

# Public Document Pack



To: Councillor Boulton, Convener; and Councillors Carle, Copland, Councillor Barney Crockett, the Lord Provost, Delaney, Lesley Dunbar, Graham, Hutchison, MacGregor, Malik, Malone, Nathan Morrison, Nicoll, Reynolds, Samarai and Townson

Town House,  
ABERDEEN 5 December 2016

## LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 13 DECEMBER 2016 at 10.00 am.**

FRASER BELL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

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

#### **REQUESTS FOR DEPUTATION**

- 1.1 Request for Deputation

#### **MINUTES AND COMMITTEE BUSINESS STATEMENT**

- 2.1 Minute of Previous Meeting of 25 October 2016 (Pages 7 - 22)
- 2.2 Committee Business Statement (Pages 23 - 28)

#### **APPLICATIONS FOR LICENCES - INCLUDING LIST OF APPLICATIONS**

- 3.1 Grant of a Licence for a House in Multiple Occupation - 91 Bedford Road, Aberdeen (Pages 35 - 38)
- 3.2 Grant of a Licence for a House in Multiple Occupation - 4 Devonshire Road, Aberdeen (Pages 39 - 44)

- 3.3 Application for the Grant of a Street Trader's Licence - Claire Sutherland  
(Pages 45 - 46)
- 3.4 Application for the Renewal of a Street Trader's Licence - Gary Zucinski  
(Pages 47 - 48)
- 3.5 Application for the Grant of a Public Entertainment Licence - Seaton  
Community Project and Hut (Pages 49 - 50)
- 3.6 Application for the Renewal of a Street Trader's Licence - Elizabeth  
MacDonald (Pages 51 - 52)
- 3.7 Application for the Renewal of a Public Entertainment Licence -  
Warehouse Health Club (Pages 53 - 54)
- 3.8 Request for Revocation of a Late Hours Catering Licence, 3-5 Rose Street,  
Aberdeen (Pages 55 - 56)
- 3.9 Request For Exemption from Wheelchair Accessible Vehicle Policy -  
Alexander Ingram (Pages 57 - 58)
- 3.10 Request For Exemption from Wheelchair Accessible Vehicle Policy -  
Arthur Milne (Pages 59 - 60)
- 3.11 Request For Exemption from Wheelchair Accessible Vehicle Policy -  
Douglas Robertson (Pages 61 - 62)
- 3.12 Request For Exemption from Wheelchair Accessible Vehicle Policy -  
Gordon James Burke (Pages 63 - 64)
- 3.13 Request For Exemption from Wheelchair Accessible Vehicle Policy -  
William Benzie Crawford (Pages 65 - 66)

### **COMMITTEE REPORTS**

- 4.1 Immigration Act 2016 - Implications for Taxi and Private Hire Car Drivers -  
CG/16/154 (Pages 67 - 70)
- 4.2 Knowledge Testing for Private Hire Drivers - CG/16/153 (Pages 71 - 74)

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

- 6.1 Landlord Registration
- 6.2 Landlord Registration
- 6.3 Application for the Grant of a Late Hours Catering Licence
- 6.4 Application for the Grant of a Private Hire Car Driver's Licence
- 6.5 Application for the Grant of a Taxi Driver's Licence
- 6.6 Application for the Grant of a Taxi Driver's Licence
- 6.7 Application for the Grant of a Taxi Driver's Licence
- 6.8 Application for the Grant of a Private Hire Car Driver's Licence
- 6.9 Application for the Grant of a Private Hire Car Driver's Licence
- 6.10 Application for the Grant of a Private Hire Car Driver's Licence
- 6.11 Application for the Grant of a Private Hire Car Driver's Licence
- 6.12 Application for the Renewal of a Taxi Driver's Licence
- 6.13 Application for the Renewal of a Taxi Driver's Licence
- 6.14 Application for the Renewal of a Taxi Driver's Licence
- 6.15 Application for the Renewal of a Taxi Driver's Licence

