

# Public Document Pack



To: Councillor Reynolds, Convener; Councillor , Vice Convener; and Councillors Allan, Boulton, Cassie, Clark, Collie, Corall, Councillor Barney Crockett, the Lord Provost, Fletcher, Hunter, Kiddie, Milne, John Stewart and Blackman.

Town House,  
ABERDEEN Date Not Specified

## LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in **Committee Room 2 - Town House** on **WEDNESDAY, 13 JANUARY 2010 at 10.00 am.**

FRASER BELL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

### BUSINESS

- 1 Minutes, Committee Business Statement and Informal Business
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  - 1.2 Minute of Sports Ground Advisory Working Group of 08 October 2009 (Pages 17 - 22)
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- 2.6 Application for Renewal of a Licence for a House in Multiple Occupation - 109 Craigievar Crescent (Pages 53 - 56)
- 2.7 Application for Grant of a Licence for a House in Multiple Occupation - Top Floor, 59 Victoria Street, Aberdeen (Pages 57 - 60)
- 2.8 Application for Renewal of a Street Trader's (Hot Foods) Licence (No papers)
- 2.9 Application for Renewal of a Street Trader's (General) Licence (No papers)
- 2.10 Application for Grant of a Street Trader's (Hot Foods) Licence - Wellheads Crescent, West side, 60 metres north of Wellheads Way (Pages 61 - 62)
- 2.11 Application for Grant of a Skin Piercing / Tattooing Licence (No papers)
- 2.12 Application for Renewal of a Window Cleaner's Licence (No papers)
- 2.13 Application for Grant of a Theatre Licence - Harlaw Academy (No papers)
- 2.14 Application for Grant of a Booking Office Licence - Computer Cab (Aberdeen) Ltd
- 2.15 Application for Grant of a Booking Office Licence - Don Cabs Ltd
- 2.16 Application for Grant of a Booking Office Licence - Dyce Cabs Ltd
- 3 Age Discrimination (Pages 63 - 68)
- 4 Applications for Grant, Renewal of Variation of Licences - to be heard in confidence

#### 4.1 Application for Renewal of Taxi Driver's Licence

EHRIA's related to reports on this agenda can be viewed at  
[Equality and Human Rights Impact Assessments](#)

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Should you require any further information about this agenda, please contact Jacqui Wallace, e-mail [jwallace@aberdeencity.gov.uk](mailto:jwallace@aberdeencity.gov.uk) or tel 52(2985)

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## LICENSING COMMITTEE

ABERDEEN, 2 December, 2009. - Minute of Meeting of the LICENSING COMMITTEE. Present: - Councillor Reynolds, Convener; and Councillors Allan, Bolton, Cassie, Clark, Collie, Corall, Dunbar, Kiddie, Milne, John Stewart and Kirsty West.

Apologies for Absence: Councillor Hunter

### **MINUTE OF MEETING OF 28 OCTOBER 2009**

1. The Committee had before it the Minute of 28 October 2009.

**The Committee resolved:-**  
to approve the Minute.

### **MINUTE OF MEETING OF EVIDENTIAL HEARING SUB COMMITTEE OF 27 OCTOBER 2009**

2. **The Committee resolved:-**  
to approve the Minute.

## MINUTE OF TAXI CONSULTATION GROUP OF 17 AUGUST 2009

3. **The Committee resolved:-**  
to note the Minute.

### COMMITTEE BUSINESS STATEMENT

4. With reference to item 3 of the business statement the Committee heard a verbal update from Alastair Thain, Private Housing Sector Manager. Mr Thain advised that the Council's legal services was generally happy with the terms of the Memorandum of Understanding. The Fire Service has stipulated that HMO officers must undertake training in two areas, (1) Understanding fire behaviour and (2) Fire risk assessment.

Mr Thain advised that the training in respect of fire behaviour had been completed and once the training on fire risk assessment had been completed the HMO officers would be able to undertake their new duties.

Councillor Clark expressed concern that the officers were not issued with a certificate of competence.

The Committee agreed to remove item 4 from the statement.

With reference to item 5 the Convener advised that the result of the consultation was received by the licensing team on Tuesday 1 December 2009. Councillor West requested that DAG are consulted when there is a request for approval of a wheelchair accessible vehicle.

**The Committee resolved:-**  
to otherwise note the statement.

### APPLICATIONS FOR GRANT, RENEWAL OR VARIATION OF LICENCES – LIST OF APPLICATIONS

5. The Committee had before it, for its consideration the applications list in Appendix A to this minute.

**The Committee resolved:-**  
that all applications be determined on the basis shown in Appendix A and that all licences be subject to the Council's normal conditions unless otherwise stated.

## **PROCEDURE FOR APPROVAL OF TAXI METER TYPES**

**6.** The Committee had before it, for its consideration a report on a procedure for the approval of taxi meter types.

The report set out a procedure for inspecting and approving types of meters suitable for use in taxis and private hire cars.

### **The report recommended**

that the Committee

- (1) approve the procedure for submitting a request for a taxi meter approval;
- (2) approve the proposed fee and
- (3) grant delegated powers to officers to approve meter types where the application is accompanied by the correct documentation and the taxi inspector is satisfied as to the accuracy of the meter after inspection.

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

to approve the recommendations.

## **PROVISION OF TAXI SERVICES AT ABERDEEN AIRPORT AND POTENTIAL REMOVING OF THE ZONING CONDITION**

7. The Committee had before it, for its consideration a report on the removal of the zoning condition currently imposed on taxi licences whereby taxis can either operate exclusively out of Aberdeen Airport or exclusively in the city.

### **The report recommended**

- (1) that members consider the arguments in the report and resolve to remove the zoning condition;
- (2) if the zoning condition is to be removed the green taxi plates and small roof signs issued to airport operators are replaced with yellow plates at the Council's expense;
- (3) officers report back to Committee in six months after de-zoning and again at one year on how the new arrangement is working;
- (4) that officers be instructed to follow the statutory procedure to remove the zoning condition on taxi licences and
- (5) no action is taken at this time in respect of changing the fare tariff which includes a £1 surcharge for each hire commencing at the airport, to account for the dead mileage travelling back to the airport after dropping off a hire in the city. This will be addressed at the next taxi fare review which will be around February 2010.

Thereafter the Committee heard from Brenda Flaherty, Legal Manager on behalf of the City Solicitor who spoke to her report. Thereafter the Committee heard from Mr McLeod, Rainbow City Taxis who advised that his preference was to retain a dedicated airport fleet. The Committee then heard from Lyn Smith, Central Taxis who concurred with Mr McLeod's view. Finally the Committee heard from Mr Ted Leslie an airport driver that the current situation was unfair to airport drivers. He had carried out a survey of airport drivers which concluded that the majority of them were in favour of de-zoning.

Councillor John Stewart proposed that the conditions attached to an airport zoned taxi licence be varied to allow drivers to pick up on Union Street from the night time taxi ranks. The Committee asked Sergeant Keith Middler, Taxi Inspection Unit his opinion on the proposal. Sergeant Middler considered that the proposal seemed a workable solution.

Brenda Flaherty, Legal Manager advised that she considered that the proposal was impractical and that enforcement may be an issue.

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

- (1) to vary the condition attached to city zoned taxis (yellow plates) to allow them to pick up at the airport when the Green light is in operation at the invitation of BAA, BAA's managing agent or a police officer, and;
- (2) to instruct officers to prepare a report for the Licensing Committee's meeting on 13 January 2010 investigating the possibility of varying the condition attached to an airport zoned taxis (green plate) to allow drivers to pick up from the night time ranks on Union Street when they are in operation.



## **REVIEW OF EXISTING TAXI RANKS IN CITY CENTRE**

8. The Committee had before it, for its consideration a report which informed members of the current physical condition of existing taxi ranks within the city centre area of Aberdeen, the works required to improve them and details pertaining to the carrying out of a full taxi rank demand survey.

### **The report recommended**

that members agree to

- (1) instruct officers to carry out improvements as identified in appendix A of the report when funding becomes available
- (2) to instruct officers to carry out consultations with taxi representatives and private taxi/private hire car consultation group regarding locations, taxi rank usage and improvements to existing and proposed taxi ranks annually and
- (3) to instruct officers to identify the detailed costs for a full taxi rank demand survey and to undertake this in the financial year 2010/2011 should funding become available.

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

to adopt the recommendations.

## **FESTIVE GUIDELINES FOR LATE HOURS CATERING ESTABLISHMENTS 2009/2010**

9. The Committee had before it a letter dated 8 October 2009 from George McDonald, Temporary Chief Inspector, Grampian Police on behalf of the Chief Constable regarding the festive guidelines for late hour catering establishments. The letter requested that the Committee did not grant such establishments an extension of hours on both Christmas Day and New Year's Day.

Councillor Stewart seconded by Councillor Allan moved:-  
to give officers delegated powers to grant applications for late hours catering to 4.00am on Christmas Day and New Year's Day.

Councillor Bolton seconded by Councillor Reynolds moved as an amendment:-  
not to grant any extension to late hours catering applicants for Christmas Day and New Year's Day.

On a division there voted:- for the motion (4) Councillors Allan, Clark, Corral and John Stewart; for the amendment (6) the Convener; and Councillors Bolton, Collie, Dunbar, Kiddie and Milne.

Councillor Kirsty West declined to vote.

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

to adopt the amendment.

## **APPLICATIONS FOR THE GRANT, RENEWAL OR VARIATION OF LICENCES – LIST OF APPLICATIONS TO BE HEARD IN CONFIDENCE**

10. The Committee had before it for consideration the application listed in Appendix B to this minute.

### **EXEMPT INFORMATION**

In relation to item 7.1 that members of the public and press be excluded from the meeting during discussions of the application on the grounds that there would be disclosure to them of exempt information as defined in paragraph 14 of schedule 7A of the Local Government (Scotland) Act 1973.

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

that the applications be determined on the basis shown in Appendix B and all licences be subject to the Council's normal conditions unless otherwise stated.

- **COUNCILLOR JOHN REYNOLDS, Convener.**

## APPENDIX A

1. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/001**

**Premises – Top Floor Flat Right, 60 Victoria Road, Aberdeen**

The Committee was advised that this application had been granted by delegated powers.

2. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/002**

**Premises – 13 Talisman Road, Aberdeen**

The Committee was advised that this application had been granted by delegated powers.

3. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/003**

**Premises – 5 Orchard Place, Aberdeen**

The Committee was advised that the application had been granted by delegated powers.

4. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/004**

**Premises – 5a Orchard Place, Aberdeen**

The Committee was advised that the application had been granted by delegated powers.

5. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/005**

**Premises – 86 Hilton Heights, Aberdeen**

The Committee was advised that the applicant had requested that the application be deferred.

**The Committee resolved:-**

to defer consideration of the application to its next meeting to be held on 13 January 2010.

6. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
Application Ref No. 2/006  
Premises – 610 King Street, Aberdeen

The Committee was advised that the application had been granted by delegated powers.

7. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
Application Ref No. 2/007  
Premises – 109 Craigievar Crescent, Aberdeen

The Committee heard from Stephen Gauld, James and George Collie Solicitors and Mr Boulton on behalf of the applicant Susan Boulton.

Thereafter the Committee heard from the objector.

**The Committee resolved:-**

to defer consideration of the application to its next meeting to be held on 13 January 2010.

8. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
Application Ref No. 2/008  
Premises – 44 Hilton Terrace, Aberdeen

The Committee heard from Kenneth McGuichan, Bon Accord Leasing on behalf of the applicant and thereafter heard from the applicant.

Thereafter the Committee head from the objectors.

**The Committee resolved:-**

to grant the application.

9. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
Application Ref No. 2/009  
Premises – Top Floor Flat, 59 Victoria Street, Aberdeen

The Committee head from the applicant.

**The Committee resolved:-**

to give delegated powers to the HMO unit to grant the application provided the outstanding works were carried out.

10. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
Application Ref No. 2/010  
Premises – Top Floor Flat, 59 Victoria Street, Aberdeen

**The Committee resolved:-**

to defer consideration of the application until its next meeting on 13 January 2010.

11. **APPLICATION FOR THE RENEWAL OF A STREET TRADER (HOT FOOD) LICENCE**  
Application Ref No. 2/011  
Site – Argarath Road, 25 metres north of Pittodrie Street, Monday to Saturday 07:00 to 19:00 (22:00 hours on matchdays)  
Site – Greenhall Place, Bridge of Don, 50 metres west of Broadford Road, Monday to Saturday 07:00 to 19:00

Brenda Flaherty on behalf of the City Solicitor advised that a late objection had been received in relation to the application.

