

# Public Document Pack

## **ADDITIONAL CIRCULATION**



To: Councillor Carle, Convener; and Councillors Allan, Blackman, Boulton, Corall, Cormie, Delaney, Lesley Dunbar, Forsyth, Graham, MacGregor, Malik, Malone, Nathan Morrison and Townson.

Town House,  
ABERDEEN 13 March 2015

## **LICENSING COMMITTEE**

The undernoted items are circulated in connection with the meeting of the **LICENSING COMMITTEE** to be held here in the Town House on **TUESDAY, 17 MARCH 2015 at 10.00 am.**

JANE G. MACEACHRAN  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

## **B U S I N E S S**

- 3.3 Grant of a Second Hand Vehicle Dealer Licence - AF High Performance Cars Ltd – additional documents (Pages 1 - 32)
- 3.4 Variation of a Second Hand Dealer Licence - Calum Rattray – additional documents(Pages 33 - 34)

## **APPLICATIONS TO BE HEARD IN PRIVATE IN TERMS OF THE DATA PROTECTION ACT 1998 - INCLUDING LIST OF APPLICATIONS**

- 6.7 Grant of a Taxi Driver Licence – additional documents (Pages 35 - 60)

Should you require any further information about this agenda, please contact Allison Swanson, tel 01224 522822 or email [aswanson@aberdeencity.gov.uk](mailto:aswanson@aberdeencity.gov.uk)

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**ABERDEEN**  
**CITY COUNCIL**

Our Ref.  
Your Ref.  
Contact David McKane  
Email [dmckane@aberdeencity.gov.uk](mailto:dmckane@aberdeencity.gov.uk)  
Direct Dial 01224 522879  
Direct Fax 01224 522491

05 March 2015

Legal and Democratic Services  
**Corporate Governance**  
Aberdeen City Council  
Business Hub 6 L1S  
Marischal College  
Aberdeen AB10 1AB

Tel 01224 522000  
Minicom 01224 522381  
DX 529451, Aberdeen 9  
[www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

## **PROPOSED SECOND HAND CAR DEALER 76 WILLOWBANK ROAD**

Location visited at 14.20 on 05/03/2015 to verify if required notice had been displayed.

The location is a complex of private flats comprising two small blocks either side of the entrance and a larger block set further back in the complex.

Entry is controlled by a security gate and therefore there is no public access to the site.

The proposed location is in the larger block and cannot be seen from Willowbank Road.

The entire site is surrounded by other properties (a large warehouse to the West, a tyre depot to the East and two separate complexes of private flats to the North).

There is no possibility of any member of the public gaining access to the site or being able to view the site externally.

The statutory notice was not displayed on the security gates or railings to either side nor anywhere along the front of the complex which borders Willowbank Road. There is photographic evidence to support this.

It is clearly stated on the application form for this licence that-

*"I/we declare that I/we shall, for a period of 21 days commencing with the date of submission of this application, display at or near the premises mentioned at Q5, so that it can conveniently be read by the public, a notice complying with the requirements of Paragraph 2(2) of Schedule 1 of the Civic Government (Scotland) Act 1982"*

The applicant clearly has not complied with this as the only location for a notice to be displayed which could be conveniently read by the public is either at the security gate or along or near the front of the complex.

Finally it should be noted that on my arrival at the location a vehicle was about to enter the complex through the security gate. Until the gate was fully opened a portion of the vehicle clearly obstructed traffic on Willowbank Road as the lead up to the gate was not long enough to accommodate the vehicle. This would clearly have a traffic impact were there to be a number of vehicles seeking entry in order to view/purchase second hand vehicles from the location.

**David Mckane**

Enforcement Officer  
Team 3  
Litigation and Licensing







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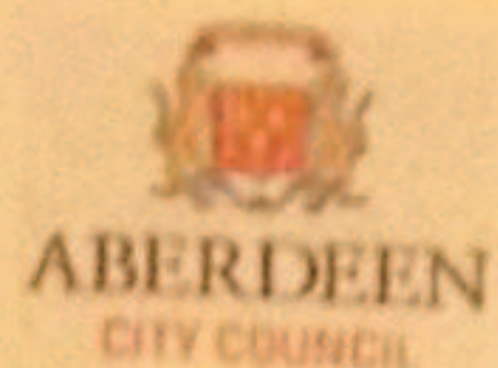






