

## LICENSING COMMITTEE

ABERDEEN, 5 July 2022. Minute of meeting of the LICENSING COMMITTEE.  
Present: Councillor Al-Samarai, Convener; Councillor Delaney, Vice Convener;  
and Councillors Clark, Farquhar, Graham (as substitute for Councillor Crockett),  
Henrickson, MacGregor, Malik, McLeod, McRae (as substitute for Councillor  
Cormie) and van Sweeden.

The agenda and reports associated with this minute can be found [here](#).

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.

### VALEDICTORY

1. The Convener wished to express her thanks to the previous Convener, Mr John Reynolds who had recently retired and stood down prior to the recent Local Government Election.

She also acknowledged that this would be Mr Ally Thain's (Private Sector Housing Manager) last meeting before retiring from the Council after 46 years of service. She expressed her sincere thanks for his contribution and support of the Committee wishing him well in his retirement.

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

to concur with the Convener.

### DECLARATIONS OF INTEREST AND TRANSPARENCY STATEMENTS

2. There were no declarations of interest or transparency statements intimated at this stage in the proceedings.

### DEPUTATION BY RUSSELL MCLEOD, RAINBOW CITY TAXIS

3. The Committee had before it a deputation from Mr Russell McLeod, Rainbow City Taxis in relation to agenda item 9.3 (Street Knowledge Test).

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

to hear the deputation prior to consideration of the report. (Article 24 of this minute refers)

### MINUTE OF PREVIOUS MEETING OF 22 MARCH 2022, FOR APPROVAL

4. The Committee had before it the minute of its previous meeting of 22 March 2022, for approval.

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

to approve the 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 content of the Business Planner.

### **NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 35 ST MACHAR DRIVE**

6. The Committee had before it a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reason that one letter of representation had been submitted; and that the necessary upgrading work and certification had not been completed.

The applicant, Mr Nicholas James was in attendance and spoke in support of the application and responded to questions from members of the Committee.

The respondent was not in attendance, nor represented.

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

to 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 if appropriate.

### **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 118 CROWN STREET**

7. The Committee were advised that the licence had been granted under delegated powers.

### **REQUEST FOR EXEMPTION FROM AGE OF VEHICLE POLICY - LEE JOHNSTON**

8. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the applicant was seeking an exemption to the current Committee Policy which stated that any saloon vehicle to be licensed as a taxi or private hire car must be no older than 5 years old from the date of registration.

The applicant, Mr Lee Johnston was in attendance and spoke in support of his request and answered questions from members of the Committee.

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**The Committee resolved:-**

to approve the request for exemption from the Age of Vehicle Policy.

**REQUEST FOR EXEMPTION FROM AGE OF VEHICLE POLICY - TULA MIAH**

9. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the applicant was seeking an exemption to the current Committee Policy which stated that any saloon vehicle to be licensed as a taxi or private hire car must be no older than 5 years old from the date of registration.

The applicant, Mr Tula Miah was in attendance and spoke in support of his request and answered questions from members of the Committee.

**The Committee resolved:-**

to approve the request for exemption from the Age of Vehicle Policy.

**REQUEST FOR EXEMPTION FROM AGE OF VEHICLE POLICY - DARREN MATTHEW**

10. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the applicant was seeking an exemption to the current Committee Policy which stated that any saloon vehicle to be licensed as a taxi or private hire car must be no older than 5 years old from the date of registration.

The applicant, Mr Darren Matthew was in attendance and spoke in support of his request and answered questions from members of the Committee.

**The Committee resolved:-**

to approve the request for exemption from the Age of Vehicle Policy.

**REQUEST FOR EXEMPTION FROM AGE OF VEHICLE POLICY - MATTHEW CHYLA**

11. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the applicant was seeking an exemption to the current Committee Policy which stated that any saloon vehicle to be licensed as a taxi or private hire car must be no older than 5 years old from the date of registration.

The applicant, Mr Matthew Chyla was in attendance.

**The Committee resolved:-**

to approve the request for exemption from the Age of Vehicle Policy.

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**REQUEST FOR EXEMPTION FROM AGE OF VEHICLE POLICY - HUSEYIN POLAT**

12. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the applicant was seeking an exemption to the current Committee Policy which stated that any saloon vehicle to be licensed as a taxi or private hire car must be no older than 5 years old from the date of registration.

The applicant, Mr Huseyin Polat was in attendance and spoke in support of his request and answered questions from members of the Committee.

**The Committee resolved:-**

to approve the request for exemption from the Age of Vehicle Policy.