Website Address: [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

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

**LICENSING COMMITTEE**  
**13 December 2016**  
**CONTINUATION OF LIST OF APPLICATIONS**

	<b>Application Type</b>	<b>Name and Address of Applicant(s)</b>	<b>Premises, Vehicle or Area to which Application Refers</b>	<b>Objections or Representations Received From</b>	<b>Date by which Application to be Determine (If Applicable)</b>	
9	Request For Exemption to WAV Policy	Alexander Ingram	T260 (MA60 WEF)	N/A	N/A	
10	Request For Exemption to WAV Policy	Arthur Milne	T469 (M11 LDO)	N/A	N/A	
11	Request For Exemption to WAV Policy	Douglas Robertson	T725 (DL11 CMV)	N/A	N/A	
12	Request For Exemption to WAV Policy	Gordon James Burke	T257 (BG62 FFW)	N/A	N/A	
13	Request For Exemption to WAV Policy	William Benzie Crawford	T284 (GJ14 WPZ)	N/A	N/A	

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**BBREVIATIONS:**

LD Legal and Democratic Services  
 EH Environmental Health  
 BS Building Standards  
 Roads

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## LICENSING COMMITTEE

ABERDEEN, 25 October 2016. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Boulton, Convener; and Councillors Allan (from article 10 of appendix A), Cooney (as a substitute for Councillor Allan up to article 9 of Appendix A), Copland, Delaney, Lesley Dunbar, Graham, Hutchison, MacGregor, Malone, Nicoll, Samarai and Townson.

**The agenda and reports associated with this minute can be found at:-**  
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MIId=3873&Ver=4>

**Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.**

### REQUEST FOR DEPUTATION

1. The Committee had before a request for deputation from Mr McColl, Aberdeen Taxi Centre in relation to item 5.1 (Taxi Fare Review). Members noted that the request was received outwith the timescales stated in Standing Order 10(1).

**The Committee resolved:**

to suspend Standing Order 10(1) and thereby to agree to hear the deputation from Mr McColl in relation to item 5.1 (Taxi Fare Review) (article 9 refers) immediately prior to consideration of the report.

### MINUTE OF PREVIOUS MEETING OF 23 AUGUST 2016

2. The Committee had before it the minute of its previous meeting of 23 August 2016.

**The Committee resolved:**

to approve the minute as a correct record.

### MINUTE OF MEETING OF LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE OF 23 SEPTEMBER 2016

3. The Committee had before it the minute of the meeting of the Licensing Evidential Hearings Sub Committee of 23 September 2016.

**The Committee resolved:**

to approve the minute as a correct record.

## LICENSING COMMITTEE

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### MINUTES OF MEETINGS OF THE LICENSING URGENT BUSINESS SUB COMMITTEE OF 1 AND 23 SEPTEMBER 2016

4. The Committee had before it the minutes of the meetings of the Licensing Urgent Business Sub Committee of 1 and 23 September 2016.

**The Committee resolved:**

to approve the minutes as a correct record.

### MINUTE OF THE MEETING OF THE TAXI CONSULTATION GROUP OF 5 OCTOBER 2016

5. The Committee had before it the minute of the meeting of the Taxi Consultation Group of 5 October 2016.

**The Committee resolved:**

- (i) in relation to item 3 (Taxi Fare Review), resolutions (i) and (iii), to request the Licensing Team Leader, as part of the current taxi fare review, to explore ways in which any future increase in airport access charges could be mitigated by the Council in a timely manner and to instruct the Licensing Team Leader to undertake a review of the existing taxi fare formula, including surcharges, following the completion of the current taxi fare review;
- (ii) in relation to item 4 (Taxi Ranks), to instruct the Licensing Team Leader to undertake a full review of taxi rank provision and location within the city, in consultation with the Roads Infrastructure Manager and all appropriate parties, to identify where suitable additional taxi ranks could be provided if appropriate and to report back on the outcome of the review to a future meeting of the Committee for consideration of the findings; and
- (iii) to otherwise note the minute.

### COMMITTEE BUSINESS STATEMENT

6. The Committee had before it a statement of Committee Business prepared by the Head of Legal and Democratic Services.

**The Committee resolved:**

- (i) in relation to item 2 (Training for Taxi Drivers), to note that a report would be submitted to the next meeting of the Committee on 13 December 2016;
- (ii) in relation to item 3 (Private Hire Driver Training - section 64 of the Air Weapons and Licensing (Scotland) Act 2015), resolution (a) to note that a report would be submitted to the next meeting of the Committee on 13 December 2016;
- (iii) in relation to item 3 (Private Hire Driver Training - section 64 of the Air Weapons and Licensing (Scotland) Act 2015), resolution (b) to note that officers expected the Act to be enforced early in 2017 and would report to the Committee at that time; and



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- (iv) in relation to item 5 (Review of Accessible Vehicle Policy), to request the Licensing Team Leader to follow up the letter to the Chief Executive of Dundee City Council seeking clarity in and around their mixed fleet policy and report to the next meeting of the Committee in this regard.