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Aberdeen City Council  
Civic Government (Scotland) Act 1982  
**NOTICE FOR DISPLAY AT PREMISES**

NOTICE IS HEREBY GIVEN that application has been submitted on (date) \_\_\_\_\_  
to Aberdeen City Council for the grant/renewal (delete as applicable) of a licence in respect of premises  
at: \_\_\_\_\_

BY:  
NAME OF APPLICANT(S): Andrew Finlay, AF High Performance Cars Ltd

ADDRESS: 76 Willowbank Road, Aberdeen, AB11 6XL

DIRECTORS' OR PARTNERS' FULL NAMES AND ADDRESSES (if applicant is a company or  
partnership)  
Andrew Finlay

TYPE OF LICENCE APPLIED FOR: Second Hand Dealer's Licence

NAME OF DAY TO DAY MANAGER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Any objection or representation in relation to the application should be made to the  
Licensing Team, Legal and Democratic Services, Corporate Governance, Business Hub  
6 L1S, Marischal College, Aberdeen, AB10 1AQ, **within 28 days** of the above  
mentioned date.

**PLEASE NOTE:-**

- (1) Any objection or representation relating to an application shall be entertained by  
the Council, **only if**, the objection or representation -
  - (a) is in writing (e-mails are not acceptable)
  - (b) specifies the grounds of the objection or representation
  - (c) specifies the name and address of the person making it
  - (d) is signed by the person or on his/her behalf
  - (e) is made within 28 days of the date the application was submitted to the  
Council (see above for date).
- (2) An objection or representation shall be made for the purposes of (1) above if it is  
delivered by hand, within the time specified, to the Council or posted (by  
registered or recorded delivery post) so that in the normal course of post it might  
be expected to be delivered within that time.

RENZ

78



RENZ

FLAT 23

76 Willowbank Road  
Aberdeen  
AB11 6XL

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## Arlene Dunbar

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**Subject:** FW: business sign

**From:** Finlay, Andrew [REDACTED]  
**Sent:** 06 March 2015 13:21  
**To:** Arlene Dunbar  
**Subject:** RE: business sign

Arlene,

The sign has been up since the 18<sup>th</sup> of Feb. Once again/ (this is not a public estate and the building is completely secure(no access to public). I have been speaking to my solicitor and will not be withdrawing my application. Specially as I have invested almost £100,000 in the business.

All I can say is that the council is making me feel like a criminal at this present time. I have complied with everything that has been asked of me right from the beginning. The notice from yourself was very late and towards the end and because my cheque that was dated for April last year had not been processed, was why I forgot about the notice that being in America towards the end of last year and the start of this one. However I have complied and had it up since the reminder. & there is evidence that it is up ----- "For your information we have received an objection in relation to the application"

Regards

AF

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**From:** Arlene Dunbar [REDACTED]  
**Sent:** 06 March 2015 11:58  
**To:** Finlay, Andrew  
**Subject:** FW: business sign  
**Importance:** High

Dear Mr Finlay,

I have been advised by our Enforcement Officer that the display notice is not being displayed at or near the premises so that it can be conveniently be read by the public. If this is the case, there is in sufficient time for you to re-display a further notice as your application must be determined by 08 April 2014. In the circumstances you may wish to withdraw your application and submit a further application.

If you consider that the notice is being displayed correctly then you will need to appear before the Committee on the 17 March 2015. Please note that your application can not be determined on that date as the objection period for you application will not have passed as you starting displaying your notice on 18 February 2015. For your information we have received an objection in relation to the application.

I should be grateful if you would confirm if you wish to withdraw your application.

Regards

Arlene Dunbar

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This document (including any attachment(s)) which contains legal advice is privileged information and should not be disclosed to any person outwith Aberdeen City Council or as a result of a request under the Data Protection Act 1998 or the Freedom of Information (Scotland) Act 2002 without first contacting the author.

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**From:** Arlene Dunbar  
**Sent:** 18 February 2015 15:56  
**To:** 'Finlay, Andrew'  
**Cc:** 'Amy.Miller@firstport.co.uk'  
**Subject:** RE: business sign

Mr Finlay,

I understand that you are not objecting to putting up the display notice. I am not sure what you mean by purchased one. You are only required to display the notice as I had attached in my previous email for a period of 21 days. If for whatever reason you are unable to comply with the legislation you will require to explain this to the Licensing Committee. To clarify you are not required to display a sign advertising your business.