**REQUEST FOR EXEMPTION FROM AGE OF VEHICLE POLICY AND WHEELCHAIR ACCESSIBLE VEHICLE POLICY - STANLEY NOBLE AND CHRIS WINPENNY**

13. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the applicants were seeking an exemption from three current Committee Policies, namely (1) the Committee Policy that states that any vehicle being licensed as part of a Grant of Licence, Temporary Licence or Substitution application must be 5 years old or less on the day the application is submitted; (2) the Committee Policy that states that any application for the Grant of a Taxi Licence must be for a Wheelchair Accessible Vehicle; and (3) the Committee Policy that states that the licence holder must be the legal owner and registered keeper of the licensed vehicle and must also be the main insured party.

The applicant, Mr Stanley Noble was in attendance.

**The Committee resolved:-**

to defer consideration of the requests until such time the applicant(s) submit an application.

**RENEWAL OF A TAXI LICENCE - CHRISTOPHER SEDGWICK**

14. The Committee had before it an information note prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 29 September 2022.

The licence holder, Mr Christopher Sedgwick was in attendance and spoke in support of his application.

**The Committee resolved:-**

to defer consideration of the application until the next meeting of the Committee, to allow the licence holder to submit an application for the Substitution of a Vehicle.

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**SEXUAL ENTERTAINMENT VENUE LICENCE - LICHOLDING LTD, SILHOUETTE, 48 BRIDGE STREET**

15. The Committee had before it (1) an information sheet prepared by the Chief Officer – Governance, which advised that the operating hours for the licence would be: Sunday to Thursday - 12:00 to 02:00 and Friday and Saturday - 13:00 to 03:00; and (2) correspondence from the Principal Environmental Health Officer, Operations and Protective Services.

The applicant's agent Mr Mohammad Ali was in attendance and spoke in support of the application.

Mr Andrew Gilchrist, Principal Environmental Health Officer indicated that some outstanding work was required to be undertaken by the licence holder.

**The Committee resolved:-**

to approve the licence subject to the standard environmental health conditions being met by the licence holder.

**SEXUAL ENTERTAINMENT VENUE LICENCE - TGC LEISURE LTD, PRIVATE EYES, 70 CHAPEL STREET**

16. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the operating hours for the licence would be: Sunday to Thursday - 19:00 to 02:00 and Friday and Saturday - 19:00 to 03:00.

The applicant's agent Mr Archie McIver was in attendance and spoke in support of the application.

**The Committee resolved:-**

to approve the licence.

**SEXUAL ENTERTAINMENT VENUE LICENCE - TGC LEISURE LTD, PRIVATE EYES 2, 30 BRIDGE STREET**

17. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the operating hours for the licence would be: Sunday to Thursday - 19:00 to 02:00 and Friday and Saturday - 19:00 to 03:00.

The applicant's agent Mr Archie McIver was in attendance and spoke in support of the application.

**The Committee resolved:-**

to approve the licence.

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**SEXUAL ENTERTAINMENT VENUE LICENCE - DEVANA INVESTMENTS LIMITED, BUGSY BROWNS, 7 WINDMILL BRAE**

18. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the operating hours for the licence would be: Sunday to Thursday - 13:00 to 02:00 and Friday and Saturday - 13:00 to 03:00.

The applicant's agent Mr Neil Fraser was in attendance and spoke in support of the application.

**The Committee resolved:-**

to approve the licence.

**SEXUAL ENTERTAINMENT VENUE LICENCE - NEW PROGRESS LIMITED, THE MASK ABOVE MAGMA, 52 BRIDGE STREET**

19. The Committee had before it (1) an information sheet prepared by the Chief Officer – Governance, which advised that the operating hours for the licence would be: Sunday to Thursday - 12:00 to 02:00 and Friday and Saturday - 13:00 to 03:00; and (2) correspondence from the Principal Environmental Health Officer, Operations and Protective Services.

The applicant's agent Mr Mohammad Ali was in attendance and spoke in support of the application.

Mr Andrew Gilchrist, Principal Environmental Health Officer indicated that some outstanding work was required to be undertaken by the licence holder.

**The Committee resolved:-**

to approve the licence subject to the standard environmental health conditions being met by the licence holder.

**SEXUAL ENTERTAINMENT VENUE LICENCE - PUNCH PARTNERSHIP LTD, C/O TLT LLP, NUMBER 7, 7 CROWN STREET**

20. The Committee had before it (1) an information sheet prepared by the Chief Officer – Governance, which advised that the operating hours for the licence would be: Monday to Thursday - 11:00 to 02:00, Friday and Saturday - 13:00 to 03:00 and 12:30 to 02:00 on Sunday; and (2) an inspection report from the Building Standards Team.

The applicant's agent Mr Stephen McGowan was in attendance and spoke in support of the application.

**The Committee resolved:-**

to approve the licence.

