

LICENSING COMMITTEE

ABERDEEN, 25 October 2016. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Boulton, Convener; and Councillors Allan (from article 10 of appendix A), Cooney (as a substitute for Councillor Allan up to article 9 of Appendix A), Copland, Delaney, Lesley Dunbar, Graham, Hutchison, MacGregor, Malone, Nicoll, Samarai and Townson.

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MIId=3873&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.

REQUEST FOR DEPUTATION

1. The Committee had before a request for deputation from Mr McColl, Aberdeen Taxi Centre in relation to item 5.1 (Taxi Fare Review). Members noted that the request was received outwith the timescales stated in Standing Order 10(1).

The Committee resolved:

to suspend Standing Order 10(1) and thereby to agree to hear the deputation from Mr McColl in relation to item 5.1 (Taxi Fare Review) (article 9 refers) immediately prior to consideration of the report.

MINUTE OF PREVIOUS MEETING OF 23 AUGUST 2016

2. The Committee had before it the minute of its previous meeting of 23 August 2016.

The Committee resolved:

to approve the minute as a correct record.

MINUTE OF MEETING OF LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE OF 23 SEPTEMBER 2016

3. The Committee had before it the minute of the meeting of the Licensing Evidential Hearings Sub Committee of 23 September 2016.

The Committee resolved:

to approve the minute as a correct record.

LICENSING COMMITTEE

25 October 2016

MINUTES OF MEETINGS OF THE LICENSING URGENT BUSINESS SUB COMMITTEE OF 1 AND 23 SEPTEMBER 2016

4. The Committee had before it the minutes of the meetings of the Licensing Urgent Business Sub Committee of 1 and 23 September 2016.

The Committee resolved:

to approve the minutes as a correct record.

MINUTE OF THE MEETING OF THE TAXI CONSULTATION GROUP OF 5 OCTOBER 2016

5. The Committee had before it the minute of the meeting of the Taxi Consultation Group of 5 October 2016.

The Committee resolved:

- (i) in relation to item 3 (Taxi Fare Review), resolutions (i) and (iii), to request the Licensing Team Leader, as part of the current taxi fare review, to explore ways in which any future increase in airport access charges could be mitigated by the Council in a timely manner and to instruct the Licensing Team Leader to undertake a review of the existing taxi fare formula, including surcharges, following the completion of the current taxi fare review;
- (ii) in relation to item 4 (Taxi Ranks), to instruct the Licensing Team Leader to undertake a full review of taxi rank provision and location within the city, in consultation with the Roads Infrastructure Manager and all appropriate parties, to identify where suitable additional taxi ranks could be provided if appropriate and to report back on the outcome of the review to a future meeting of the Committee for consideration of the findings; and
- (iii) to otherwise note the minute.

COMMITTEE BUSINESS STATEMENT

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

The Committee resolved:

- (i) in relation to item 2 (Training for Taxi Drivers), to note that a report would be submitted to the next meeting of the Committee on 13 December 2016;
- (ii) in relation to item 3 (Private Hire Driver Training - section 64 of the Air Weapons and Licensing (Scotland) Act 2015), resolution (a) to note that a report would be submitted to the next meeting of the Committee on 13 December 2016;
- (iii) in relation to item 3 (Private Hire Driver Training - section 64 of the Air Weapons and Licensing (Scotland) Act 2015), resolution (b) to note that officers expected the Act to be enforced early in 2017 and would report to the Committee at that time; and

LICENSING COMMITTEE

25 October 2016

- (iv) in relation to item 5 (Review of Accessible Vehicle Policy), to request the Licensing Team Leader to follow up the letter to the Chief Executive of Dundee City Council seeking clarity in and around their mixed fleet policy and report to the next meeting of the Committee in this regard.

