

LICENSING COMMITTEE

ABERDEEN, 12 December 2023. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Al-Samarai, Convener; Councillor Delaney, Vice-Convener; and Councillors Ali, Boulton, Clark, Copland, Fairfull, Farquhar, Henrickson, Lawrence, MacGregor and McLeod.

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) Councillor Lawrence declared an interest in relation to item 9.4 (Exemption Request – Late Hours Catering – Morrisons Petrol Filling Station – West North Street), by virtue of him having two family members employed by the applicant. He advised that the nature of his interest required him to leave the meeting and he therefore took no part in the Committee's deliberations thereon; and
- (2) Councillor Ali declared an interest in relation to item 9.6 (Renewal of a Taxi Licence (T130) – Ferdi Kahraman), by virtue of him knowing the applicant. He advised that the nature of his interest required him to leave the meeting and he therefore took no part in the Committee's deliberations thereon.

MINUTE OF PREVIOUS MEETING OF 6 SEPTEMBER 2023

2. The Committee had before it the minute of its previous meeting of 6 September 2023, for approval.

The Committee resolved:-
to approve the minute.

MINUTE OF MEETING OF THE LICENSING SUB COMMITTEE OF 2 NOVEMBER 2023

3. The Committee had before it the minute of meeting of the Licensing Sub Committee of 2 November 2023, for approval.

The Committee resolved:-
to approve the minute.

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MINUTE OF MEETING OF THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP OF 30 AUGUST 2023

4. The Committee had before it the minute of meeting of the Taxi and Private Hire Car Consultation Group of 30 August 2023, for noting.

The Committee resolved:-

to note the minute.

COMMITTEE BUSINESS PLANNER

5. The Committee had before it the Committee Business Planner as prepared by the Interim Chief Officer – Governance.

The Committee resolved:-

- (i) to note the reasons for deferral outlined within the planner in relation to item 5 (Taxi Demand Survey (including Review of Taxi Ranks), item 6 (Taxi Fleet Composition) and item 7 (Taxi Driver Training); and
- (ii) to otherwise note the business planner.

SHORT TERM LETS APPLICATIONS - LICENSING PROCESS - COM/23/377

6. The Committee had before it a report by the Director of Commissioning which advised on the recent issues surrounding Short Term Lets Applications and to agree a way forward to consider these and other urgent and/or deferred applications.

The report recommended:-

that the Committee –

- (a) agree the way forward as outlined in Section 3 of the report for a four month period only (1 January 2024 until 30 April 2024); and
- (b) note that following the above time period, arrangements would be expected to revert back to the current process for considering all licensing applications and the membership of the Licensing Sub Committee.

The Committee resolved:-

to approve the recommendations.

COMMITTEE ANNUAL EFFECTIVENESS REPORT - COM/23/321

7. The Committee had before it a report by the Director of Commissioning which presented the annual report of the Licensing Committee to enable Members to provide comment on the data contained within.

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The report recommended:-

that the Committee –

- (a) provide comments and observations on the data contained within the annual report; and
- (b) note the annual report of the Licensing Committee.

The Committee resolved:-

to note the annual report of the Licensing Committee.

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 13 AFFLECK STREET

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

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 13 ORCHARD STREET

9. 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/objection had been received.

Mrs Jocelyn Janssen, Private Sector Housing Manager advised that the certification and work requirements to bring the property up to the current HMO standard had now been completed.

Ms Natasha Kochhar, the applicant was in attendance, spoke in support of the application and responded to questions from members.

Mr Ewan Thompson was in attendance, spoke in support of his letter of representation and responded to questions from members.

Both parties summed up.

The Committee resolved:-

to grant the licence.

SHORT TERM LET APPLICATION (EXISTING OPERATOR) - FLAT 34 FRASER HOUSE, 9 MARKET STREET

10. The Committee were advised that the application had been deferred, following a request by the applicant.

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At this juncture, in accordance with Article 1 of this minute, Councillor Lawrence left the meeting prior to consideration of the following item of business.

EXEMPTION REQUEST - LATE HOURS CATERING - MORRISONS PETROL FILLING STATION - WEST NORTH STREET

11. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised (1) that the licence holder had requested an exemption under Section 42(5) Civic Government (Scotland) Act 1982 from requiring a Late Hours Catering Licence; and (2) that the exemption was requested for the hours 23:00 to 00:00 from 21 December 2023 to 23 December 2023 inclusive.

The licence holder was not in attendance, nor represented.

