

LICENSING COMMITTEE

ABERDEEN, 11 December 2018. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Reynolds, Convener; and Councillors Allan, Bell, Delaney, Councillor Donnelly, the Depute Provost (as a substitute for Councillor Sellar), Henrickson, Catriona Mackenzie and Townson.

The agenda and reports associated with this minute can be found at:-

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=6277&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. There were no declarations of interest.

MINUTE OF PREVIOUS MEETING OF 30 OCTOBER 2018

3. The Committee had before it the minute of its meeting of 30 October 2018 for approval.

The Committee resolved:

to approve the minute as a correct record.

COMMITTEE BUSINESS PLANNER

4. 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.

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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

5. 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.

APPLICATIONS FOR LICENCES

6. 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. REQUEST FOR THE SUSPENSION 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 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 2 November 2018 from the Chief Constable, Police Scotland, c/o Aberdeen City Division, was appended to the information note.

The licence holder was not in attendance.

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

The Committee asked questions of Sergeant Flett.

Sergeant Flett summed up.

The Committee resolved:

- (i) to agree to suspend the licence holder's taxi driver's licence with immediate effect for its unexpired portion in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 on the basis that the applicant was not a fit and proper person; and
- (ii) to agree to refer the licence holder to the Council's Occupational Health Provider for a medical report to be received and should there be a material change in circumstances the licence holder could submit a request for the suspension to be removed and this could be considered by the Licensing Sub Committee or future meeting of the Committee.

2. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference 7/02

The Committee had before it (1) an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 27 April 2019; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 23 November 2018.

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

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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 and the applicant both summed up.

Councillor Donnelly moved, seconded by Councillor Townson:-
that the Committee grant the licence.

Councillor Delaney moved as an amendment:-
that the Committee refuse the licence.

The amendment by Councillor Delaney did not attract a seconder, however, and therefore fell.

The Committee resolved:
to grant the licence.

3. **APPLICATION FOR THE RENEWAL 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 application which advised that the application had to be determined by 26 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 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.

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4. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference 7/04

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 22 January 2019 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 her 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 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.

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APPENDIX B

1. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – CRATHIE STUDENT VILLAGE, 515 - 519 HOLBURN 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 – 51 BEDFORD PLACE, 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 – 71 CRAIGIEVAR CRESCENT, 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 – 9 ELMFIELD AVENUE, 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 – FIRST FLOOR FLAT, 52 ERSKINE STREET, ABERDEEN**
Application Reference 8/05

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

6. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 52 ABBOTSWELL CRESCENT, ABERDEEN**
Application Reference 8/06

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

Mr Thain, Private Sector Housing Manager, advised that two letters of representation had been received beyond the statutory time period within which such letters must be received. 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.

Mr Thain also advised that the applicant had submitted a letter of response to the points raised by the two late respondents.

Neither of the late respondents were in attendance, nor represented.

The Committee resolved:-

that neither of the late letters of representation, nor the letter of response from the applicant, be introduced into the proceedings.

The applicant, Mr Alex Mijares, was not in attendance.

The Committee resolved:

to grant the licence.

7. **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION –
139 FOREST AVENUE, ABERDEEN**
Application Reference 8/07

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

The applicant, Ms Moya Bothwell, was in attendance, and was accompanied by Ms Sheena Gordon, Homeguard Leasing, and represented by Hamish Lindsay, solicitor who spoke in support of the application.

The respondent, Ms Elaine Walsh, was in attendance, accompanied by Mr Kevin Thain, and spoke in support of her representation

The Committee asked questions of the applicant and respondent.

The respondent summed up.

The applicant's representative summed up.

Councillor Catriona Mackenzie moved, seconded by Councillor Allan:-

that the Committee refuse the licence on the grounds that the applicant and agent were not fit and proper persons and that the property was not

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suitable for occupation as an HMO as a result of its condition and lack of proper maintenance.

Councillor Donnelly moved as an amendment:-

that the Committee grant the licence for a period of 9 months.

The amendment by Councillor Donnelly did not attract a seconder, however, and therefore fell.

The Committee resolved:-

to refuse the licence on the grounds that the applicant and agent were not fit and proper persons and that the property was not suitable for occupation as an HMO as a result of its condition and lack of proper maintenance.

8. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE - STARBUCKS, WELLINGTON ROAD, REDMOSS, ABERDEEN
Application Reference 8/08

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 been placed on the agenda as it required to be determined by 18 January 2019, and the applicant was requesting a late hours catering licence from 11pm to 5 am, Monday to Sunday and as the premises were located outwith the city centre this request was outwith the Late Hours Catering policy.

The applicant, Cindy Ross, Starbucks, was in attendance accompanied by Marta Skowron, Starbucks and represented by David Hossack, Morton Fraser who spoke in support of the application and explained why the application should be exempt from the Late Hours Catering policy. Mr Fraser asked to enter photos and map of the premises into proceedings.

The Committee resolved:-

that the photos and map be introduced into the proceedings.

The Committee asked questions of the applicant.

The applicant's representative summed up.

The Committee resolved:

to grant the licence for operation between the hours of 11pm and 5am, Monday to Sunday and thereby exempt the application from the Late Hours Catering policy on the basis of the individual circumstances.

