

## LICENSING COMMITTEE

ABERDEEN, 6 September 2022. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Al-Samarai, Convener; Councillor Delaney, Vice Convener; and Councillors Boulton, Clark, Crockett, Fairfull, Farquhar, Henrickson, MacGregor, Malik, McLeod, Tissera 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.**

### DECLARATIONS OF INTEREST AND TRANSPARENCY STATEMENTS

1. Members were requested to intimate any declarations of interest or transparency statements in respect of the items on today's agenda, thereafter the following were intimated:-

- (1) The Convener declared an interest in relation to item 8.13 (Request for Exemption from Permitted Vehicle Policy – Steven Hall PH105), by virtue of her knowing the applicant. She advised that the nature of her interest required her to leave the meeting and took no part in the Committee's deliberations thereon;
- (2) Councillor Clark declared an interest in relation to item 8.13 (Request for Exemption from Permitted Vehicle Policy – Steven Hall PH105) and item 10.3 (Request for Suspension or Revocation (Paragraph 11) of a Taxi Driver's Licence), by virtue of her knowing the applicants. She advised that the nature of her interest required her to leave the meeting and took no part in the Committee's deliberations thereon; and
- (3) Councillor Malik declared an interest in relation to item 8.12 (Grant of a Taxi Operator Licence – Varinder Sood), by virtue of him knowing the applicant. He advised that the nature of his interest required him to leave the meeting and took no part in the Committee's deliberations thereon.

### DEPUTATION IN RELATION TO ITEM 9.2 (STREET KNOWLEDGE TEST - CONSULTATION RESULTS) FROM ABERDEEN TAXIS, COMCAB ABERDEEN AND RAINBOW CITY TAXIS - RUSSELL MCLEOD

2. The Committee had before it a deputation from Mr Russell McLeod, Rainbow City Taxis in relation to agenda item 9.2 (Street Knowledge Test – Consultation Feedback).

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

to hear the deputation prior to consideration of the report, which was to be taken sooner on the agenda.

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**STREET KNOWLEDGE TEST - CONSULTATION FEEDBACK - COM/22/181**

3. With reference to article 2 of this minute, the Committee heard from Mr Russell McLeod on the proposals outlined in the report and by way of the consultation documents circulated previously by officers in terms of the review of the Street Knowledge Test.

In relation to the question regarding an amended test for Private Hire drivers, Mr McLeod advised that, although the responses were close, it was important to recognise that the conclusion was that there should be no amended test for Private Hire drivers, which was in his opinion, a view that 99% of the trade share. He explained that all drivers should be trained to the same level, but accepted that it was a different licence, although in Aberdeen they both do exactly the same job. He indicated that currently all three of Aberdeen's largest Taxi Companies (Aberdeen Taxis, ComCab Aberdeen and Rainbow City Taxis), operate using both taxis and private hire vehicles which were driven by Taxi Drivers, to do the same job, and therefore it was in nobody's interest, especially the public, to have a two-tier system, when they were doing the same job. He intimated that it was quite clear, that the test for Private Hire drivers should not be abolished and therefore requested that the Committee should dismiss this option.

In relation to whether the test re-sit procedure should be amended, Mr McLeod advised that Aberdeen Taxis, ComCab Aberdeen and Rainbow City Taxis had sought changes for over three years and the current test format not only dissuaded applicants from attempting, but also from re-sitting the test.

In relation to the proposal for a driver training qualification to be introduced, Mr McLeod agreed that it should be considered in the future, but at this time, it was important to let the trade get back on its feet first.

Mr McLeod acknowledged that there was a shortage of taxis for night-time revellers, but explained that they were the only trade, which was tackling this issue, intimating that there was no other help at peak-times, there were no buses and there was the access issue to the busiest night-time rank (St Nicholas Church).

Mr McLeod advised that earlier this week, he had been advised that the Taxi Rank Marshals' hours had been adjusted to coincide with the ranks at peak times and was assured that the next step of the City Centre Masterplan, would see taxis and private hire vehicles gain access to Union Street at Market Street and Bridge Street.

Mr McLeod made reference to the Taxi Driver Training Schools which were being conducted by the three companies.