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**SEXUAL ENTERTAINMENT VENUE LICENCE - GLORYEVER LIMITED, HOUSE OF GINZA, 21 CROWN TERRACE**

21. The Committee had before it (1) an information sheet prepared by the Chief Officer – Governance, which advised that the operating hours would be: Sunday to Thursday - 11:00 to 02:00 and Friday and Saturday - 12:00 to 03:00; and (2) a letter of representation from the Chief Superintendent, Police Scotland, c/o North East Division, dated 30 March 2022; (3) letters of representation from the Council's Environmental Health and Building Standard Teams; and (4) three letters of objection submitted by members of the public.

The applicant's agent Mr Joseph Chong was in attendance and spoke in support of the application.

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

Mr Andrew Gilchrist, Principal Environmental Health Officer indicated that he would have no objection to the licence if the required environmental health conditions were met by the applicant.

Mr David Kidd, Team Leader, Building Standards advised that some outstanding work was required to be undertaken by the applicant.

The Committee then heard from Ms Rachael Sparrow and Ms Evelyn Provatos, two of the three members of the public who spoke in support of their letters of objection.

**The Committee resolved:-**

- (i) to refuse the licence on the grounds of over provision, noting that if the licence was approved, the number of Sexual Entertainment Venues in the local authority's area would exceed the number (six) that the authority considers appropriate for their area; and
- (ii) to instruct the Chief Officer – Governance to undertake a review of the Sexual Entertainment Venue policy in 18 months' time.

**APPOINTMENT OF MEMBERS TO LICENSING SUB-COMMITTEE AND TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP - COM/22/093**

22. The Committee had before it a report by the Chief Officer – Governance which sought approval to re-establish the Licensing Sub-Committee and thereafter to determine compositions and make appointments to the Licensing Sub-Committee and the Taxi and Private Hire Car Consultation Group under the Committee's remit.

**The report recommended:-**

that the Committee –

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- (a) agree to re-establish the Licensing Sub-Committee and agree the composition and appoint a Convener and members to the Licensing Sub-Committee in accordance with the proposed composition at 3.4 of this report; and
- (b) agree the composition and appoint a Chairperson and elected members to the Taxi and Private Hire Car Consultation Group in accordance with the proposed composition at 3.4 of the report.

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

- (i) to re-establish the Licensing Sub-Committee and agree that its membership number be seven (3 SNP, 1 Liberal Democrat, 1 Labour, 1 Conservative, and 1 Independent) and to appoint the Convener of the Licensing Committee as its Convener;
- (ii) to re-establish the Taxi and Private Hire Car Consultation Group and agree that the number of elected members on it be seven (3 SNP, 1 Liberal Democrat, 1 Labour, 1 Conservative, and 1 Independent) and to appoint the Convener of the Licensing Committee as its Chairperson; and
- (iii) to instruct the Clerk to arrange a meeting of the Taxi and Private Hire Car Consultation Group in August 2022, in consultation with the Chairperson.

### **BACK WYND TAXI RANK PROPOSAL - COM/22/088**

**23.** The Committee had before it a report by the Chief Officer – Governance which outlined the feedback following consultation with Police Scotland, Aberdeen City Council Roads Department, the City Centre Masterplan Team, the taxi trade and the general public on the reinstatement of the taxi rank at Back Wynd.

### **The report recommended:-**

that the Committee –

- (a) consider the Consultation responses in Appendices 1, 2 and 3 of the report; and
- (b) agree to install a rank on Back Wynd for the number of vehicles and operating hours considered appropriate.

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

to install a rank on Back Wynd for 11 vehicles and that the operating hours be 05:00 to Midnight, seven days per week.

### **STREET KNOWLEDGE TEST - COM/22/147**

**24.** With reference to article 3 of this minute, the Committee received a deputation from Mr Russell McLeod, Rainbow City Taxis.

Mr McLeod advised that as a trade they were well aware that during Covid, Aberdeen's Taxi and Private Hire fleet had diminished by approx. 25%. A large percentage of those who had left the trade seemed to have been those drivers that worked "the ranks" which impacted on taxi numbers servicing the ranks at peak times, especially at weekends. He



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indicated that the trade had no intention of burying their heads in the sand, realising that they needed to be proactive in increasing the Aberdeen Fleet, and they should not forget the standards that have been built over the past 40+ years, standards that they should not just disregard, because we have a shortage of taxis at some peak times.

He intimated that their trade was not the only trade that was struggling to recruit, and at this time, they were approximately 300 drivers short, although Bus companies openly acknowledged that they had no plans to re-start their late-night buses anytime soon and certainly not before October or November 2022, at the earliest. He explained that they had been represented at many groups over the past two years and were allowed to take part in conversations that directly affected their industry, with other stakeholders in attendance. He advised that since the city started to open after Covid, it was only the taxi trade that had kept people moving after 11pm, there had been no help from bus companies, and during this time their most used night-time rank (St Nicholas Church) had not been accessible.

