

LICENSING COMMITTEE

ABERDEEN, 19 February 2019. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Reynolds, Convener; and Councillors Allan, Bell, Delaney, Henrickson, Macdonald (as a substitute for councillor Malik, Vice Convener), 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&MIId=6278&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.

EXEMPT BUSINESS

1. The Convener proposed that the Committee consider item 9.1 (Application for a Licence for a House in Multiple Occupation) with the press and public excluded.

The Committee resolved:-

in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, the Committee to exclude the press and public from the meeting during consideration of item 9.1 (Application for a Licence for a House in Multiple Occupation), so as to avoid disclosure of information of the class described in the paragraph 12 of Schedule 7(A) to the Act.

CONFIDENTIAL BUSINESS

2. The Committee was advised that the applications/requests listed at item 8 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 8 on the agenda.

DECLARATIONS OF INTEREST

3. There were no declarations of interest declared at this stage of the meeting.

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MINUTE OF PREVIOUS MEETING OF 11 DECEMBER 2018

4. The Committee had before it the minute of its meeting of 11 December 2018 for approval.

The Committee resolved:

to approve the minute as a correct record.

MINUTE OF THE MEETING OF THE LICENSING SUB COMMITTEE OF 18 JANUARY 2019

5. The Committee had before it the minute of the meeting of the Licensing Sub Committee of 18 January 2019 for approval.

The Committee resolved:

to approve the minute as a correct record.

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.

APPLICATIONS FOR LICENCES

7. 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.

CONFIDENTIAL INFORMATION

The press and public were excluded from the meeting for consideration of the applications listed in section 8 on the agenda and appendix B of the minute which contained confidential information in terms of Section 50A 3(b) of the Local Government (Scotland) Act 1973.

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APPLICATIONS FOR LICENCES - CONFIDENTIAL BUSINESS

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.

In accordance with the decision recorded under article 1 of this minute, the following item of business was considered with the press and public excluded.

APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION

9. With reference to article 7, Appendix B, of the minute of the meeting of the Licensing Committee of 11 December 2018, the Committee had before it a report by the Private Sector Housing Manager which provided an update on in respect of a licence for a house in multiple occupation at 139 Forest Avenue, Aberdeen previously considered by the Committee.

The report recommended:-

that the Committee agree to rescind the decision of the Committee on 11 December 2018 in respect of the application detailed in the report for the reasons outlined.

The Committee resolved:

to approve the recommendation.

REVIEW OF PUBLIC ENTERTAINMENT RESOLUTION - GOV/19/181

10. The Committee had before it a report by the Chief Officer – Governance which (1) advised of a review of the Resolution of venues and activities requiring a Public Entertainment Licence as a result of legislative changes; and (2) sought approval of the updated Resolution for issuing for consultation.

The report recommended:-

that the Committee –

- (a) approve the updated Resolution for venues and activities requiring a Public Entertainment Licence as contained at appendix 1 and instruct the Chief Officer (Governance) to publish the terms of the proposed Resolution and invite representations in line with the statutory requirements as detailed at section 3.2; and
- (b) instruct the Chief Officer - Governance to report back to the Committee at its meeting on 23 April 2019 with the results of the consultation exercise.

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The Committee resolved:

to approve the recommendations.

TAXI DRIVER TRAINING - GOV19/179

11. With reference to article 12 of the minute of the meeting of the Licensing Committee of 12 September 2017 and article 12 of the minute of the meeting of the Licensing Committee of 6 February 2018, the Committee had before it a report by the Chief Officer – Governance which provided an update regarding potential customer service training for taxi drivers, including the operation of a satellite navigation system.

The report recommended:-

that the Committee note the contents of the report and agree not to proceed with any formal training programme at present.

The Committee resolved:

- (i) to approve the recommendation; and
- (ii) to agree to instruct the Chief Officer – Governance to continue to investigate training programmes for taxi and private hire drivers and report back to the Committee in this regard as and when appropriate.

TAXI DEMAND SURVEY - TAXI RANK REVIEW - GOV/19/180

12. With reference to article 14 of the minute of the meeting of the Licensing Committee of 21 August 2018, the Committee had before it a report by the Chief Officer – Governance which advised of the results of an informal consultation with Police Scotland, the Council's Road's service and the Taxi and Private Hire Car Consultation Group on suggestions for new taxi ranks at Upperkirkgate and Guild Street and the future of the ranks at St Andrew's Street and Dee Street.

