

Public Document Pack



To: Councillor Reynolds, and Councillors Allan, Boulton, Cassie, Clark, Collie, Corall, Crockett, Fletcher, Hunter, Milne, Noble, 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, 17 NOVEMBER 2010 at 2.00 pm.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

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- 2.6 Application for the grant of a licence for a house in multiple occupation - Hayfield Riding Centre, Aberdeen
- 2.7 Application for the renewal of a licence for a house in multiple occupation - 11 Canal Street, Aberdeen
- 2.8 Application for a Late Hours Catering Licence - Qismat, Hillhead Halls of Residence, Don Street, Aberdeen (no papers)
- 2.9 Application for a Street Trader's (General) Licence - Abigail Jane Davies
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 - 9.1 Application for the Grant of a Taxi Driver's Licence
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LICENSING COMMITTEE

ABERDEEN, 15 September 2010. - Minute of Meeting of the LICENSING COMMITTEE. Present: - Councillor Reynolds, Convener; and Councillors Boulton, Collie, Corall, Crockett, Dunbar, Fletcher, Hunter, Milne, Noble, John Stewart, Kirsty West and Yuill (substituting for Councillor Clark).

REQUEST FOR DEPUTATION

1. The Committee had before it a request from Russell McLeod, Aberdeen Taxi Group that he be invited to address the Committee on items 3, 4 and 5 on the agenda.

The Committee resolved:-

to accept the deputation from Aberdeen Taxi Group.

MINUTE OF MEETING OF 02 JUNE 2010

2. The Committee had before it the minute of 02 June 2010.

The Committee resolved:-

to approve the minute.

NOTE OF TAXI CONSULTATION GROUP MEETING OF 17 MAY 2010

3. The Committee had before it the note of the Taxi Consultation Group meeting of 17 May 2010.

The Committee resolved:-

to note the minute.

DRAFT NOTE OF THE TAXI CONSULTATION GROUP MEETING OF 16 AUGUST 2010

4. The Committee had before it the draft note of the Taxi Consultation Group meeting of 16 August 2010.

The Committee resolved:-

to note the draft minute.

DRAFT MINUTE OF SPORTS GROUND ADVISORY GROUP MEETING OF 08 JULY 2010

5. The Committee had before it the draft minute of the Sports Ground Advisory Group meeting of 08 July 2010.

The Committee resolved:-
to note the draft minute.

DRAFT MINUTE OF THE SPORTS GROUND ADVISORY WORKING GROUP MEETING OF 14 JULY 2010

6. The Committee had before it the draft minute of the Sports Ground Advisory Working Group meeting of 14 July 2010.

The Committee resolved:-
to note the draft minute.

MINUTE OF MEETING OF EVIDENTIAL HEARING SUB-COMMITTEE OF 02 JUNE 2010

7. The Committee had before it the minute of the meeting of the Evidential Hearing Sub-Committee of 02 June 2010.

The Committee resolved:-
to note the minute.

COMMITTEE BUSINESS STATEMENT

8. The Committee had before it the Committee Business Statement.

The Committee resolved:-
to remit item 1, Fire Safety Standards for Houses in Multiple Occupation to the Housing and Environment Committee. The Committee further resolved to remove items 2, 5 and 6 from the Statement.

INFORMAL BUSINESS

9. The Committee had before it a Statement of Business dealt with informally since 02 June 2010.

The Committee resolved:-
to note the informal business.

APPLICATIONS FOR GRANT / RENEWAL OR VARIATION OF LICENCES - LIST OF APPLICATIONS

10. The Committee had before it, for its consideration, the applications listed 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.

IMPROVEMENTS TO NIGHT-TIME TAXI RANKS

11. The Committee had before it, for its consideration, a report on improvements to night-time taxi ranks. The report advised members of the results of the informal consultation for a proposed fourth night-time taxi rank and also of the proposal to change the operational times of the night-time taxi ranks from Fridays and Saturdays to seven days a week.

The report recommended:-

that members (a) instruct officers to commence statutory consultation for licensing and roads legislation to introduce the fourth night-time taxi rank. If no significant objections are received, then progress with the public advertisement and report the results to future meetings of this Committee and the Enterprise, Planning and Infrastructure Committee; (b) instruct officers to commence the statutory consultation for licensing and roads legislation to change the operating times of the night-time taxi ranks from midnight to 5.00am on Saturday and Sunday nights to operate from midnight to 5.00am seven nights a week. If no significant objections are received, then progress with the public advertisement and report the results to a future meeting of this Committee and the Enterprise, Planning and Infrastructure Committee.

The Committee then heard from Vycky Shade, Senior Engineer, who informed the Committee that one objection had been received at the informal consultation stage. Thereafter the Committee heard from Russell McLeod of Aberdeen Taxi Group (ATG) who stated that ATG were in favour of the proposals.

The Committee resolved:-

to approve the recommendations.

TECHNICAL SPECIFICATION FOR WHEELCHAIR ACCESSIBLE TAXI VEHICLES

12. The Committee had before it, for its consideration, the proposed specification which a vehicle should meet in order to gain approval as a wheelchair accessible taxi vehicle.

The report recommended:-

that the Committee adopt the Department for Transport's draft specification (the "new specification") for WAVs. The Committee then heard from Russell McLeod,

who stated that the ATG was satisfied with the specification apart from the angles of the ramp gradients. He stated that if the gradients remained as stated in the specifications, numerous vehicles which otherwise would meet the specification and be approved as wheelchair accessible through the delegated powers procedure would have to come before the Committee for to reach a decision on whether to give approval.

The Committee resolved:-

to adopt the specification with the following changes to the ramp gradients; side entry kerb – gradient to be changed from 11 to 14 degrees; side entry ground – gradient to be changed from 17 to 19 degrees; rear entry ground – gradient to be changed from 11 to 14 degrees.

DUAL ZONING OF TAXIS

13. The Committee had before it, for its consideration, a supplementary report to that which was before the Committee at its meeting on 02 June 2010.

The report recommended:-

that the Committee:-

- (1) decides whether it will accept applications for double licensing of vehicles or if it wishes to make a policy decision not to do so;
- (2) if it decides to accept such applications, it (a) determines the level of fees to be set for grant and renewal; and (b) gives officers delegated powers to grant these applications;
- (3) where an application is made to vary a zoning condition, (a) determines the level of fee to be set; (b) approves a plate with dual colours to be affixed to any vehicle that may be licensed to operate city wide under a variation; and (c) prohibits the £1 surcharge for fares commencing at the airport, as these operators would not operate exclusively from the airport.

Thereafter the Committee heard from Russell McLeod on behalf of Aberdeen Taxi Group who stated that ATG was against dual licensing as it circumvents the zoning policy which the Committee only recently decided to retain. Furthermore, it would only be of benefit to drivers who currently operate from the airport.

The Committee resolved:-

to adopt a policy whereby it would not accept dual licensing of taxis.

- COUNCILLOR JOHN REYNOLDS, Convener.

APPENDIX A

1. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 2/001
Premises – 118 Gallowgate, Aberdeen

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

2. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 2/002
Premises – 35 Leslie Road, Aberdeen

In the absence of the applicant,

The Committee resolved:-
to refuse the application.

3. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 2/003
Premises – 130 Hamilton Place, Aberdeen

The Committee heard from Alastair Thain, Private Sector Housing Manager, who spoke to his memo of 27 August, 2010. He advised the Committee that there were still some outstanding works to be completed.

The Committee resolved:-
to defer consideration of the application to its next meeting to be held on 17 November, 2010.

4. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 2/004
Premises – 2B Maberly Street, Aberdeen

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

5. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 2/005
Premises – 2C Maberly Street, Aberdeen

The Committee heard from Alastair Thain, Private Sector Housing Manager, who spoke to his memo of 27 August, 2010. He advised the Committee that there were still some outstanding works to be completed.

The Committee resolved:-

to defer consideration of the application to its next meeting to be held on 17 November, 2010.

6. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 2/006
Premises – 39 Sunnybank Place, 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 – 2 Sunnyside Gardens, Aberdeen

The Committee heard from Alastair Thain, Private Sector Housing Manager, who spoke to his memo of 27 August, 2010. He informed the Committee that all works had been completed and the reason the application was before the Committee was because he had received a letter of objection in relation to the application. He further advised the Committee that the letter had been received four months late.

The Committee refused to consider the late letter of objection. Thereafter, the Committee heard from the applicant.

The Committee resolved:-

to grant the application.

8. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 2/008
Premises – 71 Craigievar Crescent, Aberdeen

The Committee was advised that this application was originally before it on 02 June 1010 and at that time the application had been refused. The applicant then appealed the Committee's decision to the Sherriff Court and it

had now been remitted back to the Committee for further consideration. The Committee then heard from Alastair Thain, Private Sector Housing Manager, who advised the Committee that all the works had now been completed. Thereafter the Committee heard from the objector who was informed that she could not introduce any new evidence and could only speak to her previous letter of objection. The Committee then heard from the applicant.

The Committee resolved:-
to refuse the application.

9. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 2/009
Premises – 96 Broomhill Road, Aberdeen

The Committee was advised that one late letter of objection had been received. The Committee then heard from the objector who explained the reasons why his letter had been late.

Councillor Boulton seconded by Councillor Yuill moved:-
to accept the late letter of objection.

Councillor West, seconded by Councillor Dunbar moved as an amendment:-
to refuse the late letter of objection.

On a division there voted:- for the motion (8) – the Convener and Councillors Boulton, Collie, Corall, Hunter, Milne, Noble and Yuill; for the amendment (3) – Councillors Dunbar, Fletcher and Kirsty West.

The Committee resolved:-
to adopt the motion and accept the late letter.

The Committee then heard from Alastair Thain, Private Sector Housing Manager, who spoke to his memo of 27 August, 2010. He informed the Committee that all the outstanding works had now been completed and certificates presented. The Committee then heard from the objector who spoke to his letter of objection. The Committee then heard from the applicant.

Councillor Dunbar seconded by Councillor Kirsty West moved:-
to grant application for a period of one year.

Councillor Yuill, seconded by the Convener moved as an amendment:-
to refuse the application on the grounds that the applicant was not a fit and proper person.

On a division there voted:- for the motion (7) – Councillors Boulton, Corall, Dunbar, Fletcher, Milne, Noble and Kirsty West; for the amendment (4) – the Convener and Councillors Collie, Hunter and Yuill.

The Committee resolved:-

to adopt the motion and grant the licence for a period of one year.

10. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 2/010
Premises – Flat 1, The Bastille, Maberly Street, Aberdeen

The Committee heard from Alastair Thain, Private Sector Housing Manager, who spoke to his memo of 27 August, 2010. He advised the Committee that this was a renewal application and all works were yet to be completed. The application was before the Committee because four letters of objection had been received. Only one objector was present and she then spoke to her letter of objection. She advised the Committee that she was Chair of the Resident's Committee and was representing the other residents who had objected. The Committee then heard from the applicant.

The Committee resolved:-

to give delegated powers to grant the application once the outstanding works were complete.

11. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 2/011
Premises – 8 Ivory Court, Hutcheon Street, Aberdeen

The Committee heard from Alastair Thain, Private Sector Housing Manager, who spoke to his memo of 27 August, 2010. He advised the Committee that one late letter of objection had been received. He further advised the Committee that all the outstanding works were now complete. In the absence of the objector, the Committee decided not to accept the late letter of objection.

The Committee resolved:-

to grant the application.

12. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No 2/012
Premises – 44 Bannermill Place, Aberdeen

The Committee was advised by Alastair Thain, Private Sector Housing Manager, that one letter of objection had been received and that there were still outstanding works to be completed. Thereafter, the Committee heard from Andrew Llewellyn on behalf of the applicant.

The Committee resolved:-

to give delegated powers to grant the application once the outstanding works were completed.

13. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**

Application Ref No 2/013**Premises – 79 Broomhill Avenue, Aberdeen**

The Committee heard from Alastair Thain, Private Sector Housing Manager, who spoke to his memo of 27 August, 2010. He advised the Committee that all outstanding works were complete but there had been six letters of objection received. None of the objectors were present. Thereafter the Committee heard from the applicant.

The Committee resolved:-

to grant the application.

14. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**

Application Ref No 2/014**Premises – 217 Deeside Gardens, Aberdeen**

The Committee heard from Alastair Thain, Private Sector Housing Manager, who spoke to his memo of 27 August, 2010. He advised the Committee that thirty nine letters of objection had been received, one of which was late. The Committee decided not to consider the late letter of objection. The Committee then heard from objector 1 (B32), who advised the Committee that he was also representing three other objectors. Thereafter the Committee heard from a further seven objectors who each spoke to their letters of objection. The Committee then heard from the applicant and Mr Keith Morrison, Belvoir Lettings.

Councillor Yuill seconded by Councillor Boulton moved:-

to refuse the application on the grounds that the location was unsuitable.

Councillor John Stewart, seconded by Councillor Hunter moved as an amendment:-

to give officers delegated powers to grant the application once outstanding works had been completed.

On a division there voted:- for the motion (3) – Councillors Boulton, Hunter, and Yuill; for the amendment (9) – The Convener and Councillors Collie, Corall, Crockett, Dunbar, Fletcher, Milne, Noble and Kirsty West.

The Committee resolved:-

to adopt the amendment.

15. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No 2/015
Premises – 165 Crown street, Aberdeen

The Committee was advised by Brenda Flaherty, Legal Manager, that the current application had been submitted less than twelve months since a similar application for the same premises had been refused. Before the Committee could consider the application, it must decide if there has been a material change in circumstances which would allow it to do so. The Committee then heard from Stephen Inglis, Solicitor, who put forward the reasons why he felt that there had been a material change that would allow the Committee to consider the application. One of the most significant reasons was the establishment of a senior management team and a dedicated manager for 165 Crown Street. The Committee also heard from Edward Thomas, Temporary Accommodation and Private Sector Leasing Senior Officer. The Committee decided that there had been a material change in circumstances and decided to consider the application.

The Committee then heard from Alastair Thain, Private Sector Housing Manager that all the works had been complete but six late letters of objection had been received. One of the objectors was present and he put forward the reasons why he was unable to submit his letter in time.

The Committee resolved:-

to refuse to consider the late letters of objection.

The Committee then heard from Stephen Inglis and Edward Thomas who each spoke in support of the application.

The Committee resolved:-

to grant the application.

16. **APPLICATION FOR THE RENEWAL OF A PUBLIC ENTERTAINMENT LICENCE**
Application Ref No 2/016
Premises – City Moves, Triplekirks, Schoolhill, Aberdeen

The Committee was advised that the application had been withdrawn.

17. **APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE**
Application Ref No 2/017
Premises – The Beacon Community Centre, Kepplehills Road, Bucksburn, Aberdeen

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

18. **APPLICATION FOR VARIATION OF A PUBLIC ENTERTAINMENT LICENCE**

Application Ref No 2/018

Premises – Wellmans Health Studio, 218 Holburn Street, Aberdeen

The applicant had applied to extend the opening hours on a Saturday from 9.00pm to 4.00am on the Sunday morning. This had attracted a letter of observation from Grampian Police. In the absence of the applicant the Committee heard from Inspector John Soutar who spoke to the Police letter of 1 September, 2010.

The Committee resolved:-

to refuse the application for variation.

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

Application Ref No 2/019

Premises – Aberdeen Maritime Museum, Aberdeen

The Committee was advised that the application had been withdrawn.

