

LICENSING COMMITTEE

ABERDEEN, 13 June 2017. Minute of meeting of the LICENSING COMMITTEE.
Present: Councillor Reynolds, Convener; and Councillors Allan, Allard, Bell, Cameron, Delaney, Flynn (as a substitute for Councillor Stuart for articles 9 to 12), Graham, Henrickson, Imrie, Avril MacKenzie, Catriona Mackenzie, Malik (up to article 7 of appendix B), McRae, Sellar and Townson.

The agenda and reports associated with this minute can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=4349&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.

SUSPENSION OF STANDING ORDER 37.2 (LENGTH OF MEETINGS)

1. The Convener proposed that the Committee suspend Standing Order 37.2 (Length of Meetings) to enable the meeting to continue beyond four hours.

The Committee resolved:

to agree to suspend Standing Order 37.2 (Length of Meetings).

DECLARATIONS OF INTEREST

2. Members were requested to intimate any declarations of interest in respect of the items on today's agenda.

Thereafter, the following declarations of interest were intimated:

- (i) Councillor Imrie declared an interest in relation to items 6.7 to 6.10 (all applications for street trader licences), by virtue of her intention to apply for a street trader licence in the near future, and withdrew from the meeting prior to consideration of these items;
- (ii) Councillor Delaney declared an interest in relation to item 6.25 (Application for the Renewal of a Private Hire Car Driver's Licence – Sheila Moffat) by virtue of knowing the applicant, and withdrew from the meeting prior to consideration of this item;
- (iii) Councillor Henrickson declared an interest in relation to item 7.3 (Safety of Sports Grounds Act 1975 as amended – General Safety Certificate Pittodrie Certificate) by virtue of being a shareholder of Aberdeen Football Club, but did not feel it necessary to withdraw during consideration of the item;
- (iv) Councillors Allan and Graham declared an interest in relation to item 7.1 (Accessible Vehicle Policy Update) by virtue of being members of Unite and there being a deputation from Mr Campbell, Unite, neither Councillor felt it necessary to withdraw during consideration of the item;

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- (v) Councillor Malik declared an interest in relation to items 6.13 (Application for the Grant of a Taxi Driver's Licence – Umar Farooq) and 8.9 (Application for the Renewal of a Taxi Driver's Licence) by virtue of knowing the applicants, and withdrew from the meeting prior to consideration of both of these items; and
- (vi) The Vice Convener and Councillor Townson declared an interest in relation to item 8.9 (Application for the Renewal of a Taxi Driver's Licence) by virtue of knowing the applicant through previous court proceedings, and both withdrew from the meeting prior to consideration of this item.

REQUESTS FOR DEPUTATION - REQUEST BY MR CAMPBELL, UNITE, IN RELATION TO ITEM 7.1 (ACCESSIBLE VEHICLE POLICY UPDATE)

3. The Committee had before it a request for deputation from Mr Tommy Campbell, Unite, in relation to item 7.1 (Accessible Vehicle Policy Update) on the agenda.

The Committee noted that the request had been received beyond the deadline required by Standing Orders and therefore the Committee would need to suspend Standing Order 13.1 should it wish to hear the deputation.

The Committee resolved:

to suspend Standing Order 13.1 and thereby to agree to hear the deputation from Mr Campbell in relation to item 7.1 (Accessible Vehicle Policy Update) prior to consideration of the report.

MINUTE OF PREVIOUS MEETING OF 18 APRIL 2017

4. The Committee had before it the minute of its meeting of 18 April 2017.

The Committee resolved:

to approve the minute as a correct record.

MINUTES OF THE MEETINGS OF THE LICENSING URGENT BUSINESS SUB COMMITTEE OF 13 AND 27 APRIL 2017

5. The Committee had before it the minutes of the meetings of the Licensing Urgent Business Sub Committee of 13 and 27 April 2017.

The Committee resolved:

to approve the minutes as a correct record.

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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) to delete items 2 (Review of Accessible Vehicles Policy) and 4 (Taxi Ranks), subject to the decisions taken later on the agenda; and
- (ii) to otherwise note the updates contained in the statement.