**The Committee resolved:-**

not to accept the letter of objection.

The Committee had before them for consideration eight letters of objection to the Argarath Road site.

**The Committee resolved:-**

to refuse the Argarath Road and to grant the Greenhall Place site.

12. **APPLICATION FOR A TEMPORARY STREET TRADER (HOT FOOD) LICENCE**  
Application Ref No 2/012  
Site – Castlegate, Aberdeen , Monday to Sunday, 10:00 to 22:00 hours

The Committee was advised that the application had been withdrawn.

13. **APPLICATION FOR A TEMPORARY STREET TRADER (HOT FOOD) LICENCE – ABERDEEN SANTA RUN**  
Application Ref No 2/013  
Site – Aberdeen Football Club Concourse Outside Richard Donald Stand, Pittodrie Stadium, Aberdeen, Monday to Sunday, 09:30 to 17:00 hours on 6 December 2009

In the absence of the applicant the Committee resolved to grant the application.

14. **APPLICATION FOR THE GRANT OF SKIN PIERCING/TATTOOING LICENCE**

**Application Ref No 2/014**

**Premises – Temple Aesthetics, 9 The Courtyard, Cults, Aberdeen**

In the absence of the applicant the Committee resolved to defer consideration of the application to its meeting to be held on 13 January 2010.

15. **APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE**

**Application Ref No 2/015**

In the absence of the applicant the Committee resolved to refuse the application.

16. **APPLICATION FOR THE GRANT OF A THEATRE LICENCE**

**Application Ref No 2/016**

**Premises – Sunnybank School, Sunnybank Road, Aberdeen**

The Committee was advised that the application had been granted under delegated powers.

1. **APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE**  
**Application Ref No. 7/001**

The Committee had before it for consideration a letter dated 6<sup>th</sup> October, 2009 from Grampian Police and thereafter heard from Sergeant Keith Middler on behalf of the Chief Constable and from the applicant.

Councillor Boulton, seconded by Councillor Kirsty West, moved to grant the application for a period of six months provided the applicant passes his street knowledge test.

Councillor Stewart, seconded by Councillor Dunbar, moved as an amendment to refuse the application.

On a division, there voted:- for the motion (7) – the Convener; and Councillors Allan, Boulton, Collie, Corall, Milne and Kirsty West; for the amendment (3) – Councillors Clark, Dunbar and John Stewart.

**The Committee resolved:-**  
to adopt the motion.

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## SPORTS GROUND ADVISORY WORKING GROUP

ABERDEEN, 8 October, 2009. - Minute of Meeting of the SPORTS GROUND ADVISORY WORKING GROUP. Present:- Brenda Flaherty, Licensing, Caroline Treanor, Licensing, David Kidd, Building Standards, Grant Tierney, Building Standards, Drew Carr, Scottish Ambulance Service, Sergeant Salter Watson, Grampian Police, Kevin Coutts, Grampian Fire and Rescue Service, Alex Venters, Environmental Health, Ivor Churcher, Environmental Health.

Also Present:- John Morgan and Gordon Ritchie, Aberdeen Football Club.

### **PART 1**

#### **GENERAL ROLE OF SAFETY CERTIFICATE**

1. Brenda Flaherty explained the purpose of the meeting was to clarify the role of each service on the Working Group and to set out procedures for moving forward with the Safety Certificate for Pittodrie Stadium. Mrs Flaherty confirmed that Aberdeen Football Club was not a member of the Sports Ground Advisory Working Group and would not normally be present in the future at these meetings.

Mrs Flaherty further advised that the Local Authority's obligation in terms of Section 2, Safety of Sports Grounds Act 1975 ('the 1975 Act') was to secure reasonable public safety at the ground when an authorised activity was taking place.

Caroline Treanor advised that the current Safety Certificate for Pittodrie Stadium was now executed and it imposed on Aberdeen Football Club various obligations. Failure to adhere to these obligations would be a breach of the 1975 Act and would constitute a statutory offence in terms of that legislation.

Mrs Flaherty also confirmed a new regime whereby the Licensing Authority would assume a central co-ordinating role with regards to the submission of information and documentation from Aberdeen Football Club. All documentation would be submitted to Ms. Treanor in the first instance. Ms. Treanor would then distribute documentation to the relevant party(ies). This new approach should facilitate effective communications amongst all. It would also provide clarity for Aberdeen Football Club on whom they require to submit documentation to in terms of the Certificate.

Ms Treanor further advised that, in the event of an alleged breach of the terms and or conditions of the Safety Certificate, a warning letter would be issued to Aberdeen Football Club requiring them to rectify said breach within a 14 day time frame.

This position was noted by Aberdeen Football Club.

## PROCEDURE FOR IMPLEMENTATION

### a) Submission of Information

It was agreed by all parties that each agency/department had a responsibility to police their area of responsibility and would report any issues as appropriate to Caroline Treanor. The timescales by which information requires to be submitted to the licensing team are set out in the terms and conditions of the Safety Certificate.

In terms of Clause 21 of the said Certificate, a report specifying in full the functioning of the Auxiliary Power System and how it operates in relation to a failure of the main power supply required to be submitted by 4 October 2009.

In terms of Clause 4, a report detailing Deviations from Clause(s) 3(2) and/or 3(3) required to be submitted by 4 December 2009.

In terms of Clause 12, a Spectators' Safety Policy Document required to be submitted within fourteen days of the execution of the Safety Certificate and this document was now overdue.

John Morgan, Aberdeen Football Club, advised that the Club had collated all information which required to be submitted in terms of the Certificate said documentation was distributed to everyone present at the meeting. Mr. Morgan apologised for the late submission of certain documents – he said this was an erroneous oversight on behalf of the Club.

Caroline Treanor enquired about the status of the annual review in relation to Clause 13 (Contingency Plan). John Morgan replied that the contingency plan was almost complete and the offsite plan was currently being reviewed. It had been decided that the contingency plan would not be finalised until the review of the offsite plan was concluded. Caroline Treanor requested that in accordance with Clause 13 of the Certificate, seven copies of the completed plan be sent to licensing for distribution to the relevant parties.

Building Standards expressed some concern with regards to the quality of documentation that requires to be submitted (Building Standards noted that with the 5<sup>th</sup> edition Green Guide being adopted a greater level of detailed documentation is now required). It was discussed that in previous years the documentation from the Club was in place prior to the issuing of the certificate and the inspection of the ground has also been completed prior to issue.

This time the new certificate was issued prior to both the inspections having taken place and the submission of documentation from the Club.

David Kidd said that as the relevant guide was now the new "Guide to Safety at Sport Grounds" fifth edition, he would expect the submission of more detailed information than he had in the past. As an example, David Kidd advised that a justification of how the Club's architect had arrived at their figures for the P and S factors would be required.

What was required was a fuller clarification of issues which affect the P&S factor, whilst this comes in part from Club and their Architect the point was

also made that Licensing, Police, Building Standards etc. should also play a part in the agreement of acceptable P&S factors. He considered that the report should identify short, middle and long term issues and proposed solutions.

This suggestion was in relation to the Structural report (not the Architects) and looked for clear timescales of when work identified in the “structural” report should be undertaken, for example it should be clear what short term actually means, e.g. (1 month, 3 months, a year).

In addition it was mentioned that information on items outwith the remit of the structural report should also be noted.

For example, if trip hazard are present on steps, or additional highlighting of nosings to steps is required then the timescale for undertaking these works should be agreed.

It was agreed that a letter from the Club’s architect containing said information would be submitted within a two week timetable of today’s meeting.

#### **b) Media Provision**

There was a discussion regarding media provision at the stadium and the Club’s approach to it. In terms of the Green Guide a risk assessment would be required.

It was confirmed that a risk assessment had been carried out and a joint inspection had taken place by both the Health and Safety Executive and Environmental Health. Environmental Health had been forwarded a copy of the risk assessment.

It was emphasised that in future all documents should be sent to the licensing team for onward distribution.

#### **c) Deviation**

It was agreed amongst all parties that the process of identifying deviations is the assessment of the Ground in respect of the guidelines set out in the Green Guide. Where the Ground fails to meet these guidelines then **section 1.7 Deviating from the Guide** explains the procedure to be followed.

A report regarding any Deviations would require to be submitted by 4 December 2009.

#### **d) Disability Discrimination Act 2005 (DDA)**

David Kidd advised that the Ground does not meet the requirements of the DDA as set out in the Green Guide. It was accepted, however, given the age of the stadium that it would be unreasonable to expect the club to take measures to fully comply with DDA. It was agreed that a report on DDA, consultation with local Disability Groups etc would act towards justification that the steps taken are reasonable both in terms of the Green Guide and the

DDA. The DDA report would give evidence to support and hopefully allow acceptance of the Deviation.

**e) Annual Inspections**

Sergeant Watson, Grampian Police, advised that previous annual inspections of the stadium had taken place prior to the football season commencing or during the season. He proposed that the next inspection take place in May, 2010 to give sufficient time to carry out any work that may require to be undertaken and to allow for, if appropriate, a re-inspection prior to the start of the season.

Kevin Coutts, Grampian Fire and Rescue Service advised that an inspection of the stadium by his Service would be carried out in accordance with their own risk assessments which may not be on annual basis.

David Kidd advised that it was important that all required information/documents be available for viewing prior to any inspection of the stadium.

**f) Visits by Aberdeen City Council Departments**

The police meet with the Club in advance of match days and are present at the Stewards' briefings. On match days representatives of the Club, Grampian Police and the Ambulance Service are present in the Control Room of the stadium.

The Club advised that with prior notice it would accommodate any ad hoc visits or inspections by other services.

The representatives of Aberdeen Football Club left the meeting at this point.

**PART 2**

**ROLE OF SPORTS GROUND ADVISORY WORKING GROUP**

2. Brenda Flaherty advised that the Sports Ground Advisory Working Group was an officers group of the Sports Ground Advisory Group which comprises members of the Licensing Committee and relevant officials. The Working Group's Minutes are reported to the full Licensing Committee for information.

Brenda Flaherty advised that investigations had been made with regards to whether a special Safety Certificate was required for Aberdeen Sports Village. Mrs Flaherty confirmed that said Safety Certificate was not required as the Sports Village has a spectator stand of less than five hundred seats.

Returning to Pittodrie's Safety Certificate Sergeant Watson advised that it was not realistically achievable to carry out a contingency exercise on an annual basis. He requested that the Working Group agree that this would be an acceptable Deviation or that the wording of the Certificate to be amended to allow a contingency exercise to be carried out every five years. It was agreed that to enable the wording in the

Safety Certificate to be amended appropriately Sergeant Watson would discuss the issue of contingency exercising, and the frequency of the same, with the Grampian Police Emergency Planning Department. Caroline Treanor would also make contact with Dave MacIntosh from the Local Authority's Grampian Emergency Planning Unit and do the same. This would allow for a new form of words for that section of the Safety Certificate to be agreed at the next meeting of the Sports Ground Advisory Working Group. The Working Group agreed.

