

LICENSING COMMITTEE

ABERDEEN, 30 June 2015. Minute of Meeting of the LICENSING COMMITTEE.
Present: Councillor Carle, Convener; and Councillors Boulton, Cormie, Crockett (as substitute for Councillor Allan), Delaney, Graham, MacGregor, Malik, Milne (as substitute for Councillor Lesley Dunbar), Nathan Morrison, Townson and Yuill (as substitute for Councillor Malone).

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=3480&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 PREVIOUS MEETING OF 12 MAY 2015

1. The Committee had before it the minute of its previous meeting of 12 May 2015.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF THE MEETING OF THE LICENSING URGENT BUSINESS COMMITTEE OF 29 MAY 2015

2. The Committee had before it the minute of the Licensing Urgent Business Sub Committee meeting of 29 May 2015.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF THE MEETINGS OF THE SPORTS GROUND ADVISORY GROUP OF 3 DECEMBER 2014 AND 27 FEBRUARY 2015

3. The Committee had before it the minute of the Sports Ground Advisory Working Group meeting of 3 December 2014 and 27 February 2015.

The Committee resolved:-

to note the minutes.

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COMMITTEE BUSINESS STATEMENT

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

The Committee resolved:-

- (i) in relation to item 2 (Scheme of Delegation – Licences for Street Traders (Hot Foods) New Sites, to note that a report would be submitted to full Council regarding this matter; and
- (ii) to note the updates as contained in the statement.

MATTER OF URGENCY

The Convener intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973 that the following item be considered as a matter of urgency to enable timeous consideration of the request.

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) Bike vs Cars - Suggested rating (PG)
- (2) LIAF Programme 1 - Suggested rating (U)
- (3) LIAF Programme 2 - Suggested rating (PG)
- (4) Austeria - Suggested rating (12A)
- (5) Salto - Jump - Suggested rating (12A)
- (6) Provincial Actors - Suggested rating (15)
- (7) Wesele – The Wedding - Suggested rating (12A)
- (8) To Kill This Love - Suggested rating (15)
- (9) Walkower - Walkover - Suggested rating (U)

The Committee resolved:-

to approve the film classification certificates as listed above.

MATTER OF URGENCY

The Convener intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973 that the following item be considered as a matter of urgency in order that the Committee could consider the matter in advance of Offshore Europe.

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TAXI LICENSING CONCESSION REQUEST

6. The Committee had before it a request from Mr Graeme McColl, Aberdeen Taxi Centre, for the following concessions for taxi licensing during Offshore Europe week 2015:

1. All Airport Taxis able to pick up from the taxi rank which was being created at the Aberdeen Exhibition and Conference Centre; and
2. All Airport Licenced Taxis be permitted to pick up from city centre taxi ranks.

The Committee resolved:-

to relax the condition zoning the city for the purposes of taxi operation at city centre taxi ranks for the duration of Offshore Europe week 2015, to permit airport zone taxis to pick up at city ranks, as well as the taxi rank at AECC being created especially for the purpose of Offshore Europe.

APPLICATION FOR LICENCES

7. 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.

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

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

- COUNCILLOR SCOTT CARLE, Convener

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APPENDIX A**DECLARATION OF INTEREST**

Prior to consideration of the following item, Councillor Delaney declared an interest in the following article by virtue of his role as Vice Convener of Housing and Property Services at Grampian Housing Association, and withdrew from the meeting during consideration of the item.

1. **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Reference Number - 5/01
Premises – 17 Morrison Drive, Aberdeen

The Committee had before it a report by Mr Ally Thain, Private Sector Housing Manager and one letter of representation from Ms Gilliatt.

The Committee heard from the respondent's daughter Ms Bennian on behalf of her mother. Ms Bennian spoke to the letter of representation during which she advised that she had further emails which she wished the Committee to consider prior to making a decision on the application.

The Convener asked the applicant's view regarding the request to accept further documents into the proceedings. The applicant advised that he was happy for the documents to be considered as long as he was also given a copy.

The Committee resolved:-

that the additional documents from the respondent be introduced into the proceedings.

The applicant, Mr Mutch, was in attendance.

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

Councillor Nathan Morrison, seconded by Councillor Cormie moved:-
that the application be granted for the full three year period.

Councillor Boulton, seconded by Councillor Milne moved as an amendment:-
that the application be granted for a one year period.

Councillor Yuill moved as a further amendment, seconded by Councillor Townson:-

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that the application be refused on the ground that the applicant was not a fit and proper person and as the property was unsuitable for occupation as an HMO due to the possibility of undue public nuisance.