20. **APPLICATION FOR A MARKET OPERATOR'S LICENCE**

Application Ref No 2/020

Site – Castlegate, Aberdeen

An application had been received to hold a market in the Castlegate each Friday and Saturday from 9.00am to 5.00pm and also on public holidays, Christmas Eve and New Year's Eve. There had been no objections to the application, however City Events did raise one concern that the Castlegate is an area which is sometimes used for certain events which might happen to clash with market days. The Committee then heard from Kenny Luke, Events Officer, who told the Committee that City Events were more than happy for the market to be situated at the Castlegate as long as there was some mechanism whereby the market could be cancelled if the area was required by the Council for an event. Thereafter the Committee heard from the applicant who stated that discussions had taken place with the City Events team and that they would be willing to cancel the market if they are given a reasonable period of notice such as one month.

The Committee resolved:-

to grant the application with the additional condition that the market will be cancelled if one month's notice is given of such cancellation.

21. **APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE**

Application Ref No. 2/021

Premises – Sunny’s, 36 - 40 Market Street, Aberdeen

Times – Sunday to Thursday 11.00pm to 3.00am, Friday and Saturday 11.00pm to 4.00am and 3.00am to 4.00am on Aberdeen Local Holiday Mondays

The Committee was advised the application was before it because the applicant had not submitted the certificate of compliance in respect of the notice of display. In the absence of the applicant,

The Committee resolved:-

to defer of the application to its meeting to be held on 17 November, 2010.

22. **APPLICATION FOR THE RENEWAL OF A STREET TRADER (HOT FOOD) LICENCE**

Application Ref No. 2/022

Site: Greenbank Crescent, Tullos; 500m east of Hillview Road

Times: Monday – Sunday, 07:00am to 4:30pm

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

23. **APPLICATION FOR THE RENEWAL OF A STREET TRADER (HOT FOOD) LICENCE**

Application Ref No. 2/023

Site: St. Fitticks Road

Times: Monday – Sunday, 07:00am to 04:30pm

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

24. **APPLICATION FOR THE RENEWAL OF A STREET TRADER (HOT FOOD) LICENCE**

Application Ref No. 2/024

Site: Clarence Street

Times: Monday – Saturday, 07:00am to 07:00pm

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

25. **APPLICATION FOR THE RENEWAL OF A STREET TRADER (HOT FOOD) LICENCE**
Application Ref No. 2/025
Site: Matalan Car Park, Constitution Street
Times: Monday – Sunday, 07:00am to 07:00pm

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

26. **APPLICATION FOR THE GRANT OF A STREET TRADER (HOT FOOD) LICENCE**
Application Ref No. 2/026
Site: Colin's Tyres, Farburn Terrace, Dyce
Times: Monday – Saturday, 07:30am to 03:00pm

The Committee was advised that the application was before it because it was a new site.

The Committee resolved to:-
grant the application.

27. **APPLICATION FOR THE GRANT OF A STREET TRADER (GENERAL) LICENCE**
Application Ref No. 2/027
Site: Pilot Square, Aberdeen
Times: Monday – Sunday, 07:00am to 10:00pm

The Committee was advised by Brenda Flaherty, Legal Manager, that two letters of objection had been received, one of which was late. The Committee then heard from the objector whose letter was late and he explained the reasons why this was so. The Committee decided to accept the late letter of objection. The objector then advised the Committee that he was speaking on behalf of the other objector who could not attend the meeting. The objector then spoke to the letters of objection. Thereafter the Committee heard from the applicant. Councillor John Stewart expressed concern over setting a precedent if the application was granted.

Councillor Hunter seconded by Councillor Kirsty West moved:-
to grant the application for the hours of 10.00am to 6.00pm.

Councillor Boulton seconded by Councillor John Stewart moved as an amendment:-
to refuse the application.

On a division there voted:- for the motion (4) – Councillors Corall, Hunter, Noble and Kirsty West; for the amendment (5) – The Convener and Councillors Boulton, Dunbar, Milne, and John Stewart.

The Committee resolved to:-

adopt the amendment and refuse the application.

28. **APPLICATION FOR THE GRANT OF A STREET TRADER (HOT FOOD) LICENCE**

Application Ref No. 2/028

Sites – 1) Beach Esplanade east side, 100 metres north of Accommodation Road and 2) Bedford Road east side, 70 metres south of St Machar Drive

Times – Monday to Sunday 7.00am to 7.00pm

The Committee was advised that the application was before it because both sites were new. No objections or observations had been received. Officers confirmed that roads had been consulted on the application but had not responded.

The Committee resolved to:-

refer the application to the Informal Business Panel to grant the application once a further memo had been sent to roads and on the basis that they have no objection.

29. **APPLICATION FOR THE GRANT OF A STREET TRADER (HOT FOOD) LICENCE**

Application Ref No. 2/029

Sites – 1) St Machar Road where double yellow lines end on right side entering St Machar Road

Times – Monday to Friday 7.00am to 3.00pm

2) Ardarroch Road 75 metres north of Pittodrie Street

Times – 7.00am to 10.00pm match days only

The Committee was advised that the application was before it because both the sites were new and also both were within 100 metres of similar sites serving hot foods. The Committee then heard from the applicant who stated that she intended selling healthy foodstuffs and her target customers were people working on the industrial estate not school pupils.

The Committee resolved to:-

grant the licence for the Ardarroch Road site.

Councillor John Stewart, seconded by Councillor Fletcher moved:-

to defer consideration of the St Machar Road site to its next meeting to be held on 17 November, 2010.

Councillor Corall, seconded by Councillor Hunter moved as an amendment:-

to grant the St Machar Road site.

On a division there voted:- for the motion (2) – Councillors Fletcher and John Stewart; for the amendment (6) – The Convener and Councillors Corall, Hunter, Milne, Noble and Kirsty West.

The Committee resolved to:-

adopt the amendment and grant the licence for both sites.

30. **APPLICATION FOR THE GRANT OF A STREET TRADER (HOT FOOD) LICENCE**

Application Ref No. 2/030

Site – Souterhead Road south side, 280 metres east of Crawpeel Road
Times – Monday to Sunday 7.00am to 3.00pm

The Committee was advised that the application was before it because it was a new site.

The Committee resolved to:-

to grant the application.

31. **APPLICATION FOR THE GRANT OF A STREET TRADER (GENERAL) LICENCE**

Application Ref No. 2/031

Site – St Nicholas Street, Aberdeen

Times – Friday to Wednesday 8.00am to 7.00pm, Thursday 8.00am to 9.00pm, 13 November - 31 December

The Committee was advised that the application was before it because it was within the City Centre trading area. The applicant had been granted a licence for this site for numerous years and it was therefore requested that the Committee gives delegated powers to officers to grant all such future applications from this applicant.

The Committee resolved to:-

to grant this application and give officers delegated powers to grant any subsequent similar application from the said applicant.

32. **APPLICATION FOR SUBSTITUTION OF A PRIVATE HIRE CAR WHICH IS MORE THAN FIVE YEARS OLD**

Applicant – Leslie Wilson

The Committee was advised that a policy was in place whereby no car older than five years of age should be substituted onto a licence. The applicant's car, which was he was applying to substitute onto the licence, was six weeks past this five year deadline and he was requesting permission from the Committee to allow him to substitute it onto his operator's licence.

The Committee resolved to:-

to allow him to substitute the said vehicle onto his licence.

33. **APPLICATION FOR THE GRANT OF A SKIN PIERCING AND TATTOOING LICENCE**
Application Ref No. 2/033
Premises – Temple Aesthetics, 9 The Courtyard, Cults, Aberdeen

At the request of the applicant:-

The Committee resolved:-

to defer consideration of the application to its meeting to be held on 17 November, 2010.

34. **APPLICATION FOR THE RENEWAL OF A WINDOW CLEANER'S LICENCE**

The Committee was advised that this application was before it because the applicant had failed to submit his insurance documents.

The Committee resolved:-

to defer consideration of the application to its meeting to be held on 17 November, 2010.

SPORTS GROUND ADVISORY GROUP

ABERDEEN, 14 October 2010. - Minute of Meeting of the SPORTS GROUND ADVISORY GROUP. Present:- Brenda Flaherty, Caroline Treanor, Jacqui Wallace (Licensing), Ivor Churcher, Alex Venters (Environmental Health), Kevin Coutts, Mike Mitchell (GFRS), John McCullough (Scottish Ambulance Service), David McIntosh (Emergency Planning), Grant Tierney (Building Standards), Adrian Watson, Salter Watson (Grampian Police).

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

Apologies: David Kidd

MINUTE OF MEETING OF 14 JULY 2010

1. The minute was approved, subject to noting the absence of a reference to the minute of the previous meeting held on 08 April 2010.

MATTERS ARISING

2. With reference to Clause 18 of Article 1 of the minute of 14 July 2010, it was agreed to insert reference to an ambulance being provided when there are more than 5,000 spectators.

OUTCOME OF JULY/AUGUST 2010 INSPECTIONS

3. Ivor Churcher, Environmental Health, advised the Group that he had inspected Pittodrie on 06 August 2010 and no problems had been identified. Grant Tierney, Building Standards, had inspected the stadium on 27 July 2010. There were a couple of minor issues identified which had now been addressed, however, at the time of inspection he did not have access to the fire risk assessment document and was awaiting sight of it before finally reporting back to the Group. The ambulance service had also checked Pittodrie with regard to the signage and no problems had been found. It was agreed that all three services would forward reports, to include nil returns, to the Licensing Team.

FIRE RISK ASSESSMENT

4. Kevin Coutts informed the Group that he had held discussions with David Kidd in relation to elements of the Green Guide that do not fall under fire safety but which he felt should be included in any fire risk assessment.

John Morgan agreed that any deviations that refer to fire risk or that have a structural impact would be moved to the fire risk assessment document.

Kevin Coutts sought clarification on the standards to be applied in terms of fire risk before a safety certificate is issued. After discussion he stated that he would be satisfied if the deviations in respect of fire risk and structural elements were moved, as agreed, into the fire risk assessment document.

Brenda Flaherty asked if all the issues identified as a priority 1 in the fire risk assessment had been attended to.

John Morgan advised that all the issues highlighted in the assessment had been addressed, however, because of the nature of the assessment there will always be certain items that appear every time in any fire risk assessment documentation and that as long as control measures are in place there should be no issue.

Grant Tierney was concerned that because the Working Group had not met since the fire risk assessment was produced, it had been unable to sign-off certain deviations.

John Morgan advised the Group that the Club's architect had now seen the fire risk assessment document and was satisfied with it. It was agreed that a letter from Aberdeen Football Club's architect regarding the fire risk assessment and the P&S factors would be forwarded to Licensing for inclusion on the next agenda, to enable the Group to revisit the deviations. (This letter has now been received).

UNANNOUNCED STADIUM INSPECTIONS

5. At its meeting on 14 July 2010, the Working Group decided that there should be one unannounced match day inspection per annum.

Brenda Flaherty informed the club representatives that this decision was based on the fact that it is the local authority and not the police who are responsible for enforcing the safety certificate, and having consulted other local authorities had ascertained that this was best practice in Glasgow.

John Morgan voiced his opposition to unannounced stadium inspections which would cause operational issues for the club. Gordon Ritchie advised the Group that the club could accommodate one or two people at short notice if they remained in the Control Room. It was agreed that if an unscheduled visit is to take place Aberdeen Football Club would receive 24 hours notice. The visit would take the format of observation from the Control Room only and would not involve a tour of the stadium.

MATCH DAY INSPECTION OF PITTODRIE – 23 OCTOBER 2010

6. The Group noted that the match has a 12 o'clock kick off and that there is a briefing at 8.00am at Police Headquarters, Queen Street, Aberdeen.

It was agreed that members of the Group who would be attending the inspection would provide Aberdeen Football Club with a list of specific issues that they would wish to concentrate on during the inspection. These would concentrate on deviations which were being managed by human intervention.

A.O.C.B.

7. (A) New Stadium Proposal

It was agreed that the new stadium proposal would be added as an agenda item for the April 2011 meeting and that a representative from Aberdeen Football Club would be invited to the meeting to address the Group.

(B) Stadium Visits

It was agreed that Councillors who were members of the Sports Ground Advisory Group should visit the stadium independently of officers. Brenda Flaherty was to liaise with Aberdeen Football Club regarding dates for Councillors' visits.

DATES OF FUTURE MEETINGS

8. Meetings in 2011 are scheduled for 27 January 2011, 21 April 2011, 07 July 2011 (joint meeting with Sports Ground Advisory Group) and 20 October 2011.

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TAXI/PRIVATE HIRE CAR CONSULTATION GROUP

NOTE OF MEETING OF 17 MAY 2010

Present:

Councillors Boulton, Hunter and K West, and

Sgt Keith Middler (Grampian Police), Inspector Iain MacLelland (Grampian Police), Kevin Leiper (ATG), Alistair Rose (ARTDA), Lynne Smith (Central Taxis), Russell McLeod (ATG), Gordon McKay (Rainbow), Scott Douglas (ComCab), Angeline MacKenzie (ComCab), Tom Wilson (Unite), Tommy Campbell (Unite), Fraser Bain (BAA, Aberdeen Airport), Scott Ramsay (EPI), Nigel Buchan (Fleet Services), Eric Anderson (Licensing), Jacqui Wallace (Licensing) and Caroline Treanor (Licensing)

Apologies: Councillor Reynolds (Convener) and Alistair Williamson (DAG)

CHAIR

1. In the absence of the Convener, Councillor Kirsty West chaired the meeting.

NOTE OF MEETING OF 08 FEBRUARY 2010

2. The note of the meeting was approved subject to the following amendments: - Item 8, date to be changed from 28 to 25.

MATTERS ARISING

3. With reference to Item 9 (1) –Green Light at the Airport, Councillor Boulton informed the group that she had now met with NESTRANS.

OPERATION OF THE GREEN LIGHT AT THE AIRPORT

4. At the last taxi consultation group meeting concerns had been raised regarding the operation of the green light at the airport and it was agreed to invite a representative of BAA to this meeting to discuss the matter further.

The group then heard from Fraser Bain, BAA, who explained that

(i) the purpose of the green light was to call on the assistance of non-airport zoned operators at peak times, when demand for taxis outstrips supply. Only drivers in the vicinity of the airport see that it is on but news of this would be spread by word of mouth.

(ii) the green light is not switched on as soon as people start forming a queue at the rank. It is up to the taxi marshall to decide when the green light should be switched on. He is the person best placed to decide on the operation of the green light. This is because he has information on matters such as incoming flights and likely passenger numbers made available to him. He also has a PDA device that tells how many airport taxis are in the area at any given time.

- (iii) BAA has service level agreements (SLA's) with the managing agent wherein 15 minutes is the maximum time that anyone should be waiting for a taxi. If the green light is switched on as soon as a queue forms this impacts on the livelihood of the dedicated airport fleet; therefore, there is always a compromise to be struck and
- (iv) there is a record kept of when the green light is on and the response to it for monitoring purposes

Kevin Leiper said that the issue had been placed on the agenda because there was a perception that ComCab was transmitting messages to its city fleet to pick up at the front door, without the green light being switched on, therefore breaching a condition of the licence.

Angela MacKenzie advised the group that the city taxis picking up at the front door outwith the operation of the green light are pre-booked. This system was agreed at a meeting with Grampian Police in 2008, therefore there is no breach of the zoning condition. She also informed the group that discussions were ongoing between ComCab and BAA regarding the possibility of having green lights installed at other locations to assist passengers, including those at the heliport.