The Committee resolved:-

to approve the exemption request for the hours 23:00 to 00:00 from 21 December 2023 to 23 December 2023 inclusive.

EXEMPTION REQUEST - STREET KNOWLEDGE TEST - DEBORAH MARGARET ELRICK

12. With reference to article 3 of the minute of meeting of the Licensing Sub Committee of 2 November 2023, the Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance (Legal), which advised that the applicant was seeking an exemption to the current Committee Policy which stated that all intended applicants for a Taxi Driver Licence must pass the street knowledge test before a grant of a licence can be submitted; and (2) correspondence from the applicant outlining her request.

Ms Deborah Elrick, the applicant was in attendance and spoke in support of her request.

The Committee resolved:-

to approve the request for exemption from the Street Knowledge Test.

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At this juncture, in accordance with Article 1 of this minute, Councillor Ali left the meeting prior to consideration of the following item of business.

RENEWAL OF A TAXI LICENCE (T130) - FERDI KAHRAMAN

13. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal) which advised that the applicant had not provided evidence that the vehicle has been inspected and tested as required.

Mr Ferdi Kahraman, the applicant was in attendance, spoke in support of the application and responded to questions from members.

The Committee resolved:-

to defer consideration of the application to allow the applicant to make arrangements to have his vehicle inspected at the Council's Vehicle Test Centre, after which time the interim Chief Officer – Governance (Legal) could grant the licence under delegated powers if appropriate, or otherwise refuse the application if the applicant has not provided evidence that the vehicle has passed the inspection test by 28 January 2024 (the date by which the application must be determined).

COMPLAINT - TAXI DRIVER - MAME LEYE MBAYE

14. The Committee were advised that this item had been deferred, following a request by the licence holder's representative.

COMPLAINT - TAXI DRIVER - WILLIAM CAMERON

15. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that a letter of complaint had been received in relation to the licence holder.

The licence holder was not in attendance, nor represented.

The Committee resolved:-

to defer this item until the next meeting to allow the licence holder to be in attendance.

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.

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RENEWAL OF A TAXI DRIVER LICENCE (AGENDA ITEM 10.1)

16. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance (Legal) which advised that the application required to be considered by 1 July 2024; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 11 October 2023.

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

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

Both parties summed up.

The Committee resolved:-
to grant the renewal of the licence.

RENEWAL OF A TAXI DRIVER LICENCE (AGENDA ITEM 10.2)

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

RENEWAL OF A TAXI DRIVER LICENCE (AGENDA ITEM 10.3)

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

RENEWAL OF A TAXI DRIVER LICENCE (AGENDA ITEM 10.4)

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

RENEWAL OF A TAXI DRIVER LICENCE (AGENDA ITEM 10.5)

20. The Committee had before it an information note prepared by the Interim Chief Officer – Governance which advised that the application required to be considered by 17 February 2024.

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The licence holder was not in attendance, nor represented.

The Committee resolved:-

to defer consideration of the application to allow a medical report to be received by 17 February 2024 (the date by which the application must be determined) and should the applicant meet DVLA Group 2 Standards, the interim Chief Officer - Governance (Legal) could grant the licence under delegated powers, or otherwise refuse the licence if a medical report has not been received or the licence holder does not meet the aforementioned standards.

EXEMPTION REQUEST - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 10.6)

21. The Committee had before it (1) an information note prepared by the Interim Chief Officer – Governance (Legal), which advised that the applicant was seeking an exemption from the Wheelchair Accessible Vehicle policy; (2) correspondence relating to the exemption request.

As a preliminary matter, Mr Sandy Munro, Legal Adviser advised (1) that there was an error in the information note and he clarified that the applicant had been granted an exemption from providing assistance with wheelchair passengers since February 2022; and (2) that updated correspondence had been submitted by the applicant, therefore the Committee required to consider whether it be accepted into the proceedings.

The Committee resolved:-

to note the error in the information note and to accept the late correspondence into the proceedings.

The applicant was in attendance, spoke in support of the exemption request and responded to questions from members.

The Committee resolved:-

to approve the request for exemption from the Wheelchair Accessible Vehicle Policy.

EXEMPTION REQUEST - WHEELCHAIR ACCESSIBLE VEHICLE (AGENDA ITEM 10.7)

22. The Committee had before it (1) an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the licence holder was seeking an exemption to the Wheelchair Accessible Vehicle policy; (2) correspondence from the licence holder outlining his request.

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

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The Committee resolved:-

to approve the request for exemption from the Wheelchair Accessible Vehicle Policy.

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