

LICENSING COMMITTEE

ABERDEEN, 26 April 2016. Minute of meeting of the LICENSING COMMITTEE.
Present: Councillor Carle, Convener; and Councillors Allan, Boulton, Corall (as substitute for Councillor Townson), Copland, Crockett, Delaney, Lesley Dunbar, Graham, Hutchison, MacGregor, Malik, Malone (from article 9 onwards) and Nicoll.

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=3831&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 THE LICENSING COMMITTEE OF 8 MARCH 2016

1. The Committee had before it the minute of its meeting of 8 March 2016.

The Committee resolved:

to approve the minute as a correct record.

MINUTE OF MEETING OF THE LICENSING COMMITTEE OF 6 APRIL 2016

2. The Committee had before it the minute of its meeting of 6 April 2016.

The Committee resolved:

to approve the minute as a correct record.

MINUTE OF MEETING OF THE LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE OF 10 MARCH 2016

3. The Committee had before it the minute of the meeting of the Licensing Evidential Hearings Sub Committee of 10 March 2016.

The Committee resolved:

to approve the minute as a correct record.

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MINUTE OF MEETING OF THE TAXI CONSULTATION GROUP OF 1 MARCH 2016

4. The Committee had before it the minute of the meeting of the Taxi Consultation Group of 1 March 2016.

The Committee resolved:

- (i) to note that the recommendation proposed by the Consultation Group at article 9 of the minute would be taken forward as part of the report previously requested by the Committee in respect of proposals for street knowledge testing for private hire drivers once section 64 of the Air Weapons and Licensing (Scotland) Act 2015 was in force;
- (ii) to note that the recommendations proposed by the Consultation Group at article 10 of the minute had been reflected in the report on the age of vehicle policy to be considered by Council on 11 May 2016; and
- (iii) to otherwise note the minute.

COMMITTEE BUSINESS STATEMENT

5. The Committee had before it a statement of Committee Business prepared by the Head of Legal and Democratic Services.

The Committee resolved:

- (i) to remove item 4 (Licensing Application Fees 2016/2017) subject to the decision taken later on today's agenda; and
- (ii) to otherwise note the updates contained within the statement.

MOTIONS LIST

6. The Committee had before it a list of motions as prepared by the Head of Legal and Democratic Services.

The Committee resolved:

to note the motions list.

LICENSING APPLICATION FEES 2016 - 2017

7. With reference to article 1 of the minute of the meeting of the Licensing Committee of 8 March 2016, the Committee had before it a report by the Interim Director of Corporate Governance which advised of the proposed level of application fees for licences administered through the Civic Government (Scotland) Act 1982 and other miscellaneous statutes and to obtain the Committee's approval for the fees to come into effect on 1 April 2016.

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The report recommended:-

that the Committee approve the maintenance of the fees at the current levels.

The Committee resolved:

to approve the recommendation.

LEGAL SERVICES

8. The Convener advised that three long serving employees within Legal Services, namely: Eric Anderson (27 years), Bill Gordon (42 years) and Fiona Selbie (36 years) had recently retired from the Council and he thanked them for their contribution and service to the Council.

The Committee resolved:

to concur with the Convener's remarks.

APPLICATION FOR LICENCES

9. 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

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 GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 5/01
Premises – 1 Seaview Road, Bridge of Don, Aberdeen

The Committee was advised that the application had been withdrawn.

2. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 5/02
Premises - 56 Montrose Drive, Aberdeen

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

3. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 5/03
Premises - 27 Bothwell Road, Aberdeen

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

4. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 5/04
Premises - 30E Bedford Road, Aberdeen

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

5. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 5/04
Premises - 45G Kingsgate, Aberdeen

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

The Committee heard from one of the respondents, Mr Armour. The Committee asked questions of the respondent.

The second respondent, F.G Burnett was not present, and was not represented.

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

The Committee asked questions of Mr Ritchie.

The Committee resolved:

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

6. RENEWAL OF AN INDOOR SPORTS ENTERTAINMENT LICENCE**Application Reference Number – 5/06****Premises – Aberdeen Sports Village**

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application.

The applicant was not in attendance.

A representative from Building Standards was not present.

The Committee heard from Ruth O'Hare, Legal Advisor, who advised that Building Standards had made reference to a prior agreement regarding the operating of the aquatics centre. The applicant had submitted a request to deviate from this agreement and was seeking to vary the terms of the licence.

The Committee resolved:

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub Committee to enable the applicant and a representative from Building Standards to be present.

7. RENEWAL OF A STREET TRADER'S (HOT FOOD) LICENCE - TUANJAI MEARNS**Application Reference Number – 5/07****Premises – Howe Moss Avenue, South Side, 20metres West of Eastern Spur of Howe Moss Terrace**

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application.