Regards

Arlene

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**From:** Finlay, Andrew [REDACTED]  
**Sent:** 18 February 2015 [REDACTED]  
**To:** Arlene Dunbar  
**Subject:** RE: business sign

Arlene,

I'm not objecting to putting up a sign. As a matter of fact I purchased one yesterday. However I am respecting the words of Amy Miller from Peverel. She is CC on the email.

I am permitted to operate from my property. However I am unable to put any signs up on the block as it seems.

Regards

AF

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**From:** Arlene Dunbar [<mailto:ArDunbar@aberdeencity.gov.uk>]  
**Sent:** 18 February 2015 15:42  
**To:** Finlay, Andrew  
**Subject:** RE: business sign

Mr Finlay,

You need to display at **or** near the premises. If you are unable to do so you will require to explain to the committee the reasons for failure to comply with the legislation.

Can you please clarify that you are permitted to operate a business from the property.

Regards

Arlene Dunbar

Registered Paralegal | Team 3 | Litigation and Licensing | Legal and Democratic Services | Corporate Governance |  
Aberdeen City Council | Business Hub 6 | Level 1 South | Marischal College | Broad Street | Aberdeen | AB10 1AB |  
Tel 01224 523411 | Fax 01224 522937 [ardunbar@aberdeencity.gov.uk](mailto:ardunbar@aberdeencity.gov.uk)

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**From:** Finlay, Andrew [REDACTED]  
**Sent:** 18 February 2015 15:08  
**To:** Arlene Dunbar  
**Subject:** FW: business sign

Arlene

Please see details from factoring company below. Highlighted yellow.

Andrew Finlay|Owner/Director  
AF High Performance Cars Limited  
[REDACTED]

On 12 February 2015 at 12:55 Licensing <[Licensing@aberdeencity.gov.uk](mailto:Licensing@aberdeencity.gov.uk)> wrote:

Mr Finlay,

You are required to display the notice regardless of the scale of the business and despite the fact it is a residential premises.

I have attached a further notice for your to display. You should display it at a place where it can conveniently be read by passers-by. Please do so immediately, failure to do so may result in your application being referred to the Licensing Committee in March.

Regards

Arlene Dunbar

Registered Paralegal | Team 3 | Litigation and Licensing | Legal and Democratic Services | Corporate Governance |  
Aberdeen City Council | Business Hub 6 | Level 1 South | Marischal College | Broad Street | Aberdeen | AB10 1AB |  
Tel 01224 523411 | Fax 01224 522937 [ardunbar@aberdeencity.gov.uk](mailto:ardunbar@aberdeencity.gov.uk)

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**From:** Amy Miller [REDACTED]  
**Sent:** 18 February 2015 14:55  
**To:** Finlay, Andrew  
**Subject:** RE: business sign

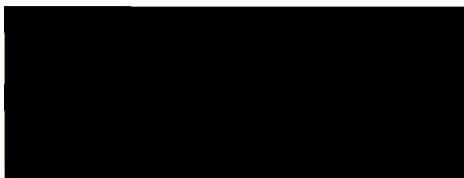
Dear Mr Finlay,

I apologise for the delay in response however, I required confirmation from the area manager if this is permitted. Unfortunately, you cannot advertise business or trades within the blocks.

I apologise for any inconvenience this may cause.

Kind regards,

*Amy*



**Peverel**   
SCOTLAND  
Registered in England No. 3829468  
Property Factors Registration Number PF000095

We're changing to

 **FIRST  
PORT**  
FirstPort.co.uk

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**From:** Finlay, Andrew [REDACTED]  
**Sent:** 18 February 2015 13:09  
**To:** Amy Miller  
**Subject:** business sign

