns, was present and spoke 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.

8. GRANT OF A STREET TRADER'S HOT FOOD LICENCE - SUNEE ROSS

Application Reference Number - 3/08

Location – Broadfold Road, east side, 170 metres south of the Parkway

Days/Times – Monday to Saturday, 08:00 to 16:00

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 application had also attracted one objection from a ward Councillor.

Mr Doug Ritchie, Traffic Management Team Leader, confirmed that the Traffic Management team had no objection to the application.

Mr Eric Anderson, Legal Advisor, advised that the applicant had now received a food safety certificate.

The applicant, Ms Ross, was in attendance.

The Committee resolved:-

to grant the application.

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9. **RENEWAL OF A PRIVATE HIRE CAR LICENCE – RAINBOW CARS LIMITED (PH056)**
Application Reference Number - 3/09

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

10. **RENEWAL OF A PRIVATE HIRE CAR LICENCE – RAINBOW CARS LIMITED (PH278)**
Application Reference Number - 3/10

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

11. **RENEWAL OF A PRIVATE HIRE CAR LICENCE – RAINBOW CARS LIMITED (PH274)**
Application Reference Number - 3/11

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

12. **RENEWAL OF A PRIVATE HIRE CAR LICENCE – RAINBOW CARS LIMITED (PH275)**
Application Reference Number - 3/12

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

13. **RENEWAL OF A PRIVATE HIRE CAR LICENCE – MICHAEL CHEYNE**
Application Reference Number - 3/13

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

14. **RENEWAL OF A TAXI LICENCE – PATRICIA MARY MCPHERSON**
Application Reference Number - 3/14

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

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15. RENEWAL OF A TAXI LICENCE – CITY WIDE TAXIS LIMITED (T117)
Application Reference Number - 3/15

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

16. RENEWAL OF A TAXI LICENCE – RAINBOW CARS LIMITED (T366)
Application Reference Number - 3/16

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

17. RENEWAL OF A TAXI LICENCE – RAINBOW CARS LIMITED (T701)
Application Reference Number - 3/17

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

18. RENEWAL OF A TAXI LICENCE – RAINBOW CARS LIMITED (T365)
Application Reference Number - 3/18

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

19. RENEWAL OF A TAXI LICENCE – RAINBOW CARS LIMITED (T359)
Application Reference Number - 3/19

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

20. RENEWAL OF A TAXI LICENCE – GRAHAM G D MCLEOD
Application Reference Number - 3/20

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

21. RENEWAL OF A TAXI LICENCE – RONALD DAVID BELL
Application Reference Number - 3/21

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

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22. RENEWAL OF A TAXI LICENCE – KIRKHILL AUTO SERVICES LIMITED (T755)
Application Reference Number - 3/22

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

23. RENEWAL OF A TAXI LICENCE – KIRKHILL AUTO SERVICES LIMITED (T912)
Application Reference Number - 3/23

The Committee was advised that the application required to be determined by 27 May 2015, and that to date the vehicle had not passed the required inspection.

The applicant was present and spoke in support of his application.

The Committee resolved:-

to defer consideration of the application to enable the inspection of the vehicle to be undertaken and thereafter that officers approve the application under delegated powers if appropriate or, otherwise to refer the application to the Licensing Urgent Business Sub Committee should the vehicle not pass the inspection.

24. RENEWAL OF A TAXI LICENCE – KIRKHILL AUTO SERVICES LIMITED (A088)
Application Reference Number - 3/24

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

25. RENEWAL OF A TAXI LICENCE – KIRKHILL AUTO SERVICES LIMITED (T667)
Application Reference Number - 3/25

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

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26. RENEWAL OF A TAXI LICENCE ERNEST CHARLES FRASER
Application Reference Number - 3/26

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

27. RENEWAL OF A TAXI LICENCE – DAVID BRUCE
Application Reference Number - 3/27

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

28. RENEWAL OF A TAXI LICENCE – ROBERT HUNTER
Application Reference Number - 3/28

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

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APPENDIX B

1. LANDLORD REGISTRATION APPLICATION
Application Reference Number - 6/01

The Committee had before it a letter of representation dated 14 April 2015, from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard DC Buchan, CID Interventions, speak in its support. Sergeant Gillian Flett, Police Scotland, was also in attendance and answered questions in respect of application on Police Scotland's behalf.

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

Councillor Townson, seconded by Councillor Crockett moved:-
that the application be refused.

Councillor Corall, seconded by Councillor MacGregor moved as an amendment:-
that the application be deferred until the pending court case had been concluded.

On a division, there voted:- for the motion (6) – the Convener and Councillors Crockett, Delaney, Lesley Dunbar, Malone and Townson; for the amendment (4) – Councillors Corall, Cormie, MacGregor and Malik.

The Committee resolved:-
to adopt the motion.

2. RENEWAL OF A TAXI DRIVER LICENCE
Application Reference Number - 6/02

The Committee had before it a letter from the Committee's nominated Occupational Health Service Provider (Optima Health) dated 3 March 2015, in relation to the applicant.