Councillor Boulton stated that elected members do receive complaints regarding waiting times at the airport and she wanted to know how BAA monitors this. Fraser Bain advised her that there are set periods throughout the day when ComCab monitor the queue. BAA expect the managing agent to monitor the situation in line with agreed SLA's but BAA does have the means to verify and check the information.

Councillor Hunter asked if BAA is monitoring those taxis that are pre-booked to pick up at the rank. Angelina MacKenzie confirmed that they do. A spreadsheet is maintained with relevant information such as the plate nos. of the vehicles, and dates and times of the bookings.

It was agreed that BAA, ComCab and the trade should hold further discussions outwith this forum and if necessary the matter could be brought back to the group at a later date.

CHAPEL STREET AND BACK WYND TAXI RANKS

5. Councillor West stated that this item had been added at the request of Gordon McIntosh, Director of Enterprise, Planning and Infrastructure following receipt of a letter from Aberdeen City Centre Association (ACCA). ACCA had been invited to come and address the meeting but no one representing the Association was in attendance.

It was agreed that discussion of the item would be postponed to the next meeting, to allow someone from ACCA to attend. However, in the meantime Scott Ramsay gave a brief update on the situation at the ranks.

- (i) Chapel Street – there is a proposal to make both Chapel Street and Rose Street one-way systems. The traffic management team is currently dealing with this, which includes consultation with the public.

(ii) Back Wynd – looking at relocating the disabled bay. This was discussed at a meeting of the Disability Advisory Group (DAG) who were not in favour of the proposal. However, there are a number of alternative options to discuss and Scott Ramsay will arrange a meeting with representatives of DAG and the trade.

Inspector MacLelland advised that the police were aware of the issues at the Back Wynd rank with taxis queuing the length of the street, He was unaware of any complaints from DAG. Most of the feedback he receives is from the City Wardens. With regard to Chapel Street, he considered that problems mainly occurred at night time.

Tommy Campbell stated that in his view the issue was about the total number of spaces at city ranks. There are only 70-80 spaces in the city. This means drivers have to drive around whilst waiting for spaces, which leads to an environmental issue.

Scott Ramsay advised that if the proposals contained in the current review of taxi ranks are accepted it would lead to an increase of about 20 spaces throughout the city centre.

MORAY COUNCIL TAXI TESTING SUPPLEMENT TO THE VOSA MOT TESTER MANUAL

6. The group had before it a draft testing supplement to the VOSA MOT Tester Manual. Nigel Buchan advised the group that it was intended to introduce the specifications contained therein in Aberdeen. Although testing had always been carried out, certain specifications had not been set out in a comprehensive manual. Once the specification is approved, it will be published on the Council's website.

Russell Macleod had three comments in respect of the draft specification

(i) Item 2.4.3 - INTERIOR

The specification referred to the Interior Taxi Plate, which had been abolished approximately 10 years ago and he wanted to know if it was being re-introduced.

(ii)Item 2.11 – ROOF SIGNS

He stated that the illumination of the taxi sign as given in the specification causes operational issues for some taxi companies and many operators' have disconnected the light.

(iii)Item 2.3-BODYWORK

There is an issue with what constitutes a dent or a scratch and how to ensure consistency amongst the examiners. Nigel Buchan explained that any time a vehicle test is undertaken there will be access to a supervisor if it is felt that the examiner is being too strict in the interpretation of the specification.

It was agreed that Nigel Buchan would (i) amend the specification in respect of the illumination of the roof light, (ii) remove reference to an Interior Plate and (iii) add a paragraph about access to a supervisor in respect of the assessment of dents and scratches.

The draft specification will thereafter go to a meeting of the Licensing Committee for approval

FOULING OF TAXIS

7. An e-mail had been sent to the Convener by a member of the trade who was concerned about the lack of support when trying to recover the £50 charge from passengers who had fouled a taxi. As it is a civil and not a criminal matter, it is not for the police to enforce. In the e-mail, the driver refers to it being taxi "fraud". However, Sergeant Middler stated that he had examined the legislation and it was his belief that a fraud charge was not competent. It was agreed that the clerk would write to the driver to explain the position.

VARIATION OF CONDITION ON AIRPORT ZONED TAXI LICENCES – OUTCOME OF TRIAL PERIOD

8. The draft report was noted.

ONLINE APPLICATIONS

9. Jacqui Wallace advised the group that there was a major upgrade to the licensing software being undertaken this week. Once complete applicants for all types of licence would be able to apply online.

MEETING DATES FOR 2011

10. It was agreed that meetings for 2011 would take place on 07 February, 09 May, 15 August and 24 October 2011. These meetings will be held at 10:00am.

AOCB

11. (i) Railway Station

Kevin Leiper stated that there were still concerns regarding the traffic signs in and around the railway station. Scott Ramsay advised him that in order to erect signs stating "no access except taxis", the matter would have to be referred to the Scottish Government. Kevin Leiper said that the main signs on Guild Street state that vehicles should drop off at the bus/rail stations, when in fact the correct place for dropping off is College Street car park. Scott Ramsay advised him that whilst the traffic management section had confirmed that all the signs were correct he would revisit this issue with them. Councillor Hunter stated that, as a ward councillor, he would look into the matter.

(ii) Training

Tommy Campbell stated that there was talk of introducing SVQ training for taxi drivers and wanted to know if the council saw a role for themselves in

this. Russell McLeod explained that this was being introduced in Glasgow for the 2014 Commonwealth Games, but on a purely voluntary basis. Councillor West stated that there were no plans for this at present.

(iii) Demand Survey

Tommy Campbell wanted to know if there were any plans for another demand survey to be undertaken. Councillor West stated that there were no plans to undertake a demand survey at this time

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LICENSING
17 November 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.	Licensing Committee 24.02.10 Article 11	<p><u>Variation of Condition on Airport Zone Taxi Licences</u></p> <p>(a) that the Committee initiates a trial period of six months whereby airport zoned taxis are permitted to operate in the city zone when the night time ranks are in operation.</p> <p>(b) that the zoning conditions for airport zoned taxis be suspended to enable this to happen on Saturday nights/Sunday mornings between the hours of midnight and 05:00hrs.</p> <p>(c) that airport zoned taxis which take advantage of the zoning condition are also permitted to pick up passengers on the street when flagged down.</p> <p>(d) that a report be forthcoming at the end of the trial period on whether the situation should be made permanent by varying the conditions attached to airport zoned taxis.</p>	Trial period started on 14 March 2010 and will end on 12 September 2010.	Head of Legal and Democratic Services	17 Nov 2010	17 Nov 2010

2.	Licensing Committee 21.04.10 Article 10	<u>Review of Street Trader Licences</u> To instruct the Legal Manager to prepare a discussion document based on the issues outlined in the report before Committee on 21 April 2010.	A discussion document was produced for consideration at the meeting of 02 June. The Committee resolved to defer consideration of the document to its meeting to be held on 15 September 2010	Head of Legal and Democratic Services	15 Sept 2010	17 Nov 2010
3.	Licensing Committee 15.09.10 Article 11	<u>Improvements to Night-time taxi ranks</u> (a) instruct officers to commence statutory consultation to introduce a 4 th night-time taxi rank and report back to Committee at a future date (b) instruct officers to commence statutory consultation to change the operating times of night-time ranks to 00.00-05:00, seven days per week and report back to Committee at a future date		Head of Planning and Sustainable Development	19 Jan 2011	

STATEMENT OF BUSINESS DEALT WITH
INFORMALLY SINCE 02 JUNE

Applicant	Application		Date(s)	Decision
Clark Commercials 30 Wellheads Drive Dyce Aberdeen AB21 7GQ	Approval of a Vehicle to be used as a wheelchair accessible taxi	Vehicle – Caddy Maxi (Clark Maxi Cab), Life 2.0TDi	n/a	Accepted
Danuta Demkow	Street Trader (Hot Foods) Licence	Site Beach Esplanade east side, 100metres north of Accommodation Road	n/a	Granted

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LICENSING COMMITTEE

17 November 2010

LIST OF APPLICATIONS TO BE HEARD

	Application Type	Name and Address of Applicant(s)	Premises, Vehicle or Area to which Application Refers	Objections or Representations Received From	Date by which Application to be Determined (If Applicable)
1.	HMO Grant	Peter Mearns	130 Hamilton Place, Aberdeen	H & E	14 December 2010
2.	HMO Grant	Hiu Ying Li & Aberdeen Property Leasing	2C Maberly Street, Aberdeen	H & E	04 January 2011
3.	HMO Grant	Robert Ross & Joan Sutherland	313 Hardgate, Aberdeen	H & E	03 February 2011
4.	HMO Grant	Susan McGowan & McGowan Accommodation Agency	55 Spital, Aberdeen	H & E	18 February 2011
5.	HMO Renewal	Pamela Spence	Flat 3, 43 Wallfield Crescent, Aberdeen	H & E	03 March 2011
6.	HMO Grant	Equiworld Club Ltd	Hayfield Riding Centre, Hazlehead Park, Aberdeen	H & E (Material Change?)	26 August 2011
7.	HMO Renewal	Sarah E Grant	11 Canal Street, Aberdeen	1 Objector	29 September 2011
8.	Late Hours Catering Grant	Zafar Iqbal	Premises: Qismat, Hillhead Halls of Residence, Don Street Monday – Sunday 23:00 – 02:30	CS	06 April 2011

	Application Type	Name and Address of Applicant(s)	Premises, Vehicle or Area to which Application Refers	Objections or Representations Received From	Date by which Application to be Determined (If Applicable)
9.	Street Trader (General) Grant	Abigail Jane Davies	Site: Pilot Square, Footdee, Aberdeen Monday – Sunday 07:00 – 22:00	CS 2 Objectors	09 December 2010
10.	Street Trader (Hot Foods) Grant	Adam Struzynski	Site: Burnside Drive, Dyce (south side), 120m east of Wellheads Road Monday – Friday 07:00 – 15:00	CS EH	26 March 2011
11.	Skin Piercing & Tattooing Grant	Jillian Sharp	Premises: Temple Aesthetics, The Courtyard, Cults	CS (Material Change?)	13 June 2011
12.	Theatre Renewal	Aberdeen City Council	Premises: Hazlewood School (application made 15 March 2010)	CS EH BS	
13.	Theatre Grant	Aberdeen City Council	Premises: Milltimber School (application made 30 March 2010)	CS BS	
14.	Theatre Grant	Peterculter Parish Church	Premises: Peterculter Parish Church	CS BS	

ABBREVIATIONS:

LD Legal and Democratic Services
 CC Chief Constable
 EPI Enterprise, Planning and Infrastructure
 EH Environmental Health
 GFRS Grampian Fire and Rescue Service
 BS Building Standards
 H & E Housing and Environment
 CE City Events



ABERDEEN
CITY COUNCIL

MEMO

Shelter & Environment

Housing & Environment

4th Floor, St.Nicholas House

To	Brenda Flaherty, Legal Manager, Resources Management, Town House		
From	Ally Thain, Private Sector Housing Manager, Housing & Environment		
Email	allyt@aberdeencity.gov.uk	Date	1 November 2010
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.130 Hamilton Place, Aberdeen
Applicant/s: Peter Mearns
Agent: None stated**

I refer to the above HMO Licence application, which was considered by the Licensing Committee at its meeting on 15 September 2010, for the reason that works & certification requirements had not been completed (my Committee report is attached as appendix A). The Committee resolved to *"to defer consideration of the application to its next meeting to be held on 17 November, 2010."*

Following the meeting on 15 September 2010, I wrote to the applicant advising him of the Committee's decision. In my letter, I also stated that failure to complete all requirements by close of business on Tuesday, 16 November 2010, would result in the HMO application being reconsidered by the Licensing Committee at its meeting the following day. I advised that in the event of that happening, I would recommend to the Committee that they refuse the HMO application. The reason for my 'refusal' recommendation is because the Council must, by law, determine the HMO application no later than 1 year after the date of submission (15 December 2009) of the application, failing which the application is automatically deemed to be granted. The Council strives to avoid deemed grants, therefore if the Committee are minded to refuse the application it must do so at its meeting on 17 November 2010.

At the date of this memo, all requirements have not been completed.

Fire Incident:

Grampian Fire & Rescue Service (GFRS) e-mailed me on 18 October 2010 with the following information:

"GFRS attended a dwelling fire at the above address on the 17th October 2010 approx 1330hrs. The fire was in the electrical cupboard and extinguished by an occupier."

There were no working smoke detectors and Fire crews installed battery smoke detectors, as an interim measure, on the ground floor and 2nd floor. The battery was replaced in the detector on the first floor.

The occupiers informed Grampian Fire and Rescue Service that; the fire alarm system is being upgraded at present, with smoke detectors going in every room and asked if this could be checked.

The attending crews noted evidence of 5 individuals residing at the property, but cannot provide any further information relating to these individuals."

It would therefore appear that the applicant was operating an unlicensed HMO at the time of the fire incident.

Recommendation:

At the date of this memo, all works & certification requirements have not been completed, albeit there are some weeks remaining until the 16 November 2010 deadline. I would normally have issued the HMO Licence under delegated powers if all requirements had been completed, and advised the Committee accordingly, however the Committee may also wish to consider the matter of the apparent occupation of the property at the time of the fire incident, therefore I request that a final decision on the Licence be taken at Committee on 17 November 2010.

Ally Thain
Private Sector Housing Manager

MEMO

Shelter & Environment

Housing & Environment4th Floor, St.Nicholas House

To	Brenda Flaherty, Legal Manager, Resources Management, Town House		
From	Ally Thain, Private Sector Housing Manager, Housing & Environment		
Email	allyt@aberdeencity.gov.uk	Date	27 August 2010
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.130 Hamilton Place, Aberdeen
Applicant/s: Peter Mearns
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 15 September 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 three-storey house with accommodation comprising of nine 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 15 December 2009. The HMO Officer visited the premises on 20 January 2010, then he wrote to the applicant on 28 January 2010, 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. A padlock hasp to be removed from a first-floor bedroom door.
5. A Fire Action Notice to be displayed in the property.
6. A fire-blanket to be installed in the kitchen.
7. Additional electric sockets to be installed in all rooms.
8. Windows in each room to be capable of easy opening for ventilation.
9. The broken/missing tiles in the ground-floor shower-room to be replaced.
10. the housekeeping in several bedrooms to be improved.
11. All damage to ceilings & walls to be repaired and redecorated.
12. Construction of a staircase to the basement.

13. Adequate heating to be provided in all areas occupied by the tenants.
14. 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 15 September 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.130 Hamilton Place, Aberdeen.
- The applicant is an approved Landlord, registered with the Landlord Registration database. However, his property at No.130 Hamilton Place is not registered therefore the applicant must register the property prior to allowing tenants to reside there.
- The applicant has requested an occupancy of 9 tenants, which is acceptable to the HMO Unit.
- As mentioned above, the Council received the HMO Licence application on 15 December 2009. The Council must determine the application no later than 14 December 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 17 November 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



MEMO

Shelter & Environment

Housing & Environment

4th Floor, St.Nicholas House

To	Brenda Flaherty, Legal Manager, Resources Management, Town House		
From	Ally Thain, Private Sector Housing Manager, Housing & Environment		
Email	allyt@aberdeencity.gov.uk	Date	2 November 2010
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.2C Maberly Street, Aberdeen
Applicant/s: Hiu Ying Li
Agent: Aberdeen Property Leasing**

I refer to the above HMO Licence application, which was considered by the Licensing Committee at its meeting on 15 September 2010, for the reason that works & certification requirements had not been completed (my Committee report is attached as appendix A). The Committee resolved to *“to defer consideration of the application to its next meeting to be held on 17 November, 2010.”*

Following the meeting on 15 September 2010, I wrote to the applicant advising him of the Committee’s decision. In my letter, I also stated that failure to complete all requirements by close of business on Tuesday, 16 November 2010, would result in the HMO application being reconsidered by the Licensing Committee at its meeting the following day. I advised that in the event of that happening, I would recommend to the Committee that they refuse the HMO application. The reason for my ‘refusal’ recommendation is because the Council must, by law, determine the HMO application no later than 1 year after the date of submission (5 January 2010) of the application, failing which the application is automatically deemed to be granted. The Council strives to avoid deemed grants, therefore if the Committee are minded to refuse the application it must do so at its meeting on 17 November 2010.