### FILM CLASSIFICATIONS - BELMONT FILMHOUSE

7. The Committee had before it 26 requests for film classification for screening at Belmont Cinema as follows:-

- (i) 24 Weeks – suggested rating 15
- (ii) A Farm of Passage – suggested rating 12A
- (iii) At Home in the World – suggested rating 12A
- (iv) Demon – suggested rating 15
- (v) The Red Spider – suggested rating 15
- (vi) A Silent Voice – suggested rating 12A
- (vii) Kizumonogatari (Part 1 and 2) – suggested rating 15
- (viii) Persona 3 – suggested rating 12A
- (ix) Princess Arete – suggested rating PG
- (x) Shadow World – suggested rating 15
- (xi) Sonita – suggested rating 12A
- (xii) Take One Action School Screening – suggested rating PG
- (xiii) Tomorrow – suggested rating PG
- (xiv) Walls – suggested rating U
- (xv) From Caligari to Hitler – suggested rating PG
- (xvi) The Red Turtle – suggested rating PG
- (xvii) Long Way North – suggested rating PG
- (xviii) Caprice – suggested rating 15
- (xix) From the Land of the Moon – suggested rating 15
- (xx) Fanny's Journey – suggested rating PG
- (xxi) France Tour – suggested rating 15
- (xxii) In Bed with Victoria – suggested rating 15
- (xxiii) Made in France – suggested rating 18
- (xxiv) Dark Inclusion – suggested rating 18
- (xxv) The New Kid- suggested rating 12
- (xxvi) Learn by Heart – suggested rating 12

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

to approve the film classification certificates as listed above.

### APPLICATION FOR LICENCES

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

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### **The Committee resolved:**

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

### **TAXI FARE REVIEW**

9. (A) In terms of Standing Order 10(1), the Committee received a deputation from Mr McColl, Aberdeen Taxi Centre, who advised that the taxi trade was supportive of the recommendations in the report, in particular the increase of the £1 surcharge for non-airport zoned taxis dropping off at the inner forecourt of the airport to £2 due to the increase to £2 levied by the Aberdeen International Airport.

He also supported a review of the existing formula and surcharges to ensure that the cost pressures experienced by taxi drivers were fully reflected in the formula.

The Committee asked a number of questions of Mr McColl.

(B) The Committee had before it a report by the Interim Director of Corporate Governance which presented information to enable the Committee to make an informed decision on any changes to be made to the current taxi fare tariff and comply with its duty to review taxi fares under section 17 of the Civic Government (Scotland) Act 1982.

### **The report recommended –** that the Committee

- (a) to note the report and representations made by members of the trade;
- (b) to agree to maintain the basic tariff and surcharges at their current levels;
- (c) to instruct officers to meet with trade representatives to explore the restructure of tariff charges and report back to the Committee thereafter;
- (d) to agree to increase the £1 surcharge for non-airport zoned taxis dropping off at the inner forecourt of the airport to £2;
- (e) to instruct officers to amend the fare card at surcharge 5 to reflect the holiday dates for 2017 and 2018;
- (f) to instruct the Head of Legal and Democratic Services to advertise the general effect of the proposals and the date when it was proposed that they would take effect; and
- (g) to instruct the Head of Legal and Democratic Services to undertake a review of the taxi fare formula and report back to the Committee the findings.

### **The Committee resolved:**

- (i) to approve the recommendations; and
- (ii) to note that discussions with Aberdeen International Airport regarding the recent increased fee for non airport taxis dropping passengers off at the airport concourse were ongoing and to request that the Committee be updated on these discussions as appropriate.

