

LICENSING COMMITTEE

ABERDEEN, 21 February 2024. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Delaney, Vice-Convenor; and Councillors Clark, Copland (as substitute for Councillor Al-Samarai), Graham (up to article 21), Henrickson, Lawrence, MacGregor, Radley (as substitute for Councillor Clark from articles 20 to 30) 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.

EXEMPT BUSINESS

1. The Convener proposed that the Committee consider item 10.3 (Request for Suspension (Paragraph 11 and 12) – Taxi Driver Licence); item 10.4 (Taxi Driver Licence – Renewal); item 10.5 (Street Trader Licence – Grant); item 10.6 (Taxi Driver Licence – Renewal); item 10.7 (Temporary Taxi Driver Licence – Grant); and item 10.8 (Second Hand Dealer Licence – Grant) with the press and public excluded from the meeting.

The Committee resolved:-

- (i) to note that item 10.1 (Short Term Let (Existing Operator) – 26 Whinhill Gate) was not exempt as previously indicated and would now be considered within the public section of the agenda; and
- (ii) in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the meeting during consideration of the above items so as to avoid disclosure of information of the classes described in paragraph 14 of Schedule 7(A) to the Act.

DECLARATIONS OF INTEREST AND TRANSPARENCY STATEMENTS

2. There were no declarations of interest or transparency statements intimated.

MINUTE OF PREVIOUS MEETING OF 12 DECEMBER 2023

3. The Committee had before it the minute of its previous meeting of 12 December 2023, for approval.

The Committee resolved:-

to approve the minute.

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MINUTE OF MEETING OF THE LICENSING SUB COMMITTEE OF 11 JANUARY 2024

4. The Committee had before it the minute of meeting of the Licensing Sub Committee of 11 January 2024, for approval.

The Committee resolved:-

to approve the minute.

MINUTE OF MEETING OF THE LICENSING SUB COMMITTEE OF 26 JANUARY 2024

5. The Committee had before it the minute of meeting of the Licensing Sub Committee of 26 January 2024, for approval.

The Committee resolved:-

to approve the minute.

MINUTES OF MEETINGS OF THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP OF 6 DECEMBER 2023 AND 6 FEBRUARY 2024

6. The Committee had before it the minutes of meetings of the Taxi and Private Hire Car Consultation Group of 6 December 2023 and 6 February 2024, for information.

The Committee resolved:-

to note the minutes.

COMMITTEE BUSINESS PLANNER

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

The Committee resolved:-

- (i) to note the reason for deferral outlined within the planner in relation to item 5 (Taxi Driver Training); and
- (ii) to otherwise note the business planner.

MEMBERSHIP AND REMIT OF THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP - REFERRAL FROM TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP OF 6 DECEMBER 2023

8. The Committee had before it by way of referral, a minute extract from the Taxi and Private Hire Car Consultation Group of 6 December 2023, which provided details on

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a request from Russell McLeod for an additional taxi trade member representative on the group.

The Committee resolved:-

to instruct the Chief Officer – Governance to submit a report to the Licensing Committee at their meeting in April 2024 on the request for an additional representative from the taxi trade as the Taxi Trade’s Disability Liaison member.

EXECUTIVE HIRE TRANSPORT IN THE CITY - REFERRAL FROM TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP OF 6 DECEMBER 2023

9. The Committee had before it by way of referral, a minute extract from the Taxi and Private Hire Car Consultation Group of 6 December 2023, which provided details on a request that the Licensing Committee consider whether it would be appropriate to write to the Scottish Government in relation to an un-licensed Executive Hire loophole.

The Committee resolved:-

to instruct the interim Chief Officer – Governance (Legal) to write to the Scottish Government requesting that the recently passed legislation be expedited as soon as possible in order for Local Authorities to address the number of complaints being received regarding the un-licensed Executive Hire loophole.

LATE HOURS CATERING POLICY - COM/24/057

10. The Committee had before it a report by the Director of Commissioning which provided information on the position in relation to Late Hours Catering licences and sought to determine whether a formal review process was required.

The report recommended:-

that the Committee consider the current policy in relation to Late Hours Catering licences and determine whether a formal review process was required.

The Committee resolved:-

to agree that no formal review process was required for Late Hours Catering licences at this time.