TRACKER SPREADSHEET

7. The Committee had before it a tracker of future committee business.

The Committee resolved:

to note the information contained in the committee report tracker.

APPLICATIONS FOR LICENCES

8. 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.

ACCESSIBLE VEHICLE POLICY UPDATE

9. (A) In terms of Standing Order 13.1, the Committee received a deputation from Mr Campbell, Unite.

Mr Campbell advised that Unite the Unions position in respect of the Council's Accessible Vehicle Policy remained the same as that presented in May 2012, namely it did not accept that a 100% accessible vehicle taxi fleet was required as in their view demand for accessible vehicles was met by the existing number of accessible taxis in Aberdeen at this time.

He recommended that the Committee review the current policy and whether a 100% accessible vehicle taxi fleet was required.

(B) With reference to (1) article 7 of the minute of the meeting of the Licensing Committee of 18 April 2017; and (2) article 12 of the minute of the meeting of Council of 11 May 2016, the Committee had before it a report by the Head of Legal and

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Democratic Services which provided details of the responses received from the UK Government and Dundee City Council in connection with the Accessible Vehicle Policy.

The report recommended –

that the Committee note the terms of the responses received from the UK Government and Dundee City Council.

The Committee resolved:

- (i) to note the report; and
- (ii) to instruct the Head of Legal and Democratic Services to submit a report to the Committee's meeting on 12 September 2017, outlining the process, including public and trade consultation, of revisiting the Council's current accessible vehicle policy, and that this report also detail the legal and financial implications of any change.

TAXI RANK REVIEW

10. With reference to article 5 of the minute of the meeting of the Licensing Committee of 25 October 2016, the Committee had before it a report by the Head of Legal and Democratic Services which provided information in relation to the Taxi Rank Review.

The report recommended –

that the Committee

- (a) note the updated information in relation to the taxi rank review; and
- (b) instruct the Head of Legal and Democratic Services to incorporate the review of taxi rank provision within the taxi demand survey to be carried out and reported to Committee by June 2018.

The Committee resolved:

to approve the recommendations.

SAFETY OF SPORTS GROUNDS ACT 1975 AS AMENDED - GENERAL SAFETY CERTIFICATE PITTODRIE CERTIFICATE

11. The Committee had before it a report by the Head of Legal and Democratic Services which sought approval of the adoption of the General Safety Certificate issued to Aberdeen Football Club Plc annexed as Appendix 1 to the report.

The report recommended –

that the Committee approve the General Safety Certificate June 2017 to be issued to Aberdeen Football Club Plc.

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The Committee resolved:

to approve the recommendation.

APPOINTMENT OF MEMBERS TO SUB-COMMITTEES AND WORKING GROUPS

12. The Committee had before it a report by the Head of Legal and Democratic Services which sought the re-establishment of sub-committees and working groups under the Committee's remit and requested that appointments to the sub-committees and working groups re-established be made.

The report recommended –

that the Committee

- (a) note the compositions for the sub-committees and working groups detailed at section 3.2 of the report as approved by Council on 17 May 2017;
- (b) agree to re-establish and appoint members to the sub-committees and advisory group listed at section 3.1 of the report in accordance with the agreed compositions; and
- (c) agree to re-establish and appoint members to the Taxi Consultation Group as detailed at section 3.6 of the report, pending the review of the remit, governance and membership of the Taxi Consultation Group being undertaken by the Head of Legal and Democratic Services as requested by the Committee and which would be reported to the Committee at its meeting on 12 September 2017.

The Committee resolved:

to approve the recommendations.

CONFIDENTIAL INFORMATION

The press and public were excluded from the meeting for consideration of the following items which contained confidential information in terms of Section 50A 3(b) of the Local Government (Scotland) Act 1973.

APPLICATION FOR LICENCES

13. 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 JOHN REYNOLDS, Convener.