There being a motion and two amendments, the Committee first divided between the amendment by Councillor Boulton and the amendment by Councillor Yuill.

On a division, there voted:- for the amendment by Councillor Boulton (6) – the Convener and Councillors Boulton, Crockett, MacGregor, Malik and Milne; for the amendment by Councillor Yuill (2) – Councillor Townson and Yuill; and declined to vote (2) – Councillors Cormie and Nathan Morrison.

The Committee then divided between the motion and the amendment by Councillor Boulton.

On a division, there voted:- for the motion (4) – Councillors Cormie, MacGregor, Malik and Nathan Morrison; for the amendment by Councillor Boulton (6) – the Convener; and Councillors Boulton, Crockett, Milne, Townson and Yuill.

The Committee resolved:-

to adopt the amendment by Councillor Boulton.

DECLARATION OF INTEREST

Prior to consideration of the following item, Councillor Milne declared an interest in the following article by virtue of the fact that he had made representation in respect of a similar application and had discussed the application with respondents, and withdrew from the meeting as a member of the Committee during consideration of the item.

2. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**Application Reference Number - 5/02****Premises – 7 St Machar Place, Aberdeen**

The Committee heard from Mrs Lynn May, 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. Mrs May explained that the standing order 32(1) of the Council's standing orders provided Councillors with the right to attend any meeting of any Committee or Sub Committee without being called, and with the consent of the Committee or Sub Committee would be entitled to ask questions or address the meeting but not propose or second any motion or vote.

In addition, 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

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should be provided with seven days' notice. She 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.

The Convener asked the applicant's view regarding the request to hear Councillor Milne. The applicants advised that he was content for Councillor Milne to address the Committee, however highlighted that they were disappointed at receiving no prior notice of Councillor Milne's request.

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 applicants confirmed that they wished their application to be considered today and did not require a deferral in light of the representation made by Councillor Milne.

The Committee had before it a report by Mr Ally Thain, Private Sector Housing Manager and four letters of representation.

The Committee heard from three of the respondents namely the representative of Old Aberdeen Heritage Society, Mr Wood on behalf of Old Aberdeen Community Council and thereafter Christine Burgess. The fourth respondent E Hepburn was present however chose not to speak to their letter.

The Committee then heard from the applicants Mr and Mrs Burgess 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 Boulton, seconded by Councillor Yuill moved as an amendment:-

that the application be refused on the basis of location and the matter of overprovision of HMOs in this area.

On a division, there voted:- for the motion (7) – the Convener and Councillors Cormie, Crockett, Delaney, Malik, Nathan Morrison and Townson; for the amendment (3) – Councillors Boulton, MacGregor and Yuill.

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The Committee resolved:-

to adopt the motion.

3. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**Application Reference Number - 5/03****Premises – 237 Clifton Road, Aberdeen**

The Committee had before it a report by Mr Ally Thain, Private Sector Housing Manager and three letters of representation.

Mr Doug Yeats, Senior Private Sector Housing Officer advised that a further 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 representation 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.

None of the timely respondents were present.

The Committee then heard from the applicants Mr and Mrs Allan 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.

4. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**Application Reference Number - 5/04****Premises – 45 Newburgh Drive, Bridge of Don, Aberdeen**

The Committee had before it a report by Mr Ally Thain, Private Sector Housing Manager and one letter of representation.

The respondent was not present.

The Committee then heard from the applicants Mr and Mrs Cowen 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.

5. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Reference Number - 5/05
Premises – 15 Rose Street, Aberdeen

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

6. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Reference Number - 5/06
Premises – 118 Hilton Heights, Aberdeen (First Floor Flat)

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

7. **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Reference Number - 5/07
Premises – 31 Elmfield Avenue, Aberdeen (Middle Floor Flat)

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

8. **GRANT OF A PUBLIC ENTERTAINMENT LICENCE – SHEDDOCKSLEY COMMUNITY CENTRE**
Application Reference Number - 5/08
Location – Sumburgh Crescent

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

9. **GRANT OF A SECOND HAND DEALER'S LICENCE – MCCALLS JEWELLERS**
Application Reference Number - 5/09
Location – 11 Bridge Street, Aberdeen

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

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10. GRANT OF A SECOND HAND DEALER'S LICENCE – AF HIGH PERFORMANCE CARS LIMITED**Application Reference Number - 5/10****Location – 76 Willowbank Road, Aberdeen****Dates/Times – Monday to Friday, 16:00 to 18:00; Saturday 09:00 to 13:00**

With reference to article 2 of the minute of the meeting of the Licensing Urgent Business Sub Committee of 7 April 2015, the Committee had before it an information note from the interim Head of Legal and Democratic Services which reminded Members that the applicant had a similar application refused by the Committee on 7 April 2015 as the applicant had not provided a certificate stating that he had 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 twenty one days beginning with the date on which the application was submitted to the licensing authority.