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## LICENSING

13 January 2010

## COMMITTEE BUSINESS STATEMENT

| <u>No.</u> | <u>Minute Reference</u>                          | <u>Committee Decision</u>                                                                                                                | <u>Update</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <u>Responsible Head(s) of Service</u> | <u>Report Due (bold depicts items now outstanding)</u> | <u>Report Expected (if known)</u> |
|------------|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|--------------------------------------------------------|-----------------------------------|
| 1.         | Taxi Consultation Group<br>10.11.08<br>Article 7 | <b><u>Review of Taxi Provision at Airport</u></b><br><br>To instruct Officers to draft a report on the provision of taxis at the airport | A report was submitted to Committee on 02 December. "The Committee resolved to vary the conditions attached to a City (yellow) Plate Taxi to allow them to pick up hires at Aberdeen Airport when the green light is in operation, at the invitation of BAA, BAA's managing agent or a police officer and to instruct officers to prepare a report for its next meeting on 13 January 2010 investigating the possibility of Airport (Green) Plates picking up hires from the Night Time Ranks on Union Street" | City Solicitor                        | Jan 2010                                               |                                   |

|    |                                                                                                                        |                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                          |                                                           |  |
|----|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-----------------------------------------------------------|--|
| 2. | <p>Licensing Committee<br/>03.06.09<br/>Article 7</p> <p>and</p> <p>Licensing Committee<br/>02.09.09<br/>Article 2</p> | <p><b><u>Fire Safety Standards for Houses in Multiple Occupation</u></b></p> <p>to instruct the Private Sector Housing Manager to provide an update on the discussions between GFRS and the HMO unit at the September meeting.</p> <p>Private Sector Housing Manger to provide further report to Committee.</p> | <p>The Committee received a verbal update at its Meeting of 2 December 2009 from the Private Sector Housing Manager, who advised that the Council's Legal Services were happy with the terms of the draft Memorandum of Understanding between GFRS and ACC Grampian Fire and Rescue Service has stipulated that the HMO Officers must undertake training in 2 areas. 1. Fire Behaviour and 2 Fire Risk Assessments. Mr Thain advised that the training in respect of Fire Behaviour had been completed. The Private Sector Housing Manger advised that a further update would be provided to Committee.</p> | <p>Head of Housing &amp; Environment</p> | <p>Feb 2010</p>                                           |  |
| 5. | <p>Licensing Committee<br/>02.09.09<br/>Article 14</p>                                                                 | <p><b><u>Wheelchair Accessible Vehicles</u></b></p> <p>(i) to obtain copies of vehicle specifications from Edinburgh, Glasgow and Dundee City Councils and</p> <p>(ii) to request that officers bring a report to Committee on the matter to its meeting in January 2010</p>                                    | <p>The Committee considered a letter from Mr Bill Parris, National Operations Manager, Allied Vehicles which expressed concern about the Committee's decision of 3 June 2009 to adopt a vehicle specification for taxis based on the Department of Transport's Consultative Document.</p>                                                                                                                                                                                                                                                                                                                   | <p>City Solicitor</p>                    | <p><b>Jan 2010</b><br/>Expected<br/>February<br/>2010</p> |  |



|    |                                                      |                                                                                                                                                                                                                                                                                                                                    |  |                |          |  |
|----|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------|----------|--|
| 6. | Licensing<br>Committee<br>02.09.09<br>Article 8 (37) | <p><b><u>Medical Reports for Taxi/Private Hire Drivers over 65</u></b></p> <p>1. to instruct the City Solicitor to prepare a report examining whether the Committee's current policy of requesting medical certificates for Taxi/Private Hire Car Drivers over the age of 65 is compliant with Age Discrimination Legislation.</p> |  | City Solicitor | Jan 2010 |  |
|----|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------|----------|--|

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**STATEMENT OF BUSINESS DEALT WITH**

**INFORMALLY SINCE 28 October 2009**

| <b>Applicant</b>                     | <b>Date(s)</b>                | <b>Application</b>                                                                | <b>Premises or Location</b>          | <b>Decision</b> |
|--------------------------------------|-------------------------------|-----------------------------------------------------------------------------------|--------------------------------------|-----------------|
| William McKenzie                     | 2 December 2009               | Request for exemption from carrying assistance dogs in a Taxi or Private Hire Car |                                      | Granted         |
| Vue Cinema<br>10 Shiprow<br>Aberdeen | 28 October 2009<br>3am to 9am | Request for extension of operating hours                                          | Vue Cinema<br>10 Shiprow<br>Aberdeen | Granted         |

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**LICENSING COMMITTEE  
13 JANUARY 2010**

**LIST OF APPLICATIONS TO BE HEARD**

|    | <b>Application Type</b>                | <b>Name and Address of Applicant(s)</b>                     | <b>Premises, Vehicle or Area to which Application Refers</b>                                      | <b>Objections or Representations Received From</b> | <b>Date by which Application to be Determined (If Applicable)</b> |
|----|----------------------------------------|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------|----------------------------------------------------|-------------------------------------------------------------------|
| 1. | HMO<br>Renewal                         | Emma Yeates                                                 | 86 Hilton Heights, Aberdeen                                                                       | Housing &<br>Environment                           | 27 January 2010                                                   |
| 2. | HMO<br>Renewal                         | James Moir & Anne Moir                                      | 16 Bedford Road , Aberdeen                                                                        | Housing &<br>Environment                           | 4 March 2010                                                      |
| 3. | HMO<br>Grant                           | Grampian Housing Association, 74<br>Huntly Street, Aberdeen | 4 Hawthorn Crescent, Aberdeen                                                                     | Housing &<br>Environment                           | 22 March 2010                                                     |
| 4. | HMO<br>Renewal                         | Malcolm A.K.Kpedekpo<br>+ Margaret Duffus Leasing           | 479 King Street, Aberdeen                                                                         | Housing &<br>Environment                           | 31 March 2010                                                     |
| 5. | HMO<br>Renewal                         | Merle E. Robertson                                          | 34D Sunnybank Road, Aberdeen                                                                      | Housing &<br>Environment                           | 8 April 2010                                                      |
| 6. | HMO<br>Renewal                         | Susan Boulton<br>+James & George Collie, Solicitors         | 109 Craigievar Crescent,<br>Aberdeen                                                              | Objection<br>x 1                                   | 13 September 2010                                                 |
| 7. | HMO<br>Grant                           | Stephen Robertson<br>+ Margaret Duffus Leasing              | Top –floor flat, 59 Victoria Street,<br>Aberdeen                                                  | Objection<br>x 1                                   | 11 October 2010                                                   |
| 8. | Street Trader<br>(Hot Food)<br>Renewal | Alison Diann Campbell                                       | Cloverhill Road<br>West Side 65m south of<br>Broadfold Road<br>Monday to Sunday<br>07.00 to 19.00 | CS                                                 | 28 February 2010                                                  |

|     | <b>Application Type</b>         | <b>Name and Address of Applicant(s)</b>                                                | <b>Premises, Vehicle or Area to which Application Refers</b>                                                                             | <b>Objections or Representations Received From</b> | <b>Date by which Application to be Determined (If Applicable)</b> |
|-----|---------------------------------|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|-------------------------------------------------------------------|
| 9.  | Street Trader (General) Renewal | Carol Petrie                                                                           | City of Aberdeen<br>Except Zone 9<br>Monday to Friday<br>07.00 to 17.00                                                                  | CS                                                 | 28 March 2010                                                     |
| 10. | Street Trader (Hot Foods) Grant | Dennis Murray                                                                          | Wellheads Crescent, Dyce,<br>West Side 60m North of<br>Wellheads Way<br>Monday to Friday<br>07.00 to 15.00<br>Saturday<br>07.00 to 12.30 | CS<br>New Site                                     | 15 May 2010                                                       |
| 11. | Skin Piercing/Tattooing Grant   | Jillian Sharp                                                                          | Temple Aesthetics,<br>9 The Courtyard,<br>Cults, Aberdeen                                                                                | CS                                                 | 23 June 2010                                                      |
| 12. | Window Cleaner Renewal          | Samuel Bailey                                                                          |                                                                                                                                          | CS                                                 | 28 February 2010                                                  |
| 13. | Theatre Grant                   | Aberdeen City Council<br>Education, Culture and Sport                                  | Harlaw Academy<br>18-20 Albyn Place<br>Aberdeen                                                                                          | BS                                                 |                                                                   |
| 14. | Taxi & PHC Booking Office Grant | Computer Cab (Aberdeen) Limited<br>Burnside Drive<br>Dyce, Aberdeen<br>and Ian Shearer | Computer Cab (Aberdeen)<br>Limited<br>Burnside Drive<br>Dyce, Aberdeen                                                                   | Objection<br>x 1                                   | 26 April 2010                                                     |
| 15. | Taxi & PHC Booking Office Grant | Don Cabs Limited<br>Silverburn Crescent<br>Aberdeen<br>and Alexander McAllan           | Don Cabs Limited<br>Silverburn Crescent<br>Aberdeen                                                                                      | Objection<br>x 1                                   | 8 May 2010                                                        |

|     | <b>Application Type</b>               | <b>Name and Address of Applicant(s)</b>                                                                                     | <b>Premises, Vehicle or Area to which Application Refers</b>                                            | <b>Objections or Representations Received From</b> | <b>Date by which Application to be Determined (If Applicable)</b> |
|-----|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|----------------------------------------------------|-------------------------------------------------------------------|
| 16. | Taxi & PHC<br>Booking Office<br>Grant | Dyce Cabs Limited<br>256 Linkfleet Business Centre<br>Bankhead Industrial Estate<br>Bucksburn, Aberdeen<br>and Gail Forrest | Dyce Cabs Limited<br>256 Linkfleet Business Centre<br>Bankhead Industrial Estate<br>Bucksburn, Aberdeen | Objection<br>x 1                                   | 22 May 2010                                                       |

**ABBREVIATIONS:**

CS City Solicitor  
CC Chief Constable  
PI Planning and Infrastructure  
EH Environmental Health  
Fire Grampian Fire and Rescue Service  
BS Building Standards  
HE Housing and Environment

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# MEMO

Shelter & Environment

**Housing & Environment**

4<sup>th</sup> Floor, St.Nicholas House

|       |                                                                          |           |                  |
|-------|--------------------------------------------------------------------------|-----------|------------------|
| To    | Brenda Flaherty, Legal Manager, Resources Management, Town House         |           |                  |
| From  | Ally Thain, Private Sector Housing Manager, Housing & Environment        |           |                  |
| Email | <a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a> | Date      | 16 December 2009 |
| Tel.  | 522870                                                                   | Our Ref.  |                  |
| Fax.  |                                                                          | Your Ref. |                  |

**Civic Government (Scotland) Act 1982  
(Licensing of Houses in Multiple Occupation) Order 2000  
Application for the Renewal of a Licence to Operate a House in Multiple  
Occupation (HMO) at No.86 Hilton Heights, Aberdeen  
Applicant/s: Emma Yeates  
Agent: None stated**

I refer to the above HMO Licence application, which was considered by the Licensing Committee at their meeting on 2 December 2009, for the reason that the works and certification requirements had not been met. The Committee resolved to defer consideration of the application until its next meeting on 13 January 2010.

I can advise you as follows:-

**The premises:-**

The premises to which this HMO Licence application relates is a first-floor flat contained within a four-flatted block. The accommodation comprises of three bedrooms, one public room, one kitchen and two bathrooms. The position of the premises is shown on Appendix 'A' attached to this memo.

**The HMO application:-**

The HMO Licence application was submitted to the Council on 28 January 2009. The HMO Officer visited the premises on 20 February 2009, then he wrote to the applicant on 23 February 2009, listing the following requirements to bring the premises up to the current HMO standard:-

1. Installation of a fire alarm / fire detection system.
2. A Fire Action Notice to be displayed.
3. A fire-blanket to be installed in the kitchen.
4. All valid gas & electrical safety certificates, the Tenancy Agreement and the Notice for Display-Certificate of Compliance to be submitted to the HMO Unit.