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APPENDIX A

1. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Premises – 5 Kincorth Crescent, Aberdeen
Application Reference Number – 6/1

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

2. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Premises - 15 Elmfield Avenue, Aberdeen
Application Reference Number – 6/2

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

3. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Premises - 39 Great Northern Road, Aberdeen
Application Reference Number – 6/3

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

4. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Premises - 130 Great Northern Road, Aberdeen
Application Reference Number – 6/4

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

5. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Premises – 39 Garthdee Gardens, Aberdeen
Application Reference Number – 6/5

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

6. **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Premises - 77-79 Bon Accord Street, Aberdeen
Application Reference Number – 6/6

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

7. **APPLICATION FOR THE GRANT OF A STREET TRADER'S LICENCE – KEVIN CARR**
Location – South Esplanade West, north side, 225 metres west of Victoria Road
Application Reference Number – 6/7

The Committee was advised that the application had been withdrawn.

DECLARATION OF INTEREST

In accordance with article 2 of this minute, Councillor Imrie left the meeting prior to consideration of the following item of business.

8. **APPLICATION FOR THE RENEWAL OF A STREET TRADER'S LICENCE – ALLAN MOULE**
Location – Whitemyres Avenue, north side, 202 metres west of Whitemyres Place
Application Reference Number – 6/8

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

The applicant, Mr Allan Moule, was in attendance. The Committee heard from Mr Moule in support of the application.

The Committee asked questions of the applicant.

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, or otherwise refer it to a special meeting of the Committee for consideration.

9. **APPLICATION FOR THE RENEWAL OF A STREET TRADER'S LICENCE – LEON GRANT**
Location – Howemoss Drive, east side, 20 metres north of Howemoss Place
Application Reference Number – 6/9

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

10. APPLICATION FOR THE RENEWAL OF A STREET TRADER'S LICENCE – NIGEL CARTER

Location – Zones 1-8

Application Reference Number – 6/10

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

DECLARATION OF INTEREST

Prior to consideration of the following item, Councillor Graham declared an interest in the following article by virtue of knowing the applicant by means of being a local councillor. He did not consider that the nature of his interest required him to withdraw from the meeting during consideration of the application.

11. APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE – NORTHFIELD COMMUNITY CENTRE

Location – Northfield Community Centre, Byron Square, Aberdeen

Application Reference Number – 6/11

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that a representation had been received from Building Standards regarding the outstanding works required to be undertaken at Northfield Community Centre.

The applicant, Ms Jacqueline Innes, Northfield Community Centre, was in attendance. The Committee heard from Ms Innes in support of the application.

The Committee then heard from Mr Kidd, Building Services, regarding the outstanding works to be completed at Northfield Community Centre.

The Committee asked questions of the applicant and Mr Kidd.

The Committee resolved:

- (i) to grant the application with the conditions that the outstanding works be completed within three months and that during that three month period the applicant was required to complete and sign off a pro-forma document recording anytime the bolts were taken off the door inside the hall and the door was required to be opened before the public was allowed to enter; and

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- (ii) to request the Head of Legal and Democratic Services to write to the Director of Communities, Housing and Infrastructure to advise of the outstanding works required at Northfield Community Centre and of the Committee's decision.

12. APPLICATION FOR THE GRANT OF A TATTOO AND SKIN PIERCING LICENCE - DOROTA GIERSZEWSKA
Location – Papilot, 86 Victoria Road, Aberdeen, AB16 7PB
Application Reference Number – 6/12

The Committee had before it an information sheet 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 it required to be determined by 21 June 2017, and to date the applicant had not provided a certificate stating that they have 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 to the licensing authority.

The applicant, Ms Dorota Gierszewska, was in attendance, accompanied by her friend, Ms Sylwia Wisniewska. The Committee heard from Ms Wisniewska who spoke in support of the application on behalf of Ms Gierszewska explaining that the applicant was changing premises and would not be located at 86 Victoria Road, Aberdeen.

The Committee asked questions of the applicant. Thereafter, Ms Sylwia Wisniewska, on behalf of Ms Dorota Gierszewska, advised that she was withdrawing the application and would submit a new application for the address of her new premises.