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**EXEMPT INFORMATION**

**IN ACCORDANCE WITH THE DATA PROTECTION ACT 1988 (PRINCIPLE 1), THE PRESS AND PUBLIC WERE EXCLUDED FROM THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM.**

**APPLICATION FOR LICENCES**

**10.** The Committee had before it, for its consideration, the applications listed in Appendix B to this minute.

**The Committee resolved:**

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

**- COUNCILLOR MARIE BOULTON, Convener.**

## LICENSING COMMITTEE

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### APPENDIX A

**1. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Reference Number – 4/01**  
**Premises - 37 Spital Walk, Aberdeen**

The Committee had before it a report by the Private Sector Housing Manager in respect of the application and three letters of representation.

The applicant, Mr Renton, was in attendance.

One of the respondents, Mr Dewi Morgan, on behalf of Old Aberdeen Community Council was in attendance and spoke in support of the letter of representation. The Committee asked questions of Mr Morgan. The other respondents, namely: the Old Aberdeen Heritage Society and T. W. Farquharson were not in attendance, nor were they represented.

The Committee then heard from the applicant in support of the application. The Committee asked questions of the applicant.

Councillor Townson, seconded by Councillor Nicoll moved:-  
 that the Committee grant the application.

Councillor Cooney, seconded by Councillor Lesley Dunbar moved as an amendment:-  
 that the Committee refuse the application on the grounds that the location of the property was unsuitable.

On a division, there voted:- for the motion (10) – the Convener and Councillors Copland, Delaney, Graham, Hutchison, MacGregor, Malone, Nicoll, Samarai and Townson; for the amendment (2) – Councillors Cooney and Lesley Dunbar.

**The Committee resolved:**

- (i) to adopt the motion; and
- (ii) to note that officers would review the format of reports submitted to the Committee.

**2. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Reference Number – 4/02**  
**Premises - 170 Sinclair Road, Aberdeen**

The Committee had before it a report by the Private Sector Housing Manager in respect of the application which advised that the application was before the Committee as the applicant did not own the property and section 129(1) of Part 5 of the Housing (Scotland) Act 2006, as amended stated:

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“An application to a local authority for an HMO licence may be made only by an owner of living accommodation concerned”.

The applicant, Mr Campbell, was in attendance and spoke in support of the application. The Committee asked questions of the applicant.

**The Committee resolved:**

to refuse the application on the grounds that the application did not comply with section 129(1) of Part 5 of the Housing (Scotland) Act 2006, as amended.

**3. APPLICATION FOR THE GRANT OF A PUBLIC CHARITABLE COLLECTION - INSPIRE PTL**

**Application Reference Number – 4/03**

**Location – Beach Boulevard and Queen’s Links, Aberdeen**

**Date – 5 November 2016**

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application.

The information note advised that this item had been placed on the agenda because the applicant was seeking to hold a public charitable collection, on Saturday 5 November 2016 at the beach. Permission had already been granted for a street collection for that date in the same area and Committee only permits one collection in a locality at a time.

Mr Reid, Inspire Community Fundraiser, was in attendance on behalf of the applicant and spoke in support of the application.

**The Committee resolved:-**

to grant the application.

**4. APPLICATION FOR THE RENEWAL OF A PUBLIC ENTERTAINMENT LICENCE - ABERDEEN BRIDGE OF DON OLDMACHAR CHURCH OF SCOTLAND**

**Application Reference Number – 4/04**

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had been placed on the agenda as there was outstanding building works required and it had to be determined by 7 December 2016.

The applicant was not in attendance.

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**The Committee resolved:**

to defer consideration of the application to enable a clear building safety certificate to be received, after which time the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise refer it to the Licensing Urgent Business Sub Committee for consideration

**5. APPLICATION FOR THE RENEWAL OF A LATE HOURS CATERING LICENCE - MUSTAFA KAHRAMAN**

**Application Reference Number – 4/05**

**Location – Snappy Tomato Pizza, 84 Huntly Street, Aberdeen**

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application.

The information note advised that the application had been placed on the agenda as the application had to be determined by 7 December 2016 and to date the applicant had not provided a certificate stating that he had complied with the requirement contained in paragraph 2 of Schedule 1 to the Civic Government (Scotland) Act 1982 to display a notice at, or near, the premises for a period of 21 days beginning with the date on which the application was submitted.

The applicant was not in attendance.

**The Committee resolved:**

to refuse the application.