Mr McLeod advised that there was no signage for members of the public to direct them to find, or wait for a taxi, until most of the Spaces for People measures were lifted. Night-time Marshals have been working for the past two weeks and most of the night-time ranks were now back operational.

In terms of the report before members, Mr McLeod explained that the proposals were not acceptable to the taxi trade and they would undo 40+ years of striving to make their industry the best it could be.

Mr McLeod made reference to the four options outlined in the report and responded as follows:-

- (1) Amended Test for Private Hire Drivers - Why would someone being asked to do the same job, be allowed to do this with a lesser test?
- (2) Abolition of the Test for Private Hire Drivers - No test at all would put their industry back many years, they had one of the best, most knowledgeable fleet in Scotland, maybe even the UK, so why would you want to erode all those years of hard work?
- (3) Amended Resit Procedures - Yes, they would welcome this, but this was muted by the Taxi and Private Hire Car Consultation Group almost three years ago; and
- (4) Driver Training Qualification - Nothing wrong with anything that improved standards, it just needed to be across the board, but there was the issue of cost?

Mr McLeod advised that in association with Aberdeen Taxis, ComCab Aberdeen and Rainbow City Taxis, they would like to propose the follow as an alternative to the proposals, although stressed that it may be prudent to point out, that allowing no test for Private Hire Drivers, would be beneficial financially for all Taxi Offices, as this was the only way they could work, but in their view, allowing this would seriously damage the standards that they strived to achieve:-

- (a) At present, each applicant needed to achieve 75% pass rate on all four modules, they proposed that this be reduced to 60%. For obvious reasons, if it was felt that keeping the Highway Code part at 75%, then they would have no issue;

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- (b) If an applicant, passed at least two modules out of four, then that applicant should only have to sit the parts that were failed on first sitting. They would propose that each applicant be allowed only two attempts to pass. After this they would need to start again; and
- (c) Test for a Private Hire Driver should remain the same as a Taxi Driver, as they were doing the same job.

Mr McLeod indicated that their proposals would help increase the number of those applying and passing the Knowledge Test, which in turn would steadily increase the Aberdeen Fleet, with all three of their offices now running Taxi Training schools to help and teach applicants how to pass the Street Knowledge Test.

The Committee thanked Mr McLeod for his deputation.

The Committee had before it a report by the Chief Officer – Governance which sought authority to seek public opinion on options for amending the Street Knowledge Test by way of a public consultation exercise.

### **The report recommended:-**

that the Committee –

- (a) instruct the Chief Officer – Governance to hold a public consultation on the options for amending the Street Knowledge Test as detailed in Appendix 1 of the report; and
- (b) instruct the Chief Officer – Governance to report back to the Committee on 6 September 2022 with the results of the consultation exercise.

### **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.**

## **REQUEST FOR SUSPENSION OR REVOCATION (PARAGRAPH 11) OF A TAXI DRIVER LICENCE**

**25.** The Committee had before it (1) an information sheet prepared by the Chief Officer – Governance, which advised that a request had been received under Paragraph 11, Schedule 1 of the Civic Government (Scotland) Act 1982 for the suspension or revocation of a Taxi Driver's licence; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division dated 16 May 2022.

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As a preliminary matter, Mr Munro, Legal Adviser, Aberdeen City Council advised that he had recently received a late letter from the applicant and that the Committee required to consider whether it be accepted into the proceedings.

**The Committee resolved:-**

to accept the letter into proceedings.

Sergeant Grant was in attendance, spoke in support of Police Scotland's letter and responded to questions from members.

The licence holder was in attendance, as was his representative Mr Dean Purdie who responded to the details within Police Scotland's letter and to member's questions.

Both parties summed up.

**The Committee resolved:-**

to suspend the licence holder with immediate effect and for the unexpired period of his licence (31 October 2023).

**RENEWAL OF A TAXI DRIVER LICENCE**

26. The Committee were advised that the application had been withdrawn.

**REQUEST FOR EXEMPTION FROM THE STREET KNOWLEDGE TEST**

27. The Committee had before it (1) an information sheet prepared by the Chief Officer – Governance, which advised that the applicant was seeking an exemption from the Committee Policy that stated that an applicant for a Taxi Driver or Private Hire Car Driver licence must pass the street knowledge test; and (2) an email from the applicant indicating the grounds on which he was seeking the exemption.

The applicant was not in attendance, nor represented.

**The Committee resolved:-**

to refuse the request for exemption.

- **COUNCILLOR GILL AL-SAMARAI, Convener**