BACK WYND TAXI RANK HOURS OF OPERATION - COM/24/056

11. The Committee had before it a report by the Director of Commissioning which sought approval to undertake a consultation exercise on the prospect of increasing the hours of operation of the Back Wynd taxi rank whilst the night time rank on Union Street was inaccessible.

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The report recommended:-

that the Committee –

- (a) authorise the Chief Officer - Governance to undertake a consultation exercise on increasing the hours of operation of the Back Wynd taxi rank to 24 hours a day; and
- (b) instruct the Chief Officer - Governance to report the results of the consultation exercise to the Committee at the meeting on 24 April 2024.

The Committee resolved:-

to approve the recommendations.

HOUSE IN MULTIPLE OCCUPATION - RENEWAL - 61 RAEDEN CRESCENT

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

HOUSE IN MULTIPLE OCCUPATION - RENEWAL - 168 MORRISON DRIVE

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

HOUSE IN MULTIPLE OCCUPATION - RENEWAL - THIRD FLOOR FLAT, 21 JUSTICE STREET

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

HOUSE IN MULTIPLE OCCUPATION - NEW - 406 UNION STREET

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

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

16. The Committee had before it (1) a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reason that three letters of objection, appended to the report was submitted to the Private Sector Housing Team; and (2) a representation from the applicant Ms Mercy Brown.

As a preliminary matter, Mrs Jocelyn Janssen, Private Sector Housing Manager advised that further correspondence had been received from Lewis McArthur, one of the

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objectors, therefore the Committee required to consider whether it be accepted into the proceedings.

The Committee resolved:-

to accept the late correspondence into the proceedings.

Mrs Janssen advised that the necessary upgrading works had been completed.

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

Mr Aik Shieng Ting and Mr Graham Barclay were in attendance, spoke in support of their letters of objection and responded to questions from members.

All parties were given the opportunity to sum up.

The Committee resolved:-

to grant the licence.

SHORT TERM LET (NEW OPERATOR) - 74 CRAIGIEBUCKLER AVENUE

17. 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 objection, appended to the report were submitted to the Private Sector Housing Team.

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

The applicant Mr Gylan Manson and Mrs Amy Manson were in attendance, spoke in support of the application and responded to questions from members.

Ms Shona Beattie was in attendance, spoke in support of her letter of objection and responded to questions from members.

Both parties were given the opportunity to sum up.

The Committee resolved:-

to grant the licence.

SHORT TERM LET (EXISTING OPERATOR) - 79 ASHGROVE AVENUE

18. The Committee had before it (1) a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reason that one

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letter of objection, appended to the report was submitted to the Private Sector Housing Team; and (2) a representation letter from Kenneth and Alison Watt.

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

Mr and Mrs Watt and their son were in attendance, spoke in support of the application and responded to questions from members.

The objectors, Ross Gibb and Jodi Gemmell were not in attendance, nor represented.

The Committee resolved:-

to grant the licence.

SHORT TERM LET (EXISTING OPERATOR) - 170 OCEAN APARTMENTS, 52-54 PARK ROAD

19. The Committee had before it (1) a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reason that one letter of objection, appended to the report was submitted to the Private Sector Housing Team; and (2) a representation from Mycosy Apartments Limited.

Mrs Jocelyn Janssen, Private Sector Housing Manager advised that the necessary upgrading works and certification had still to be completed.

Mr Gordon Duncan, representing the applicant was in attendance, spoke in support of the application and responded to questions from members.

The objector, Ms Paula Roberts, Trinity Factors was not in attendance, nor represented.

The Committee resolved:-

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

TAXI DRIVER COMPLAINT - MAME LEYE MBAYE

20. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the Licensing Team had received two complaints relating to the licence holder.

The licence holder and his representative Mr Tommy Campbell (Unite) were in attendance, provided a response to the complaints and responded to questions from members.

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The Committee resolved:-**Complaint 1**

- (i) to issue a warning to the licence holder that any similar conduct in this regard may result in the suspension or revocation of the licence; and
- (ii) to agree to take no further action; and

Complaint 2

- (iii) to defer this complaint until the next meeting of the Committee.

TAXI DRIVER COMPLAINT - ADEFEMI (TONY) ADU

21. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the Licensing Team had received two complaints relating to the licence holder.

The licence holder was not in attendance, nor represented.

The Committee resolved:-

to defer this item until the next meeting of the Committee.