The report recommended:-

that the Committee note the result of the informal consultation of the report and to agree not to proceed with any action at present.

The Committee resolved:

to approve the recommendation.

- Councillor Reynolds, **CONVENER**

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APPENDIX A

1. **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 61
LESLIE ROAD, ABERDEEN**
Application Reference 7/01

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

2. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 503
KING STREET, ABERDEEN**
Application Reference 7/02

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

3. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 19
LILYBANK PLACE, ABERDEEN**
Application Reference 7/03

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

4. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 1
LILYBANK PLACE, ABERDEEN**
Application Reference 7/04

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

5. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 12
WOODLANDS WALK, CULTS, ABERDEEN**
Application Reference 7/05

One of the joint applicants, Mr William Miller, was in attendance, and was accompanied by Ms Marlene Ogston, Geraghty-Gibb Property Management.

The Committee heard individually from the four the respondents all who were present, namely: Mr Hopkins, Mr George and Ms Murray-George, Mrs Fong and Ms Gillanders. Each of the respondents spoke in support of their letters of representation.

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

The Committee asked questions of the respondents and applicant.

Each of the respondents summed up.

The applicant summed up.

The Convener moved, seconded by Councillor Delaney:-
that the Committee refuse the licence on the grounds that the property was not suitable for occupation as an HMO as a result of its location.

Councillor Townson moved, seconded by Councillor Catriona Mackenzie, as an amendment:-
that the Committee grant the licence.

On a division, there voted:- for the motion (3) – the Convener; and Councillors Bell and Delaney; for the amendment (6) – Councillors Allan, Henrickson, Macdonald, Catriona Mackenzie, Sellar and Townson.

The Committee resolved:
to adopt the amendment.

6. **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 13 ROSLIN TERRACE, ABERDEEN**
Application Reference 7/06

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

The applicant, Mr Andrew House, was not in attendance, however was represented by his agent, Ms Anna Munro, Stewart Property Services.

The respondent, Ms Una Sutherland, was in attendance and spoke in support of her representation.

The Committee then heard from the applicant's representative, Ms Munro, in support of the application.

The Committee asked questions of the applicant and respondent.

The respondent summed up.

The applicant's representative summed up.

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The Committee resolved:-

to grant the licence.

7. REQUEST FOR EXEMPTION FROM THE AGE OF VEHICLES POLICY – MR FLORIN MACHEDON**Application Reference 7/07**

The Committee had before it an information sheet prepared by the Chief Officer - Governance in respect of the request which advised that the applicant was seeking exemption from the Age of Vehicle policy.

The applicant, Mr Florin Machedon, was in attendance and spoke in support of his request and explained why his vehicle should be exempt from the Age of Vehicle policy.

The Committee asked questions of the applicant.

The applicant summed up.

The Committee resolved:

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

8. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE - MR NNAMID CHUKWUMA EZIKE**Application Reference 7/08**

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

9. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE – MR WILLIAM FYVIE**Application Reference 7/09**

The Committee noted that the application had been withdrawn.

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APPENDIX B

1. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE
Application Reference 8/01

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 29 November 2018.

The applicant was in attendance, accompanied by his solicitor, who spoke in support of his 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 and the applicant's representative both summed up.

The Committee resolved:

to grant the licence with the condition that the previous licence holder was not permitted to be on the premises during the hours of operation of the late hours licence.

2. APPLICATION FOR THE GRANT OF A TEMPORARY 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 20 May 2019; and (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 10 December 2018.

The applicant was in attendance and spoke in support of his 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 and the applicant's representative both summed up.

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The Committee resolved:

to refuse the licence.

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

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 20 May 2019; and (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 10 December 2018.

The applicant was in attendance and spoke in support of his 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 and the applicant's representative both summed up.

The Committee resolved:

to refuse the licence.

DECLARATIONS OF INTEREST

During consideration of the following item of business, the Convener and Councillors Delaney and Townson declared an interest in relation to this item by virtue of having previously considered a matter in respect of the applicant which was now to be the subject of court proceedings. All three Councillors withdrew from the meeting.

Councillor Allan took the chair for this item of business only.

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

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 20 June 2019; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 18 January 2019.

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The applicant was in attendance and spoke in support of his 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 and the applicant's representative both summed up.

The Committee resolved:
to refuse the licence.

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