Recommendation:

At the date of this memo, all works & certification requirements have not been completed, albeit there are two weeks remaining until the 16 November 2010 deadline. I will advise the Committee whether or not the HMO Licence has been granted under delegated powers, however in the event that all works & certification have not been completed by then, I will recommend that the Committee refuses the HMO application.

Ally Thain
Private Sector Housing Manager

MEMO

Shelter & Environment

Housing & Environment4th Floor, St.Nicholas House

To	Brenda Flaherty, Legal Manager, Resources Management, Town House		
From	Ally Thain, Private Sector Housing Manager, Housing & Environment		
Email	allyt@aberdeencity.gov.uk	Date	27 August 2010
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.2C Maberly Street, Aberdeen
Applicant/s: Hiu Ying Li
Agent: Aberdeen Property Leasing**

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at their meeting on 15 September 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 second-floor flat, 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 5 January 2010. The HMO Officer visited the premises on 29 January 2010, then he wrote to the applicant's agent on 4 February 2010, listing the following requirements to bring the premises up to the current HMO standard:-

1. Installation of 30-minute fire-resistant room doors fitted with self-closers.
2. The flat exit door to be fitted with a keyless lock.
3. A Fire Action Notice to be displayed in the property.
4. A fire-blanket to be installed in the kitchen.
5. Additional electric sockets to be installed in all rooms.
6. Windows in each room to be capable of easy opening for ventilation.
7. Replacement of the damaged heat detector in the kitchen.
8. The water leak to be traced and repaired, then the kitchen ceiling to be redecorated.
9. 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 15 September 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.2C Maberly Street, Aberdeen.
- The applicant is an approved Landlord, registered with the Landlord Registration database. The property at No.2C Maberly Street is also registered.
- 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 5 January 2010. The Council must determine the application no later than 4 January 2011, 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 17 November 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

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MEMO

Shelter & Environment

Housing & Environment

4th Floor, St.Nicholas House

To	Brenda Flaherty, Legal Manager, Resources Management, Town House		
From	Ally Thain, Private Sector Housing Manager, Housing & Environment		
Email	allyt@aberdeencity.gov.uk	Date	2 November 2010
Tel.	522870	Our Ref.	
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**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.313 Hardgate, Aberdeen
Applicant/s: Robert Ross & Joan Sutherland
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 17 November 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 flat with accommodation comprising of six letting bedrooms, two public rooms, one kitchen and three 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 4 February 2010. The HMO Officer visited the premises on 1 March 2010, then he wrote to the applicants on 3 March 2010, 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, self-closing doors throughout.
3. A glazed ceiling panel to be sheeted over.
4. All fire-safety provisions within the premises to be fully explained to the tenants.
5. A Fire Action Notice to be displayed within the premises.
6. Any bedroom doorlocks and the flat entrance doorlock to be refitted with keyless locks.
7. A fire-blanket to be installed in the kitchen.
8. All windows to be capable of easy opening for ventilation.
9. The gas & electrical safety certificates, and a copy of the Tenancy Agreement to be submitted to the HMO Unit.

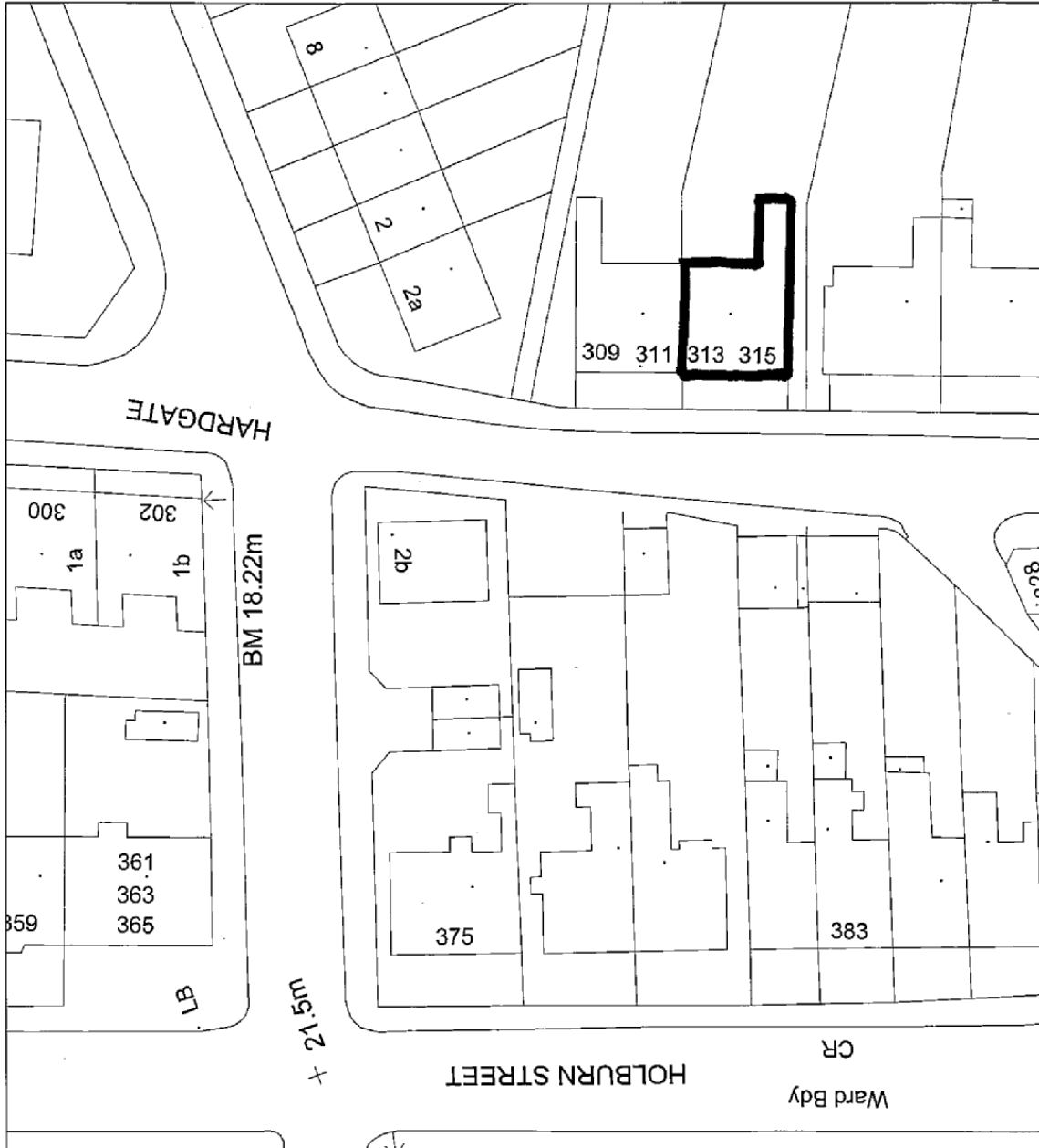
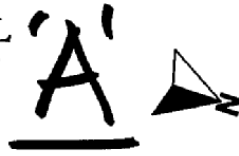
At the date of this memo, all work & certification requirements have not been met. Accordingly, the applicants have been invited to attend the meeting of the Licensing Committee on 17 November 2010, where the application will be discussed.

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.313 Hardgate, Aberdeen.
- At the date of this memo, the applicants and their premises are registered with the Landlord Registration database.
- The applicant has requested an occupancy of 6 tenants, which is acceptable to the HMO Unit.
- As mentioned above, the Council received the HMO Licence application on 4 February 2010. The Council must determine the application no later than 3 February 2011, 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 19 January 2011, 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: 313 HARDGATE, ABERDEEN
Scale: 1:500 **Date:** 02 November 2010 **Map Ref:** NJ9304NW

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MEMO

Shelter & Environment

Housing & Environment

4th Floor, St.Nicholas House

To	Brenda Flaherty, Legal Manager, Resources Management, Town House		
From	Ally Thain, Private Sector Housing Manager, Housing & Environment		
Email	allyt@aberdeencity.gov.uk	Date	2 November 2010
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.55 Spital, Aberdeen
Applicant/s: Susan McGowan
Agent: McGowan Accommodation**

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at their meeting on 17 November 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 flat with accommodation comprising of four letting bedrooms, 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 19 February 2010. The HMO Officer visited the premises on 29 March 2010, then he wrote to the applicant on 31 March 2010, listing the following requirements to bring the premises up to the current HMO standard:-

1. Installation of 30-minute fire-resistant, self-closing doors throughout.
2. Construction of a 'means of escape' hallway within the first-floor.
3. The flat-entrance doorlock to be refitted with a keyless lock.
4. A Fire Action Notice to be displayed within the premises.
5. A fire-blanket to be installed in the kitchen.
6. The electrical safety certificates to be submitted to the HMO Unit.

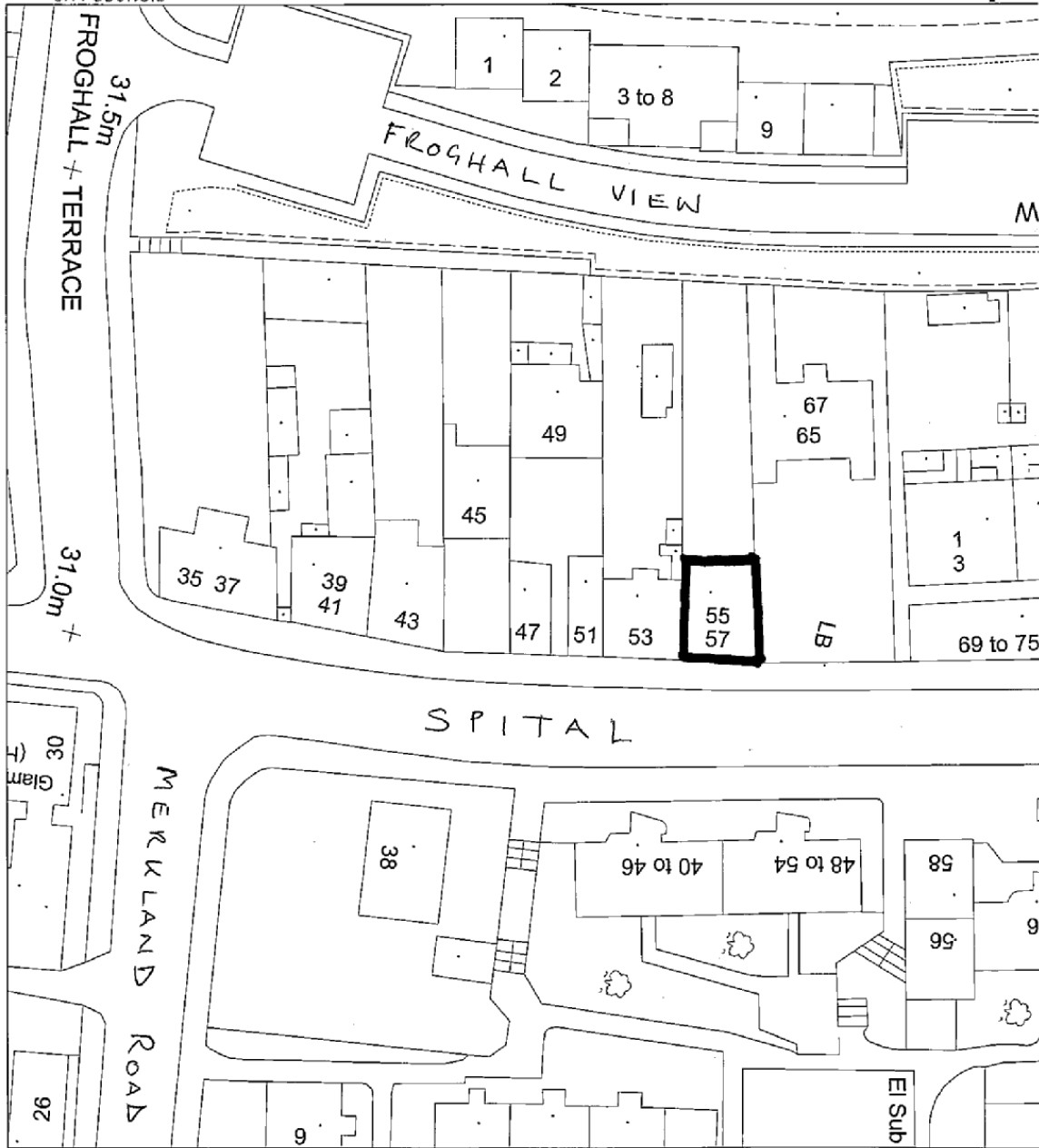
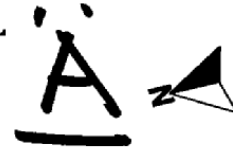
At the date of this memo, all work & certification requirements have not been met. Accordingly, the applicant has been invited to attend the meeting of the Licensing Committee on 17 November 2010, where the application will be discussed.

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.55 Spital, Aberdeen.
- At the date of this memo, the applicant and her premises are registered with the Landlord Registration database.
- 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 19 February 2010. The Council must determine the application no later than 18 February 2011, 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 19 January 2011, 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: 55 SPITAL, ABERDEEN
Scale: 1:500 **Date:** 02 November 2010 **Map Ref:** NJ9407NW

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MEMO

Shelter & Environment

Housing & Environment

4th Floor, St.Nicholas House

To	Brenda Flaherty, Legal Manager, Resources Management, Town House		
From	Ally Thain, Private Sector Housing Manager, Housing & Environment		
Email	allyt@aberdeencity.gov.uk	Date	2 November 2010
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.43 Wallfield Crescent, Aberdeen (First floor flat left)
Applicant/s: Pamela Spence
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 17 November 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 tenement flat with accommodation comprising of three letting bedrooms, one living-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 4 March 2010. The HMO Officer visited the premises on 26 March 2010, then he wrote to the applicant on 29 March 2010, listing the following requirements to bring the premises up to the current HMO standard:-

1. All fire-safety provisions within the premises to be fully explained to the tenants.
2. A simple fire-action plan to be discussed with the tenants, and a fire-action notice to be displayed within the premises.
3. The housekeeping within one bedroom must immediately and permanently be improved.
4. The electrical & gas safety certificates to be submitted to the HMO Unit.