The applicant was not in attendance.

The Committee heard from Andrew Gilchrest, Environmental Health, who confirmed that a required food safety application had yet to be received, however he had been in touch and advised the applicant of the requirements.

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The Committee resolved:

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub Committee, however should a food safety certificate be received in advance of that meeting the Head of Legal and Democratic Services could grant the application under delegated powers if appropriate.

8. GRANT OF A STREET TRADER'S LICENCE – DAVID THOMAS**Application Reference Number – 5/08****Premises – St Nicholas Street, East Side, 53metres North of Union Street****Operating Hours – Monday to Sunday, 8am to 7pm**

With reference to article 2 of the minute of the meeting of the Licensing Committee of 8 March 2016, the Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application.

The applicant was not in attendance.

The Committee resolved:

to refuse the application.

9. RENEWAL OF A TAXI LICENCE – ALEXIS MURRAY (T663)**Application Reference Number – 5/09**

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

10. RENEWAL OF A TAXI LICENCE – RAINBOW CARS LIMITED (T705)**Application Reference Number – 5/10**

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

11. RENEWAL OF A TAXI LICENCE – GRAHAM MCLEOD (T164)**Application Reference Number – 5/11**

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

12. RENEWAL OF A TAXI LICENCE – ERIC LAWRIE (T281)**Application Reference Number – 5/12**

The Committee was advised that the application had been withdrawn.

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**13. RENEWAL OF A TAXI LICENCE – BRIAN FENTY (T381)
Application Reference Number – 5/13**

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

**14. RENEWAL OF A TAXI LICENCE – BRIAN WOOD (T782)
Application Reference Number – 5/14**

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

**15. RENEWAL OF A TAXI LICENCE – GRAHAM MCLEOD (T164)
Application Reference Number – 5/15**

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

**16. RENEWAL OF A TAXI LICENCE – RAINBOW CARS LIMITED (T322)
Application Reference Number – 5/16**

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 – 5/17**

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

**18. RENEWAL OF A TAXI LICENCE – WILLIAM ROBERTSON (T543)
Application Reference Number – 5/18**

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

**19. RENEWAL OF A PRIVATE HIRE CAR LICENCE – RAINBOW CARS LIMITED (PH275)
Application Reference Number – 5/19**

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

20. RENEWAL OF A PRIVATE HIRE CAR LICENCE – RAINBOW CARS LIMITED (PH177)

Application Reference Number – 5/20

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

21. RENEWAL OF A TAXI DRIVER'S LICENCE – SHAUN WYNESS

Application Reference Number – 5/21

The Committee was advised that the application had been withdrawn.

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APPENDIX B

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

With reference to article 1 of appendix B of the minute of the meeting of the Licensing Committee of 8 March 2016, the Committee had before (1) a report by Mr Ally Thain, Private Sector Housing Manager; (2) a letter from the applicant; and (3) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division and Sergeant Gillian Flett was in attendance.

The applicant was in attendance and advised of his position.

The Convener, seconded by Councillor Copland moved:-
that the registration be granted.

Councillor Delaney, seconded by Councillor Boulton moved as an amendment:-
that the registration be refused on the grounds that the applicant was not a fit and proper person.

On a division, there voted:- for the motion (7) – the Convener and Councillors Copland, Corall, Crockett, Lesley Dunbar, Graham, and Malik; for the amendment (6) – Councillors Allan, Boulton, Delaney, Hutchison, MacGregor and Nicoll; absent from the division (1) – Councillor Malone.

The Committee resolved:

to suspend standing order 22(1) and to adopt the motion.

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

The Committee had before (1) a report by Mr Ally Thain, Private Sector Housing Manager; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division and Sergeant Gillian Flett was in attendance.

The applicant was not in attendance, however the Committee was advised that the applicant had requested that the item be deferred and considered at its next meeting.

The Committee resolved:

to defer consideration of the landlord registration application to the next meeting of the Committee on 14 June 2016 to enable the applicant to be present.

3. RENEWAL OF A TAXI DRIVER'S LICENCE

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Application Reference Number – 6/03

The Committee had before it a letter from the Committee's nominated Occupational Health Service Provider (OH Assist) dated 27 January 2016, in relation to the applicant.

The applicant was present, accompanied by her husband and spoke in support of her application.

The Committee resolved:

to defer consideration of the application to allow OH Assist to receive a medical report from the applicant's GP and thereafter for OH Assist to report to the Head of Legal and Democratic Services, after which time the Head of Legal and Democratic Services could grant the application under delegated powers if the applicant met the Group 2 DVLA medical criteria, or otherwise refer it to the Licensing Urgent Business Sub Committee meeting to be held on 29 April 2016.