The Committee resolved:

- (i) to note the application had been withdrawn; and
- (ii) to note that the applicant would submit a new application and to agree that the application fee be waived for this.

DECLARATION OF INTEREST

In accordance with article 2 of this minute, Councillor Malik left the meeting prior to consideration of the following item of business.

13. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE – UMAR FAROOQ
Application Reference Number – 6/13

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The Committee had before it an information sheet 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 it required to be determined by 8 September 2017, and to date the applicant had not yet passed the required street knowledge test.

The applicant, Mr Umar Farooq, was not in attendance.

The Committee resolved:

- (i) to defer consideration of the application to enable the applicant to undertake the street knowledge test, and to agree that should the applicant pass the required test, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a special meeting of the Committee for consideration; and
- (ii) to agree that any outstanding licensing applications also be submitted to the special meeting of the Committee as determined by the Head of Legal and Democratic Services.

14. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE - JONATHAN PHILIP
Application Reference Number – 6/14

The Committee was advised that the application had been withdrawn.

15. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE - GARY PRENTICE
Application Reference Number – 6/15

The Committee was advised that the application had been withdrawn.

16. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE - MICHAEL PIRIE

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

17. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE - BRIAN DONALD
Application Reference Number – 6/17

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The Committee had before it an information sheet 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 it required to be determined by 25 June 2017, and to date the applicant had not yet passed the required street knowledge test and he was also required in accordance with the Immigration Act 2016 to provide proof of his right to work in the United Kingdom.

The applicant, Mr Brian Donald, was not in attendance.

The Committee resolved:

to refuse the application.

18. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE - CHARLES KAMWA KAMGAING**
Application Reference Number – 6/18

The Committee had before it an information sheet 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 it required to be determined by 12 July 2017, and to date the applicant had not yet passed the required street knowledge test.

The applicant, Mr Charles Kamgaing, was not in attendance.

The Committee resolved:

to refuse the application.

19. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE - AHMED ALSAWY**
Application Reference Number – 6/19

The Committee had before it an information sheet 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 it required to be determined by 22 August 2017, and to date the applicant had not yet passed the required street knowledge test and he was also required in accordance with the Immigration Act 2016 to provide proof of his right to work in the United Kingdom.

Mrs Lynn May, Legal Advisor, advised the Committee that the applicant had now provided proof of his right of work in the United Kingdom.

The applicant, Mr Ahmed Alsawy, was not in attendance.

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The Committee resolved:

to defer consideration of the application to enable the applicant to undertake the street knowledge test, and to agree that should the applicant pass the required test, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a special meeting of the Committee for consideration.

20. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE - HANNI BEDAWI
Application Reference Number – 6/20

The Committee had before it an information sheet 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 it required to be determined by 31 August 2017, and to date the applicant had not yet passed the required street knowledge test and he was also required in accordance with the Immigration Act 2016 to provide proof of his right to work in the United Kingdom.

The applicant, Mr Hanni Bedawi, was in attendance and spoke in support of his application.

Mrs Lynn May, Legal Advisor, advised the Committee that the applicant was also required in accordance with the Civic Government (Scotland) Act 1982 to provide his DVLA licence number to evidence that he had held a licence for 12 months prior to his application.

The Committee asked questions of the applicant.

The Committee resolved:

to defer consideration of the application to enable the applicant to (1) undertake the street knowledge test; (2) provide proof of the right to work in the UK; and (3) provide his DVLA licence number, and to agree that should the applicant pass the required test and provide the aforementioned documentation, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a special meeting of the Committee for consideration.

21. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE - RAYMOND CHRISTIE
Application Reference Number – 6/21

The Committee had before it an information sheet 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 it required to be determined by 27

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August 2017, and to date the applicant had not yet passed the required street knowledge test and he was also required in accordance with the Immigration Act 2016 to provide proof of his right to work in the United Kingdom.

The applicant, Mr Raymond Christie, was in attendance and spoke in support of his application.

Mrs Lynn May, Legal Advisor, advised the Committee that the applicant had now provided proof of his right of work in the United Kingdom.