The note explained that in terms of paragraph 6 of Schedule 1 to the Civic Government (Scotland) Act 1982, where a licensing authority had refused an application, it should not, within one year of their refusal, entertain a subsequent application for the grant of the same kind of licence in respect of the same activity in the same area, unless in their opinion there had been a material change of circumstances. Before it the Committee could determine the application, the Committee would have to decide if, in its opinion, there had been a material change.

The Committee heard from Mrs Lynn May, Legal Advisor, who advised that the applicant could not be present today, however he had submitted a letter for the Committee's consideration in respect of both the material change and the application itself. The letter was circulated to the Committee.

The Committee resolved:-

to agree that confirmation that the requirement 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 twenty one days beginning with the date on which the application was submitted to the licensing authority 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.

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11. VARIATION OF A STREET TRADER'S LICENCE – LIAM DAVIDSON**Application Reference Number - 5/11****Location – Poynerook Road (south west side – 18m east of Russell Road), Aberdeen**

The Committee was advised that this item had been placed on the agenda because it is an application for a variation of a street trader (hot food) licence at a new location and officers did not have delegated powers to grant such applications. The application had also attracted one representation from the Council's Traffic Management Team.

Mr Graeme McKenzie, Traffic Management Team, confirmed that the Traffic Management team had no objection to the application at present, however highlighted that this area was under development and in line with this the introduction of a controlled parking zone in the area was being considered. He further explained that should a controlled parking zone be introduced this might result in the street trader site being removed. Mr McKenzie advised that should this be the case, the applicant would receive sufficient warning in order to identify another location.

The applicant, Mr Davidson, was in attendance and spoke in support of his application, during which he advised that he was aware that a controlled parking zone might be introduced in this area and was happy to proceed with the current location.

The Committee resolved:-

to grant the application.

12. GRANT OF A STREET TRADER'S LICENCE – THE STREET CANTEEN**Application Reference Number - 6/12****Location – (1) Hareness Circle Eastern Arm, West Side 100m south of Hareness Road and (2) Wellington Circle Northern Arm, East Side 60m North of Wellington House Car Park Entrance and (3) Minto Drive Eastern Arm, West Side 135m South of Minto Place**

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 at new locations and officers did not have delegated powers to grant such applications.

The applicants, Mr Millar and Ms Miller, were in attendance. Mr Miller spoke in support of the application.

The Committee resolved:-

to grant the application.

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13. RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE – GENADIJS JUNDINS
Application Reference Number - 6/13

The Committee was advised that the application required to be determined by 21 October 2015, and to date the applicant had not passed the street knowledge test which was a requirement. The Committee was also advised that as a result of an administrative error the applicant had previously been granted a licence without having undertaken the knowledge test.

The applicant was not in attendance.

The Committee resolved:-

to defer the application to the next meeting of the Committee on 1 September 2015 to enable the applicant to be present.

14. GRANT OF A TAXI DRIVER'S LICENCE – FIRANESCU CONSTANTIN
Application Reference Number - 6/14

The Committee was advised that the application had been withdrawn.

15. RENEWAL OF A TAXI LICENCE – GEORGE ALEXANDER DUNCAN (T191)
Application Reference Number - 6/15

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

16. RENEWAL OF A TAXI LICENCE – ALBERT EDWARD MILNE (T851)
Application Reference Number - 6/16

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

17. RENEWAL OF A TAXI LICENCE – RAINBOW CARS LIMITED (T333)
Application Reference Number - 6/17

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

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18. RENEWAL OF A TAXI LICENCE – TX CAB (T587)
Application Reference Number - 6/18

The Committee was advised that the application required to be determined by 25 August 2015 and at present the vehicle was already licensed on plate number T888. It was further explained that it was not competent to “double” licence the vehicle and the applicant had been advised to substitute the vehicle for another vehicle or to surrender the licence.

The applicant was not present.

The Committee resolved:-

to refuse the application.

19. RENEWAL OF A TAXI LICENCE – ALEXANDER MASSIE (T384)
Application Reference Number - 6/19

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

20 RENEWAL OF A PRIVATE HIRE LICENCE – RAINBOW CARS LIMITED (PH182)
Application Reference Number - 6/20

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

21. RENEWAL OF A PRIVATE HIRE LICENCE – RAINBOW CARS LIMITED (PH232)
Application Reference Number - 6/21

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

22. RENEWAL OF A PRIVATE HIRE LICENCE – RAINBOW CARS LIMITED (PH054)
Application Reference Number - 6/22

The Committee was advised that the licence had been surrendered.