Mr McLeod provided details regarding the proposal from Aberdeen Taxis, ComCab Aberdeen and Rainbow City Taxis to increase taxi driver numbers due to a significant decrease as a result of Covid 19, as follows:-

- That each of the 4 modules be treated as individual, if an applicant passed one module at their first visit, they should be allowed to keep "bank" that pass for 6 months. Therefore, once an applicant had passed one module, they then have 6

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months to pass all 4 modules, if each test had a cost, then the applicant would need to meet this cost.

- If after 6 months the applicant had not passed, then they need to undertake all four sections again. This would not erode the test as each applicant would be required to put in the same effort, just without the pressure to pass all modules, or have to start again;
- This would encourage more applicants and in time will have a positive impact on the number of drivers in the city. We would estimate that within 6 months, this could result in another 25+ drivers, but with no eradication, to our very high standards;
- Each successful applicant would still need to pass all modules, just not all at once. Each driver would still need to pass the same test as every other driver; and
- We are also of the opinion that the 75% pass rate needs to be reviewed. This is something that we would intend to take back to the Taxi and Private Hire Car Consultation Group.

The Convener, on behalf of the Committee, thanked Mr McLeod for his deputation.

With reference to article 24 of the minute of the previous meeting of 5 July 2022, the Committee had before it a report by the Director of Commissioning which outlined the results of the consultation with the taxi trade and the general public on possible amendments to the Street Knowledge Test.

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

that the Committee –

- (a) consider the consultation responses; and
- (b) agree to progress any options considered appropriate.

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

- (i) to note the consultation responses;
- (ii) to agree not to amend or abolish the test for Private Hire drivers;
- (iii) to agree that if the applicant fails one section of the test, they would be afforded one opportunity to resit that section of the test again within a three month period;
- (iv) to note that if the applicant fails more than one section of the test, they would be required to sit all sections of the test again under no time constraints; and
- (v) to defer consideration of introducing a SQA qualification or equivalent at this time and that a report be submitted to the Committee in this regard in 12 months' time.

## **MINUTE OF PREVIOUS MEETING OF 5 JULY 2022**

4. The Committee had before it the minute of its previous meeting of 5 July 2022, for approval.

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

to approve the minute.

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**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.

**REFERRALS FROM THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP MEETING OF 26 AUGUST 2022**

6. The Committee had before it three referrals from the meeting of the Taxi and Private Hire Car Consultation Group of 26 August 2022, for consideration.

The referrals related to a request that (1) the Licensing Committee consider whether to bring forward the Taxi Fare Review process; (2) the Licensing Committee consider deferring the Taxi Demand Survey for a period of 12 Months; and (3) the Licensing Committee agree to increase the number of annual meetings of the group to four, commencing in 2023.

**The Committee resolved:-**

- (i) to take no action at this time in relation to bringing forward a review of the Taxi Fare Review;
- (ii) to defer the commencement of a Taxi Demand Survey for 12 months; and
- (iii) to increase the number of annual meetings of the Taxi and Private Hire Car Consultation Group to four, commencing in 2023.

**NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 16 CRAIGIE STREET, FLAT A**

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

**RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 37 ORCHARD STREET**

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

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**RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 8 ORCHARD ROAD**

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

**NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 38 FONTHILL TERRACE**

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

**NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 13 ROSE STREET, FLAT A**

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

**NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 13 ROSE STREET, FLAT B**

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

**NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 80 WESTERN ROAD**

13. 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 two letters of representation had been submitted; and that the necessary upgrading work and certification had not been completed.

Mrs Jocelyn Janssen, Private Sector Housing Manager advised that the works had now been completed.

The applicant was in attendance.

The respondents were not in attendance, nor represented.

**The Committee resolved:-**

to grant the licence.

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**RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - SECOND FLOOR FLAT, 2 QUEENS GATE**

14. 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 two letters of representation had been submitted; and that the necessary upgrading work and certification had not been completed.

The applicant's agent, Mr Chris Minchin was in attendance and spoke in support of the application and responded to questions from members of the Committee.

The respondents were not in attendance, nor represented.

**The Committee resolved:-**

to defer consideration of the application until the works were completed, after which time the Chief Officer - Early Intervention & Community Empowerment could grant the licence under delegated powers if appropriate.

**GRANT OF A STREET TRADER'S LICENCE - PAULIES MEDIA LTD, HARENESS ROAD, SOUTH SIDE 65M WEST OF BLACKNESS ROAD**

15. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that one letter of representation had been received and that the application required to be determined by 21 April 2023.

