

LICENSING COMMITTEE

ABERDEEN, 23 April 2019. Minute of meeting of the LICENSING COMMITTEE.
Present: Councillor Reynolds, Convener; Councillor Malik, Vice Convener; and Councillors Allan, Henrickson, Catriona Mackenzie, Sellar, Townson and Yuill (as a substitute for Councillor Delaney).

The agenda and reports associated with this minute can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=6279&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 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

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

MINUTE OF PREVIOUS MEETING OF 19 FEBRUARY 2019 - FOR APPROVAL

3. The Committee had before it the minute of its meeting of 19 February 2019 for approval.

The Committee resolved:

to approve the minute as a correct record.

MINUTE OF THE MEETING OF THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP OF 27 MARCH 2019 - FOR INFORMATION

4. The Committee had before it the draft minute of the meeting of the Taxi and Private Hire Consultation Group meeting of 27 March 2019 for information.

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The Committee resolved:

to note the draft minute.

COMMITTEE BUSINESS PLANNER

5. 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

6. 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.

APPLICATIONS FOR LICENCES - CONFIDENTIAL BUSINESS

7. 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.

APPLICATION FOR TAXI RANK AT TECA

8. The Committee had before it a report by the Chief Officer – Governance which advised of a request from SMG Europe Holdings Limited to establish a new permanent taxi rank at The Events Complex Aberdeen (TECA).

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The report recommended:-

that the Committee

- (a) consider the request from SMG Europe Holdings Limited for a new permanent taxi rank at TECA as attached at Appendix 1;
- (b) subject to the approval of the request contained at recommendation (a), instruct the Chief Officer Governance to undertake the formal consultation on the proposal for a new permanent taxi rank at TECA, as illustrated in Appendix 2 and 3, in terms of Section 19 of the Civic Government (Scotland) Act 1982 with
 - Persons or organisations appearing to be representative of taxi operators in the area, i.e. the Taxi and Private Hire Consultation Group.
 - The Chief Constable, Police Scotland.
 - The Public, by way of notice of the proposal in an advertisement in at least one newspaper circulating in the area giving 28 days for any objections or representations.
 - Aberdeen City Council as the Roads Authority

The outcome of the formal consultation would be reported back to the Licensing Committee at its meeting on 4 June 2019.

The Committee resolved:

- (i) to accept the request from SMG Europe Holdings Limited for a new permanent taxi rank at TECA as attached at Appendix 1;
- (ii) to instruct the Chief Officer Governance to undertake the formal consultation on the proposal for a new permanent taxi rank at TECA, as illustrated in Appendix 2 and 3, in terms of Section 19 of the Civic Government (Scotland) Act 1982 with
 - Persons or organisations appearing to be representative of taxi operators in the area, i.e. the Taxi and Private Hire Consultation Group.
 - The Chief Constable, Police Scotland.
 - The Public, by way of notice of the proposal in an advertisement in at least one newspaper circulating in the area giving 28 days for any objections or representations.
 - Aberdeen City Council as the Roads Authority.
- (iii) to note that the outcome of this formal consultation would be reported back to the Licensing Committee at its meeting on 4 June 2019.

PUBLIC ENTERTAINMENT RESOLUTION

9. With reference to article 10 of the minute of the meeting of the Licensing Committee of 19 February 2019, the Committee had before it a report by the Chief Officer – Governance which presented the responses to the draft Public Entertainment Licence Resolution and sought approval to publish the notice of the final Resolution and the date on which it would come into force.

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The report recommended:-

that the Committee

- (a) consider the responses received in respect of the draft Public Entertainment Licensing Resolution and contained at appendix 10.2 and approved the draft published Resolution as contained at appendix 10.1 as the final Resolution for publication; and
- (b) instruct the Chief Officer (Governance) to publish a notice of the final Resolution and the date on which it was to come into force.

The Committee resolved:

- (i) to note the responses received in respect of the draft Public Entertainment Licensing Resolution and contained at appendix 10.2 and to approve the draft published Resolution as contained at appendix 10.1 as the final Resolution for publication; and
- (ii) to instruct the Chief Officer (Governance) to publish a notice of the final Resolution and the date on which it was to come into force.