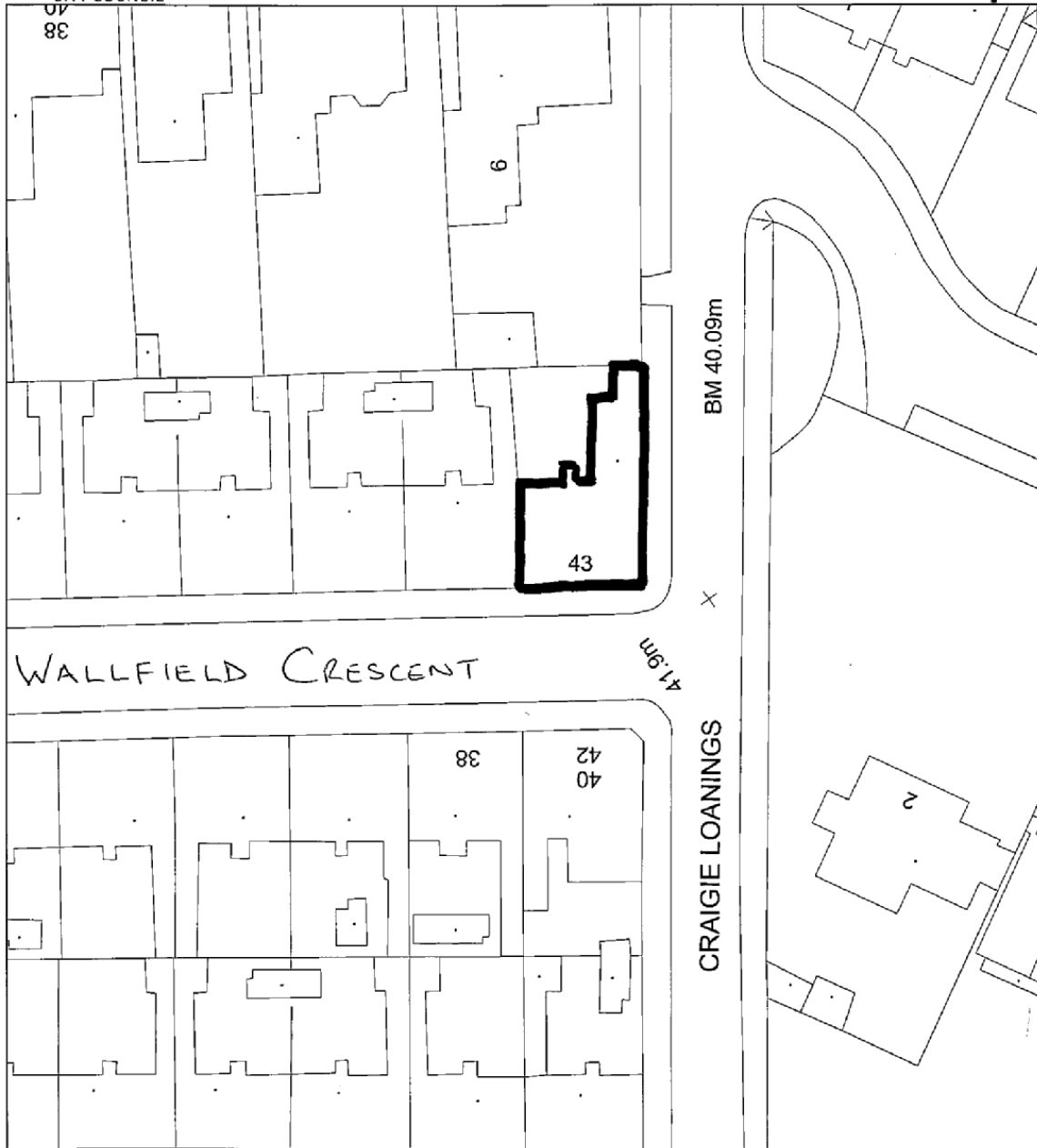
At the date of this memo, all work & certification requirements have not been met. Accordingly, the applicant has been invited to attend the meeting of the Licensing Committee on 17 November 2010, where the application will be discussed.

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 the first floor flat left at No.43 Wallfield Crescent, Aberdeen.
- At the date of this memo, the applicant and her premises are registered with the Landlord Registration database.
- 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 4 March 2010. The Council must determine the application no later than 3 March 2011, 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 19 January 2011, at the latest.

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

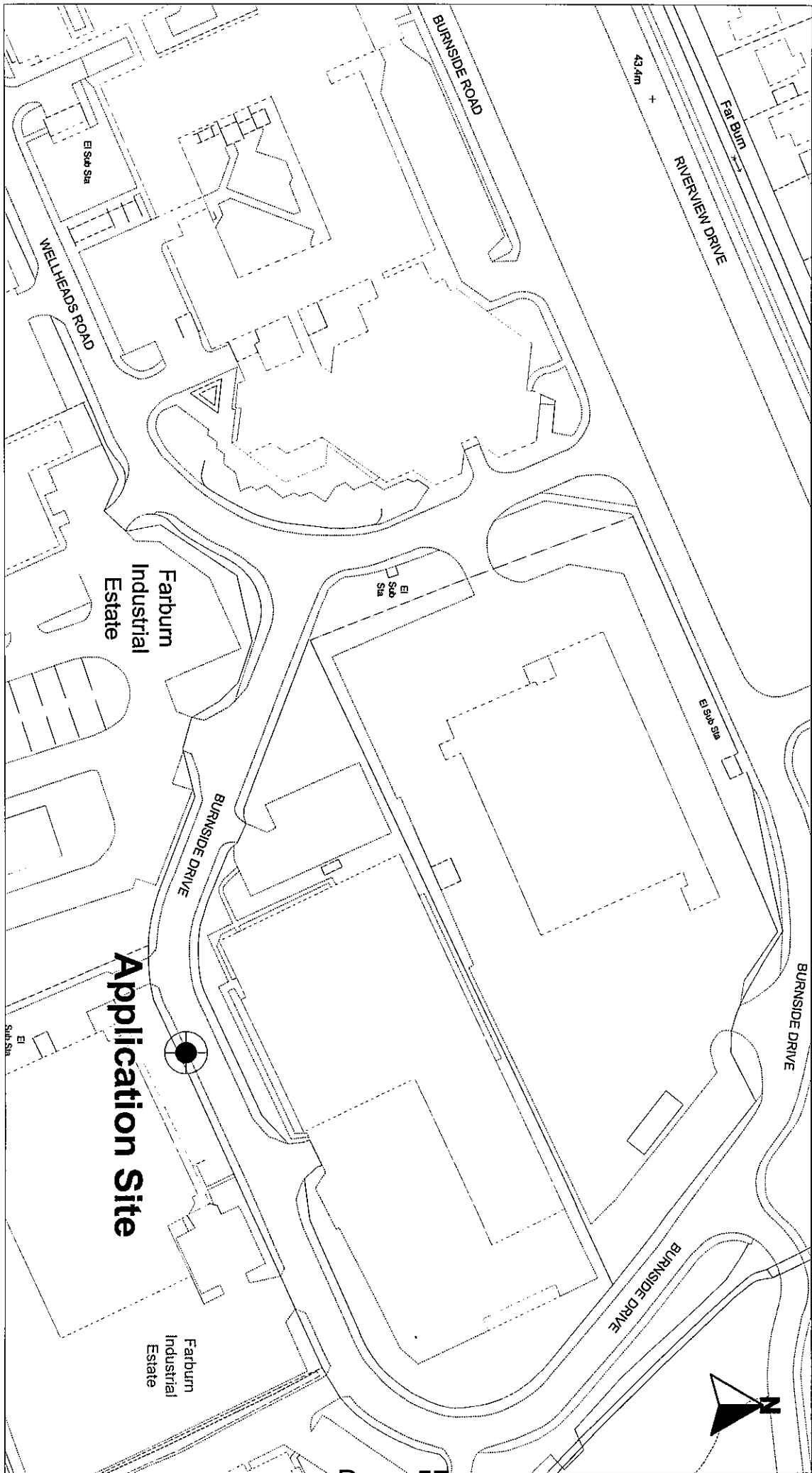
Ally Thain
Private Sector Housing Manager



Title: APPLICATION FOR HMO LICENCE
Premises: 43 WALLFIELD CRESCENT, ABERDEEN
Scale: 1:500 **Date:** 02 November 2010 **Map Ref:** NJ9206SE

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Title : HFV Application for
Burnside Drive

Scale: 1:1250
Date: 02 November 2010

Map Ref: NJ8912SW

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COMMITTEE Licensing

DATE 17 November 2010

DIRECTOR Stewart Carruth

TITLE OF REPORT Variation of Condition on Airport Zoned Taxi Licences:
outcome of trial period

REPORT NUMBER: CG/10/182

1. PURPOSE OF REPORT

To advise the Committee of the outcome of a trial period in which airport zoned taxis have been permitted to operate in the city centre between the hours of midnight and 5am on a Saturday night/Sunday morning.

2. RECOMMENDATION(S)

That the Committee decides whether to:

- (i) make the situation permanent by varying the condition to enable airport zoned taxis to continue to operate in the city zone between midnight and 5am on Saturday nights/Sunday mornings
- (ii) if the Committee decides to adopt option (i), continue the trial period until the statutory variation procedure is completed;
- (iii) revert to the position before the trial period whereby all airport zoned taxis operate only from the airport.

3. FINANCIAL IMPLICATIONS

None

4. SERVICE & COMMUNITY IMPACT

If the Committee adopts options (i), this may expedite dispersal of persons from the city centre between midnight and 5am on a Saturday night/Sunday morning as there may be more taxis available for pick ups.

5. OTHER IMPLICATIONS

None

6. REPORT

At its meeting on 24 February 2010, the Committee decided to initiate a six month trial period suspending the zoning condition attached to airport zoned taxi licences. This suspension applied between the hours of midnight and 5am on a Saturday night into a Sunday morning.

The effect of this suspension is that airport zoned taxis have been permitted to operate within Aberdeen City during these time periods.

This trial period is still in effect until the Committee make a determination in relation to this matter.

A two week consultation exercise took place between 21 September and 5 October 2010 in which approximately 1000 questionnaires were sent to both airport and city zoned taxi operators.

125 responses were received in total, 108 from city zoned taxi operators and 17 from airport zoned taxi operators.

City zoned taxi operators

90 out of the 108 responses stated that the trial has impacted on their trade between the hours of midnight and 5am on a Saturday night. The primary reasons given are that there is already more than enough city zoned taxis operating at this time without the need for more taxis; there is not enough work for this increase in taxi numbers; there is already a drop in earnings due to the tough economic climate and this loss is being exacerbated by allowing more taxis to work on a Saturday night/Sunday morning; city zoned taxi drivers are having to work more hours than usual to make up for fall in income and there is insufficient space on taxi ranks for all the taxis.

Out of the 90 respondees who stated that the trial has impacted on trade, 89 indicated that they would not like this situation to become permanent. The reasons given were similar to the above. Only one respondee stated that he was 'undecided' on this point.

The remaining 18 city zoned taxi operators indicated that the trial had not impacted on trade.

Airport zoned taxi operators

13 of the 17 respondees indicated that they had taken advantage of the suspension of the zoning condition. 4 indicated that they had not.

Of those 13 who had taken advantage of the suspension, 12 reported it to be a success and indicated that they would like the situation to become permanent. The primary reason given is that it gives drivers an opportunity to make extra income and compensates for loss of revenue generated by the 'green light system' whereby city drivers may pick up at the airport when the green light is

illuminated. A few also commented that they believe that they have been able to assist in dispersal of persons from the city centre during a very busy time. 1 respondee gave no reason.

The letter which accompanied the questionnaires stated that the purpose of the questionnaire was to gather factual, evidence based comments. However, no evidence was submitted to support any of the comments made by operators. The Committee may wish to consider this when considering options.

Hard copy responses of all those questionnaires received are available for distribution should members so wish to peruse them.

This report was noted at the meeting of the Taxi Consultation Group on 25 October 2010.

7. REPORT AUTHOR DETAILS

Caroline Treanor

Solicitor

ctreanor@aberdeencity.gov.uk

Tel: 01224 523173

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Aberdeen City Council Taxi Testing Supplement to the VOSA M.O.T. testers manual

NOTE

**The following pages should be used as a supplement to the VOSA M.O.T. Testers Manual
Technical specifications will be the same as the M.O.T. class 4 testing unless otherwise stipulated
In this supplement. It is intended that this supplement will clarify existing standards covering all
Aspects of Taxi Test where reasonably practicable.**

Taxi Testing Manual



2.1 Oil Leaks

Information	Method of Inspection	Reason for Rejection
Engine and transmission should be clean and free from leaks	<p>Check the engine and transmission for leakage of any type of oil</p> <p>Check without operating any equipment other than the engine which may be run at tick-over speed</p> <p>Temporary means of preventing leaked oil reaching the ground are not acceptable.</p> <p>Check temporary repairs for oil leakage</p>	<p>Any oil leak which deposits oil on the ground during the test which forms a pool greater than 10mm diameter in a five minute period or a number of leaks which collectively would deposit oil at the same rate.</p> <p>A temporary means of preventing leaked oil reaching the ground.</p> <p>Any leak which when the vehicle is in motion could compromise the Health and Safety of its passengers.</p> <p>Oil leakage from a temporary repair</p>

2.2 Cooling System

Information	Method of Inspection	Reason for Rejection
Cooling system should be in good condition and fully operational	Examine the condition of the whole cooling system including the radiator, coolant pump, drive belts including pulleys for security, deterioration and completeness	a) A cooling system component which is insecure, deteriorated , missing or inoperative b) Coolant leak which deposits any coolant on the ground during the test forming a pool of more than 10mm in diameter

2.3 Bodywork

Information	Method of Inspection	Reason for Rejection
<p>Bodywork should be clean and free from dents and scratches</p> <p>All panels & trim should be secure</p>	<p>Vehicle should be inspected under natural light and not under fluorescent light when possible</p> <p>Examine bodywork for scratches, dents, irregularities or inadequate repairs</p> <p>Check for insecure panels or trim</p>	<p>(28 day bodywork rectification certificate issued)</p> <p>Bodywork</p> <p>a) Scratches, dents or</p>  <p>other irregularities</p> <p>Inadequate repair which is not properly painted and finished</p>  <p>c) Insecure panels or trim</p> <p>IMMEDIATE FAILURE (Refusal at time of test to issue certificate of compliance)</p> <p>a) Any bodywork with sharp or protruding edges likely to cause injury to a pedestrian or other road users.</p> <p>b) Significant bodywork damage</p> <p>c) Any body panel not matching the vehicle's original colour i.e. blue door on a red car</p>

2.4.1. Interiors

Information	Method of Inspection	Reason for Rejection
	<p><u>First Aid Kit</u></p> <p>First aid kits should contain the minimum as recommended by HSE for a 1-person kit. Check that the first aid kit is not contaminated or the contents obviously deteriorated and that the receptacle which contains the first aid kit is prominently marked. If the receptacle is in a sealed compartment or closed glove box the compartment or glove box should be clearly marked to indicate the position of the first aid kit</p> <p><u>Fire extinguisher</u></p> <p>Check that the fire extinguisher is of the correct type. They must contain foam or powder and be marked BS 5423 or EN 3.</p> <p>A fire extinguisher should be fitted securely in a position easily accessible by the driver. If the extinguisher is hidden from view the position must be clearly marked in view of the driver and passengers.</p>	<p>poor or contaminated condition</p> <p>b) Receptacle not marked</p> <p>c) No notice of position is present.</p> <p>d) A kit which does not contain the minimum HSE recommended vehicle kit of: 6 waterproof plasters, 1 x HSE 18 x 18 dressing, 2 triangular bandages, 2 antiseptic wipes, 1 pair of vinyl gloves, 6 safety pins, 1 first aid advice leaflet.</p> <p><u>Fire Extinguisher</u></p> <p>1. Missing, inaccessible, discharged, incorrect type, in an obviously poor condition</p> <p>2. No notice of position is present.</p> <p>3. A Halon filled extinguisher</p> <p>d) Insecure</p> <p><u>Opening windows</u></p> <p>A driver's or any passengers window cannot be</p>