TAXI DRIVER COMPLAINT - NIKOLAY MALINOV

22. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the Licensing Team had received a complaint relating to the licence holder.

The licence holder was in attendance.

The Committee resolved:-

to defer this item until the next meeting of the Committee.

TAXI DRIVER COMPLAINT - WILLIAM MCKENZIE

23. The Committee had before it an information note prepared by the interim Chief Officer – Governance (Legal), which advised that the Licensing Team had received four complaints relating to the licence holder.

The licence holder and his representative Mr Tommy Campbell (Unite) were in attendance, provided a response to the complaints and responded to questions from members.

The Committee resolved:-

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- (i) to issue a warning to the licence holder that any similar conduct in this regard may result in the suspension or revocation of the licence; and
- (ii) to agree to take no further action.

REQUEST FOR EXEMPTION - WHEELCHAIR ACCESSIBLE VEHICLE POLICY - STEVE WILSON

24. 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 the request.

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

The Committee resolved:-

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

REQUEST FOR EXEMPTION - STREET KNOWLEDGE TEST - NEIL MURISON

25. 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 sitting the Street Knowledge Test; (2) correspondence from the applicant outlining the request.

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

The Committee resolved:-

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

TAXI DRIVER COMPLAINT - WILLIAM CAMERON

26. With reference to article 15 of the minute of the previous meeting of 12 December 2023, 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 by the Licensing Team in relation to the licence holder.

The licence holder was not in attendance, nor represented.

The Committee resolved:-

to revoke the licence on the grounds that he is no longer a fit and proper person to hold the licence.

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SHORT TERM LET (EXISTING OPERATOR) - 26 WHINHILL GATE

27. The Committee had before it (1) a report by the Private Sector Housing Manager, which advised that the application was before the Committee for the reason that one letter of objection, appended to the report was submitted to the Private Sector Housing Team; and (2) a representation from Thistle Apartments Limited.

As a preliminary matter, Mrs Jocelyn Janssen, Private Sector Housing Manager advised that further correspondence had been received from Mrs Margaret Paterson, on behalf of the objector, therefore the Committee required to consider whether it be accepted into the proceedings.

The Committee resolved:-

to accept the late correspondence into the proceedings.

Mrs Janssen advised that the necessary upgrading works had been completed.

Mr Lucas Zych, representing Thistle Apartments Limited was in attendance, spoke in support of the application and responded to questions from members.

The Committee resolved:-

to grant the licence.

EXEMPT AND CONFIDENTIAL INFORMATION

In accordance with the decision taken at Article 1 of this minute, and in terms of Section 50A 3(b) of the Local Government (Scotland) Act 1973, the press and public were excluded from the meeting for consideration of the following items which contained exempt and confidential information.

SHORT TERM LET (EXISTING OPERATOR) - 166 BON ACCORD STREET (AGENDA ITEM 10.2)

28. 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 objection was received from the Chief Superintendent, Police Scotland, c/o North East Division, dated 5 January 2024, from Police Scotland, North East Division, appended to the report.

Mrs Jocelyn Janssen, Private Sector Housing Manager advised that the necessary upgrading works and certification had still to be completed.

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

Sergeant Neil Grant was in attendance and spoke in support of the letter of objection.

Both Parties were given the opportunity to sum up.

The Committee resolved:-

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

REQUEST FOR SUSPENSION (PARAGRAPHS 11 & 12) - TAXI DRIVER LICENCE (AGENDA ITEM 10.3)

29. The Committee had before it (1) an information sheet prepared by the Interim 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 26 January 2024.

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

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

Both parties were given the opportunity to sum up.

The Committee resolved:-

to suspend the licence with immediate effect for the unexpired portion of the licence on the grounds of public safety.

TAXI OPERATOR LICENCE - RENEWAL (AGENDA ITEM 10.4)

30. 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 23 October 2024; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 26 January 2024.

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

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Sergeant Neil Grant was in attendance and advised that he had nothing further to add to the letter of objection.

Both parties were given the opportunity to sum up.

The Committee resolved:-

to grant the renewal of the licence.

STREET TRADER LICENCE - GRANT (AGENDA ITEM 10.5)

31. 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 25 February 2024; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 25 October 2023.

The licence holder was in attendance and spoke in support of her 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 were given the opportunity to sum up.