4. **RENEWAL OF A TAXI DRIVER'S LICENCE** **Application Reference Number – 6/04**

The Committee had before it a letter from the Committee's nominated Occupational Health Service Provider (OH Assist) dated 24 February 2016, in relation to the applicant.

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

Councillor Boulton, seconded by Councillor Graham moved:-

that the application be deferred to receive further information from OH Assist and the applicant's GP, subject to approval by the applicant for this information to be issued.

Councillor MacGregor, seconded by Councillor Nicoll moved as an amendment:-
that the application be refused.

On a division, there voted:- for the motion (5) – Councillors Boulton, Corall, Delaney, Graham and Malik; for the amendment (9) – the Convener and Councillors Allan, Copland, Crockett, Lesley Dunbar, Hutchison, MacGregor, Malone and Nicoll.

The Committee resolved:

to adopt the amendment.

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**5. GRANT OF A TAXI DRIVER'S LICENCE
Application Reference Number – 6/05**

The Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division and Sergeant Gillian Flett was in attendance to speak in its support.

The applicant was not present.

The Committee resolved:

to defer consideration of the application to the next meeting of the Committee on 14 June 2016 to provide the applicant with another opportunity to be present.

**6. GRANT OF A TAXI DRIVER'S LICENCE
Application Reference Number – 6/06**

The Committee had before it a letter of objection 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.

Councillor Boulton, seconded by Councillor Malone moved:-
that the application be granted for a one year period.

Councillor Crockett, seconded by the Convener moved as an amendment:-
that the application be refused.

On a division, there voted:- for the motion (3) – Councillors Boulton, Malik and Malone; for the amendment (11) – the Convener and Councillors Allan, Copland, Corall, Crockett, Delaney, Lesley Dunbar, Graham, Hutchison, MacGregor and Nicoll.

The Committee resolved:

to adopt the amendment.

**7. GRANT OF A TAXI DRIVER'S LICENCE
Application Reference Number – 6/07**

The Committee had before it a letter of objection 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, accompanied by his solicitor who spoke in support of the application.

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Councillor Boulton, seconded by Councillor Allan moved:-
that the application be granted for a one year period subject to the applicant passing the required street knowledge test.

Councillor Nicoll, seconded by Councillor Copland moved as an amendment:-
that the application be refused.

On a division, there voted:- for the motion (5) – the Convener and Councillors Allan, Boulton, Graham and Malik; for the amendment (9) –and Councillors Copland, Corall, Crockett, Delaney, Lesley Dunbar, Hutchison, MacGregor, Malone and Nicoll.

The Committee resolved:
to adopt the amendment.

8. **GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE**
Application Reference Number – 6/08

With reference to article 4 of appendix B of the minute of the meeting of the licensing Committee of 8 March 2016, the Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division and Sergeant Gillian Flett was in attendance to speak in its support.

The applicant was not in attendance.

The Committee resolved:
to defer consideration of the application to the next meeting of the Committee on 26 April 2016 to provide another opportunity for the applicant to be present.

9. **GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE**
Application Reference Number – 6/09

With reference to article 5 of appendix B of the minute of the meeting of the licensing Committee of 8 March 2016, the Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division and Sergeant Gillian Flett was in attendance to speak in its support.

Sergeant Flett provided an update on the status of the case.

The applicant was in attendance and advised of his understanding of status of the case.

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The Committee resolved:

to defer consideration of the application to the next meeting of the Committee on 14 June 2016 to enable the position in respect of the case to be clarified and to request officers to write to the Procurator Fiscal to confirm the status of the case.

**10. GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE
Application Reference Number – 6/10**

The Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division and Sergeant Gillian Flett was in attendance and spoke in its support.

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

The Committee resolved:

to grant the application.

**11. GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE
Application Reference Number – 6/11**

The Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division and Sergeant Gillian Flett was in attendance to speak in its support.

The applicant was not in attendance and had requested that consideration be deferred to the next meeting.

The Committee resolved:

to defer consideration of the application to the next meeting of the Committee on 14 June 2016 to enable the applicant to be present.

**12. GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE
Application Reference Number – 6/12**

The Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division and Sergeant Gillian Flett was in attendance to speak in its support.

The applicant was not in attendance.

The Committee resolved:

to defer consideration of the application to the next meeting of the Committee on 14 June 2016 to enable the applicant to be present.

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**13. GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE
Application Reference Number – 6/13**

The Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division. Sergeant Gillian Flett was in attendance and advised that the letter of representation from Police Scotland had been withdrawn.

The applicant was not in attendance.

The Committee resolved:

to note that the letter of representation from Police Scotland had been withdrawn and therefore the application would be dealt with under delegated powers.