

## LICENSING COMMITTEE

ABERDEEN, 30 October 2018. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Reynolds, Convener; and Councillors Allan (article 1 to 8, appendix A and item 9 - 13 of Appendix B), Bell, Delaney, Henrickson, Catriona Mackenzie, 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=6276&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.

### CONFIDENTIAL BUSINESS

1. The Committee was advised that the applications/requests listed at item 7 on the agenda were to be heard in private and treated as confidential information in terms of Section 50(A)(3)(b) of the Local Government (Scotland) Act 1973

#### The Committee resolved:

to note that applications/requests to be heard in private and treated as confidential information in terms of Section 50(A)(3)(b) of the Local Government (Scotland) Act 1973 were listed at item 7 on the agenda.

### DECLARATIONS OF INTEREST

2. The following declarations of interest were intimated at this time:
  1. Councillor Townson declared an interest in relation to item 7.5 (Request for the Consideration of a Taxi Driver's Licence and a Taxi Operator's Licence), by virtue of knowing the licence holder, and withdrew from the meeting prior to consideration of this item; and
  2. Councillor Malik declared an interest in relation to item 8.10 (Application for the Grant of a Late Hours Catering Licence - Marco's), by virtue of knowing the applicant, and withdrew from the meeting prior to consideration of this item.

### MINUTE OF PREVIOUS MEETING OF 21 AUGUST 2018

3. The Committee had before it the minute of its meeting of 21 August 2018 for approval.

#### The Committee resolved:

to approve the minute as a correct record.

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### MINUTE OF THE MEETING OF THE LICENSING SUB COMMITTEE OF 24 SEPTEMBER 2018

4. The Committee had before it the minute of the meeting of the Licensing Sub Committee of 24 September 2018, for approval.

**The Committee resolved:**

to approve the minute as a correct record.

### MINUTE OF THE MEETING OF THE TAXI AND PRIVATE HIRE CONSULTATION GROUP OF 3 OCTOBER 2018

5. The Committee had before it the minute of the meeting of the Taxi and Private Hire Consultation Group of 3 October 2018.

**The Committee resolved:**

- (i) to note the minute; and
- (ii) in respect of article 5 of the minute (Report to Taxi and Private Hire Car Group on Taxi Demand Survey Suggestions), to note the Group's view that a new higher distance based tariff during the late night peak periods on Friday and Saturday nights should not be explored.

### COMMITTEE BUSINESS PLANNER

6. The Committee had before it the committee business planner as prepared by the Chief Officer – Governance.

**The Committee resolved:**

to note the committee business planner.

### CONFIDENTIAL INFORMATION

The press and public were excluded from the meeting for consideration of the applications listed in section 7 on the agenda and appendix A of the minute which contained confidential information in terms of Section 50A 3(b) of the Local Government (Scotland) Act 1973.

### APPLICATIONS FOR LICENCES

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

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**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.

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

- **Councillor John Reynolds, Convener.**

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**APPENDIX A**

**1. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE**  
**Application Reference 7/01**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 7 December 2018 and to date a medical report from the Council's Occupational Health provider confirming the applicant met the DVLA Group 2 standards had not been received.

Mr Munro, Legal Advisor, provided the Committee with a verbal update on the application.

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

The applicant did not take up the opportunity to sum up.

**The Committee resolved:**

to defer consideration of the application to allow a medical report from the Council's new Occupational Health Provider to be received and to agree that should the applicant meet the Group 2 DVLA medical criteria, the Chief Officer - Governance could grant the application under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Sub Committee for consideration.

**2. REQUEST FOR THE SUSPENSION OF A TAXI DRIVER'S LICENCE**  
**Application Reference 7/02**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the request which advised that in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982, Police Scotland had requested the consideration of the suspension or revocation of the licence holder's taxi driver's licence and a copy of the letter dated 26 September 2018 from the Chief Constable, Police Scotland, c/o Aberdeen City Division, was appended to the information note. A letter from the licence holder was dated 23 October 2018 was circulated.

The licence holder was in attendance.

Sergeant Flett was in attendance on behalf of Police Scotland and spoke in support of the request from Police Scotland.

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The Committee heard from the licence holder in support of his case.

The Committee asked questions of Sergeant Flett and the licence holder.

The licence holder summed up.

Sergeant Flett summed up.

**The Committee resolved:**

to take no action.

**3. REQUEST FOR THE SUSPENSION OF A TAXI DRIVER'S LICENCE  
Application Reference 7/03**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the request which advised that in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982, Police Scotland had requested the consideration of the suspension or revocation of the licence holder's taxi driver's licence and a copy of the letter dated 17 October 2018 from the Chief Constable, Police Scotland, c/o Aberdeen City Division, was appended to the information note.

The licence holder was in attendance, accompanied by his solicitor.

Sergeant Flett was in attendance on behalf of Police Scotland and spoke in support of the request from Police Scotland.