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23. RENEWAL OF A PRIVATE HIRE LICENCE – RAINBOW CARS LIMITED (PH033)
Application Reference Number - 6/23

The Committee was advised that the licence had been surrendered.

24. RENEWAL OF A PRIVATE HIRE LICENCE – LEE CHRISTOPHER ALLAN (PH152)
Application Reference Number - 6/24

The Committee was advised that the application required to be determined by 25 August 2015 and 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 on the applicant's new vehicle to be undertaken and thereafter to approve 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.

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APPENDIX B

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

The Committee was advised that the application had been withdrawn.

2. LANDLORD REGISTRATION APPLICATION
Application Reference Number - 6/02

The Committee had before it a letter of representation dated 2 June 2015, from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard DC Cumming, A Division Interventions, speak in its support.

The applicant was not present.

The Committee resolved:-
to refuse the application.

3. GRANT OF A TATTOO AND SKIN PIERCING LICENCE
Application Reference Number - 6/03

The Committee had before it a letter of objection dated 17 April 2015, from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard Sergeant Gillian Flett, speak in its support.

As a preliminary point, Sergeant Flet sought the Committee's approval to introduce details of the applicant's spent convictions on the basis that justice could not be done except by admitting or requiring evidence relating to the spent convictions.

Members heard general information as to the age, class and penalty for the offences to assist them in considering the seriousness of the spent convictions, in order to consider whether justice could not be done except by admitting the convictions.

The applicant had no objection to the spent convictions being admitted to the proceedings.

The Committee resolved:-
to admit the spent convictions into the proceedings for consideration.

Thereafter, the Committee heard from the applicant in support of the application. The Convener moved as a motion:

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that the application be granted.

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

that the application be refused.

The Convener's amendment failed to attract a seconder and therefore was not put to the vote.

The Committee resolved:-

- (i) to refuse the application; and
- (ii) to request officers to write to the Scottish Government regarding the potential risks in respect of the current legislation for licencing of skin piercing and tattooing.

4. **VARIATION OF A LATE HOURS CATERING LICENCE**

Application Reference Number - 6/04

With reference to (1) article 1 of appendix B of the minute of the meeting of the Committee of 2 September 2014 and (2) the minute of the Evidential Hearings Sub Committee of 16 June 2015, the Committee had before it a report from the interim Director of Corporate Governance in respect of the licence holder and a proposal to vary the existing licence.

The applicant was in attendance. Both the applicant and Sergeant Gillian Flett, Police Scotland, confirmed they were satisfied with the proposed variation.

The Committee resolved:-

to approve the proposed variation to the applicant's existing licence conditions.

5. **GRANT OF A TAXI DRIVER'S LICENCE**

Application Reference Number - 6/05

The Committee had before it a letter of objection dated 3 February 2015, from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard Sergeant Gillian Flett speak in its support.

The Committee was also advised that to date the applicant had not passed the required street knowledge test.

The applicant was not in attendance

The Committee resolved:-

to refuse the application.

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6. GRANT OF A TAXI DRIVER'S LICENCE

Application Reference Number - 6/06

The Committee had before it a letter of representation dated 19 February 2015, from the Chief Constable, Police Scotland, c/o Aberdeen City Division.

As a preliminary point, Sergeant Flett, advised that she wished to vary the letter of representation from Police Scotland. Sergeant Flett then spoke in support of the amended letter.

The Committee was also advised that to date the applicant had not passed the required street knowledge test.

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

The Committee resolved:-

to defer consideration of the application to enable the street knowledge test to be undertaken and thereafter to approve under delegated powers if appropriate or, otherwise to refer the application to the Licensing Urgent Business Sub Committee should the applicant not pass the street knowledge test.

7. GRANT OF A TAXI DRIVER'S LICENCE

Application Reference Number - 6/07

The Committee had before it a letter of objection dated 8 May 2015, 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 refuse the application.

8. RENEWAL OF A TAXI DRIVER'S LICENCE

Application Reference Number - 6/08

The Committee had before it letters from the Committee's nominated Occupational Health Service Provider (Optima Health) dated 11 March 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.

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9. RENEWAL OF A TAXI DRIVER'S 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 30 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.

10. RENEWAL OF A TAXI DRIVER'S 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 10 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.

11. RENEWAL OF A TAXI DRIVER'S 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 6 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 in one year's time.