The applicant's agent, Mr Michael Stewart was in attendance and spoke in support of the application.

The respondent was not in attendance, nor represented.

**The Committee resolved:-**

to approve the licence.

**GRANT OF A STREET TRADER'S LICENCE - PAVEL PLASEK, BEACH ESPLANADE, EAST SIDE 100M SOUTH OF LINKS ROAD (SOUTHERN SPUR)**

16. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the Environmental Health Team had been unable to issue a compliance certificate for the catering van to date and the application required to be determined by 23 September 2022.

The applicant, Mr Pavel Plasek was in attendance and spoke in support of his application and responded to questions from members.

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Mr Andrew Gilchrist, Principal Environmental Health Officer indicated that outstanding work was still required to be undertaken by the applicant prior to a Certificate of Compliance being issued.

**The Committee resolved:-**

to defer consideration of the application to allow the applicant to undertake the necessary works to obtain the environmental health certificate of compliance by 23 September 2022, and if appropriate that the Chief Officer - Governance could grant the licence under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Sub Committee for consideration.

**GRANT OF A LATE HOURS CATERING LICENCE - L & M STORES PREMIER, 132-134 HUTCHEON STREET**

17. The Committee had before it an information note prepared by the Chief Officer – Governance in respect of the application which advised that the applicant had requested 05:00 as the terminal hour for Monday to Sunday which was out with the Licensing Committee policy for late hours catering licence within the City Centre area.

The applicant agent, Mr Sandy Kilminster was in attendance and spoke in support of his application and answered questions from members.

**The Committee resolved:-**

to approve the licence.

**In accordance with Article 1 of this minute, Councillor Malik left the meeting for the following item of business.**

**At this juncture, Councillor Boulton declared an interest in relation to the following item of business by virtue of her being called as a witness in Court proceedings relating to the applicant. She advised that the nature of her interest required her to leave the meeting and took no part in the Committee's deliberations thereon.**

**Also at this juncture, Councillor MacGregor declared an interest in relation to the following item of business by virtue of him knowing the applicant. He advised that the nature of his interest required him to leave the meeting and took no part in the Committee's deliberations thereon.**

**GRANT OF A TAXI OPERATOR LICENCE - VARINDER SOOD**

18. The Committee had before it an information note prepared by the Chief Officer – Governance in respect of the application, which advised that following inspection, the

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applicant's modified vehicle did not meet the Wheelchair Accessible Vehicle specifications of the Licensing Authority.

The licence holder, Mr Varinder Sood was in attendance, spoke in support of his application and responded to questions from members.

Mr John Weir, Fleet Services Manager was in attendance and responded to questions from members.

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

to defer consideration of the application to allow the applicant to seek to resolve the discrepancies with the Wheelchair Accessible Vehicle specification and to waive the inspection fee thereafter.

**In accordance with Article 1 of this minute, the Convener and Councillor Clark left the meeting for the following item of business.**

### **REQUEST FOR EXEMPTION FROM PERMITTED VEHICLE POLICY - STEVEN HALL PH105**

19. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the applicant was seeking an exemption from the Permitted Vehicles policy, seeking permission to submit an application to licence an SUV which was not permitted under the current policy.

The applicant was in attendance and advised that Mr Russell McLeod would speak on his behalf in support of his request.

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

- (i) to approve the request for exemption from the Permitted Vehicle Policy; and
- (ii) to note that the Chief Officer - Governance would review the wording and the specifications in the current Permitted Vehicles Policy and submit a report in this regard in due course.

### **REVIEW OF STREET TRADER POLICY - COM/22/180**

20. With reference to article 17 of the minute of meeting of 22 March 2022, the Committee had before it a report by the Director of Commissioning which presented the responses to the Street Trader Policy consultation and sought approval to implement and publish the new policy.

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

that the Committee –

- (a) note the responses received in respect of the Street Trader Policy consultation;

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- (b) approve the Street Trader Policy and agree that it takes effect from 1 November 2022; and
- (c) instruct the Chief Officer - Governance to publish the Street Trader Policy on the Council's website.

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

to approve the recommendations.

### **SHORT TERM LETS - NEW LICENSING POWERS - CUS/22/191**

**21.** The Committee had before it a report by the Director of Customer Services which sought approval for a Short Term Lets policy to allow the Council to licence short-term lets in Aberdeen under the 'Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022'.