Information	Method of Inspection	Reason for Rejection
	<p><u>Opening windows</u> Check all opening windows can be opened from the relevant controls</p> <p><u>Heating and Demisting</u> Examine presence, condition and operation of heating and demisting equipment. A system with variable speed control must be operable in all speeds as designed.</p> <p><u>Insurance Disc</u> Check that the insurance disc is valid and is fitted in the correct position either behind or beside the vehicle Road Fund License and facing inwards</p> <p><u>Tariff Card</u> Tariff card should be carried in vehicle and accessible to passengers</p> <p>Check trim for excessive wear and correctly fitted items</p> <p>Check passenger controls for correct operation & damage</p>	<p>opened from the relevant controls</p> <p><u>Heating and Demisting</u> Missing, inoperative or ineffective demisting, heating or cooling equipment.</p> <p><u>Insurance Disc</u></p> <ol style="list-style-type: none"> 1. The insurance disc is not valid, is defaced or illegible 2. The insurance disc is fitted in the wrong position or obscures the drivers view <p><u>Tariff Card</u> Not in vehicle and accessible to passengers</p> <ol style="list-style-type: none"> a) Lights not extinguishing correctly b) Lights not working c) Gauges inoperative d) Controls ineffective or damaged e) Speedometer not working correctly on road test f) Lights, gauges or lighting components missing

Information	Method of Inspection	Reason for Rejection
	Check for security, tidiness & safe wiring	g) Worn, damaged, incorrectly fitted or missing trim or accessories Inoperative or damaged passenger controls including sharp edges Insecure accessories or fittings Loose, dangerous or untidy wiring

2.5 Tyres

Information	Method of Inspection	Reason for Rejection
<p>Tyres including spare should have not less than 2mm tread depth.</p> <p>2mm will replace 1.6mm in the main MOT Testing Manual where stated</p> <p>Spare wheel & tyre must be stored securely in the correct location and be compatible</p>	<ol style="list-style-type: none"> 1. Check the tread pattern over the complete circumference of the tyre 2. Check also that the tread depth meets the requirement using, as necessary, a depth gauge accepted for MOT testing 3. Check that central three-quarters of the breadth of tread has a continuous around the entire outer circumference of the tyre. 1. Check security 2. Check serviceability to the same standards as fitted tyres 3. Ensure bi directional fitting 4. Check size & specification 	<p>The grooves of the tread pattern are not at least 2mm throughout a continuous band comprising. The central three-quarters of the breadth of tread this band must be continuous around the entire outer circumference of the tyre.</p> <ol style="list-style-type: none"> 1. Under inflation 2. In-secure 3. Not serviceable as per fitted tyres 4. Not bi-directional 5. Different size or specification to fitted tyres except in the case of a manufacturer fitted space saver

2.6 Lights

Information	Method of Inspection	Reason for Rejection
<p><u>Reverse lamps</u></p> <p>Reverse should be fitted as per manufacturers specification</p>	<p><u>Reverse lamps</u></p> <p>Check that a reverse lamp</p> <ul style="list-style-type: none"> a) Is working b) That lamps are illuminated when vehicle is in reverse gear c) Does not flicker when tapped lightly 	<p><u>Reverse lamps</u></p> <p>A reverse lamp</p> <ul style="list-style-type: none"> a) Is missing, does not emit a steady white light or emit a light other than white whilst in reverse gear b) Incomplete, not in good working order or not visible from a reasonable distance c) Is insecure, obscured or not facing to the rear d) Flickers when tapped lightly by hand e) Adversely affected by the operation of any other lamp
<p><u>All lamps</u></p>	<p><u>All lamps</u></p> <p>All fitted lamps must work correctly</p>	<p><u>All lamps</u></p> <p>A fitted lamp not working correctly</p>

2.7 Taxi Meter

Information	Method of Inspection	Reason for Rejection
<p>The taxi meter will be check for security and accuracy</p>	<ol style="list-style-type: none"> 1. Check that a taxi meter is fitted, fitted correctly and is complete 2. Check for condition and position 3. Check for accuracy with respect to distance and time 4. Check taxi meter seals for presence and condition and that they are of the correct type 5. Check that the begging light works at the correct time in sequence with the operation of the taxi meter, 	<ol style="list-style-type: none"> 1. Taxi meter is in anyway defective 2. Fitted in a position not approved by the Licensing Authority 3. Found to be inaccurate after testing with respect to distance and time 4. Seal missing or having been tampered with 5. Obscuring the forward vision of the driver 6. Any manual method of operating the begging lamp. 7. Is in a dangerous position 8. Meter is insecure

2.8 Taxi Plate

Information	Method of Inspection	Reason for Rejection
The taxi plate must be in good condition	<ol style="list-style-type: none">1. Check that there is a taxi plate fitted to an external surface on the rear of the vehicle2. Check for security and condition	<ol style="list-style-type: none">a) Missing or incorrectb) So insecure that it is likely to fall offc) Letter or figure missing or incompleted) Faded, dirty, deteriorated or obscurede) Not affixed to an external surface on the rear of the vehicle

2.9 Mirrors

Information	Method of Inspection	Reason for Rejection
Mirrors	<p>Check the presence, security, condition and visibility of</p> <ul style="list-style-type: none">a) An exterior mirror fitted to the offsideb) An exterior mirror fitted to the nearsidec) An interior mirror	<p>1. A taxi/private hire which does not have at least</p> <ul style="list-style-type: none">a) One main exterior rear view mirror on offsideb) One main exterior rear view mirror on nearsidec) An interior mirror <p>1. Deteriorated or cracked mirror lens</p> <p>4. Insecure mirror or holder</p>

2.10 Performance

Information	Method of Inspection	Reason for Rejection
Road test	Carry out a road test and check performance and noise levels	<p>a) Where a vehicle has been road tested but the tester knows more efficient operation is normally obtained for the type of vehicle</p> <p>b) Noise levels in excess of what the tester knows are normally obtained for the type of vehicle</p>
Gear box, drive shafts & bearings	Check noise levels	Abnormal noises from the engine, transmission, drive shafts or bearings.

2.11 Roof Signs

Information	Method of Inspection	Reason for Rejection
Roof sign shall be of size and type as approved by the Licensing Authority	Check that the sign is: <ol style="list-style-type: none">1. the correct size2. in the correct position3. signage is in accordance with the Licensing specification4. Check for tidy installation i.e. no loose wires, protruding screws etc	<ol style="list-style-type: none">1. Incorrect size2. Incorrect position3. signage contravenes Licensing specification4. Untidy installation i.e. no loose wires, protruding screws etc

Should any dispute arise in connection with the test, an appeal may be lodged with the Supervisor who will be on site to resolve any issues

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ABERDEEN CITY COUNCIL

COMMITTEE: LICENSING

DATE: 17 November 2010

DIRECTOR: STEWART CARRUTH

TITLE OF REPORT: REVIEW OF STREET TRADERS' LICENCES

REPORT NUMBER: CG/10/002

1. PURPOSE OF REPORT

To explain to the Committee the current system in place with regards to all aspects of street traders' licences and to make suggestions for change to update the practice and procedure relating to these licenses.

2. RECOMMENDATIONS

That the Committee:

- (i) Considers whether it wishes to revoke (or otherwise) the current requirement whereby all applications for new hot food sites and new applicants for existing hot food sites require to be advertised in a local newspaper.

If it does wish to revoke the requirement for advertising, that it decides which measure(s) (if any) it wishes to have in place.

- (ii) Maintains current practice whereby hot food applications for new sites must be brought before the Committee for determination;
- (iii) Revokes the current 100 metre rule detailed in Condition 10 (Conditions Applicable to Street Trader's Licence – 'the Conditions') annexed as Appendix A to this report;
- (iv) Maintains its current guideline prohibiting street trading in the City Centre;
- (v) Adopts in principle a new condition prohibiting the siting of street trading stances which sell any type of food and/or drinks within a specified radius of the outer boundary of a school at all times;
- (vi) If the Committee adopts the new condition as per (v) above, it should determine what that specified radius will be;
- (vii) Adopts in principle the amended current conditions as detailed in

Appendix B of this report;

- (viii) Maintains all nine zones in relation to street traders' licences for mobile vans pending a potential change in legislation.
- (ix) Maintains the current one year duration for a street trader's licence.

3. FINANCIAL IMPLICATIONS

None.

4. SERVICE & COMMUNITY IMPACT

- (i) With regards to the siting of street trading stances which sell food and drink within a specified radius outside schools, school children may be less likely to visit these stances to purchase unhealthy food. This could have a positive impact on the promotion of childrens' health.
- (ii) Following a twenty eight day consultation period from 2 to 30 March 2010, five responses were received. These responses are annexed at Appendix C to this report.
- (iii) A list of those who were consulted is detailed in Appendix D.

5. OTHER IMPLICATIONS

None.

6. REPORT

6.1 Introduction

Section 39 of the Civic Government (Scotland) Act 1982 ('the Act') provides that a street trader's licence is required for street trading by a person, whether on his own account or as an employee. This means that a licence is required for persons who are both employers and employees.

Street trading is defined as hawking, selling or offering or exposing for sale any article, or offering to carry out, or carrying out for money or money's worth any service in a public place. It includes doing any of these things from a vehicle, a kiosk or a moveable stall not entered in the valuation roll.

For any activity which involves the sale of food, a street trader must have a Food Safety Certificate issued by the environmental health service of the Council.

6.2 Hot Food Sites

6.2.1 Advertising

In terms of the Act, all applicants for licences where the activity is carried on from premises must display a notice for a period of 21 days indicating that they have applied for a licence.

However, as street trading stances do not constitute premises for the purposes of this provision, these stances do not require to display this notice. The effect of this is that persons in the vicinity may not be aware of the application being made.

The Act imposes various advertising obligations on a Licensing Authority, but none in respect of street traders' licences. The Committee does have the power, if it thinks fit, to require advertising of any application for the grant or renewal of a licence to be done in a local newspaper. If the Committee wishes to advertise, it must therefore advertise in a newspaper. Applications are currently advertised in the Citizen freepaper. The applicant pays the advertising cost (currently £200 per site) in addition to the licence fee.

The main problem with advertising in the Citizen is that it does not enjoy city wide distribution.

Moving advertising to the Press and Journal or Evening Express for wider circulation would cost the applicant £558 and £384 respectively.

If the Committee does decide to retain the current system, it could advertise all applications for hot food sites/new applicants for existing food sites on the Council's website in addition to the newspaper. Whilst it is not statutorily obliged to do so, this would constitute a free advertising forum for applicants and would ensure that applications are being advertised on a wider basis.

However, the Committee may wish to consider stopping the advertising of these applications all together. Within the past three year period, no objections/representations have been received in relation to these type of adverts.

6.2.2 Determination of Applications by the Committee

All applications for new hot food sites must come before the Committee for determination even if there are no objections or

representations to the application. The reason for this is the potential for public nuisance, especially from smells, litter and generator noise.

Licences for existing sites with new applicants are dealt with by delegated powers.

It may be considered that it is unnecessary for these applications to be determined by the Committee when there are no objections or representations and these applications are adding unnecessarily to the Committee's sometimes already heavy workload.

Determination of these applications by the Committee allows the Committee to 'monitor' the placing of new hot food sites throughout the city and informs Members as to whether or not hot food vans are being given permission to trade within their wards for the first time. This may be particularly important if the Committee agrees to the recommendation that advertising of hot food sites be revoked. Determination by the Committee could be the only channel by which the Committee has knowledge of these applications.

It is recommended that there is no change to current practice in respect of new sites.

6.2.3 The 100 Metre Rule

In terms of condition 10, a licence holder must not engage in street trading within 100 metres of any other licence holder/establishment/premises which sells or offers similar goods/articles/services.

The primary rationale for this rule seems to be public nuisance (e.g.: excess footfall within a concentrated area, litter and smells emanating from premises) and public safety.

All new applications received are checked on a mapping system to identify whether the proposed location meets the 100 metre requirement.

Provision of Services Regulations 2009

The Provision of Services Regulations 2009 (SI 2009/2999) ('the Regulations') implements EU Directive 2006/123/EC into UK law. The Regulations came into force on 28 December 2009 and apply UK wide.

The general aim of the Regulations is to facilitate the provision of cross border services for individuals and businesses across the European Economic Area ('EEA') by removing barriers to the right to trade. Street trading falls within the Regulations.

Regulation 22 provides, amongst other requirements, that a local authority cannot make access to, or the exercise of, a service activity subject to 'quantitative or territorial restrictions, in particular in the form

of limits fixed according to population or *of a minimum geographical distance between persons providing the service*' (italics my emphasis).

The general effect of Regulation 22 in relation to street trading is that a local authority cannot impose a minimum geographical distance between street traders. However, there are exceptions to this general rule if three conditions are met. These three conditions are (i) non-discrimination, (ii) necessity and (iii) proportionality. If all three conditions are met then the prohibition on imposing a minimum geographical distance between persons providing a service could be lawful.

In terms of Regulation 21, a Local Authority cannot make access to, or the exercise of, a service activity subject to an economic need or market demand. This means that a Local Authority cannot take into consideration whether, for example, there is sufficient market demand or economic need for the siting of two fish vans in a particular area.

It is recommended that the Committee revokes the 100 metre rule as it arguably falls foul of the Regulations, with the exception of street traders outside schools.

6.3 Schools

The 100 metre rule also applies to the siting of street trading stances in relation to schools.

It is not entirely clear where the measurement of a 100 metre distance commences and ends in relation to a school. For example, a school may be defined as the school building only. Alternatively, it may include the building, surrounding playground and fenced outer boundary. It may not be clear to licence holders or enforcing agencies whether or not this condition is being breached. The licence holder may therefore be of the opinion that s/he is adhering to the 100 metre requirement. However, the Committee may think that s/he is in breach of it.

The closer the food stance is to the school the greater the temptation it may be for pupils to leave the school to purchase the food.

The Council has a legal obligation to adhere to the Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2008/265. However, these nutritional requirements apply to school meals and other food and drink provided on school premises. They do not apply to premises outside schools or to street traders.

The Licensing Authority has received complaints with regard to the location of street traders which sell food near to schools. For example, concerns have been raised that pupils have been leaving school playgrounds during school break to purchase food from hot food vans.

This raises safety concerns. Health concerns have also arisen. For example, a Local Authority ought to be discouraging unhealthy eating and the location of a burger van within a 100 metre radius of a school is contrary to any healthy eating initiative that may be promoted by the Local Authority

It is arguable that the imposition of the 100 metre rule in relation to the proximity of a school may not be in breach of Regulation 22 as the three conditions that may make this rule lawful (non-discrimination; necessity and proportionality) could be met. The non-discrimination condition seems uncontentious. It may also be easier to argue the necessity exception in relation to schools (i.e. the rule must be justified by an overriding reason relating to the public interest, which includes public health). It is arguable that the rule could be regarded as necessary to promote the health of school children (thus meeting the public interest/public health criteria). The third exception that requires to be met - proportionality – may also be easier to argue. In essence, this condition stipulates that the rule must be suitable for attaining the objective and must not go beyond what is necessary to achieve that objective. The objective in this case is promotion of school childrens' health. It is arguable that the rule is suitable and does not go beyond what is necessary. The Committee is imposing a reasonable geographical distance to facilitate achievement of the public health objective.