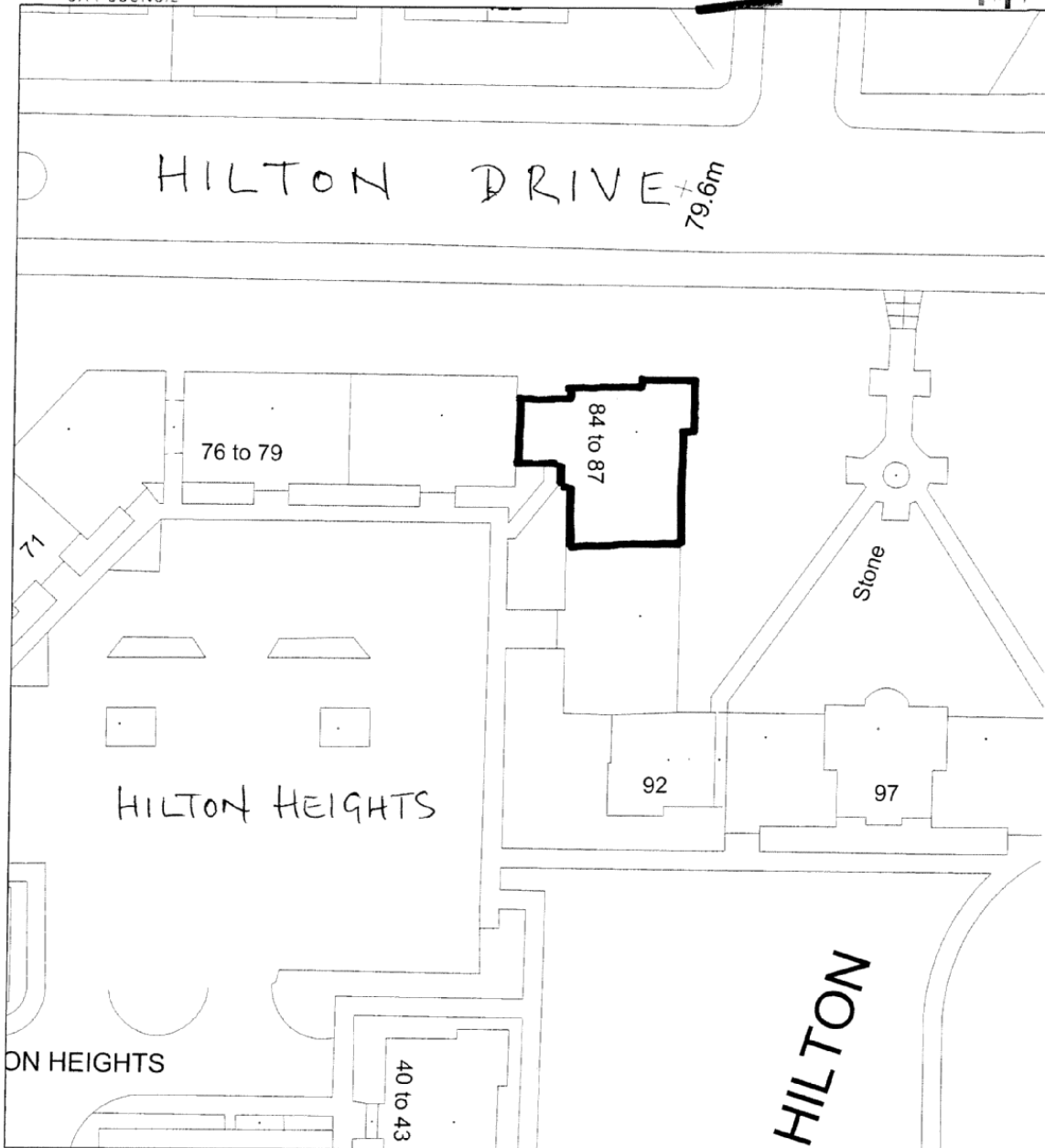
At the date of this memo, all works & certification requirements have not been met. Accordingly, the applicant has been invited to attend the meeting of the Licensing Committee on 13 January 2010, where the application will be discussed.

**Other considerations:-**


- The Chief Constable, Grampian Police, has been consulted in respect of the applicant's suitability as a "fit and proper person", and has made no comments or objections.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the property, and has made no comments or objections.
- At the date of this memo, the Council's Antisocial Behaviour Investigation Team has no record of any complaint in respect of No.86 Hilton Heights, Aberdeen.
- At the date of this memo, the applicant and her property are registered with the Landlord Registration scheme.
- The applicant has requested an occupancy of 3 tenants, which is acceptable to the HMO Unit.
- As mentioned above, the Council received the HMO Licence application on 28 January 2009. The Council must determine the application no later than 27 January 2010, otherwise the application will become deemed to be approved, which the Council must strive to avoid. If the Committee is minded to refuse the application, it must do so at its meeting on 13 January 2010.

I trust the above explains the position. Please contact me on x2870 if you wish to discuss any of the above.

**Ally Thain**  
Private Sector Housing Manager



Title: HMO LICENCE APPLICATION  
PREMISES : 86 HILTON HEIGHTS, ABERDEEN  
Scale: 1:500 Date: 20 October 2009 Map Ref: NJ9208SW

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# MEMO

Shelter & Environment

**Housing & Environment**

4<sup>th</sup> Floor, St.Nicholas House

|       |                                                                          |           |                  |
|-------|--------------------------------------------------------------------------|-----------|------------------|
| To    | Brenda Flaherty, Legal Manager, Resources Management, Town House         |           |                  |
| From  | Ally Thain, Private Sector Housing Manager, Housing & Environment        |           |                  |
| Email | <a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a> | Date      | 16 December 2009 |
| Tel.  | 522870                                                                   | Our Ref.  |                  |
| Fax.  |                                                                          | Your Ref. |                  |

**Civic Government (Scotland) Act 1982  
(Licensing of Houses in Multiple Occupation) Order 2000  
Application for the Renewal of a Licence to Operate a House in Multiple  
Occupation (HMO) at No.16 Bedford Road, Aberdeen  
Applicant/s: James Moir & Anne Moir  
Agent: None stated**

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at their meeting on 13 January 2010, for the reason that the works and certification requirements have not been met.

I can advise you as follows:-

**The premises:-**

The premises to which this HMO Licence application relates is a two-storey detached house with accommodation comprising of three bedrooms, one public room, one kitchen and two bathrooms. The position of the premises is shown on Appendix 'A' attached to this memo.

**The HMO application:-**

The HMO Licence application was submitted to the Council on 5 March 2009. The HMO Officer visited the premises on 17 March 2009, then he wrote to the applicants on 19 March 2009, listing the following requirements to bring the premises up to the current HMO standard:-

1. Installation of a fire alarm / fire detection system
2. Installation of 30-minute fire-resistant room doors fitted with self-closers.
3. A Fire Action Notice to be displayed.
4. A fire-blanket to be installed in the kitchen.
5. All windows to be capable of easy opening for ventilation.
6. All valid gas & electrical safety certificates, the Notice for Display – Certificate of Compliance and the Tenancy Agreement to be submitted to the HMO Unit.

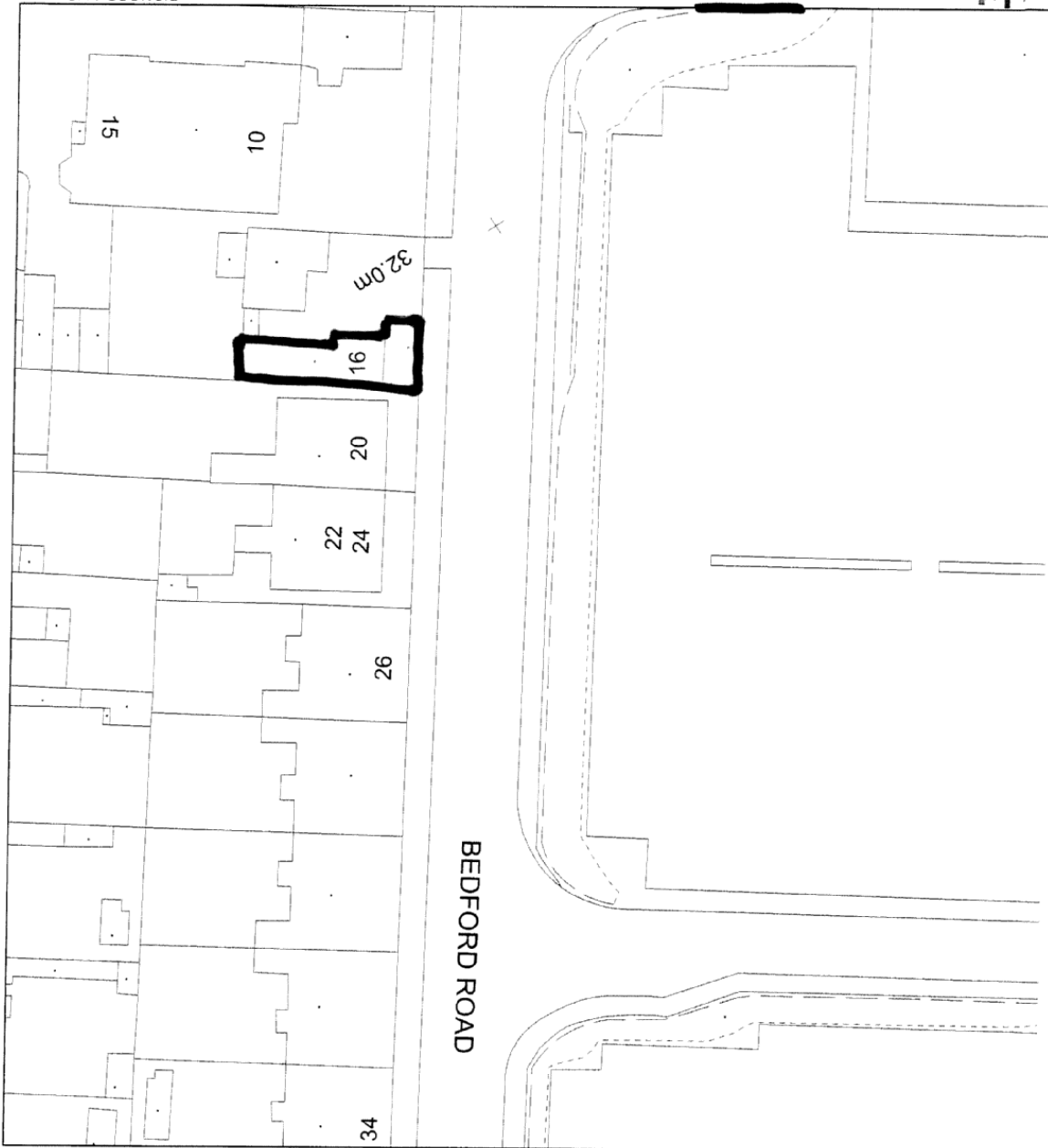
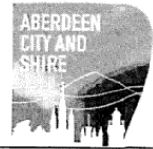
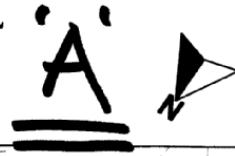
At the date of this memo, all works & certification requirements have not been met. Accordingly, the applicants have been invited to attend the meeting of the Licensing Committee on 13 January 2010, where the application will be discussed.


**Other considerations:-**

- The Chief Constable, Grampian Police, has been consulted in respect of the applicants' suitability as a "fit and proper person", and has made no comments or objections.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the property, and has made no comments or objections.
- At the date of this memo, the Council's Antisocial Behaviour Investigation Team has no record of any complaint in respect of No.16 Bedford Road, Aberdeen.
- At the date of this memo, the applicants and their property are registered with the Landlord Registration scheme.
- The applicants have requested an occupancy of 3 tenants, which is acceptable to the HMO Unit.
- As mentioned above, the Council received the HMO Licence application on 5 March 2009. The Council must determine the application no later than 4 March 2010, otherwise the application will become deemed to be approved, which the Council must strive to avoid. If necessary, the application can be deferred until the Licensing Committee meets again on 24 February 2010, at the latest.

I trust the above explains the position. Please contact me on x2870 if you wish to discuss any of the above.

**Ally Thain**  
Private Sector Housing Manager



|                                                                                                                                                                      |                               |                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|--------------------------------------------------------------------------------------------------------------|
| <b>Title:</b>                                                                                                                                                        |                               |                                                                                                              |
| <b>Scale:</b> 1:500                                                                                                                                                  | <b>Date:</b> 15 December 2009 | <b>Map Ref:</b> NJ9307NW                                                                                     |
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# MEMO

Shelter & Environment

**Housing & Environment**

4<sup>th</sup> Floor, St.Nicholas House

|       |                                                                          |           |                  |
|-------|--------------------------------------------------------------------------|-----------|------------------|
| To    | Brenda Flaherty, Legal Manager, Resources Management, Town House         |           |                  |
| From  | Ally Thain, Private Sector Housing Manager, Housing & Environment        |           |                  |
| Email | <a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a> | Date      | 16 December 2009 |
| Tel.  | 522870                                                                   | Our Ref.  |                  |
| Fax.  |                                                                          | Your Ref. |                  |

**Civic Government (Scotland) Act 1982  
(Licensing of Houses in Multiple Occupation) Order 2000  
Application for the Grant of a Licence to Operate a House in Multiple  
Occupation (HMO) at No.4 Hawthorn Crescent, Aberdeen  
Applicant/s: Grampian Housing Association  
Agent: None stated**

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at their meeting on 13 January 2010, for the reason that the works and certification requirements have not been met.

I can advise you as follows:-

**The premises:-**

The premises to which this HMO Licence application relates is an inner terraced two-storey house with accommodation comprising of three bedrooms, one public room, one kitchen and one bathroom. The position of the premises is shown on Appendix 'A' attached to this memo.

**The HMO application:-**

The HMO Licence application was submitted to the Council on 23 March 2009. The HMO Officer visited the premises on 6 April 2009, then he wrote to the applicant on 8 April 2009, listing the following requirements to bring the premises up to the current HMO standard:-

1. Installation of a fire alarm / fire detection system.
2. Installation of 30-minute fire-resistant room doors fitted with self-closers.
3. The front and rear exit doors to be fitted with keyless locks.
4. All valid gas & electrical safety certificates and the Tenancy Agreement to be submitted to the HMO Unit.