The Committee asked questions of the applicant.

The Committee resolved:

to defer consideration of the application to enable (1) the applicant to undertake the street knowledge test and (2) for the Head of Legal and Democratic Services to confirm whether the applicant met the DVLA Group 2 criteria, and to agree that should the applicant pass the required test and meet the DVLA Group 2 criteria, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a special meeting of the Committee for consideration.

22. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE - MICHAEL KULAGOWSKI
Application Reference Number – 6/22

The Committee had before it an information sheet 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 it required to be determined by 22 July 2017, and to date the applicant had not yet passed the required street knowledge test and he was also required in accordance with the Civic Government (Scotland) Act 1982 to provide his DVLA licence number to evidence that he had held a licence for 12 months prior to his application.

The applicant, Mr Michael Kulagowski, was not in attendance.

The Committee resolved:

to refuse the application.

23. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE - GRAHAM LUMSDEN
Application Reference Number – 6/23

The Committee was advised that the application had been withdrawn.

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**24. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE - MICHAEL MCPAKE
Application Reference Number – 6/24**

The Committee had before it an information sheet 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 it required to be determined by 29 July 2017, and to date the applicant had not yet passed the required street knowledge test.

The applicant, Mr Michael McPake, was in attendance and spoke in support of his application.

The Committee asked questions of the applicant.

The Committee resolved:

- (i) to defer consideration of the application to enable the applicant to undertake the street knowledge test, and to agree that should the applicant pass the required test, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a special meeting of the Committee for consideration;
- (ii) to instruct the Head of Legal and Democratic Services to look into reasonable adjustments to the knowledge test, including a practical test, for the applicant in light of the special circumstances; and
- (iii) to instruct the Head of Legal and Democratic Services to investigate reasonable adjustments for the street knowledge test for taxi and private car drivers where circumstances required and to report on this matter as part of the report to be submitted to the next meeting of the Committee on 12 September 2017, regarding the format of the knowledge test to ensure a consistent approach was applied.

DECLARATION OF INTEREST

In accordance with article 2 of this minute, Councillor Delaney left the meeting prior to consideration of the following item of business.

**25. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE - SHEILA MOFFAT
Application Reference Number – 6/24**

The Committee had before it an information sheet 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 it required to be determined by 2

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August 2017, and to date the applicant had not yet passed the required street knowledge test.

The applicant, Ms Sheila Moffat, was in attendance and spoke in support of her application.

The Committee resolved:

to defer consideration of the application to enable the applicant to undertake the street knowledge test, and to agree that should the applicant pass the required test, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a special meeting of the Committee for consideration.

**26. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE - GRAHAM RAMSAY
Application Reference Number – 6/24**

The Committee had before it an information sheet 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 it required to be determined by 27 June 2017, and to date the applicant had not yet passed the required street knowledge test.

The applicant, Mr Graham Ramsay, was not in attendance.

The Committee resolved:

to refuse the application.

**27. APPLICATION FOR THE GRANT OF A TEMPORARY PRIVATE HIRE CAR DRIVER'S LICENCE - VASILE-GIOVANI TOMA
Application Reference Number – 6/24**

The Committee had before it an information sheet 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 it required to be determined by 6 September 2017, and to date the applicant had not yet passed the required street knowledge test and he was also required (1) in accordance with the Immigration Act 2016 to provide proof of his right to work in the United Kingdom; and (2) in accordance with the Civic Government (Scotland) Act 1982 to provide his DVLA licence number to evidence that he had held a licence for 12 months prior to his application.

The applicant, Mr Vasile-giovani Toma, was not in attendance.

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The Committee resolved:

to defer consideration of the application to enable the applicant to (1) undertake the street knowledge test; (2) provide proof of the right to work in the UK; and (3) provide his DVLA number, and to agree that should the applicant pass the required test and provide the aforementioned documentation, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a special meeting of the Committee for consideration.

28. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE - RAFAL WIEWIORKA**Application Reference Number – 6/24**

The Committee had before it an information sheet 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 it required to be determined by 17 July 2017, and to date the applicant had not yet passed the required street knowledge test.