Currently there are two ice cream van traders who operate regularly outside schools. However, there are currently nine ice cream vans in total that hold street trader licences and operate within zones.

There is currently one hot food van trading within the immediate vicinity of the outer boundary of a school. If a specified radius is adopted as a policy, approximately fifteen hot food traders would be affected by this policy.

It is recommended that the Committee adopts a new condition (condition 21 at Appendix B) of not allowing street trading by food vans providing food and/or drinks of any description within a specified radius of an outer school boundary. The Committee would need to decide what this radius will be. Applicants would still be able to make an application to the Committee requesting relaxation of this policy. Each case would be determined on its own merits. This policy would not apply retrospectively. It would only apply upon the renewal of existing licences or upon the grant of new ones.

Maps delineating the siting of street traders stances within a 100, 200 and 400 metre radius of both primary and secondary schools are available for members to peruse should they so wish.

6.4 City Centre Street Trading

The current guideline in place with regards to city centre street trading is as follows:

'That no street trading be permitted in Union Street or any pedestrianised area in the City Centre save where a special case can be made out by the applicant or the licence holder as to why the guideline should not apply' (meeting of the Licensing Committee 30 September 1994).

The rationale for this general prohibition on city centre street trading is consideration of safety issues in relation to suitable available physical space within the city centre. From a safety perspective, it is not desirable that physical structures obstruct a pathway where there is excess footfall unless there is sufficient physical space to accommodate that structure. This also prevents partially sighted and those without sight from being obstructed in their movement.

Within the city centre designated 'gold zones' were previously created by the Council in partnership with the commercial business sector. They constitute key pedestrianised areas in the city centre (examples include St Nicholas Square; Belmont Street and George Street precinct) which benefit from a more rigorous regime of cleanliness and street maintenance and are deemed to enhance the visual amenity of the area.

There was a general prohibition at one point on street trading in these gold zones though on three occasions to date this prohibition has been relaxed (a German Food Stall, Coffee Stall and two Santa Hat Stalls all situated in St Nicholas Square).

There currently is no corporate consensus as to whether these zones are still in existence and, if they are, for what purpose.

The Licensing Authority has the power to impose 'conditions restricting the validity of a licence to an area or areas specified in the licence.' This provision enables the Committee to zone areas for the purpose of street trading. The Regulations prohibit zoning for the purposes of trading.

The Scottish Government have advised that some amendments are needed to the 1982 Act to ensure compliance with the Regulations. It remains to be seen whether the specific zoning provision will be amended in this regard.

It is recommended that until the 1982 Act is reviewed no change is made to street trading in the city centre.

6.5 Ice Cream and other mobile vans: Zoning

There are currently nine zones within the Aberdeen City area that apply to all mobile vans. Applications in relation to zones one to eight are generally granted via delegated powers provided there are no issues with it. An application in relation to zone nine (the city centre area) requires to be determined by the Committee. There are currently no ice cream van vendors operating within the city centre zone.

The procedure is that a prospective applicant calls the licensing team and indicates a general area in which they wish to trade. They are then advised which zone they ought to apply for. The licence issued specifies 'Area of Trade' and indicates the permitted zone(s). If a vendor wishes to add a zone to their licence, they require to apply for variation of the licence. A plan is attached to the licence detailing all nine zones.

The current system is uncontentious and works well.

It is recommended that zoning for mobile vans remains in place until the legal position is clarified i.e. the Scottish Government amends the zoning provision in the 1982 Act to ensure compliance with the Regulations.

6.6 Duration of Licence

A street trader's licence is currently granted/renewed for a one year period. There are no identifiable problems with this

It is recommended that the one year duration of the licence remains unchanged.

7. **AUTHOR DETAILS**

Caroline Treanor
Solicitor
ctreanor@aberdeencity.gov.uk
Tel: 01224 523173

8. **BACKGROUND PAPERS**

Civic Government (Scotland) Act 1982
Provision of Services Regulations 2009/2999
Directive 2006/123/EC

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

CONDITIONS APPLICABLE TO STREET TRADER'S LICENCE

1. In these Conditions:-
 - a) "the licence holder" means the person named in the licence.
 - b) "the Council" means the Aberdeen City Council.
 - c) "Head of Legal and Democratic Services " means the Head of Legal and Democratic Services of Aberdeen City Council
 - d) "Director of Housing and Environment" means the Director of Housing and Environment of Aberdeen City Council.
- 2 a) The licence holder shall, immediately on receiving his licence, and before commencing trading, sign his licence in the space provided.
 - b) The licence holder shall at all times whilst he is engaged in the work of street trading, have with him his licence and the badge of identification issued by the Council and he shall exhibit his licence, on demand, to any person. The badge of identification issued by the Council shall include a recent photograph showing a true likeness of the licence holder, and he shall display his badge of identification at all times while so engaged conspicuously on the outer front, upper portion of his outermost garment with the inscribed side of the badge clearly visible. The Council shall require from the licence holder, at the time of issue of his licence and badge of identification such sum as may be specified from time to time by them.
1. The licence holder shall not lend or allow any other person to use his licence, or badge, if provided.
2. The licence holder shall not in any way alter, erase or deface his licence and shall, when required produce it for examination by the Head of Legal and Democratic Services at the Town House, Aberdeen.
3. Where the goods or articles to be sold or which are to be offered for sale by the licence holder are intended for human consumption, the licence holder shall not store such goods or articles in any premises or vehicle until the said premises or vehicle has been approved by the Director of Housing and Environment for the purpose.

1. Where the licence allows the holder to sell from a stationary structure in any specified place in any street, the said structure shall be of a form which can be speedily and easily removed, and where such stalls are used for the sale of food they shall contain equipment for the proper cleaning and sterilising of all utensils and vessels used in connection therewith as shall be satisfactory to Director of Housing and Environment and shall comply at all times with the requirement of "the Food Safety Act, 1990".
2. The licence holder shall collect and remove any paper, garbage or other refuse which may be produced or may accumulate in the course of trading and shall not place or deposit the same or allow the same to be placed or deposited or to fall on any street, foot-pavement or footway or an adjoining property. In the event of the licence holder trading at a particular location for a period exceeding thirty minutes he shall place at that location a litter bin or other receptacle for the deposit of paper, garbage or other refuse by customers.
3. The licence holder shall at all times, when exercising his trade, keep himself and his clothing clean and keep and maintain any moveable structure, vehicle or receptacle used for the purpose of street trading in a clean and proper condition to the satisfaction of Director of Housing and Environment. On written notice signed by Director of Housing and Environment himself or by an Authorised Officer, being given to the licence holder that he has become unsuitable in respect of the unsatisfactory condition of his clothing or person, or that the vehicle or receptacle is unsuitable, the licence holder shall immediately cease trading until he remedies the cause of complaint to the satisfaction of Director of Housing and Environment or until the said notice is withdrawn; and such notices shall be recorded in a register kept for the purpose and available during normal office hours for public inspection and shall be reported to the Council for information as soon as may be.
4. The licence holder shall comply with any order or instruction given by an Police Officer in uniform for the prevention of obstruction or annoyance to the public or to the occupiers of any premises or in connection with any emergency or disturbance or on any occasion when such Officer in his discretion may consider it necessary in the public interest to give such order or instruction.
5. Except as otherwise directed by the Council the licence holder shall not engage in street trading within 100 metres of any other licence holder or establishment or premises in which are sold or offered for sale any goods or articles or services of the same or similar class and description as those to be sold or offered for sale by him, when operating outwith a recognised market. The Council may in their sole discretion and on application direct that the terms hereof shall not apply to the licence holder in a particular street or locality or area but such a direction shall not be effective until it is endorsed by the Head of Legal and Democratic Services on the licence.
6. If the licence holder ceases to act as such for the unexpired period of his licence, or his licence is suspended by the Council, or if his licence has

expired he shall, within three days thereafter deliver his licence and badge to the Head of Legal and Democratic Services and shall be in contravention hereof if he shall fail to deliver both or either his licence and/or badge within said period of three days.

1. The licence holder shall be permitted to exercise his trade only within the areas indicated in this licence.
2. The licence holder shall comply with the provisions of the Code of Practice on Noises from Ice-Cream Van Chimes etc, 1982, made by the Secretary of State for Scotland by Statutory Instrument under Section 71 of the Control of Pollution Act, 1974.
3. On being granted a licence for the first time the licence holder shall be furnished by the Head of Legal and Democratic Services with a badge. In the event of the badge being damaged or lost while in his possession a replacement badge will be issued on further payment of the prescribed amount.
4. The licence holder shall be bound to renew his badge on being notified by the Head of Legal and Democratic Services that the badge is considered to be defaced or illegible, on payment of the appropriate amount for a replacement badge in terms of Condition 14 hereof, failing which the licence may be suspended at the sole discretion of the council.
5. Where the licence has been granted in relation to a specific vehicle or trailer the licence holder shall not modify or replace the said vehicle without previously having notified the Director of Housing and Environment in writing and having received the appropriate certificate granted upon the provisions of Section 39(4) of the Civic Government (Scotland) Act, 1982.
6. On a certificate of compliance being issued by the Council in respect of a street traders' vehicle or trailer, a number shall be allotted to it by the Director of Housing and Environment.
7. The licence holder shall ensure that any number allotted to his vehicle by the Director of Housing and Environment shall be painted in a straight line at the foot of the nearside of the vehicle, near the front of the vehicle in figures not less than 2.5cm in height, or proportionate breadth and in a colour conspicuously different from that of the bodywork of the vehicle.
8. The licence holder shall collect and remove any paper, garbage or other waste including waste water, fats and oils, produced or used by his/her business and shall arrange for the disposal of such waste in an acceptable manner, complying with the Environmental Protection Act 1990 and the Sewerage (Scotland) Act 1968. Waste water shall not be disposed of into a surface water drain. Fats and oils shall not be disposed of into the sewerage system or a surface water drain.

NOTE In terms of Section 30 of the Children and Young Persons (Scotland) Act, 1937, no person under the age of seventeen years shall engage or be employed in street trading.

Head of Legal and Democratic Services

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

CONDITIONS APPLICABLE TO A STREET TRADER'S LICENCE: NEW

1. DEFINITIONS:-

- a) Head of Legal and Democratic Services means Head of Legal and Democratic Services and/or his/her authorised representative
- b) "Corporate Director" means the Corporate Director, Corporate Governance, Aberdeen City Council or his/her authorised representative
- c) the Council" means Aberdeen City Council and/or an authorised officer of that Council.
- d) "the licence holder" means the person named in the licence.
- e) "Licensing Authority" means the Licensing Committee of Aberdeen City Council
- f) "relevant person" means a police officer or authorised officer of the Council
- g) 'stance' means any vehicle, kiosk or moveable stall not entered in the valuation roll to which the licence relates
- h) "street trading" shall have the same meaning ascribed to it in section 39 (2) Civic Government (Scotland) Act 1982

CONDITIONS:

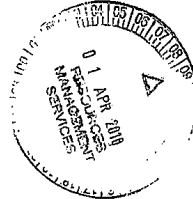
- 2. **Subject to paragraph 16 of Aberdeen City Council's Employment of Children Byelaws (made 18 October 2001) which provide that a child aged 14 years or over may engage in street trading in certain circumstances, the holder of a street trader's licence shall not be less than sixteen years of age.**
- 3. A licence holder shall at all times, whilst engaged in the work of street trading, have with them their licence and identity badge issued to them by the Council. Upon reasonable request by a relevant person, the licence holder shall produce their licence and/or identity badge to that relevant person.
- 4. A licence holder shall display both licence and identity badge on the stance and/or on the licence holder's outer person in a place that shall

be both visible and conveniently read by members of the public.

5. A licence holder shall not at any time lend to nor allow any other person to use their licence, and/or identity badge.
6. A licence holder shall not in any way alter, erase or deface their licence and/or identity badge. Where said licence/identity badge becomes illegible for any reason, the licence holder shall apply to the Council as soon as is reasonably practicable for a replacement.
7. A licence holder's identity badge shall remain the property of the Council at all times. Within seven days of the occurrence of any of the following, the licence holder shall return said identity badge to the Licensing Authority:
 - a. If the licence holder ceases to act for any reason for the unexpired period of their licence;
 - b. the licence is suspended by the Council ;
 - c. the licence expires and no application for renewal of said licence is made or
 - d. any other reason upon reasonable request by the Licensing Authority.
8. The stance from which a licence holder trades shall be positioned in a place whereby no danger shall or be likely to arise to any member of the public at any time.
9. The stance from which a street trader hawks, sells or offers or exposes for sale their goods shall be of a form that can be removed within a reasonable timeframe if so required upon reasonable request by a relevant person.
10. A licence holder shall trade only from the stance specified in the licence.
11. A licence holder shall provide a bin or other suitable receptacle for the deposit of litter. Said bin/receptacle shall be placed within a reasonable distance from the stance in a place that is easily accessible by members of the public.
12. A licence holder shall carry out their street trading activity in a public place in a manner that does not at any time cause any type of obstruction, nuisance or annoyance to any member of the public nor affect their safety in any way.
13. A licence holder shall operate only on the days and hours of operation as specified in the licence. On the terminal hour of trading, where it is reasonable and practical to do so, the stance shall be dismantled and removed by the licence holder.
14. A licence holder shall, if so required during trading hours and upon the

terminal hour each day, ensure the collection and removal of any litter found in a public place within a fifteen metre radius of each side of their stance.

15. A licence holder shall comply with any reasonable instruction given by a relevant person in relation to his/her street trading activity.
16. A licence holder shall exercise their trade only within the areas specified in their licence.
17. A licence holder shall not commence their street trading activity until all necessary consents have been applied for and obtained from the Council and/or any other relevant body.
18. Where applicable, the licence holder shall comply at all times with the provisions of the Code of Practice on Noises from Ice-Cream Van Chimes etc, 1982, issued under Section 71 of the Control of Pollution Act1974.
19. Where a licence is granted in respect of food in terms of section 39(4) of the Act, then, prior to subsequent renewal of that licence, the licence holder shall ensure that the stance to which the licence relates is inspected by an authorised person(s) from the Council's Environmental Services. Any recommendation(s)/direction(s) made subsequent to that inspection shall be implemented by the licence holder within the specified time frame.
20. Where applicable, a licence holder shall ensure that any STT (Street Trader) number allocated to their stance by the Council's Environmental Services is painted on said stance in a position that can be conveniently and easily read by members of the public and shall be no less than 5cm both in height and breadth.
21. **Subject to the explicit consent in writing from the Licensing Authority, no street trader shall engage in the hawking, selling or offering or exposing for sale any type of food and/or drinks within a [YET TO BE DETERMINED] radius of the outer boundary of a school at any time. Without prejudice to any statutory rights that the licence holder may have, the Council shall be the ultimate arbiter in determining what may constitute the outer boundary of a school for this purpose.**
22. If, throughout the duration of the licence, a licence holder is convicted of any offence, they shall, within fourteen days of said conviction, notify the Licensing Authority in writing of that conviction.



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Mr S Carruth
Director
Legal & Democratic Services
Aberdeen City Council
Ground Floor
Town House
Broad Street
Aberdeen AB10 1AQ



ID 7631

29th March 2010
GF/Mc510

Dear Sir

Aberdeen City Council Licensing Committee
Section 39 Civic Government (Scotland) Act 1982
Street Traders' Licences
Review

We act on behalf of Walter McDonald, 2 Forvie Path, Bridge of Don, Aberdeen, AB22 8TG who has in total traded for 46 years as a Hot Food Van Trader and for 41 years held a licence for street trading at certain areas of the City.