- Councillor Reynolds, **CONVENER**

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APPENDIX A

1. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – TOP FLOOR FLAT, 35 KINGS CRESCENT, ABERDEEN**
Application Reference 7/01

The Committee noted that the licence had been withdrawn.

2. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 9 ST. MARGARET’S PLACE, ABERDEEN**
Application Reference 7/02

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

3. **APPLICATION FOR A PUBLIC CHARITABLE COLLECTION – SPORT ABERDEEN, QUEENS LINKS, ABERDEEN**
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 been placed on the agenda as the applicant was seeking to hold a public charitable collection on a Sunday which was outwith the Committee’s guidelines.

The applicant, Sport Aberdeen, was not in attendance, nor represented.

The Committee resolved:

to agree that the application be exempt from the Public Collection Policy and to instruct the Chief Officer – Governance to process it accordingly.

4. **APPLICATION FOR THE GRANT OF A TEMPORARY TAXI OPERATOR’S LICENCE - MR ALLAN ROSS**
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 (1) the application had to be determined by 12 August 2019; and (2) the applicant had requested exemption from the following policies: Wheelchair Accessible Vehicle, Age of Vehicle and Type of Vehicle.

The applicant, Mr Allan Ross, was in attendance, accompanied by his wife.

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The Committee resolved:

to agree that the application be exempt from the following policies: Wheelchair Accessible Vehicle, Age of Vehicle and Type of Vehicle on the basis of the individual circumstances and to instruct the Chief Officer – Governance to process it accordingly.

5. APPLICATION FOR THE GRANT OF A TAXI OPERATOR'S LICENCE - MR ALLAN ROSS
Application Reference 7/05

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that (1) the application had to be determined by 12 August 2019; and (2) the applicant had requested exemption from the following policies: Wheelchair Accessible Vehicle, Age of Vehicle and Type of Vehicle.

The applicant, Mr Allan Ross, was in attendance, accompanied by his wife.

The Committee resolved:

to agree that the application be exempt from the following policies: Wheelchair Accessible Vehicle, Age of Vehicle and Type of Vehicle on the basis of the individual circumstances and to instruct the Chief Officer – Governance to process it accordingly.

6. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE - MR STEPHEN SMITH
Application Reference 7/06

The Committee noted that the application had been withdrawn.

7. APPLICATION FOR THE GRANT OF A TAXI OPERATOR'S LICENCE - MR MICHAEL MCLEOD
Application Reference 7/07

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

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APPENDIX B

**1. APPLICATION FOR THE GRANT OF A SPECIAL EVENTS PRIVATE HIRE
CAR DRIVER'S 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 5 July 2019; and (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 8 February 2019.

The applicant was not in attendance, nor represented.

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

The Committee resolved:

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

**2. APPLICATION FOR THE GRANT OF A SPECIAL EVENTS PRIVATE HIRE
CAR OPERATOR'S LICENCE**
Application Reference 8/02

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 5 July 2019; and (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 8 February 2019.

The applicant was not in attendance, nor represented.

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

The Committee resolved:

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

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3. REQUEST TO LIFT A TAXI DRIVER'S LICENCE SUSPENSION**Application Reference 8/03**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the request that the licence holder's suspension be lifted.

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

The Committee resolved:

to lift the suspension of the licence holder's taxi driver's licence on the basis of a material change of circumstances.

4. REQUEST FOR EXEMPTION FROM POLICY**Application Reference 8/04**

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 requesting exemption from the Wheelchair Accessible Vehicle Policy.

The applicant was in attendance, accompanied by his trade union representative who spoke in support of the request.

The Committee asked questions of the applicant.

The applicant's representative summed up.

The Committee resolved:

to approve the request for exemption of the licence holder's vehicle under licence T807 from the Wheelchair Accessible Vehicle policy on the basis of the individual circumstances.

5. REQUEST FOR EXEMPTION FROM POLICY**Application Reference 8/05**

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 requesting exemption from the Wheelchair Accessible Vehicle Policy.

The applicant was in attendance, accompanied by her trade union representative who spoke in support of the request.

The Committee asked questions of the applicant.

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The applicant's representative summed up.

The Committee resolved:

to approve the request for exemption of the licence holder's vehicle from the Wheelchair Accessible Vehicle policy on the basis of the individual circumstances.

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