The Committee resolved:-

to grant the licence.

TAXI DRIVER LICENCE - RENEWAL (AGENDA ITEM 10.6)

32. 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 18 July 2024; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 8 November 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 were given the opportunity to sum up.

The Committee resolved:-

to grant the renewal of the licence.

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TEMPORARY TAXI DRIVER LICENCE - GRANT (AGENDA ITEM 10.7)

33. 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 26 August 2024; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 29 November 2023.

As a preliminary matter, Mr Sandy Munro, Legal Adviser advised that additional correspondence dated 5 February 2024 had been submitted by the applicant, therefore the Committee required to consider whether it be accepted into the proceedings.

The Committee resolved:-

to accept the late correspondence into the proceedings.

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 objection and responded to questions from members.

Both parties were given the opportunity to sum up.

The Committee resolved:-

to grant the temporary licence.

SECOND HAND DEALER LICENCE - GRANT (AGENDA ITEM 10.8)

34. 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 27 September 2024; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division, dated 25 January 2024.

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 and responded to questions from members.

Both parties were given the opportunity to sum up.

The Committee resolved:-

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

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REQUEST FOR EXEMPTION AND REVIEW - WHEELCHAIR ACCESSIBLE VEHICLE POLICY (AGENDA ITEM 10.9)

35. 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 from the Wheelchair Accessible Vehicle policy; (2) correspondence relating to the exemption request submitted by the licence holder.

As a preliminary matter, Mr Sandy Munro, Legal Adviser advised that additional correspondence had been submitted by the licence holder, therefore the Committee required to consider whether it be accepted into the proceedings.

The Committee resolved:-

to accept the late correspondence into the proceedings.

The licence holder 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.

REQUEST FOR EXEMPTION - WHEELCHAIR ACCESSIBLE VEHICLE POLICY (AGENDA ITEM 10.10)

36. 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.

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

The Committee resolved:-

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

REQUEST FOR EXEMPTION - WHEELCHAIR ACCESSIBLE VEHICLE POLICY (AGENDA ITEM 10.11)

37. 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.

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

The Committee resolved:-

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

**REQUEST FOR EXEMPTION - WHEELCHAIR ACCESSIBLE VEHICLE POLICY
(AGENDA ITEM 10.12)**

38. 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.

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

The Committee resolved:-

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

**REQUEST FOR EXEMPTION - WHEELCHAIR ACCESSIBLE VEHICLE POLICY
(AGENDA ITEM 10.13)**

39. 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.

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

The Committee resolved:-

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

**REQUEST FOR EXEMPTION - WHEELCHAIR ACCESSIBLE VEHICLE POLICY
(AGENDA ITEM 10.14)**

40. 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.

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

The Committee resolved:-

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

REQUEST FOR EXEMPTION - WHEELCHAIR ACCESSIBLE VEHICLE POLICY (AGENDA ITEM 10.15)

41. The Committee were advised that this item had been deferred to the next meeting of the Committee at the request of the applicant.

REQUEST FOR EXEMPTION - WHEELCHAIR ACCESSIBLE VEHICLE POLICY (AGENDA ITEM 10.16)

42. 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.

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.

TAXI DRIVER LICENCE - RENEWAL (AGENDA ITEM 10.17)

43. The Committee had before it an information note prepared by the Interim Chief Officer – Governance (Legal) which advised that the application required to be considered by 19 April 2024.

The licence holder was not in attendance, nor represented.

The Committee resolved:-

to refuse the renewal of the licence.

TAXI DRIVER LICENCE - RENEWAL (AGENDA ITEM 10.18)

44. The Committee had before it an information note prepared by the Interim Chief Officer – Governance (Legal) which advised that the application required to be considered by 4 March 2024.

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The licence holder was not in attendance, nor represented.

The Committee resolved:-

to refuse the renewal of the licence.

TAXI DRIVER LICENCE - RENEWAL (AGENDA ITEM 10.19)

45. The Committee had before it an information note prepared by the Interim Chief Officer – Governance (Legal) which advised that the application required to be considered by 23 February 2024.

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

The Committee resolved:-

- (i) to refuse the licence; and
 - (ii) that should the applicant meet Group 2 Medical Standards and reapply, to waive the application fee and also the requirement to sit the Street Knowledge Test.
- **COUNCILLOR STEVE DELANEY, Vice Convener**