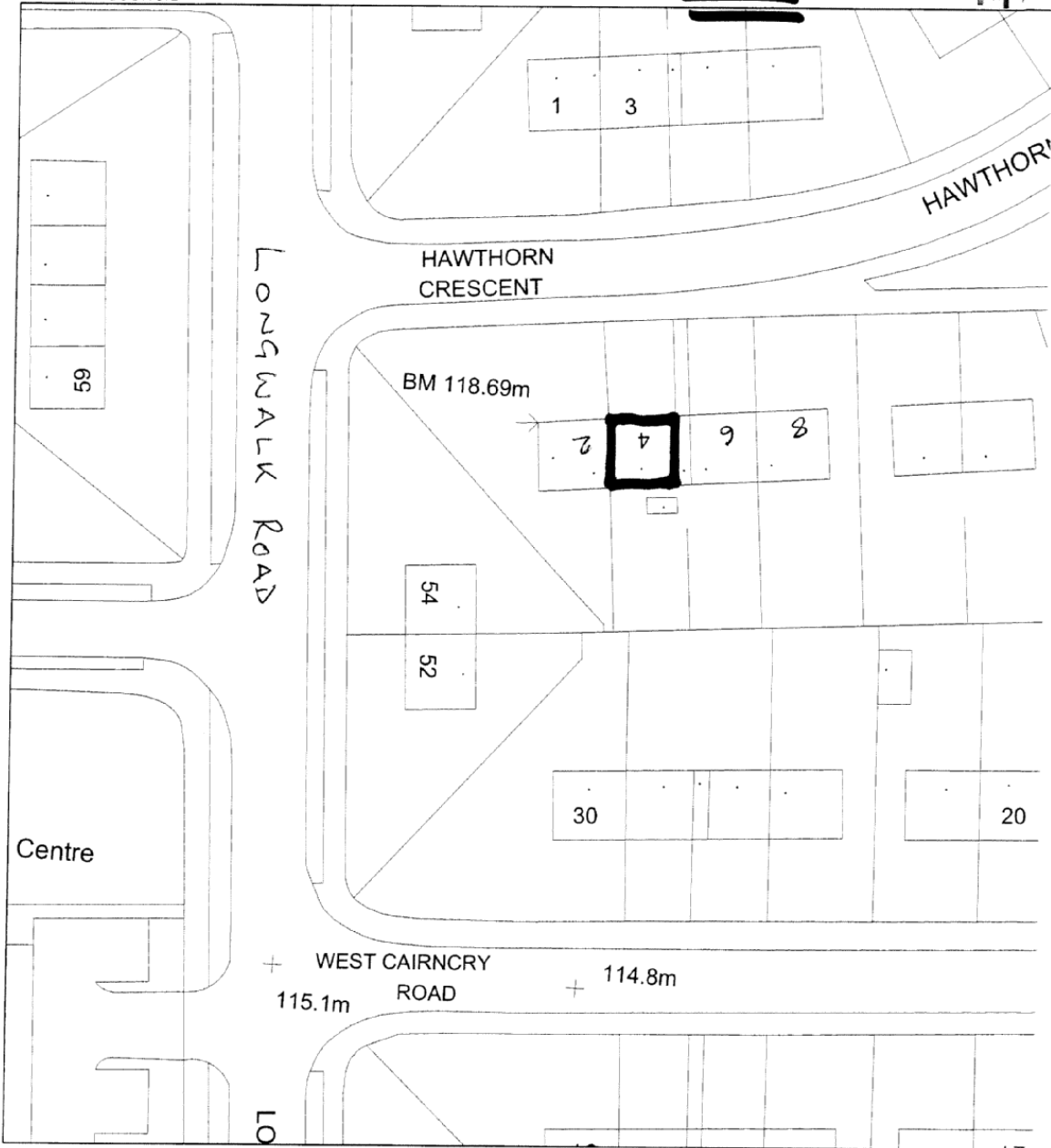
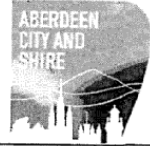
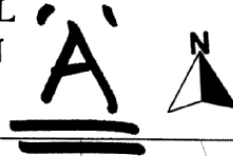
At the date of this memo, all works & certification requirements have not been met. Accordingly, the applicant has been invited to attend the meeting of the Licensing Committee on 13 January 2010, where the application will be discussed.

**Other considerations:-**

- The Chief Constable, Grampian Police, has been consulted in respect of the applicant's suitability as a "fit and proper person", and has made no comments or objections.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the property, and has made no comments or objections.
- At the date of this memo, the Council's Antisocial Behaviour Investigation Team has no record of any complaint in respect of No.4 Hawthorn Crescent, Aberdeen.
- The applicant is a Registered Social Landlord, and is therefore exempt from the Landlord Registration scheme.
- The applicant has requested an occupancy of 3 tenants, which is acceptable to the HMO Unit.
- As mentioned above, the Council received the HMO Licence application on 23 March 2009. The Council must determine the application no later than 22 March 2010, otherwise the application will become deemed to be approved, which the Council must strive to avoid. If necessary, the application can be deferred until the Licensing Committee meets again on 24 February 2010, at the latest.

I trust the above explains the position. Please contact me on x2870 if you wish to discuss any of the above.

**Ally Thain**  
Private Sector Housing Manager



**Title:** APPLICATION FOR HMO LICENCE  
**Premises:** 4 HAWTHORN CRESCENT, ABERDEEN  
**Scale:** 1:500      **Date:** 15 December 2009      **Map Ref:** NJ9007NE

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# MEMO

Shelter & Environment

**Housing & Environment**

4<sup>th</sup> Floor, St.Nicholas House

|       |                                                                          |           |                  |
|-------|--------------------------------------------------------------------------|-----------|------------------|
| To    | Brenda Flaherty, Legal Manager, Resources Management, Town House         |           |                  |
| From  | Ally Thain, Private Sector Housing Manager, Housing & Environment        |           |                  |
| Email | <a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a> | Date      | 16 December 2009 |
| Tel.  | 522870                                                                   | Our Ref.  |                  |
| Fax.  |                                                                          | Your Ref. |                  |

**Civic Government (Scotland) Act 1982  
(Licensing of Houses in Multiple Occupation) Order 2000  
Application for the Renewal of a Licence to Operate a House in Multiple  
Occupation (HMO) at No.479 King Street, Aberdeen  
Applicant/s: Malcolm A.K.Kpedekpo  
Agent: Margaret Duffus Leasing**

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at their meeting on 13 January 2010, for the reason that the works and certification requirements have not been met.

I can advise you as follows:-

**The premises:-**

The premises to which this HMO Licence application relates is an upper floor maisonette contained within a two-flatted block. The accommodation comprises of four bedrooms, one public room, one kitchen and one bathroom. The position of the premises is shown on Appendix 'A' attached to this memo.

**The HMO application:-**

The HMO Licence application was submitted to the Council on 1 April 2009. The HMO Officer visited the premises on 30 April 2009, then he wrote to the applicant on 6 May 2009, listing the following requirements to bring the premises up to the current HMO standard:-

1. Installation of a fire alarm / fire detection system.
2. Installation of 30-minute fire-resistant room doors fitted with self-closers.
3. A Fire Action Notice to be displayed within the flat.
4. A fire-blanket to be installed in the kitchen.
5. All valid gas & electrical safety certificates and the Tenancy Agreement to be submitted to the HMO Unit.

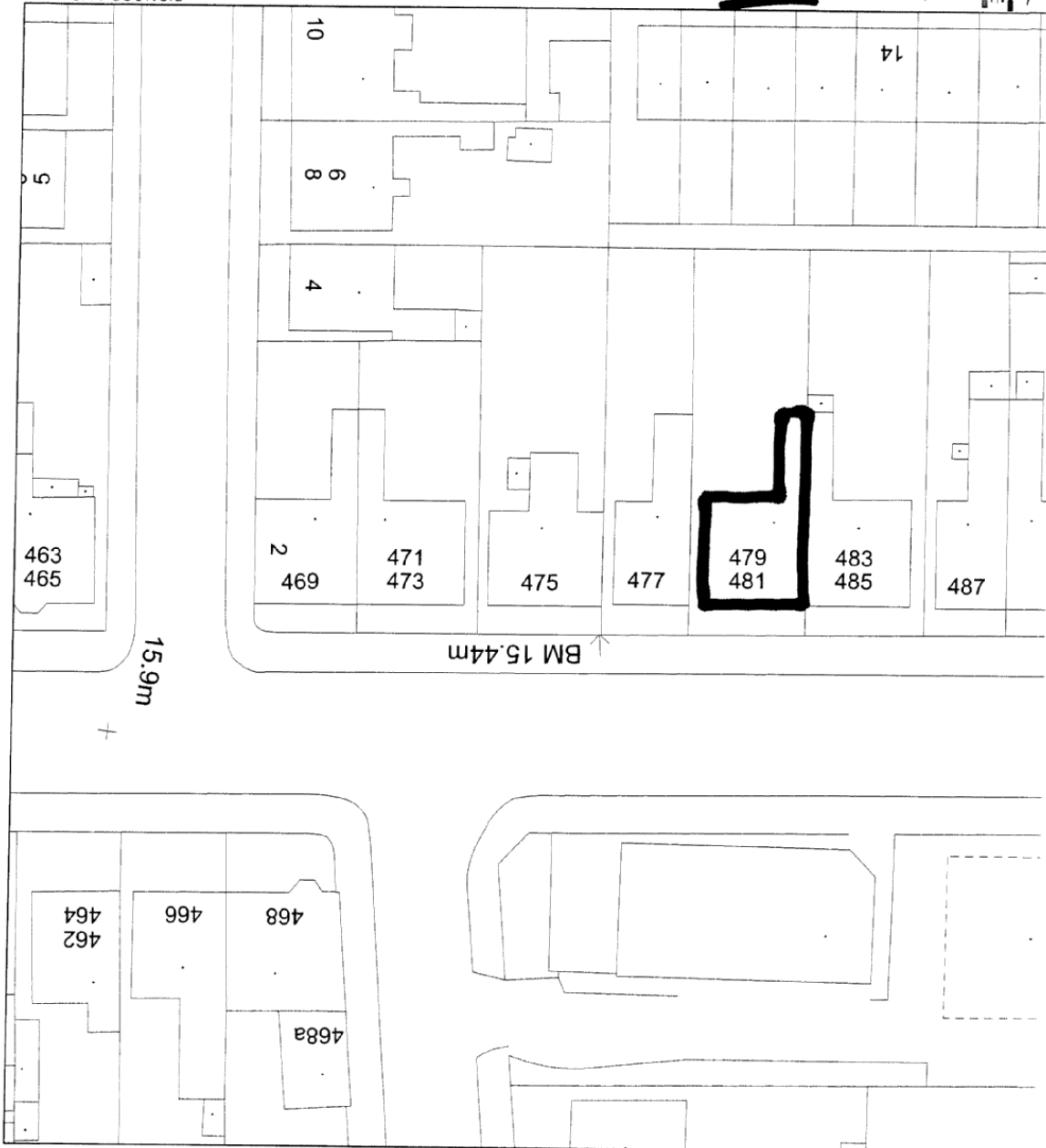
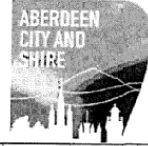
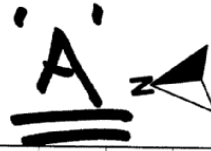
At the date of this memo, all works & certification requirements have not been met. Accordingly, the applicant has been invited to attend the meeting of the Licensing Committee on 13 January 2010, where the application will be discussed.

**Other considerations:-**

- The Chief Constable, Grampian Police, has been consulted in respect of the applicant's suitability as a "fit and proper person", and has made no comments or objections.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the property, and has made no comments or objections.
- At the date of this memo, the Council's Antisocial Behaviour Investigation Team has no record of any complaint in respect of No.479 King Street, Aberdeen.
- At the date of this memo, the applicant and his property are registered with the Landlord Registration scheme.
- The applicant has requested an occupancy of 4 tenants, which is acceptable to the HMO Unit.
- As mentioned above, the Council received the HMO Licence application on 1 April 2009. The Council must determine the application no later than 31 March 2010, otherwise the application will become deemed to be approved, which the Council must strive to avoid. If necessary, the application can be deferred until the Licensing Committee meets again on 24 February 2010, at the latest.