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

that the Committee –

- (a) approve the Short Term Lets Policy with effect from 1 October 2022 in Appendix 1;
- (b) approve the proposed Additional Licence Conditions with effect from 1 October 2022 in Appendix 2;
- (c) approve the Temporary Licence statement with effect from 1 October 2022 in Appendix 3; and
- (d) approve the Temporary Exemption statement with effect from 1 October 2022 in Appendix 4.

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

- (i) to approve the recommendations;
- (ii) that a report providing details in relation to the number of registered licence holders and any challenges in respect of the policy be submitted to the Committee in nine months' time; and
- (iii) that a review of the policy be undertaken 12 months from the implementation date (1 October 2022), with a report being submitted to Committee thereafter.

### **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.**

### **LANDLORD REGISTRATION (AGENDA ITEM 10.1)**

**22.** The Committee had before it (1) an information note prepared by the Private Sector Housing Manager, which provided details in relation to an application for Landlord

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Registration; (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 14 July 2022; and (3) correspondence from the applicant in response to the letter from Police Scotland.

The applicant was not in attendance, nor represented.

Police Constable Duthie was in attendance and spoke in support of Police Scotland's letter.

**The Committee resolved:-**

to refuse the licence on the grounds that the applicant was not a fit and proper person to be registered as a landlord.

### **LANDLORD REGISTRATION (AGENDA ITEM 10.2)**

**23.** The Committee had before it (1) an information note prepared by the Private Sector Housing Manager, which provided details in relation to an application for Landlord Registration; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division dated 14 July 2022.

The applicant was not in attendance, nor represented.

Police Constable Duthie was in attendance and spoke in support of Police Scotland's letter.

**The Committee resolved:-**

to refuse the licence on the grounds that the applicant was not a fit and proper person to be registered as a landlord.

**In accordance with Article 1 of this minute, Councillor Clark left the meeting for the following item of business.**

### **REQUEST FOR SUSPENSION OR REVOCATION (PARAGRAPH 11) OF A TAXI DRIVER'S LICENCE (AGENDA ITEM 10.3)**

**24.** 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; (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 7 July 2022; and (3) a letter of representation submitted by the licence holder.

Police Constable Duthie was in attendance and spoke in support of Police Scotland's letter.

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The licence holder was not in attendance, nor represented.

The Vice Convener, seconded by Councillor Fairfull, moved:-  
that the Committee revoke the licence on the grounds that the licence holder was not a fit and proper person.

Councillor Boulton, seconded by the Convener, moved as an amendment:-  
that the Committee defer consideration of the request to allow the licence holder to attend the next meeting of the Committee.

Councillor MacGregor moved a further amendment as follows:-  
that the Committee take no action.

Councillor MacGregor's amendment was not seconded, therefore in terms of Standing Order 29.12, the amendment fell.

On a division, there voted:- for the motion (4) – the Vice Convener and Councillors Crockett, Fairfull and Tissera; for the amendment (8) – the Convener and Councillors Boulton, Farquhar, Henrickson, MacGregor, Malik, McLeod and van Sweeden.

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

to adopt the amendment.

## **REQUEST FOR SUSPENSION (PARAGRAPH 12) OF A TAXI DRIVER'S LICENCE (AGENDA ITEM 10.5)**

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 12, Schedule 1 of the Civic Government (Scotland) Act 1982 for the suspension of a Taxi Driver's licence; and (2) correspondence from the Enforcement Officer, Licensing Team.

The licence holder was in attendance, spoke in support of the licence and responded to questions from members of the Committee.

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

to suspend the licence holder for the unexpired period of his licence.

## **RENEWAL OF A TAXI DRIVER'S LICENCE (AGENDA ITEM 10.4)**

26. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the application required to be determined by 20 March 2023.

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

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**The Committee resolved:-**

- (i) to refuse the licence; and
- (ii) to agree that if the applicant received confirmation from his GP that he meets DVLA Group 2 medical standards, that the Chief Officer – Governance be instructed to waive the fee for a fresh application and the requirement to sit the street knowledge test and could grant the licence under delegated powers, if appropriate.

**RENEWAL OF A TAXI DRIVER'S LICENCE (AGENDA ITEM 10.6)**

27. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the application required to be determined by 24 February 2022.

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

**The Committee resolved:-**

to approve the licence.

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