The Committee heard from the licence holder's solicitor in support of his case.

The Committee asked questions of Sergeant Flett and the licence holder.

The licence holder's solicitor summed up.

Sergeant Flett summed up.

**The Committee resolved:**

to take no action.

**4. REQUEST FOR THE CONSIDERATION OF A TAXI OPERATOR'S LICENCE  
Application Reference 7/04**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the request for consideration of the licence holder's taxi operator licence in light of a complaint having been received.

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The licence holder was in attendance and spoke in support of his case during which he asked that a letter of support be considered by the Committee.

**The Committee resolved:**

to accept the letter into proceedings.

The Committee asked questions of the licence holder.

The licence holder summed up.

**The Committee resolved:**

- (i) to take no action; and
- (ii) to instruct the Chief Officer – Governance to issue a reminder to all taxi and private hire drivers of the condition of their licence to convey assistance dogs and passengers in wheelchairs and to be able operate all equipment within their vehicle.

### DECLARATION OF INTEREST

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

**5. REQUEST FOR THE CONSIDERATION OF A TAXI DRIVER'S LICENCE AND TAXI OPERATOR'S LICENCE**  
**Application Reference 7/05**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the request for consideration of the licence holder's taxi driver and taxi operator licences in light of a complaint having been received and a letter from the licence holder in response to the complaint.

The licence holder was in attendance, accompanied by their trade union representative, who spoke in support of the licence holder's case.

The Committee asked questions of the licence holder.

The licence holder's trade union representative summed up.

Councillor Allan, seconded by Councillor Catriona Mackenzie, moved:-  
 that the Committee –

- (a) take no action in respect of the licence holder's operator's licence; and
- (b) suspend the licence holder's driver's licence with immediate effect for a period of two months.

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Councillor Delaney, seconded by Councillor Bell, moved as an amendment:-  
that the Committee -

- (1) take no action in respect of the licence holder's operator's licence;  
and
- (2) revoke the licence on the grounds that the licence holder was not a fit and proper person.

On a division, there voted:- for the motion (6) – the Convener; the Vice Convener; and Councillors Allan, Henrickson, Catriona Mackenzie and Sellar; for the amendment (2) – Councillors Bell and Delaney.

**The Committee resolved:**

to adopt the motion.

**6. REQUEST FOR THE CONSIDERATION OF A TAXI DRIVER'S LICENCE AND TAXI OPERATOR'S LICENCE**  
**Application Reference 7/06**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the request for consideration of the licence holder's taxi driver and taxi operator licences in light of a complaint having been received and a letter from the licence holder in response to the complaint.

The licence holder was in attendance, accompanied by the Taxi Operator's manager, and spoke in support of her case.

The Committee asked questions of the licence holder.

The licence holder summed up.

**The Committee resolved:**

- (i) to take no action; and
- (ii) to note the action taken by the Taxi Operator to address operational failures.

**7. REQUEST FOR THE CONSIDERATION OF A TAXI DRIVER'S LICENCE AND TAXI OPERATOR'S LICENCE**  
**Application Reference 7/07**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the request for consideration of the licence holder's taxi driver and taxi operator licences in light of a complaint having been received and a letter from the licence holder in response to the complaint.

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The licence holder was in attendance, and was accompanied by his partner, who spoke in support of his case.

The Committee asked questions of the licence holder.

The licence holder's partner summed up.

**The Committee resolved:**  
to take no action.

8. **REQUEST FOR THE CONSIDERATION OF A TAXI DRIVER'S LICENCE AND TAXI OPERATOR'S LICENCE**  
**Application Reference 7/08**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the request for consideration of the licence holder's taxi driver and taxi operator licences in light of a complaint having been received and a letter from the licence holder in response to the complaint.

The licence holder was in attendance, accompanied by the Taxi Operator's manager, and spoke in support of his case.

The Committee asked questions of the licence holder.

The licence holder summed up.

**The Committee resolved:**  
to take no action.

9. **REQUEST FOR THE CONSIDERATION OF A TAXI DRIVER'S LICENCE AND TAXI OPERATOR'S LICENCE**  
**Application Reference 7/09**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the request for consideration of the licence holder's taxi driver and taxi operator licences in light of a complaint having been received and a letter from the licence holder in response to the complaint.

The licence holder was in attendance, accompanied by the Taxi Operator's manager, and spoke in support of her case.

The Committee asked questions of the licence holder.

The licence holder summed up.



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**The Committee resolved:**

- (i) to take no action; and
- (ii) to note the action taken by the Taxi Operator to address operational failures.

**10. REQUEST FOR THE CONSIDERATION OF A TAXI DRIVER'S LICENCE AND TAXI OPERATOR'S LICENCE**  
**Application Reference 7/10**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the request for consideration of the licence holder's taxi driver and taxi operator licences in light of a complaint having been received and a letter from the licence holder in response to the complaint.