I trust the above explains the position. Please contact me on x2870 if you wish to discuss any of the above.

**Ally Thain**  
Private Sector Housing Manager



**Title:** APPLICATION FOR HMO LICENCE  
**Premises:** 479 KING STREET, ABERDEEN  
**Scale:** 1:500      **Date:** 14 December 2009      **Map Ref:** NJ9407NW

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# MEMO

Shelter & Environment

**Housing & Environment**

4<sup>th</sup> Floor, St.Nicholas House

|       |                                                                          |           |                  |
|-------|--------------------------------------------------------------------------|-----------|------------------|
| To    | Brenda Flaherty, Legal Manager, Resources Management, Town House         |           |                  |
| From  | Ally Thain, Private Sector Housing Manager, Housing & Environment        |           |                  |
| Email | <a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a> | Date      | 16 December 2009 |
| Tel.  | 522870                                                                   | Our Ref.  |                  |
| Fax.  |                                                                          | Your Ref. |                  |

**Civic Government (Scotland) Act 1982  
(Licensing of Houses in Multiple Occupation) Order 2000  
Application for the Renewal of a Licence to Operate a House in Multiple  
Occupation (HMO) at No.34D Sunnybank Road, Aberdeen  
Applicant/s: Merle E.Robertson  
Agent: None stated**

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at their meeting on 13 January 2010, for the reason that the works and certification requirements have not been met.

I can advise you as follows:-

**The premises:-**

The premises to which this HMO Licence application relates is a first-floor ex-Council flat contained within a four-flatted block. The accommodation comprises of four bedrooms, one public room, one kitchen and one bathroom. The position of the premises is shown on Appendix 'A' attached to this memo.

**The HMO application:-**

The HMO Licence application was submitted to the Council on 9 April 2009. The HMO Officer visited the premises on 11 June 2009, then he wrote to the applicant on 12 June 2009, listing the following requirements to bring the premises up to the current HMO standard:-

1. Installation of a fire alarm / fire detection system.
2. Installation of 30-minute fire-resistant room doors fitted with self-closers.
3. A Fire Action Notice to be displayed within the flat.
4. All valid gas & electrical safety certificates, the Tenancy Agreement and the Notice for Display-Certificate of Compliance to be submitted to the HMO Unit.

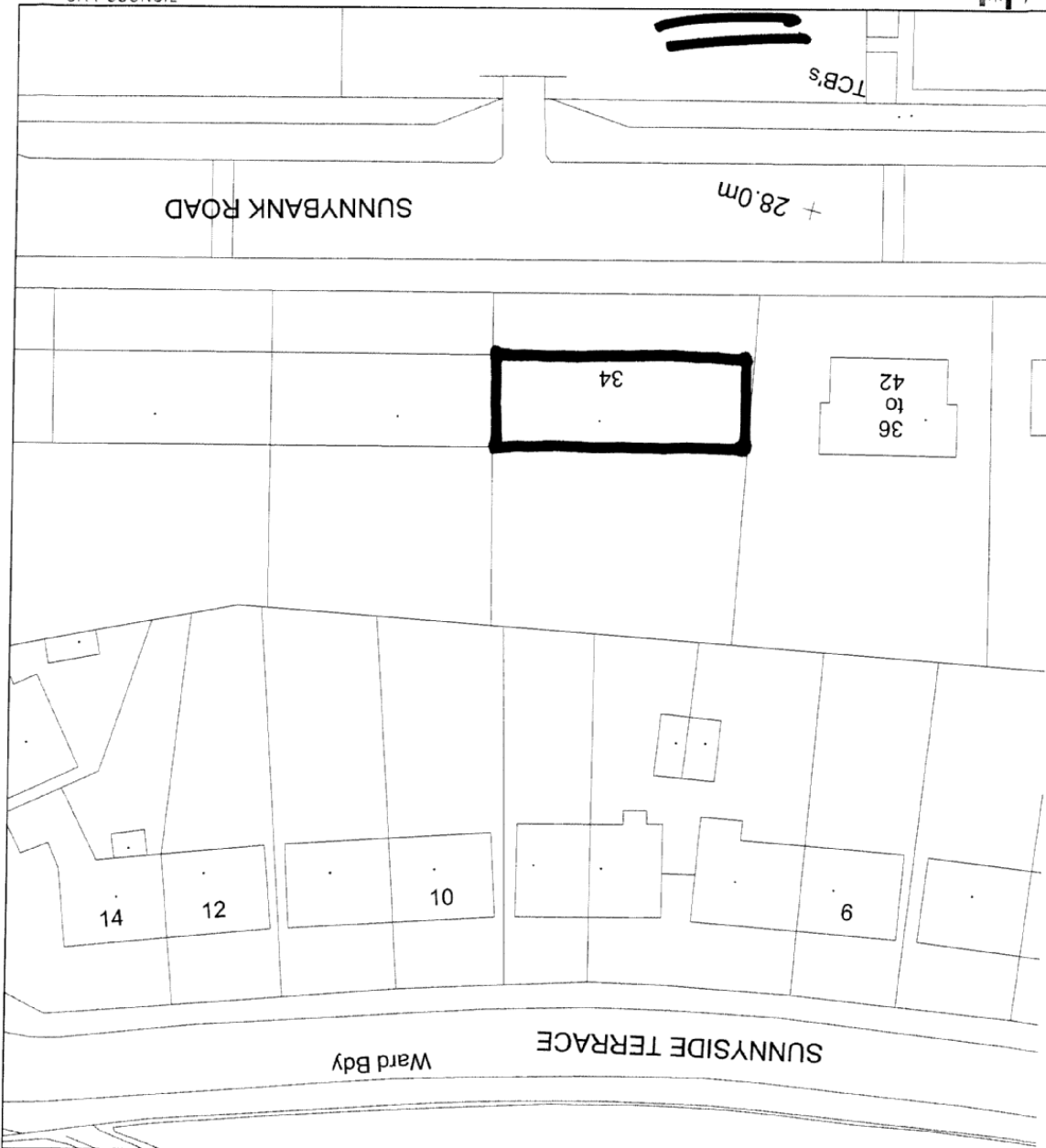
At the date of this memo, all works & certification requirements have not been met. Accordingly, the applicant has been invited to attend the meeting of the Licensing Committee on 13 January 2010, where the application will be discussed.

**Other considerations:-**

- The Chief Constable, Grampian Police, has been consulted in respect of the applicant's suitability as a "fit and proper person", and has made no comments or objections.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the property, and has made no comments or objections.
- At the date of this memo, the Council's Antisocial Behaviour Investigation Team has no record of any complaint in respect of No.34D Sunnybank Road, Aberdeen.
- At the date of this memo, the applicant and his property are registered with the Landlord Registration scheme.
- The applicant has requested an occupancy of 4 tenants, which is acceptable to the HMO Unit.
- As mentioned above, the Council received the HMO Licence application on 9 April 2009. The Council must determine the application no later than 8 April 2010, otherwise the application will become deemed to be approved, which the Council must strive to avoid. If necessary, the application can be deferred until the Licensing Committee meets again on 24 February 2010, at the latest.

I trust the above explains the position. Please contact me on x2870 if you wish to discuss any of the above.

**Ally Thain**  
Private Sector Housing Manager



**Title:** APPLICATION FOR HMO LICENCE  
**PREMISES:** 34D, SUNNYBANK ROAD, ABERDEEN  
**Scale:** 1:500      **Date:** 14 December 2009      **Map Ref:** NJ9307NE

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# MEMO

Shelter & Environment

**Housing & Environment**

4<sup>th</sup> Floor, St.Nicholas House

|       |                                                                          |           |                  |
|-------|--------------------------------------------------------------------------|-----------|------------------|
| To    | Brenda Flaherty, Legal Manager, Resources Management, Town House         |           |                  |
| From  | Ally Thain, Private Sector Housing Manager, Housing & Environment        |           |                  |
| Email | <a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a> | Date      | 16 December 2009 |
| Tel.  | 522870                                                                   | Our Ref.  |                  |
| Fax.  |                                                                          | Your Ref. |                  |

**Civic Government (Scotland) Act 1982**

**(Licensing of Houses in Multiple Occupation) Order 2000**

**Application for the Renewal of a Licence to Operate a House in Multiple Occupation (HMO) at No.109 Craigievar Crescent, Aberdeen**

**Applicant/s: Susan Boulton**

**Agent: James & George Collie, Solicitors**

I refer to the above HMO Licence application, which was considered by the Licensing Committee at their meeting on 2 December 2009, for the reason that a letter of objection had been received by my HMO Unit. The Committee requested clarification of several points and resolved to defer consideration of the application until its next meeting on 13 January 2010.

I can advise you as follows:-

**The premises:-**

The premises to which this HMO Licence application relates is an ex- Council ground floor flat contained within a 'four-in-a-block' property, with accommodation comprising of three bedrooms, one public room, one kitchen and one bathroom. The position of the premises is shown on Appendix 'A' attached to this memo.

**The HMO application:-**

The HMO Licence application was received by the Council on 14 September 2009. The HMO Officer visited the premises thereafter, then he wrote to the agent listing several requirements to bring the premises up to the current HMO standard. At the date of this memo, all requirements have not been met.

**Letter of objection:**

The HMO Unit received a letter of objection from Mrs E.MacLeod, 111 Craigievar Crescent, Aberdeen. The letter was received within the statutory 21-day period for consultation therefore it is a 'competent' objection. The letter is attached as appendix 'B'.

**Other considerations:-**

- The Chief Constable, Grampian Police, has been consulted in respect of the applicant's suitability as a "fit and proper person", and has made no comments or objections.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the property, and has made no comments or objections.
- At the date of this memo, the Council's Antisocial Behaviour Investigation Team has no record of any complaint in respect of No.109 Craigievar Crescent, Aberdeen (see Clarification below).
- At the date of this memo, the applicant and her property are registered with the Landlord Registration scheme.
- The objector lives directly above the HMO property.
- The HMO property has been the subject of two previous HMO licences.
- The applicant also owns the HMO premises at No.107 Craigievar Crescent, and has submitted an HMO Licence renewal application, which has not attracted any objections.
- The applicant's Solicitor has submitted a letter in support of the HMO Licence application, and responding to the points made in the letter of objection. The letter is attached as appendix 'C'.

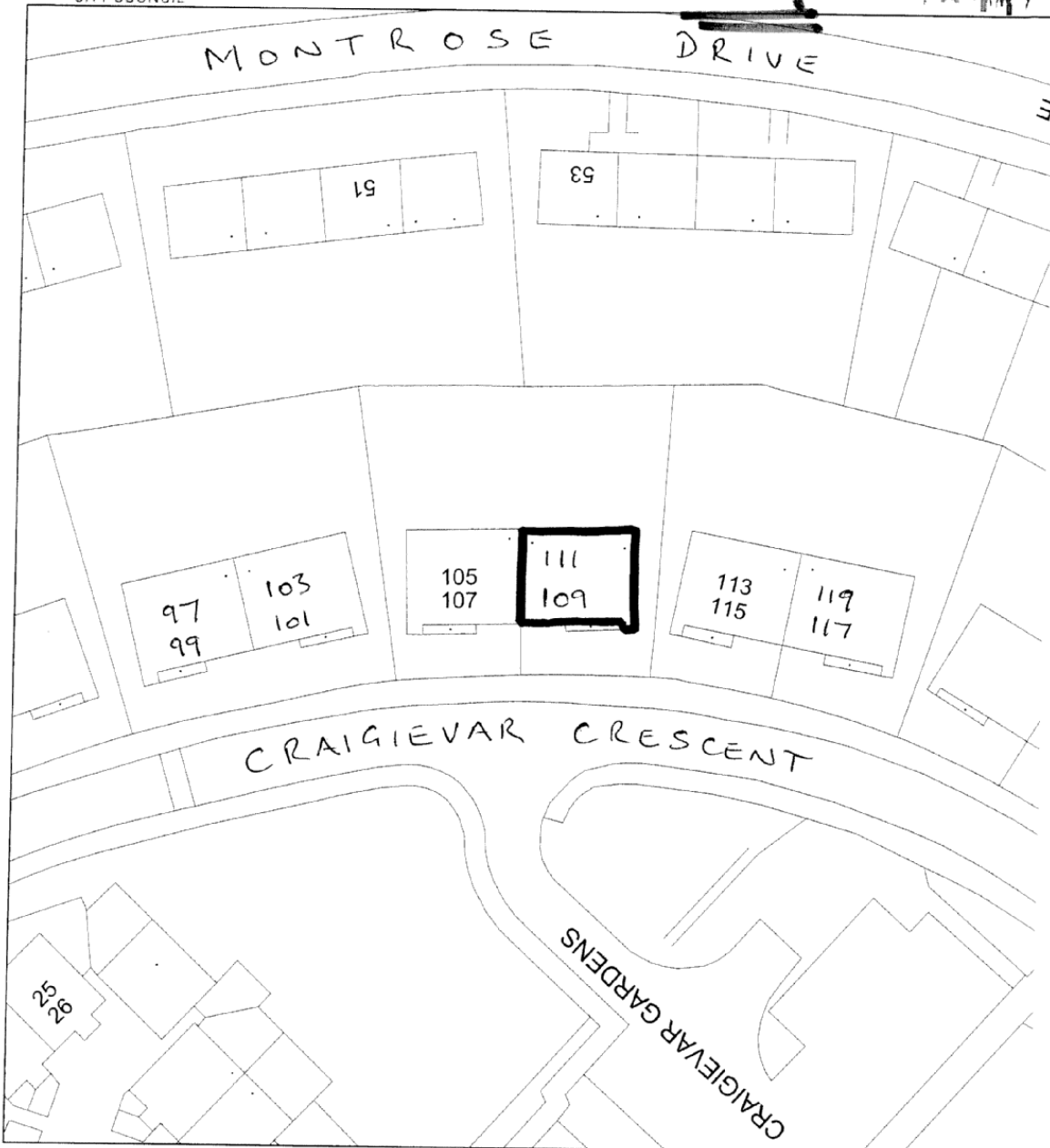
**Clarification requested by Licensing Committee at its meeting on 2 December 2009:-**