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12. RENEWAL OF A TAXI DRIVER'S LICENCE

Application Reference Number - 6/12

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:-

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

13. RENEWAL OF A TAXI DRIVER'S LICENCE

Application Reference Number - 6/13

The Committee was advised that the application had been withdrawn.

14. RENEWAL OF A TAXI DRIVER'S LICENCE

Application Reference Number - 6/14

The Committee was advised of the current status of the application.

The applicant was 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 Sub Business Committee.

15. RENEWAL OF A TAXI DRIVER'S LICENCE

Application Reference Number - 6/15

With reference to article 15 of appendix B of the minute of its meeting of 12 May 2015, the Committee had before it a letter of objection 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 applicant was in attendance and spoke in support of the application.

The Committee resolved:-

to grant the application.

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16. RENEWAL OF A TAXI LICENCE
Application Reference Number - 6/16

With reference to article 15, of appendix B of the minute of its meeting of 12 May 2015, the Committee had before it a letter of objection 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 applicant was in attendance and spoke in support of the application.

The Committee resolved:-
to grant the application.

17. RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 6/17

The Committee had before it a letter from the Committee's nominated Occupational Health Service Provider (Optima Health) dated 15 May 2015, in relation to the applicant.

The applicant was not in attendance. Mrs Lynn May, Legal Advisor, explained that she had spoken to the applicant by telephone and advised of the applicant's comments in respect of the application.

The Committee resolved:-
to refuse the application.

18. RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 6/18

The Committee had before it a letter from the Committee's nominated Occupational Health Service Provider (Optima Health) dated 29 June 2015 which was tabled, 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.

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19. RENEWAL OF A TAXI DRIVER'S LICENCE

Application Reference Number - 6/19

The Committee had before it a letter of representation dated 19 February 2015, 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 respect of the application during which he advised that he wished to withdraw the application at this time.

The Committee resolved:-

- (i) to note that the application had been withdrawn; and
- (ii) to waive the application fee and the requirement to undertake a street knowledge test should the applicant apply in the future.

20. RENEWAL OF A TAXI DRIVER'S LICENCE

Application Reference Number - 6/20

The Committee had before it a letter from the Committee's nominated Occupational Health Service Provider (Optima Health) dated 11 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 in one year's time.

21. RENEWAL OF A TAXI DRIVER'S LICENCE

Application Reference Number - 6/21

The Committee had before it a letter from the Committee's nominated Occupational Health Service Provider (Optima Health) dated 28 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 annually.

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22. RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 6/22

The Committee was advised that the licence had been surrendered.

23. RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 6/23

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 in attendance with a representative and spoke in support of the application.

The Committee resolved:-
to grant the application.

24. RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 6/24

The Committee had before it a letter (1) from the Committee's nominated Occupational Health Service Provider (Optima Health) dated 21 April 2015, in relation to the applicant and (2) of objection dated 6 March 2015, from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard Sergeant Gillian Flett speak in its support.

The applicant and his representative were in attendance and spoke in support of the application.

The Committee resolved:-
to defer consideration of the application to allow for further updated medical reports 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.

25. RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 6/25

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

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26. RENEWAL OF A TAXI DRIVER'S LICENCE**Application Reference Number - 6/26**

The Committee had before it a letter from the Committee's nominated Occupational Health Service Provider (Optima Health) dated 2 June 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.

27. GRANT OF A TAXI DRIVER'S LICENCE**Application Reference Number - 6/27**

With reference to article 2 of the minute of the meeting of the Licensing Urgent Business Sub Committee of 12 January 2015, the Committee had before it (1) an information note from the interim Head of Legal and Democratic Services which reminded Members that the applicant had a similar application refused by the Committee on 12 January 2015 as the applicant did not meet DVLA group 2 medical standards; and (2) a letter from the Committee's nominated Occupational Health Service Provider (Optima Health) dated 14 April 2015, which was tabled, in relation to the applicant.

The note explained that in terms of paragraph 6 of Schedule 1 to the Civic Government (Scotland) Act 1982, where a licensing authority had refused an application, it should not, within one year of their refusal, entertain a subsequent application for the grant of the same kind of licence in respect of the same activity in the same area, unless in their opinion there had been a material change of circumstances. Before it the Committee could determine the application, the Committee would have to decide if, in its opinion, there had been a material change.

The applicant was present and advised that the material change was that he now met the DVLA group 2 medical standards.

The Committee resolved:-

to agree that the confirmation that the applicant now met DVLA group 2 standards constituted a material change of circumstances and therefore to consider the application.

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

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The Committee resolved:-

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