The applicant was in attendance.

The Committee resolved:-
to grant the application and to request that the applicant undertake a medical review annually.

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3. RENEWAL OF A TAXI DRIVER LICENCE

Application Reference Number - 6/03

The Committee had before it a letter from the Committee's nominated Occupational Health Service Provider (Optima Health) dated 13 January 2015, in relation to the applicant.

The applicant was in attendance.

The Committee resolved:-

to grant the application and to request that the applicant undertake a medical review annually.

4. RENEWAL OF A TAXI DRIVER LICENCE

Application Reference Number - 6/04

The Committee had before it a letter from the Committee's nominated Occupational Health Service Provider (Optima Health) dated 28 January 2015, in relation to the applicant.

The applicant was not in attendance

The Committee resolved:-

to grant the application and to request that the applicant undertake a medical review annually.

5. RENEWAL OF A TAXI DRIVER LICENCE

Application Reference Number - 6/05

The Committee had before it a letter from the Committee's nominated Occupational Health Service Provider (Optima Health) dated 23 March 2015, in relation to the applicant.

The applicant was in attendance.

The Committee resolved:

- (i) to grant the application and to request that the applicant undertake a medical review annually; and
- (ii) to request officers to clarify the position regarding the need for annual medical reviews on the basis of age.

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6. RENEWAL OF A TAXI DRIVER LICENCE
Application Reference Number - 6/06

The Committee had before it a letter from the Committee's nominated Occupational Health Service Provider (Optima Health) dated 28 January 2015, in relation to the applicant.

The applicant was in attendance.

The Committee resolved:-

to grant the application and to request that the applicant undertake a medical review annually.

7. RENEWAL OF A TAXI DRIVER LICENCE
Application Reference Number - 6/07

The Committee had before it letters from the Committee's nominated Occupational Health Service Provider (Optima Health) dated 23 March and 14 April 2015, in relation to the applicant.

The applicant was in attendance.

The Committee resolved:-

to grant the application and to request that the applicant undertake a medical review in one year's time.

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

The Committee had before it a letter from the Committee's nominated Occupational Health Service Provider (Optima Health) dated 3 February 2015, in relation to the applicant.

The applicant was in attendance.

The Committee resolved:-

to grant the application and to request that the applicant undertake a medical review annually.

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9. 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 Provider (Optima Health) dated 3 February 2015, in relation to the applicant.

The applicant was in attendance.

The Committee resolved:-

to grant the application and to request that the applicant undertake a medical review in one year's time.

10. 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 Provider (Optima Health) dated 3 February 2015, in relation to the applicant.

The applicant was in attendance.

The Committee resolved:-

to grant the application on the basis that the applicant should advise immediately if the symptoms reoccur.

11. 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 Provider (Optima Health) dated 1 April 2015, in relation to the applicant.

The applicant was not in attendance.

The Committee resolved:-

to defer consideration of the application to allow a medical report to be received after which time officers could grant the application under delegated powers if the applicant met the Group 2 DVLA medical criteria or if a medical review was recommended in one year's time, or otherwise refer it to the Licensing Urgent Business Sub Committee.

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

The Committee had before it a letter of representation dated 23 December 2014, from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard Sergeant Gillian Flett speak in its support.

The applicant was in attendance and spoke in support of the application.

The Committee resolved:-
to grant the application.

13. RENEWAL OF A TAXI DRIVER LICENCE
Application Reference Number - 6/13

The Committee noted that the police letter of objection had been withdrawn prior to the meeting taking place and therefore the application had been granted under delegated powers.

14. RENEWAL OF A TAXI DRIVER LICENCE
Application Reference Number - 6/14

The Committee noted that the police letter of objection had been withdrawn prior to the meeting taking place and therefore the application had been granted under delegated powers.

15. RENEWAL OF A TAXI DRIVER LICENCE
Application Reference Number - 6/15

With reference to article 10, of appendix B of the minute of its meeting of 17 March 2015, the Committee had before it a letter of representation dated 2 February 2015, 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 who advised that he had not received a copy of the letter of representation from Police Scotland. However, it was clarified that his previous agent had received a copy of the letter prior to the last meeting of the Committee at which point this application had been deferred. A further copy was provided to the applicant. The applicant spoke in support of the application.

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The Committee resolved:-

to defer further the application to the next meeting of the Committee on 30 June 2015.

16. RENEWAL OF A TAXI DRIVER LICENCE

Application Reference Number - 6/16

The Committee noted that the police letter of objection had been withdrawn prior to the meeting taking place and therefore the application had been granted under delegated powers.

17. RENEWAL OF A TAXI DRIVER LICENCE

Application Reference Number - 6/17

The Committee had before it a letter of representation dated 4 March 2015, 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 defer the application to the next meeting of the Committee on 30 June 2015 to allow the applicant a further chance to attend.

18. RENEWAL OF A TAXI DRIVER LICENCE

Application Reference Number - 6/18

The Committee noted that the police letter of objection had been withdrawn prior to the meeting taking place and therefore the application had been granted under delegated powers.