- The objector advised the Committee that there were 5 persons living in the HMO property, however this was denied by the applicant and her agent. The Senior Private Sector Housing Officer carried out a joint inspection with the agent on 15 December 2009, and found evidence of only 3 persons living there.
- The objector advised the Committee that she had previously complained to the Council's Anti-Social Behaviour Investigation Team (ASBIT) about noise from the HMO property, however my report advised that the ASBIT team had no record of any such complaint. Further investigation has revealed that the objector was registered with the former Neighbour Complaints Unit (NCU) in 2004, however she was de-registered from the NCU in September 2004 for the reason that she had not used their service within a given period. The former NCU and the former Noise Control Team amalgamated in October 2007 to form what is now the ASBIT team, and the ASBIT team have again confirmed that they have no record of any complaint since it was formed. It is possible that the objector did complain to the former NCU, although the NCU records have been checked and no complaint found.


- The HMO Licence Renewal application requested a maximum occupancy of 4 tenants, however the previous Licence stated a maximum occupancy of 3 tenants. The Clerk to the Licensing Committee advised that the new application could not therefore be treated as a Renewal application, rather it was a fresh Grant. The applicant's Solicitor has today formally requested that the maximum occupancy stated on the Renewal application be amended to 3, as per the previous Licence.

I trust the above explains the position. Please contact me on x2870 if you wish to discuss any of the above.

**Ally Thain**  
Private Sector Housing Manager



Title: HMO LICENCE APPLICATION  
PREMISES : 109 CRAIGIEVAR CRESCENT, ABERDEEN  
Scale: 1:500 Date: 13 October 2009 Map Ref: NJ9203SW

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# MEMO

Shelter & Environment

**Housing & Environment**

4<sup>th</sup> Floor, St.Nicholas House

|       |                                                                          |           |                  |
|-------|--------------------------------------------------------------------------|-----------|------------------|
| To    | Brenda Flaherty, Legal Manager, Resources Management, Town House         |           |                  |
| From  | Ally Thain, Private Sector Housing Manager, Housing & Environment        |           |                  |
| Email | <a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a> | Date      | 16 December 2009 |
| Tel.  | 522870                                                                   | Our Ref.  |                  |
| Fax.  |                                                                          | Your Ref. |                  |

**Civic Government (Scotland) Act 1982  
(Licensing of Houses in Multiple Occupation) Order 2000  
Application for the Grant of a Licence to Operate a House in Multiple  
Occupation (HMO) at No.59 Victoria Street, Aberdeen  
Applicant/s: Stephen Robertson  
Agent: Margaret Duffus Leasing**

I refer to the above HMO Licence application, which was considered by the Licensing Committee at their meeting on 2 December 2009, for the reason that a letter of objection had been received by my HMO Unit. The applicant and the objector did not attend the meeting, nor were they represented, and the Committee resolved to defer consideration of the application until its next meeting on 13 January 2010.

I can advise you as follows:-

**The premises:-**

The premises to which this HMO Licence application relates is a top-floor maisonette flat contained within a three-flatted block, with accommodation comprising of three bedrooms, one public room, one kitchen and one bathroom. The position of the premises is shown on Appendix 'A' attached to this memo.

**The HMO application:-**

The HMO Licence application was received by the Council on 12 October 2009. The HMO Officer visited the premises on 3 November 2009, then he wrote to the agent on 9 November 2009, listing several requirements to bring the premises up to the current HMO standard. At the date of this memo, all requirements have not been met.

**Letter of objection:**

The HMO Unit received a letter of objection from M.R.Whiteley, 59 Victoria Street, Aberdeen (attached as appendix 'B'). The letter was received within the statutory 21-day period for consultation and is therefore a 'competent' objection.

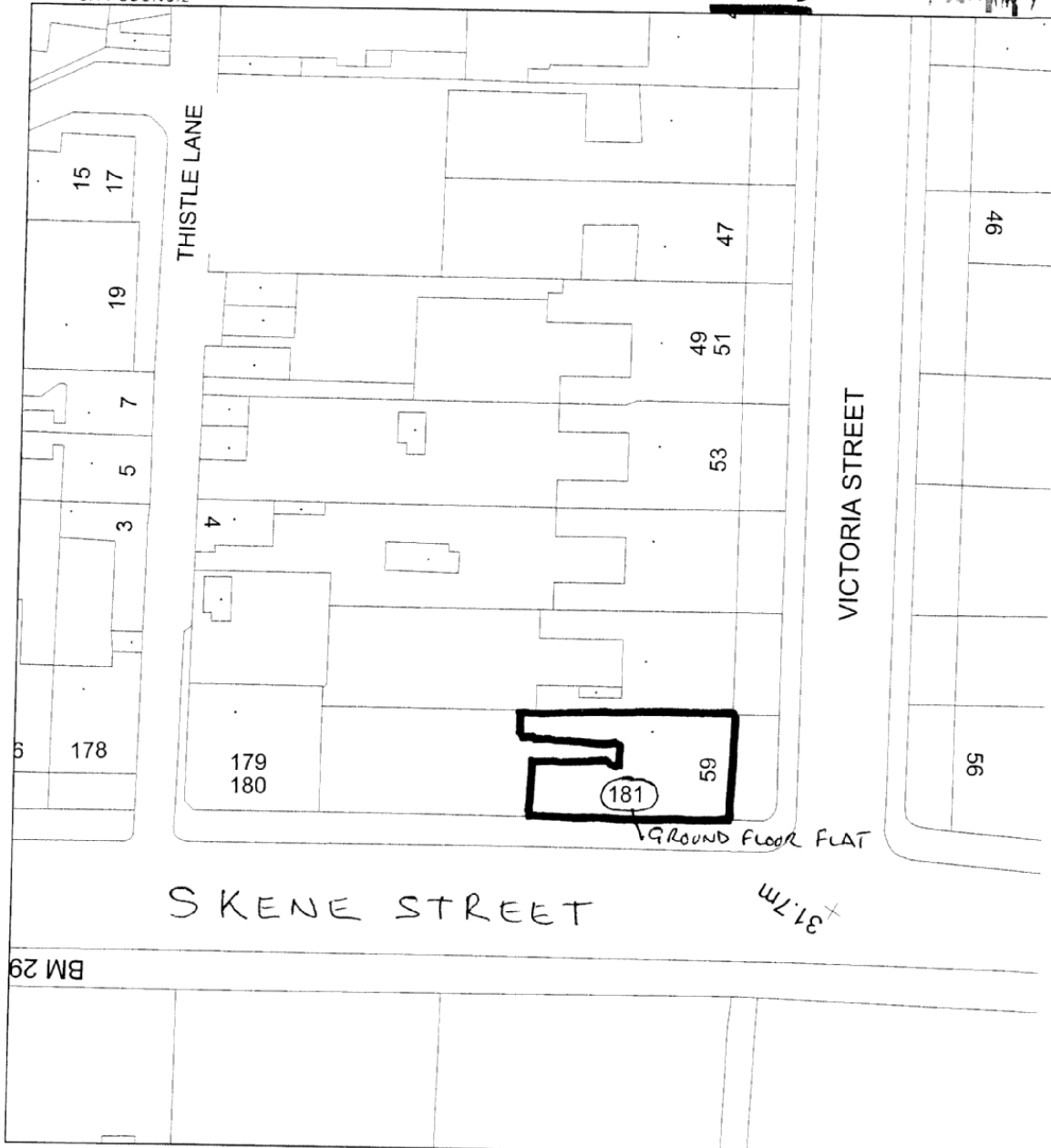
**Other considerations:-**

- The Chief Constable, Grampian Police, has been consulted in respect of the applicant's suitability as a "fit and proper person", and has made no comments or objections.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the property, and has made no comments or objections.
- At the date of this memo, the Council's Antisocial Behaviour Investigation Team has no record of any complaint in respect of the top-floor flat at No.59 Victoria Street, Aberdeen.
- The applicant and his property are currently registered with the Landlord Registration scheme.
- The applicant has requested an occupancy of 3 tenants, which is acceptable to the HMO Unit.
- The applicant, who lives in Australia, held an HMO Licence between 29 September 2006 and 28 September 2009. As stated above, the pending HMO Licence application was received on 12 October 2009, therefore it cannot be dealt with as a renewal application. At the time of the HMO Officer's visit, the property was occupied and in use as an unlicensed HMO, and this was highlighted to the agent. The agent has since e-mailed, confirming that one tenant has moved out and there are currently two tenants living there, which brings the property below the HMO threshold.
- The objector lives directly below the HMO property.

I trust the above explains the position. Please contact me on x2870 if you wish to discuss any of the above.