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9. **APPLICATION FOR THE RENEWAL OF A PUBLIC ENTERTAINMENT LICENCE - INCHGARTH COMMUNITY CENTRE, ABOYNE PLACE, GARTHDEE, ABERDEEN**
Application Reference 8/09

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

10. **APPLICATION FOR THE RENEWAL OF A CINEMA LICENCE - ROBERT GORDON UNIVERSITY, SIR IAN WOOD BUILDING, GARTHDEE ROAD, ABERDEEN**
Application Reference 8/10

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

11. **APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - JOHN DOUGLAS CUMMING**
Application Reference 8/11

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

12. **APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - GRAHAM JAMES HANSLEY**
Application Reference 8/12

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 been placed on the agenda as it required to be determined by 29 January 2019, and to date the applicant's vehicle had not passed the required hackney test.

The applicant, Mr Graham Hansley, was not in attendance, however was represented by Mr Ross Gowl, Rainbow City Taxis who spoke in support of the application.

The Committee asked questions of Mr Gowl.

Mr Gowl did not take up the opportunity to sum up.

The Committee resolved:

to defer consideration of the application to enable the applicant's vehicle to undertake the required hackney test and to agree that should the vehicle pass the test, the Chief Officer - Governance could grant the application under

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delegated powers, or otherwise that the application be referred to a meeting of the Licensing Sub Committee for consideration.

13. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - COLIN KERR

Application Reference 8/13

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

14. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - DEREK SANGSTER LUMSDEN

Application Reference 8/14

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

15. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - WILLIAM AND HEATHER MACDONALD

Application Reference 8/15

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

16. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - NEIL ALEXANDER ROBERT MORRISON

Application Reference 8/16

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 been placed on the agenda as it required to be determined by 29 January 2019, and to date the applicant's vehicle had not passed the required hackney test.

The applicant, Mr Neil Morrison, was in attendance and spoke in support of his application.

The Committee asked questions of the applicant.

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

The Committee resolved:

to defer consideration of the application to enable the applicant's vehicle to undertake the required hackney test and to agree that should the vehicle pass

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the test, 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.

17. **APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - JOHN HENDERSON NOBLE**
Application Reference 8/17

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

18. **APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - CHARLES GEORGE DUNCAN SMITH**
Application Reference 8/18

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

19. **APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - DAVID GEORGE KENNETH TAYLOR**
Application Reference 8/19

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 been placed on the agenda as it required to be determined by 29 January 2019, and to date the applicant's vehicle had not passed the required hackney test.

The applicant, Mr David Taylor, was in attendance and spoke in support of his application.

The Committee asked questions of the applicant.

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

The Committee resolved:

to defer consideration of the application to enable the applicant's vehicle to undertake the required hackney test and to agree that should the vehicle pass the test, 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.

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20. **APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - BRIAN K MARR AND BRIAN MARR**
Application Reference 8/20

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 been placed on the agenda as it required to be determined by 14 May 2019, and the applicants were requesting exemption of their vehicle from the Wheelchair Accessible Vehicle policy.

One of the applicants, Mr Brian Marr, was in attendance and spoke in support of his request for exemption from the Wheelchair Accessible Vehicle policy.

The Committee asked questions of the applicant.

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

The Committee resolved:

to agree to exempt the vehicle from the Wheelchair Accessible Vehicle policy on the basis of the individual circumstances.

21. **APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE - ABERDEEN TAXIS LTD (PH014)**
Application Reference 8/21

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 been placed on the agenda as it required to be determined by 30 January 2019, and to date the applicant's vehicle had not passed the required hackney test.

Mr Chris Douglas, Aberdeen Taxis, was in attendance and spoke in support of the application.

The Committee asked questions of Mr Douglas.

Mr Douglas did not take up the opportunity to sum up.

The Committee resolved:

to defer consideration of the application to enable the applicant's vehicle to undertake the required hackney test and to agree that should the vehicle pass the test, 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.

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22. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE - ABERDEEN TAXIS LTD (PH047)
Application Reference 8/22

The Committee noted that the licence had been withdrawn.

23. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE - BUHARY RIMZA
Application Reference 8/23

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

24. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE - ARTHUR WEBSTER
Application Reference 8/24

The Committee had before it an information sheet prepared by the Chief Officer - Governance which advised that the applicant was seeking exemption from the required street knowledge test.

The applicant, Mr Arthur Webster, was in attendance and spoke in support of his request for exemption from the street knowledge test.

The Committee asked questions of the applicant.

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

The Committee resolved:

to agree that the applicant be exempt from the requirement to undertake the street knowledge test on the basis of the individual circumstances.

25. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE - JAYKE MARTIN
Application Reference 8/25

The Committee had before it an information sheet prepared by the Chief Officer - Governance which advised that the applicant was seeking exemption from the required street knowledge test.

The applicant, Mr Jayke Martin, was in attendance and spoke in support of his request for exemption from the street knowledge test.

The Committee asked questions of the applicant.

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

The Committee resolved:

to agree that the applicant be exempt from the requirement to undertake the street knowledge test on the basis of the individual circumstances.

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