FILM CLASSIFICATIONS - BELMONT FILMHOUSE

7. The Committee had before it 26 requests for film classification for screening at Belmont Cinema as follows:-

- (i) 24 Weeks – suggested rating 15
- (ii) A Farm of Passage – suggested rating 12A
- (iii) At Home in the World – suggested rating 12A
- (iv) Demon – suggested rating 15
- (v) The Red Spider – suggested rating 15
- (vi) A Silent Voice – suggested rating 12A
- (vii) Kizumonogatari (Part 1 and 2) – suggested rating 15
- (viii) Persona 3 – suggested rating 12A
- (ix) Princess Arete – suggested rating PG
- (x) Shadow World – suggested rating 15
- (xi) Sonita – suggested rating 12A
- (xii) Take One Action School Screening – suggested rating PG
- (xiii) Tomorrow – suggested rating PG
- (xiv) Walls – suggested rating U
- (xv) From Caligari to Hitler – suggested rating PG
- (xvi) The Red Turtle – suggested rating PG
- (xvii) Long Way North – suggested rating PG
- (xviii) Caprice – suggested rating 15
- (xix) From the Land of the Moon – suggested rating 15
- (xx) Fanny's Journey – suggested rating PG
- (xxi) France Tour – suggested rating 15
- (xxii) In Bed with Victoria – suggested rating 15
- (xxiii) Made in France – suggested rating 18
- (xxiv) Dark Inclusion – suggested rating 18
- (xxv) The New Kid- suggested rating 12
- (xxvi) Learn by Heart – suggested rating 12

The Committee resolved:

to approve the film classification certificates as listed above.

APPLICATION FOR LICENCES

8. The Committee had before it, for its consideration, the applications listed in Appendix A to this minute.

LICENSING COMMITTEE

25 October 2016

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

9. (A) In terms of Standing Order 10(1), the Committee received a deputation from Mr McColl, Aberdeen Taxi Centre, who advised that the taxi trade was supportive of the recommendations in the report, in particular the increase of the £1 surcharge for non-airport zoned taxis dropping off at the inner forecourt of the airport to £2 due to the increase to £2 levied by the Aberdeen International Airport.

He also supported a review of the existing formula and surcharges to ensure that the cost pressures experienced by taxi drivers were fully reflected in the formula.

The Committee asked a number of questions of Mr McColl.

(B) The Committee had before it a report by the Interim Director of Corporate Governance which presented information to enable the Committee to make an informed decision on any changes to be made to the current taxi fare tariff and comply with its duty to review taxi fares under section 17 of the Civic Government (Scotland) Act 1982.

The report recommended –
that the Committee

- (a) to note the report and representations made by members of the trade;
- (b) to agree to maintain the basic tariff and surcharges at their current levels;
- (c) to instruct officers to meet with trade representatives to explore the restructure of tariff charges and report back to the Committee thereafter;
- (d) to agree to increase the £1 surcharge for non-airport zoned taxis dropping off at the inner forecourt of the airport to £2;
- (e) to instruct officers to amend the fare card at surcharge 5 to reflect the holiday dates for 2017 and 2018;
- (f) to instruct the Head of Legal and Democratic Services to advertise the general effect of the proposals and the date when it was proposed that they would take effect; and
- (g) to instruct the Head of Legal and Democratic Services to undertake a review of the taxi fare formula and report back to the Committee the findings.

The Committee resolved:

- (i) to approve the recommendations; and
- (ii) to note that discussions with Aberdeen International Airport regarding the recent increased fee for non airport taxis dropping passengers off at the airport concourse were ongoing and to request that the Committee be updated on these discussions as appropriate.

LICENSING COMMITTEE

25 October 2016

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

- COUNCILLOR MARIE BOULTON, Convener.

LICENSING COMMITTEE

25 October 2016

APPENDIX A

1. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION

Application Reference Number – 4/01

Premises - 37 Spital Walk, Aberdeen

The Committee had before it a report by the Private Sector Housing Manager in respect of the application and three letters of representation.

The applicant, Mr Renton, was in attendance.

One of the respondents, Mr Dewi Morgan, on behalf of Old Aberdeen Community Council was in attendance and spoke in support of the letter of representation. The Committee asked questions of Mr Morgan. The other respondents, namely: the Old Aberdeen Heritage Society and T. W. Farquharson were not in attendance, nor were they represented.

The Committee then heard from the applicant in support of the application. The Committee asked questions of the applicant.

Councillor Townson, seconded by Councillor Nicoll moved:-
that the Committee grant the application.

Councillor Cooney, seconded by Councillor Lesley Dunbar moved as an amendment:-
that the Committee refuse the application on the grounds that the location of the property was unsuitable.

On a division, there voted:- for the motion (10) – the Convener and Councillors Copland, Delaney, Graham, Hutchison, MacGregor, Malone, Nicoll, Samarai and Townson; for the amendment (2) – Councillors Cooney and Lesley Dunbar.

The Committee resolved:

- (i) to adopt the motion; and
- (ii) to note that officers would review the format of reports submitted to the Committee.

2. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION

Application Reference Number – 4/02

Premises - 170 Sinclair Road, Aberdeen

The Committee had before it a report by the Private Sector Housing Manager in respect of the application which advised that the application was before the Committee as the applicant did not own the property and section 129(1) of Part 5 of the Housing (Scotland) Act 2006, as amended stated:

LICENSING COMMITTEE

25 October 2016

“An application to a local authority for an HMO licence may be made only by an owner of living accommodation concerned”.