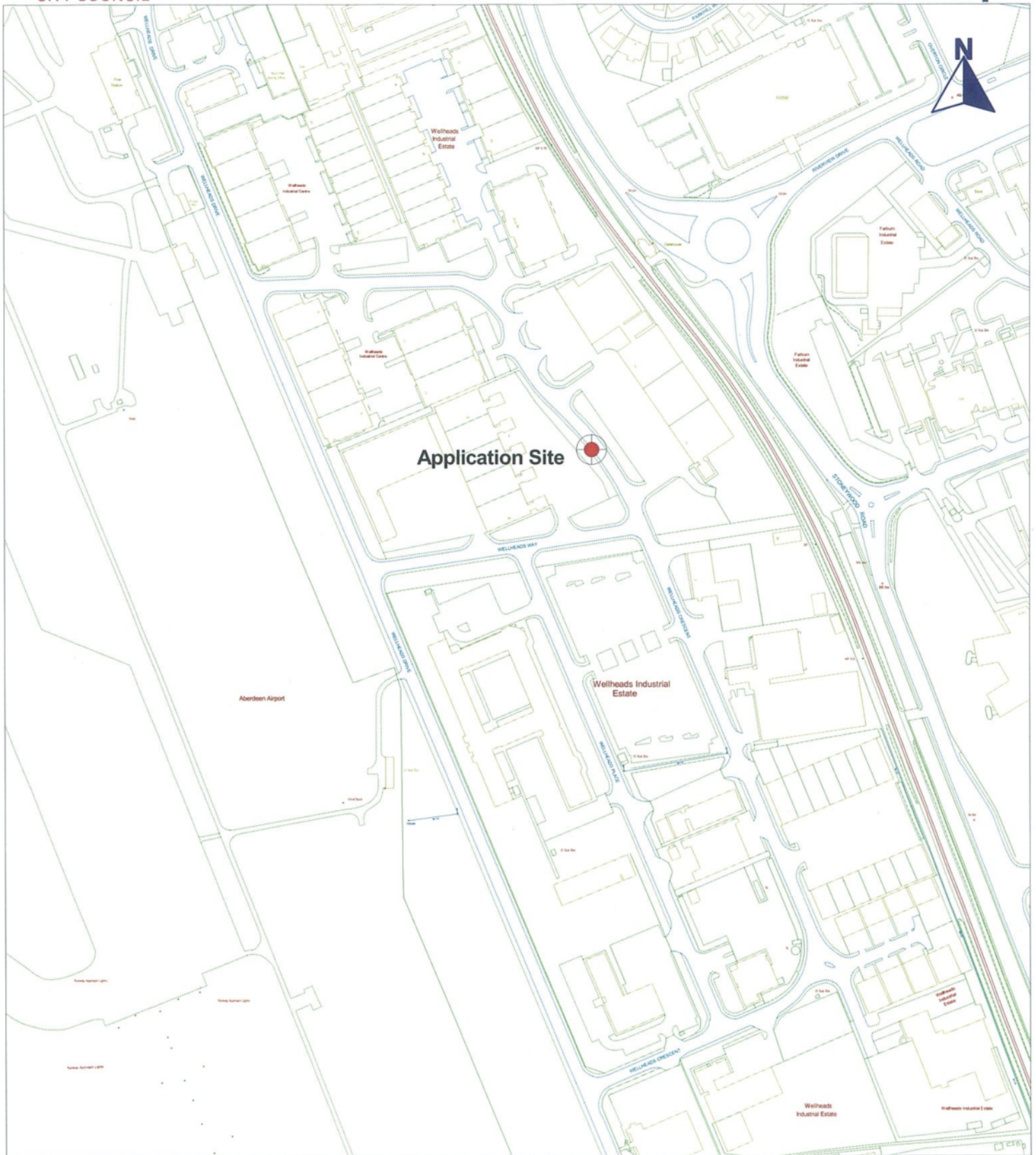
**Ally Thain**

Private Sector Housing Manager



**Title:** HMO LICENCE APPLICATION  
**PREMISES:** 59 VICTORIA STREET, ABERDEEN  
**Scale:** 1:500      **Date:** 21 October 2009      **Map Ref:** NJ9306SW

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**Title:** Wellheads Crescent, west side 60 metres  
north of Wellheads Way

**Scale:** 1:3500

**Date:** 21 December 2009

**Map Ref:** NJ8811NE



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COMMITTEE Licensing

DATE 13 January 2010

DIRECTOR Stewart Carruth

TITLE OF REPORT Age Discrimination

REPORT NUMBER: CG/01/134

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## **1. PURPOSE OF REPORT**

1.1: At the Licensing Committee's meeting on 2 September 2009, Officers were instructed to research whether the Committee's current policy practice requiring taxi and private hire car drivers aged 65 years or over to submit to the Licensing Authority ('the Authority'), an annual medical certificate or letter from a doctor confirming that he or she is fit to carry out his or her duties as a driver, constitutes age discrimination. This Report advises on the outcome of that research.

## **2. RECOMMENDATION**

2.1: That Members revoke the current practice requiring all drivers aged 65 years or over to submit an annual medical report on their fitness to hold a taxi or private hire car driver's licence.

## **3. FINANCIAL IMPLICATIONS**

3.1: None.

## **4. SERVICE & COMMUNITY IMPACT**

4.1: None.

## **5. OTHER IMPLICATIONS**

5.1: If the Authority revokes current practice and follows DVLA practice, there is no evidential link to suggest that greater risk implications would arise from a safety perspective to either the driver and/or the general public.

## 6. REPORT

### 6.1: Current Authority practice:

6.1.2: Current practice is that the Authority requires all drivers aged 65 years or over to submit an annual medical certificate or letter confirming that the driver is fit to carry out the duties of a taxi or private hire car driver. In procedural terms, this request is initiated by the Authority sending out a letter to the driver in question. If this information is not produced, a further letter is sent to the driver advising that the driver's licence may be suspended. Currently the GP's cost is met by the driver.

6.1.3: The Authority is not legally obliged to request this information when a driver reaches the age of 65 years. There is no written policy. It is a practice that has been in place for many years and has evolved through time. There is also currently no condition attached to a driver or operator's licence requiring a driver to submit this information when they reach the age of 65 years.

### 6.2: General legislative background: Age Discrimination:

6.2.1: European Council Directive 2000/78/EC ('the Directive') establishes a general legislative framework with regards to equal treatment in employment, access to employment and vocational training. It requires EU member states to implement legislation outlawing various types of discrimination (including age) no later than December 2006.

6.2.2: The Employment Equality (Age) Regulations 2006 as amended ('the Regulations') implement the UK's obligations under the Directive in relation to discrimination on the grounds of age. The Regulations provide for equal treatment in employment, access to employment, and vocational training on the grounds of age. The Regulations came into force 1 October 2006.

### 6.3: The Regulations

6.3.1: The Regulations generally prohibit age discrimination in employment, access to employment and vocational training. They do not cover the provision of goods and services, which includes the taxi service.

6.3.2: The Regulations also provide that age discrimination may be justified in certain circumstances. For example, if an employer can prove a sound business reason for the age discrimination. The Regulations give legal protection to certain individuals but not to all individuals.

### 6.4: Section 13(4) of the Civic Government (Scotland) Act 1982 'the Act'



6.4.1: Under Section 13(4) of the Act the Authority have the power, at any time, to require an applicant for or holder of a taxi driver's licence or private hire car driver's licence to submit to a medical examination at the Authority's expense by a medical practitioner nominated by them. There must however be a reason for such a request.

6.4.2: The purpose of invoking this power is for the Authority to satisfy itself that the driver is physically fit to drive the vehicle in question. If the Authority rely on this power in every case as statutory authority to require a driver to submit medical information when they reach the age of 65 years, a reasonable question that could arise is why it is that the Authority requires every driver aged 65 years to prove their physical fitness to drive? What is the significance of age 65 as opposed to age 64 or 66? Physical fitness issues may not necessarily be linked to the age of an individual. If challenged, the Authority would probably require to prove a link between increased risk from a safety perspective and a driver reaching the age of 65 years, which could prove difficult in many cases.

6.5: Grounds of Suspension: Schedule 1, paragraph 11 (2) the Act:

6.5.1: As noted in paragraph 6.1.2 above, if the required information is not produced by a driver upon request by the Authority, the ultimate sanction could be suspension of the licence.

6.5.2: Schedule 1, paragraph 11 (2) (a) provides that the Authority may order the suspension of a licence if, in their opinion, the holder of the licence is not or is no longer a 'fit and proper person' to hold the licence. If a driver refuses a request to submit the information confirming fitness to drive it could be difficult to invoke this as a ground for suspension as the Authority won't have before it the necessary information for their consideration. This ground of suspension could therefore be difficult to rely on.

6.5.3: Schedule 1, paragraph 11 (2) (c) provides that the Authority may order the suspension of a licence if, in their opinion, the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause 'undue public nuisance' or 'a threat to public order or public safety'.

6.5.4: Whilst the 'undue public nuisance' test would not be open to the Committee, the 'threat to public order or public safety' could be a more concrete ground for suspension. However, the Authority would require to have in place evidence before them confirming non fitness to drive before invoking this as a ground for suspension. If a driver refuses to submit the information the Authority would not have the evidence before them for their consideration.

6.5.5: If a driver did submit the information then it is arguable that this ground could be a strong ground for suspension of the licence if a link was proven between physical fitness to drive and the threat to public safety.

6.6: Schedule 1, paragraph 11 (2)(d) of the Act:

6.6.1: In terms of this subparagraph, the Authority could order suspension of the licence if, in their opinion, a condition of the licence has been contravened.

6.6.2: There is currently no condition attached to any licences requiring a driver to submit a medical certificate or letter confirming fitness to drive when they reach the age of 65 years. This ground could thus not be invoked as a ground of suspension of the licence.

6.6.3: If the Authority did wish to attach such a condition then, in terms of Schedule 1 paragraph 5 (2), it would require to be reasonable.

6.6.4: Whether this condition is reasonable in every case when a driver reaches the age of 65 years is questionable for the reasons stated in paragraph 6.4 above.

6.7: Schedule 1 Paragraph 11(4)(b) the Act:

6.7.1: This subparagraph provides that the Authority, when considering whether to suspend a licence, may make such reasonable inquiries as it thinks fit and may include the results of their inquiries in the matters to which they have regard in such consideration.

6.7.2: The Authority could request submission of medical information under this power when considering whether to suspend a licence. However, the purpose of requesting the information is to ascertain the fitness of the driver and to link proof of fitness to reaching a certain age may not be reasonable in every circumstance. Requesting the information may therefore be a reasonable inquiry in some circumstances but not all.

6.8: Driver and Vehicle Licensing Agency (DVLA) position:

6.8.1: The current position in the United Kingdom is that when a driver reaches the age of 70 their DVLA driving licence expires and they require to submit an application for renewal to the DVLA. The renewed licence is normally valid for a period of three years. The driver must disclose any medical conditions that they have on the application form. The DVLA then write to the driver's GP making further enquiries with regards to the medical condition. Any costs incurred with this request are met by the DVLA.

**7: Options for the Committee:**

7.1: Maintain Status Quo

7.1.1: As noted in paragraph 6.3 above, the Regulations cover the employment relationship.

7.1.2: The Authority is not a taxi/private hire car driver's employer. Its role is to issue a licence. The Regulations therefore do not apply to the relationship between the Authority and taxi/private hire car drivers. Drivers therefore cannot rely on them to protect them against age discrimination. Current practice therefore does not constitute age discrimination in terms of the Regulations.

7.1.3: There is currently no other legislative regime pertaining to age discrimination that would give a taxi/private hire car driver potential legal protection in this regard. However, there is currently a proposed Equality Bill going through the various procedural stages in the Westminster Parliament. If this Bill receives Royal Assent and becomes law, it proposes to widen age discrimination protection outwith the workplace. As this Bill is not current law comment on its provisions are speculative.

7.1.4 As noted in paragraphs 6.4, 6.5, 6.6 and 6.7 above, the problem with current practice is that it is questionable whether the Authority has the legal power to require a driver to submit a medical certificate or letter confirming fitness to drive in every case on the sole basis of their age.

## 7.2: Abolish current policy practice

7.2.1: The Authority may abolish current practice and invoke its Section 13(4) power (see paragraph 6.4 above) on a case by case basis to determine whether a driver is fit to drive a vehicle.

7.2.2: If Members follow this recommendation, there are also two additional safeguards already in place with regards to ascertaining the medical fitness of a driver. The application form for the grant or renewal of a taxi driver's licence currently requests whether an applicant is 'subject to any illness, deformity or bodily infirmity' and, if so, the applicant requires to indicate its nature. This is one mechanism by which pre-existing medical conditions may be brought to the attention of the Authority.

7.2.3: As noted in paragraph 6.8 above, those who reach the age of 70 years require to renew their driver's licence with the DVLA and disclose pre-existing medical conditions. The DVLA have deemed those between 65 and 70 fit to drive a vehicle, then it is reasonable to assume that the driver is fit to drive a taxi/private hire car.

## 7.3 : Abolish current policy practice and adopt the DVLA position

7.3.1: Members could additionally require drivers to renew their taxi/driver's licence at the age of 70 years and if any medical conditions are disclosed, require submission of a letter/medical certificate confirming fitness to drive. However, in terms of Section 13(4) of the Act, the expense of this would require

to be met by the Authority. Cost considerations therefore arise. Adopting this approach could also lead to an increased administrative workload for relevant staff.

8: The Taxi Inspector has indicated that he concurs with the recommendation as per paragraph 2 above.

#### 9. REPORT AUTHOR DETAILS

Caroline Treanor

Solicitor

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Tel No: 01224 (52)3173

#### **BACKGROUND PAPERS**

The Civic Government (Scotland) Act 1982;

European Council Directive 2000/78/EC;

The Employment Equality (Age) Regulations 2006 (No 1031);

The Employment Equality (Age) (Amendment) Regulations 2006 (No 2408);

The Employment Equality (Age) (Amendment No 2) Regulations 2006 (No 2931);

The Employment Equality (Age) (Consequential Amendments) Regulations 2007 (No 825);

The Employment Equality (Age) Regulations 2006 (Amendment) Regulations 2008 (No 573)

[www.dvla.gov.uk](http://www.dvla.gov.uk)

Equality Bill and Explanatory Notes