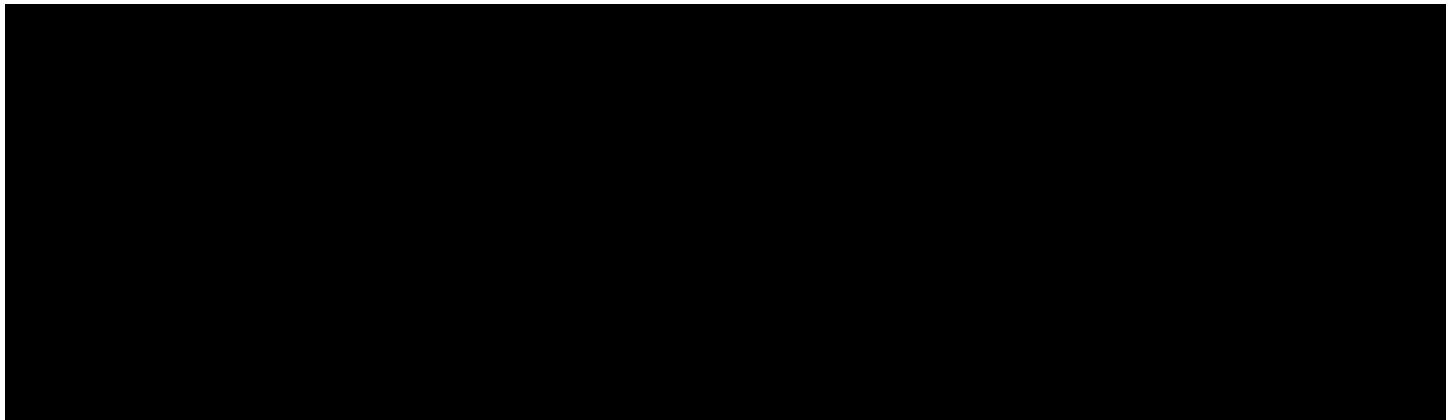
Amy

Is it okay for me to put a sign up in front of the entrance gate (40x10cm) with my business name on the wall? Can you confirm and let me know as soon as possible.

Kind Regards

AF

*Andrew Finlay*



**Arlene Dunbar**

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**Subject:** FW: AF High Performance Cars LTD  
**Attachments:** IMG\_0122.JPG; IMG\_0125.JPG; IMG\_0121.JPG; IMG\_0123.JPG; IMG\_0124.JPG

High Performance Cars [REDACTED]  
**Sent:** 07 March 2015 09:15  
**To:** Licensing  
**Subject:** AF High Performance Cars LTD

Good morning bill.

I have attached a few photos of my residential address. Please note that I have no access to the building circled in yellow (picture 0121). 76 willowbank road, is the penthouse at the very back building highlighted red. I have tried explaining to Arlene on a number of times that I live at the building at the back. There is no access beyond the gates other than residential and factoring personnel.

Aberdeen council have requested I place a notice "at or near" the premises at 76 willowbank road ( the top floor penthouse) I have placed the notice downstairs for all people coming in and out of the building to view.

There has been no damage to notice and has been up since the 18<sup>th</sup> of February. On completion of the 21 days I will have it signed and specially delivered to the office (signed for). Also I will reschedule my meetings so I can attend the morning meeting on the 17<sup>th</sup> of March 10am at marischal college. I have been advised by my solicitor that I do not need representation for this meeting. However I can honestly say that I am really upset about how this has been handled and how I have been spoken to by the council. This is very upsetting/ considering the effort and time invested in this company.

I look forward to meeting the committee & yourself and discussing my business and any other relevant information. Please advise if you require me to bring along any other relevant information.

Regards

AF

Andrew Finlay|Owner/Director  
AF High Performance Cars Limited  
[REDACTED]

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[REDACTED]

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**From:** Raymond Moffat  
**Sent:** 13 January 2015 11:23  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Variation Second Hand Dealer Calum Rattray

[REDACTED]

I know that Tom Moore was trying to avoid any future trading at the Green in particular due to the limited access caused by the Café and the weekend trader from the garden centre. Both of these activities cause issues for the businesses that need to service access via the Green to the east end with access taken from the west end needed due to the size of the delivery vehicles.

I would want to object to this request as we do not wish any further use of the Green in this way.

The Castlegate is the area that is to be encouraged for occupations of this nature.

As for second hand goods I know that Tom was not comfortable with the concept as it was tending towards 'car boot' concept and not deemed fitting as a proper market stall for Aberdeen.

Regards,

Raymond Moffat

[REDACTED]

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[REDACTED]

**Subject:** Variation Second Hand Dealer Calum Rattray

[REDACTED]

Please see attached for any obs you may have

Regards

[REDACTED]

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