The applicant, Mr Campbell, was in attendance and spoke in support of the application. The Committee asked questions of the applicant.

The Committee resolved:

to refuse the application on the grounds that the application did not comply with section 129(1) of Part 5 of the Housing (Scotland) Act 2006, as amended.

3. APPLICATION FOR THE GRANT OF A PUBLIC CHARITABLE COLLECTION - INSPIRE PTL**Application Reference Number – 4/03****Location – Beach Boulevard and Queen’s Links, Aberdeen****Date – 5 November 2016**

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

The information note advised that this item had been placed on the agenda because the applicant was seeking to hold a public charitable collection, on Saturday 5 November 2016 at the beach. Permission had already been granted for a street collection for that date in the same area and Committee only permits one collection in a locality at a time.

Mr Reid, Inspire Community Fundraiser, was in attendance on behalf of the applicant and spoke in support of the application.

The Committee resolved:-

to grant the application.

4. APPLICATION FOR THE RENEWAL OF A PUBLIC ENTERTAINMENT LICENCE - ABERDEEN BRIDGE OF DON OLDMACHAR CHURCH OF SCOTLAND**Application Reference Number – 4/04**

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had been placed on the agenda as there was outstanding building works required and it had to be determined by 7 December 2016.

The applicant was not in attendance.

LICENSING COMMITTEE

25 October 2016

The Committee resolved:

to defer consideration of the application to enable a clear building safety certificate to be received, after which time the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise refer it to the Licensing Urgent Business Sub Committee for consideration

5. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE - MUSTAFA KAHRAMAN

Application Reference Number – 4/05

Location – Snappy Tomato Pizza, 84 Huntly Street, Aberdeen

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

The information note advised that the application had been placed on the agenda as the application had to be determined by 7 December 2016 and to date 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 21 days beginning with the date on which the application was submitted.

The applicant was not in attendance.

The Committee resolved:

to refuse the application.

6. APPLICATION FOR THE RENEWAL OF A STREET TRADER'S (HOT FOOD) LICENCE - ELAINE GLENNIE

Application Reference Number – 4/06

Location – Craigshaw Drive, 150m west of Wellington Road

Operating Hours – Monday to Saturday, 08:00 to 14:00hrs

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

7. APPLICATION FOR THE GRANT OF A TEMPORARY STREET TRADER'S LICENCE - SVEN SCHMIDT

Application Reference Number – 4/07

Location – Civic Square, Union Square, Aberdeen

Operating Period – 29 October to 9 December and 10 December to 4 January 2017

LICENSING COMMITTEE

25 October 2016

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

The information note advised that the application had been placed on the agenda as there was a guideline that no street trading was permitted on Union Street or any pedestrian area in the city centre except where a special case could be made out by the applicant as to why the guideline should not apply.

The applicant's solicitor Mr McGowan was in attendance and spoke in support of the application during which he advised why this was a special case and why the guideline should not apply in this case. He also clarified that the applicant was seeking to operate daily, 12pm to 10pm, from 10 December 2016 to 4 January 2017.

The Committee resolved:

to defer consideration of the application to enable a food safety certificate to be received, after which time the Head of Legal and Democratic Services could grant the application under delegated powers for the operating period of 10 December 2016 to 4 January 2017, 12pm to 10pm, or otherwise refer it to the Licensing Urgent Business Sub Committee for consideration.

8. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE - RICHARD PAUL GREIG
Application Reference Number – 4/08

The Committee was advised that the application had been withdrawn.

9. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE - EDWARD DONALD
Application Reference Number – 4/09

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

The information note advised that the application had been placed on the agenda as it required to be determined by 28 March 2017 and to date the applicant had not passed the street knowledge test and he had requested that he be exempt from this requirement.

The applicant was not in attendance.

The Committee resolved:

to defer consideration of the application to the next meeting of the Committee on 13 December 2016 to provide the applicant with another opportunity to be present.

LICENSING COMMITTEE

25 October 2016

10. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE - MARCIN KUCHTA
Application Reference Number – 4/10

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

The information note advised that the application had been placed on the agenda as it required to be determined by 2 April 2017 and to date the applicant had not passed the street knowledge test and he had requested that he be exempt from this requirement.

The applicant, Mr Kuchta, was in attendance and spoke in support of his application, during which he explained why he should not be required to pass the knowledge test.

The Committee resolved:

to grant the application.

11. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE - KEVIN MCKENZIE
Application Reference Number – 4/11

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

The information note advised that the application had been placed on the agenda as it required to be determined by 2 April 2017 and to date the applicant had not passed the street knowledge test and he had requested that he be exempt from this requirement.

The applicant, Mr McKenzie, was in attendance and spoke in support of his application, during which he explained why he should not be required to pass the knowledge test.

Councillor Townson, seconded by Councillor MacGregor moved:-
 that the Committee grant the application.

Councillor Delaney, seconded by Councillor Copland moved as an amendment:-
 that the Committee refuse the application on the grounds that the applicant had not passed the street knowledge test.

On a division, there voted:- for the motion (8) –Councillors Allan, Lesley Dunbar, Graham, Hutchison, MacGregor, Nicoll, Samarai and Townson; for the amendment (4) – the Convener and Councillors Copland, Delaney and Malone.

LICENSING COMMITTEE

25 October 2016

The Committee resolved:

to adopt the motion.

**12. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE -
SURYA ADHIKARI
Application Reference Number – 4/12**

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

**13. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE -
USAAMAH TOUFIQUE
Application Reference Number – 4/13**

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

The information note advised that the application had been placed on the agenda as it required to be determined by 9 December 2016 and to date the applicant had not provided a copy of his/her driving licence.

The applicant was not in attendance.

The Committee resolved:

to refuse the application.

LICENSING COMMITTEE
25 October 2016

APPENDIX B

DECLARATIONS OF INTEREST

Prior to consideration of the following item, Councillors MacGregor and Samarai declared an interest in the following article by virtue of knowing the applicant, and withdrew from the meeting prior to consideration of the application.

1. LANDLORD REGISTRATION
Application Reference Number - 6/01

With reference to article 2 of appendix B of the minute of the meeting of the Licensing Committee of 23 August 2016, the Committee had before it (1) a report by the Private Sector Housing Manager; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 27 June 2016 and Sergeant Jardine was in attendance to speak in support of the letter.

The applicant was in attendance, represented by his solicitor, Ms Wilson, who spoke in support of the application. The Committee asked questions of the applicant's representative.

The Committee resolved:
to refuse the landlord registration.

DECLARATION OF INTEREST

Prior to consideration of the following item, Councillor Samarai declared an interest in the following article by virtue of knowing the applicant through her previous employment, and withdrew from the meeting prior to consideration of the application.

2. GRANT OF A LATE HOURS CATERING LICENCE
Application Reference Number - 6/02

With reference to article 5 of the minute of the meeting of the Licensing Committee of 23 August 2016, the Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 14 June 2016, and Sergeant Jardine was in attendance and spoke in support of the letter of objection.

The applicant was not in attendance.

The Committee resolved:-
to refuse the application.

LICENSING COMMITTEE

25 October 2016

3. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE

Application Reference Number - 6/03

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 in attendance and spoke in support of the application.

The Committee resolved:

to refuse the application.

DECLARATION OF INTEREST

Prior to consideration of the following item, Councillor Samarai declared an interest in the following article by virtue of knowing the applicant through her previous employment, and withdrew from the meeting prior to consideration of the application.

4. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE

Application Reference Number - 6/04

Mrs Harrison, Legal Advisor, advised that Police Scotland wished to lodge a supplementary letter of objection in respect of the application and highlighted that this was submitted 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 Jardine, Police Scotland who explained why the letter of objection was late and should be considered today.

The applicant was not in attendance.

The Committee resolved:-

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

The Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 31 August 2016, and Sergeant Jardine was in attendance and spoke in support of the letter of objection.

The Committee resolved:

to refuse the application.

LICENSING COMMITTEE

25 October 2016

5. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE

Application Reference Number - 6/05

With reference to article 9 of appendix B, of the minute of the meeting of the Licensing Committee of 23 August 2016, the Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 30 May 2016, and Sergeant Jardine was in attendance to spoke in support of the letter of objection.

The applicant was not present.

The Committee resolved:
to refuse the application.

6. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR 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 dated 3 August 2016, and Sergeant Jardine was in attendance and spoke in support of the letter of objection.

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

The Committee resolved:
to grant the application.

7. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR 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 dated 27 July 2016, and Sergeant Jardine was in attendance and spoke in support of the letter of objection.

The applicant was not present.

The Committee resolved:
to refuse the application.

LICENSING COMMITTEE

25 October 2016

8. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE

Application Reference Number - 6/08

The Committee was advised that the application had been deferred to the next meeting of the Committee on 13 December 2016.

9. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE

Application Reference Number - 6/09

The Committee was advised that the application had been withdrawn.

10. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE

Application Reference Number - 6/10

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.

LICENSING COMMITTEE