Having read the Report "Review of Street Traders' Licences" (Report No: CG/10/002), Mr McDonald wishes to submit an objection to the recommendation that the Committee revokes the current 100 metre rule detailed in Condition 10 as suggested at Para 2.3 under the heading of "Recommendations".

The reason for the objection to the removal of the 100 metre rule is that without this rule in place, any number of licenced traders could turn up at a site for which the current licence holder has a paid a fee and operated the site within current legislation.

No protection would then be given to the trader who had operated the site for, in many circumstances, several years potentially allowing any number of traders to congregate in the same area previously operated by only one licence holder.

Removal of the 100 metre rule gives no protection of a licenced trader's rights to income and the potential loss of revenue may be significant.

The removal of the 100 metre rule may cause friction between traders who may encroach on areas currently allocated to licence holders.

Registered Address: Amicable House, 252 Union Street, Aberdeen AB10 1TN
Registered in Scotland: 30 75 51

Please accept this letter as a formal objection by Mr McDonald to the removal of the 100 metre rule.

Mr McDonald is also of the opinion that the Committee should continue to bring hot food applications for new sites before the Committee for its determination.

Mr McDonald's Licence Number is 019.

Yours faithfully
For and on behalf of
Fyfe Moir & Associates



Graham Fyfe

fm
**Fyfe Moir &
Associates**
Accountants & Tax Advisers



ABERDEEN
CITY COUNCIL

ABERDEEN CITY COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

CERTIFICATE OF COMPLIANCE

WHEREAS the application by **Walter McDonald, 2 Forvie Path, Bridge of Don, Aberdeen, AB22 8TG** for a Street Trader's Licence consists of or includes food business within the meaning of Regulations made under Section 1(3) of the Food Safety Act 1990 namely

The Selling of Hot Food, Crisps and Soft Drinks

and involves the use of a vehicle namely

A converted Vauxhall Movano 2.5 diesel van , Registration: W629 SKM

I, Head of Service – Shelter & Environment, on behalf of Aberdeen City Council, hereby certify that the afore-mentioned

Vehicle when inspected on the 3rd February 2010

complied with the requirements of all relevant regulations made under Section 16 of the Food Safety Act 1990.

pp Oliver Mitchell
.....
HEAD OF SERVICE – ENVIRONMENT

STT/03/01

This Certificate expires on 31st March 2011



Our Ref. ALM/MAC/STT/03/01
Your Ref.
Contact Alison Middleton
Email Commercial@aberdeencity.gov.uk
Direct Dial 01224 522214
Direct Fax 01224 523887

8 February 2010

Mr W McDonald
2 Forvie Path
Bridge of Don
ABERDEEN
AB22 8TG



Trading Standards and
Commercial Premises
Housing and Environment
Aberdeen City Council
3rd Floor
St Nicholas House
Broad Street
Aberdeen AB10 1BX

Tel 01224 523800
Minicom 01224 522381
DX 529451, Aberdeen 9
www.aberdeencity.gov.uk

Dear Sir

**Civic Government (Scotland) Act 1982
Street Trader's Certificate of Compliance
STT/03/01 – Trading As: Walter's Fast Food (Vehicle Registration: W629 SKM)**

I refer to your recent application for a Certificate of Compliance. I can confirm that at the time of the visit on Wednesday 3 February 2010, your vehicle, on inspection, was found to be satisfactory and as such please find the Certificate of Compliance enclosed.

Yours faithfully

Alison Middleton

Head of Service - Housing and Environment

Enc.



PETE LEONARD - DIRECTOR

AGE POSITIVE
Scotland



Your Ref:
Our Ref: WG
Contact: W Gordon
Email: licensing@aberdeencity.gov.uk
Direct Dial: 01224 52237
Direct Fax: 01224 522491

1 February 2010

Walter McDonald
2 Forvie Path
Bridge Of Don
Aberdeen
AB22 8TG



ABERDEEN
CITY COUNCIL
Office of City Solicitor
Corporate Governance
Aberdeen City Council
Ground Floor
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Broad Street
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Tel 01224 522000
Minicom 01224 522381
DX 529450 Aberdeen 9
www.aberdeencity.gov.uk

Dear Sir

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982
APPLICATION FOR RENEWAL OF STREET TRADER LICENCE**

I acknowledge receipt of the above application which was lodged on 01 February 2010.

Your application is receiving attention and I shall be in touch with you again in due course regarding the matter.

If any objection or material representations are received in relation to the application I will notify you of these as soon as I receive them.

Please note that any licence granted would be subject to the Council's standard conditions relating to this type of licence. If you would like a copy of these conditions please contact this office.

Yours faithfully

City Solicitor

STEWART CARRUTH
DIRECTOR



22/03/10

Ref: Objections to new Council Michael Gardiner
Proposals licensing, 12, Burnard Place
: ie St Macher Academy Elwick, Airedale
Dear Caroline Treasurer, AB82 6JU ST.HSD
& Legal and Democratic Services, m 07859073767

Following our telephone conversations on Fri 5th March '10' & March '10' regarding mail received by myself Titled: "Review of Street Traders Licenses" dated 2nd March '10', a comprehensive and detailed acquisition of objections regarding the above, follow.

I feel that it is unfair to change the current legislation of licensing regarding Ice Cream Vans at school, because the proposal of an "Half Milk" rule as mentioned in the Draft 6.3.1 and subsequent items of health & safety concerns as 6.3.1 b (iii) & (iv) & suggestions for change v(ii) are, I feel unreasonable.

I enclose copies of a petition/questionnaire I carried out over a space of only 2 days, and during that time received a fantastic response with 300 pupils signing form 1. I also found, that of that figure 82% of them either cycled or walked (as form 2 shows) to school. Now considering all Health Organisations promote walking as the best form of exercise, I think these pupils are doing not to badly in this category.

Form 3 regarding parental approval; all returned slips wanted the Ice Cream Van to remain at school, & finally Form 4 Showed me that 85% of them further afield to get their lunch, than remain at school facilities provided, and use the Ice Cream Van for snacks which are never ever considered to be unhealthy in any balanced diet. I also offer healthy snacks, such as baked crisps, cereal bars, water, milk & fruit etc, after reviewing all these results I would hope, with your consideration that licensing, regarding myself, would & should continue unchanged.

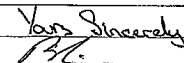
My Ice Cream Van has been in my family for 49 years and has stood beside the school for 15 years, I have just recently acquired the Van in the last 6 months from a family member at a great expense, and if I had known that there was to be a possibility of not having "school trade" I would not have taken on the business and I feel if council is to agree on changing the legislation to a "half mile" they should at least have a phase in period over a few years so that I, and others able relying on "school trade" have a chance set up other jobs, as taking away school trade will close a few businesses down.

As far as I know only Aberdeen City Council are proposing these measures as Aberdeenshire Council's are not.

These pupils are not babies, and if there is a demand for the service I provide they should be allowed to continue having it on their doorstep.

Also if the school or council are so concerned about health issues they maybe getting teachers who smoke at school gates, with children in there vicinity, moved to a "half mile" radius of the school, I think that would be a healthier option.

Council's & Governments can waste millions of pounds promoting this & that but messages don't get through regarding health issues, and then you target small issues as myself & business, to try and be seen as politically correct, but if you take my Van out of the equation, the pupils will not remain in school for lunch or snacks, because they choose not to, and will go further away from the school to get what they had on their doorstep, which I would of thought would increase safety concerns.

Yours Sincerely


Michael Corliss

From: "Skinner, Barry" <Barry.Skinner@grampian.pnn.police.uk>
To: <ctreanor@aberdeencity.gov.uk>
Date: 26/03/2010 14:00
Subject: FW: REVIEW OF STREET TRADERS' LICENCES
Attachments: 068LetStreetTradersConsultation.doc

RESTRICTED-

Caroline

In John Soutar's absence he has asked me to respond to you.

I have read over the Draft and in summary have no adverse comment to make.

Regards,

Barry Skinner

Barry Skinner | Sergeant | General Enquiries Department | Grampian Police

Telephone 01224 306466 | Email Barry.Skinner@grampian.pnn.police.uk | Address Police HQ, Queen Street, Aberdeen, AB10 1ZA

-----Original Message-----

From: Carole Milne [mailto:CAMILNE@aberdeencity.gov.uk]

Sent: 02 March 2010 16:30

To: Annette Bruton; Alan Milne; Alan Donnelly; Andrew Gilchrist; Aileen

Malone; Andrew May; Bill Cormie; Barney Crockett; Carole Jackson; Callum

McCaig; Ciaran Monaghan; George Adam; Gordon Graham; Gordon Leslie;

Gordon McIntosh; George Penny; Gordon Spance; Ivor Churcher; Irene

Cormack; Ian Yull; Jennifer Stewart; John Corall; John Stewart; Jackie

Dunbar; Jennifer Leing; Jim Farquharson; James Hunter; Jim Noble; James

Kiddle; John West; John Reynolds; Jillian Wisely; Kato Dean; Kirsty

West; Kevin Stewart; Len Ironside; Marie Boulton; Mike Cheyne; Martin

Greig; Muriel Jaffrey; Mark McDonald; Norman Collie; Neil Cooney; Neil

Fletcher; Peter Stephen; Pete Leonard; Ronald Clark; Richard Robertson;

Raymond Morrison; Stewart Carruth; Scott Cassie; Tom Moore; Wendy

Stuart; Willie Young; Yvonne Allan; Soutar, John;

carol.knight@grampianfrs.org.uk

Subject: REVIEW OF STREET TRADERS' LICENCES

You have been identified as a consultee with regards to the above. Please see attached letter which is self explanatory.

Council's incoming and outgoing e-mail is subject to regular

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From: Tom Moore
To: Carole Milne
Date: 11/03/2010 15:35
Subject: Re: REVIEW OF STREET TRADERS' LICENCES

Carole

Just to report that I have no comments to make regards the proposals

Tom

>>> On 02/03/2010 at 16:30, in message <488D3CEA.6648.00BC.0@aberdeencity.gov.uk>, Carole Milne <CAMILNE@aberdeencity.gov.uk> wrote:
You have been identified as a consultee with regards to the above. Please see attached letter which is self explanatory.

From: Gordon McIntosh
To: Carole Milne
Date: 09/03/2010 09:58
Subject: Re: REVIEW OF STREET TRADERS' LICENCES

Carole

In 2.5 how many existing licences will this proposal impact on?

Happy with half mile from school boundary and that it be half mile from nearest part of the school perimeter.

One question though - should it be miles or kms/mtres?

Gordon

Gordon McIntosh
Director of Enterprise, Planning and Infrastructure

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9th floor
St Nicholas House
Broad Street
Aberdeen
AB10 1AX
Email - gmcintosh@aberdeencity.gov.uk
Direct Dial - 01224 522941

Tel - 01224 522000
www.aberdeencity.gov.uk

List of Consultees

- Ward Councillors
- Grampian Police
- Grampian Fire and Rescue Service
- City Centre Manager
- Environmental Services, Aberdeen City Council (ACC)
- Trading Standards, ACC
- Director of Housing and Environment, ACC
- Director of Enterprise, Planning and Infrastructure, ACC
- Director of Education, Culture and Sport, ACC
- Head of Service, Office of Chief Executive
- Community Safety Manager
- Roads Manager
- Building Standards Manager
- Street Trader Licence Holders
- Aberdeen City Centre Association
- Aberdeen Waldorf School, Craigton Road, Cults, Aberdeen
- Albyn School, 17-23 Queens Road, Aberdeen
- The Hamilton School, 55-57 Queen's Road, Aberdeen
- International School of Aberdeen, 296 North Deeside Road, Aberdeen
- Robert Gordon's College, Schoolhill, Aberdeen
- St. Margaret's School, 17 Albyn Place, Aberdeen

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COMMITTEE Licensing

DATE 17 November 2010

DIRECTOR Stewart Carruth

TITLE OF REPORT Proposed Changes: Criminal Justice and Licensing
(Scotland) Act 2010

REPORT NUMBER: CG/10/183

1. PURPOSE OF REPORT

To advise Members of the principal proposed changes to the Civic Government (Scotland) Act 1982, introduced by the Criminal Justice and Licensing (Scotland) Act 2010

2. RECOMMENDATION(S)

That the Committee notes the changes outlined in paragraph 6 below and

3. FINANCIAL IMPLICATIONS

None

4. SERVICE & COMMUNITY IMPACT

The relaxation in relation to Public Entertainment Licences could potentially have an impact on communities and community groups, in that community events which members of the public have access to, but do not require to pay entry to, may need this type of licence.

5. OTHER IMPLICATIONS

None

6. REPORT

The Criminal Justice and Licensing (Scotland) Act 2010 ('the 2010 Act') received Royal Assent on 6 August 2010. This piece of legislation is wide ranging and includes reforms to the law in relation to both criminal and licensing matters.

In relation to licensing matters, (and subject to a minor exception), the Act is not yet in force. The Scottish Government has advised that it envisages that most of the Act will be implemented in relation to licensing matters in December 2010 and February 2011.

The principal changes that will be introduced are as follows:

Mandatory conditions:

Scottish Ministers will have the power to prescribe mandatory conditions to attach to licences. No mandatory conditions have yet been prescribed.

Standard conditions:

Conditions imposed by the Committee will be called 'standard conditions'. These conditions must be published. If they are not published, they will have no effect. They must not be inconsistent with any mandatory conditions. We already publish all our conditions on our website so already comply with this provision.

Powers of entry and inspection for civilian employees:

The category of persons who may enter and inspect premises has widened to include civilian staff employed by the police.

Street trading: food hygiene certificates:

A food hygiene certificate must state that it complies with requirements set out in an order made by Scottish Ministers. This will enable the certificate to be amended more easily should there be any changes in food safety legislation.

Public entertainment licences:

There will no longer be a requirement for payment of money or money's worth in relation to public entertainment licences. This means that public entertainment events that are free to enter (eg: gala days, fetes) may require a public entertainment licence if those activities have been included in the Licensing Authority's discretionary licensing regime.

Late hours catering:

A late hours catering licence will be required for premises which provide 'food' between the hours of 11pm and 5am. Currently, a licence is required for premises that provide 'meals or refreshments'. "Food" includes chewing gum. The effect of this change is that premises such as late-night grocery stores and 24 hour stores may now require this licence.

Licence applications:

Persons applying for licences must now supply their date and place of birth on the application form.

Where the applicant is not responsible for the day to day management of the premises, then an employee or agent with such responsibility must provide the same details. As a matter of course, the Committee already requests this information on current application forms.

Time limits:

Amendments to various time limits in relation to the application process have been made. Examples include:

- Persons making an objection/representation in relation to an application will have 28 days to do so as opposed to the current 21 days
- An applicant, and any person who has made an objection/representation must be given at least 14 days notice of the date of the hearing (currently it is 7 days)
- A person will have 21 days in which to ask for a statement of reasons (currently it is 28 days).

Control of sex shops:

Currently, a licence cannot be granted to

- a) a person who is not resident in the United Kingdom or
- b) to a body corporate which is not incorporated in the United Kingdom.

The new law will state that 'United Kingdom' is to read as 'European Union'.

7. REPORT AUTHOR DETAILS

Caroline Treanor

Solicitor

ctreanor@aberdeencity.gov.uk

Tel: 01224 523173

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