The licence holder was in attendance, accompanied by his trade union representative, who spoke in support of the licence holder's case.

The Committee asked questions of the licence holder.

The licence holder's representative summed up.

**The Committee resolved:**

to take no action.

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**APPENDIX B**

**1. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 95 BON ACCORD STREET, ABERDEEN**  
**Application Reference 8/01**

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

**2. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 48B ELMBANK TERRACE, ABERDEEN**  
**Application Reference 8/02**

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

**3. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 1 ABOYNE GARDENS, ABERDEEN**  
**Application Reference 8/03**

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

**4. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 11 CONSTITUTION STREET, ABERDEEN**  
**Application Reference 8/04**

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

**5. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 176C CLIFTON ROAD, ABERDEEN**  
**Application Reference 8/05**

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

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6. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 8 ORCHARD ROAD, ABERDEEN**  
**Application Reference 8/06**

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

7. **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 70 ASHGROVE ROAD, ABERDEEN**  
**Application Reference 8/07**

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

The applicants, Mr Donald Paterson and Ms Yvonne Paterson, were in attendance and spoke in support of the application.

The respondents, Mr John and Ms Sheila Symons, were not in attendance, nor represented.

**The Committee resolved:**  
to grant the licence.

8. **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 225 UNION GROVE, ABERDEEN**  
**Application Reference 8/08**

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

The applicant, Mr Andrew Buchan, was not in attendance, nor represented.

Mr Thain, Senior Private Sector Housing Officer, advised that one letter of representation had been received from John and Sheila Symons beyond the statutory time period within which such letters must be received (21-day period). He further advised that the Committee might consider late representations if it was satisfied that it was reasonable for the respondents to make the representation after the deadline.

The late respondents, John and Sheila Symons were present and explained why their letter of representation was late and why it should be considered today.

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### **The Committee resolved:-**

that the letter of representation by John and Sheila Symons be introduced into the proceedings.

The respondents, John and Sheila Symons spoke in support of their letter of representation during which they referred to photographs which they believed provided evidence of anti-social behaviour at the property.

### **The Committee resolved:-**

to accept the photos referred to by John and Sheila Symons into the proceedings.

The Committee asked questions of the respondents.

The respondents summed up.

The Convener, seconded by Councillor Bell, moved:-  
that the Committee refuse the application.

Councillor Townson, seconded by Councillor Catriona Mackenzie, moved as an amendment,

that the Committee defer consideration of the application until the works were completed, after which time the Private Sector Housing Manager could grant the licence under delegated powers for a period of one year if appropriate.

On a division, there voted:- for the motion (3) – the Convener and Councillors Bell and Delaney; for the amendment (5) – the Vice Convener and Councillors Catriona Mackenzie, Hendrickson, Sellar and Townson.

### **The Committee resolved:**

to adopt the amendment.

## **9. REQUEST FOR FILM CLASSIFICATIONS – BELMONT CINEMA** **Application Reference 8/09**

The Committee had before it the following requests for film classification for screening at Belmont Cinema:-

- The Green Lie – suggested rating 12A
- Silvana – suggested rating 15
- Silas – suggested rating 12A
- The Island of Hungry – suggested rating 15
- Anote's Ark – suggested rating 12A
- The Lady in the Portrait – suggested rating 15

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- Sink or Swim – suggested rating 12A
- See You Up There – suggested rating 15
- Return of the Hero – suggested rating 15
- One Nation, One King – suggested rating 15
- Little Tickles – suggested rating 18
- Family is Family – suggested rating 12A
- What is Democracy – suggested rating 12A

Mr Colin Farquhar, Head of Cinema Operations, Belmont Cinema, was in attendance

The Committee asked questions of Mr Farquhar.

**The Committee resolved:**

to approve the suggested film classifications as detail above.

### 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.

10. **APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE - MARCO'S, BELMONT STREET**  
**Application Reference 8/10**

With reference to article 15 of appendix B of the minute of the meeting of the Licensing Committee of 21 August 2018, the Committee it (1) an information sheet prepared by the Chief Officer - Governance in respect of the application which advised that the application had been placed on the agenda as it had been deferred from the previous meeting of the Committee to enable a report from Environmental Health to be received and required to be determined by 18 January 2019; and (2) a letter from Environmental Health dated 17 September 2018 in respect of the application premises.

The applicant, Mr Behroz Hamedi, was in attendance and spoke in support of the application.

Ms Alison Robertson, Environmental Health Officer, was in attendance and spoke to the letter submitted.

The Committee asked questions of Ms Robertson.

The applicant did not take up the opportunity to sum up.

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**The Committee resolved:**  
to grant the application.

**11. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE – JONEY JOEY THANABALASINGHAM**  
**Application Reference 8/11**

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

**12. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE – COLIN DIGBY**  
**Application Reference 8/12**

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

**13. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE – KIRKHILL AUTO SERVICES**  
**Application Reference 8/13**

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

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