The applicant, Mr Rafal Wiewiorka, was in attendance and spoke in support of his application.

The Committee asked questions of the applicant.

The Committee resolved:

- (i) to defer consideration of the application to a special meeting of the Committee or to a meeting of the Licensing Urgent Business Sub Committee subject to it being re-established later on today's agenda; and
- (ii) to request that officers from the Licensing Team advise the applicant of his options outwith the meeting.

29. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE - SUSANNE STEPHEN**Application Reference Number – 6/24**

The Committee was advised that the application had been withdrawn.

30. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - CENTRAL TAXIS ABERDEEN**Application Reference Number – 6/24**

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

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31. **APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - MICHAEL PIRIE**
Application Reference Number – 6/24

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

32. **APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - CHARLES FARMAN**
Application Reference Number – 6/24

The Committee was advised that the application had been withdrawn.

33. **APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - LESLIE SCOTT MCROBBIE**
Application Reference Number – 6/24

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

34. **APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - ALEXANDER FRASER MASSIE**
Application Reference Number – 6/24

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

35. **APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - SCOTT MITCHELL**
Application Reference Number – 6/24

The Committee was advised that the application had been withdrawn.

36. **APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR OPERATOR'S LICENCE - ZOEY ANNE PATERSON**
Application Reference Number – 6/24

The Committee had before it an information sheet 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 it required to be determined by 25

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July 2017, and to date the applicant's vehicle had not yet passed the required vehicle inspection.

The applicant, Ms Zoey Anne Paterson, was in attendance and spoke in support of her application.

The Committee asked questions of the applicant.

The Committee resolved:

to defer consideration of the application to enable the inspection on the applicant's vehicle to be undertaken and to agree that should the vehicle pass the required test, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a special meeting of the Committee, or a meeting of the Licensing Urgent Business Sub Committee, subject to it being re-established later on the agenda, for consideration.

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APPENDIX B

1. LANDLORD REGISTRATION
Application Reference Number – 8/1

The Committee had before it a report by the Private Sector Housing Manager in respect of a landlord registration which advised that the landlord had failed to comply with a Repairing Standard Enforcement Order.

The landlord was in attendance and spoke in support of his continued registration.

The Committee asked questions of the landlord.

The Convener, seconded by Councillor Cameron moved:-
that the Committee defer consideration of the landlord registration to the next meeting of the Committee on 12 September 2017 to enable the landlord to take legal advice.

Councillor Delaney, seconded by Councillor Allan moved as an amendment:-
that the Committee revoke the landlord registration on the grounds that the landlord was not a fit and proper person.

On a division, there voted:- for the motion (11) – the Convener; the Vice Convener; and Councillors Cameron, Graham, Henrickson, Imrie, Avril MacKenzie, Catriona Mackenzie, McRae, Sellar and Townson; for the amendment (5) – Councillors Allan, Allard, Bell, Delaney and Malik.

The Committee resolved:
to adopt the motion.

2. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number – 8/2

The Committee had before it an information sheet 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 it required to be determined by 9 September 2017, and to date the Council's Occupation Health Provider, OH Assist, had not concluded determination of whether the applicant met the required DVLA Group 2 medical criteria.

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

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The Committee resolved:

to defer consideration of the application to allow a medical report from OH Assist to be received and to agree that should the applicant meet the Group 2 DVLA medical criteria, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a special meeting of the Committee for consideration.

3. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE**Application Reference Number – 8/3**

The Committee had before it an information sheet 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 it required to be determined by 4 July 2017, and to date the Council's Occupation Health Provider, OH Assist, had not concluded determination of whether the applicant met the required DVLA Group 2 medical criteria.

Mrs Lynn May, Legal Advisor, advised the Committee that the applicant had not provided proof of his right to work in the United Kingdom.

The applicant was not in attendance.

The Committee resolved:

to refuse the application on the grounds that the applicant was not a fit and proper person.

4. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE**Application Reference Number – 8/4**

The Committee had before it an information sheet 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 it required to be determined by 8 September 2017, and the Council's Occupation Health Provider had concluded that the applicant required to be reassessed to determine whether he met the required DVLA Groups 2 medical criteria.

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

The Committee resolved:

to defer consideration of the application to allow a further medical report to be received from OH Assist and to agree that should the applicant meet the Group 2 DVLA medical criteria, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a special meeting of the Committee for consideration.

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**5. APPLICATION FOR THE RENEWAL OF A TAXI BOOKING OFFICE LICENCE
Application Reference Number – 8/5**

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 13 September 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 7 April 2017, and Sergeant Flett was in attendance.

Mrs Lynn May, Legal Advisor, advised the Committee that the applicant had requested that the application be deferred to the next meeting of the Committee to enable him to be in attendance.

The Committee resolved:

to defer consideration of the application to the next meeting of the Committee to enable the applicant to be present.

**6. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE
Application Reference Number – 8/6**

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 22 June 2017.

Mrs Lynn May, Legal Advisor, advised that Police Scotland wished to lodge a 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 Flett, Police Scotland and Mrs Lynn May, Legal Advisor, who explained why the letter of objection was late.

The applicant was in attendance and confirmed he had received a copy of the letter and that he had no objection to the letter being entered into proceedings.

The Committee resolved:-

that the late letter of objection 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 19 April 2017.

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

Sergeant Flett was in attendance and spoke in support of Police Scotland's letter of objection.

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

The Committee further resolved:

to refuse the application on the grounds that the applicant was not a fit and proper person.

**7. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE
Application Reference Number – 8/7**

With reference to article 11 of appendix B of the minute of the meeting of the Licensing Committee of 18 April 2017, the Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 31 July 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 20 February 2017.

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

Sergeant Flett was in attendance and spoke in support of Police Scotland's letter of objection.

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

The Committee resolved:

to defer consideration of the application to enable the applicant to undertake the street knowledge test, and to agree that should the applicant pass the required test, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a special meeting of the Committee for consideration should the applicant not pass the street knowledge test.

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**8. APPLICATION FOR THE GRANT OF A TAXI OPERATOR'S LICENCE
Application Reference Number – 8/8**

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 30 September 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 28 April 2017.

Sergeant Flett proposed as a preliminary matter that the application be deferred to the next meeting of the Committee and advised of the rationale for this request.

The applicant advised that he wished his application to be determined today.

The Committee resolved:

to consider the application today.

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

Sergeant Flett was in attendance and spoke in support of Police Scotland's letter of representation.

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

The Committee further resolved:

to grant the licence and to agree a dispensation for the applicant's vehicle from the Council's accessible vehicle policy for the period of the licence only.

DECLARATIONS OF INTEREST

In accordance with article 2 of this minute, the Vice Convener and Councillor Townson left the meeting prior to consideration of the following item of business.

**9. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number – 8/9**

With reference to article 14 of appendix B of the minute of the meeting of the Licensing Committee of 18 April 2017, the Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in

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respect of the application which advised that the application had to be determined by 9 August 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 22 February 2017.

Sergeant Flett proposed as a preliminary matter that an additional letter of representation from Police Scotland be accepted into proceedings and advised of the rationale for this request.

At this time, the applicant also requested that a letter from his employer be accepted into proceedings.

The Committee resolved:

to accept both additional documents into today's proceedings.

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

Sergeant Flett was in attendance and spoke in support of Police Scotland's letter of representation.

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

Councillor Allan, seconded by Councillor McRae moved:-

that the Committee refuse the application on the grounds that the applicant was not a fit and proper person.

Councillor Catriona Mackenzie, seconded by Councillor Avril MacKenzie moved as an amendment:-

that the Committee grant the application for a one year period.

On a division, there voted:- for the motion (7) – Councillors Allan, Allard, Bell, Cameron, Delaney, Henrickson and McRae; for the amendment (5) – the Convener; and Councillors Imrie, Avril MacKenzie, Catriona Mackenzie and Sellar.

The Committee resolved:

to adopt the motion.

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