**6. APPLICATION FOR THE RENEWAL OF A STREET TRADER'S (HOT FOOD) LICENCE - ELAINE GLENNIE**

**Application Reference Number – 4/06**

**Location – Craigshaw Drive, 150m west of Wellington Road**

**Operating Hours – Monday to Saturday, 08:00 to 14:00hrs**

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

**7. APPLICATION FOR THE GRANT OF A TEMPORARY STREET TRADER'S LICENCE - SVEN SCHMIDT**

**Application Reference Number – 4/07**

**Location – Civic Square, Union Square, Aberdeen**

**Operating Period – 29 October to 9 December and 10 December to 4 January 2017**

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The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application.

The information note advised that the application had been placed on the agenda as there was a guideline that no street trading was permitted on Union Street or any pedestrian area in the city centre except where a special case could be made out by the applicant as to why the guideline should not apply.

The applicant's solicitor Mr McGowan was in attendance and spoke in support of the application during which he advised why this was a special case and why the guideline should not apply in this case. He also clarified that the applicant was seeking to operate daily, 12pm to 10pm, from 10 December 2016 to 4 January 2017.

**The Committee resolved:**

to defer consideration of the application to enable a food safety certificate to be received, after which time the Head of Legal and Democratic Services could grant the application under delegated powers for the operating period of 10 December 2016 to 4 January 2017, 12pm to 10pm, or otherwise refer it to the Licensing Urgent Business Sub Committee for consideration.

**8. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE - RICHARD PAUL GREIG**  
**Application Reference Number – 4/08**

The Committee was advised that the application had been withdrawn.

**9. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE - EDWARD DONALD**  
**Application Reference Number – 4/09**

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application.

The information note advised that the application had been placed on the agenda as it required to be determined by 28 March 2017 and to date the applicant had not passed the street knowledge test and he had requested that he be exempt from this requirement.

The applicant was not in attendance.

**The Committee resolved:**

to defer consideration of the application to the next meeting of the Committee on 13 December 2016 to provide the applicant with another opportunity to be present.

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**10. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE - MARCIN KUCHTA**  
Application Reference Number – 4/10

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application.

The information note advised that the application had been placed on the agenda as it required to be determined by 2 April 2017 and to date the applicant had not passed the street knowledge test and he had requested that he be exempt from this requirement.

The applicant, Mr Kuchta, was in attendance and spoke in support of his application, during which he explained why he should not be required to pass the knowledge test.

**The Committee resolved:**

to grant the application.

**11. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE - KEVIN MCKENZIE**  
Application Reference Number – 4/11

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application.

The information note advised that the application had been placed on the agenda as it required to be determined by 2 April 2017 and to date the applicant had not passed the street knowledge test and he had requested that he be exempt from this requirement.

The applicant, Mr McKenzie, was in attendance and spoke in support of his application, during which he explained why he should not be required to pass the knowledge test.

Councillor Townson, seconded by Councillor MacGregor moved:-  
 that the Committee grant the application.

Councillor Delaney, seconded by Councillor Copland moved as an amendment:-  
 that the Committee refuse the application on the grounds that the applicant had not passed the street knowledge test.

On a division, there voted:- for the motion (8) –Councillors Allan, Lesley Dunbar, Graham, Hutchison, MacGregor, Nicoll, Samarai and Townson; for the amendment (4) – the Convener and Councillors Copland, Delaney and Malone.



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**The Committee resolved:**

to adopt the motion.

**12. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE -  
SURYA ADHIKARI  
Application Reference Number – 4/12**

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

**13. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE -  
USAAMAH TOUFIQUE  
Application Reference Number – 4/13**

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application.

The information note advised that the application had been placed on the agenda as it required to be determined by 9 December 2016 and to date the applicant had not provided a copy of his/her driving licence.

The applicant was not in attendance.

**The Committee resolved:**

to refuse the application.

**LICENSING COMMITTEE**  
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**APPENDIX B**

**DECLARATIONS OF INTEREST**

**Prior to consideration of the following item, Councillors MacGregor and Samarai declared an interest in the following article by virtue of knowing the applicant, and withdrew from the meeting prior to consideration of the application.**

**1. LANDLORD REGISTRATION**  
**Application Reference Number - 6/01**

With reference to article 2 of appendix B of the minute of the meeting of the Licensing Committee of 23 August 2016, the Committee had before it (1) a report by the Private Sector Housing Manager; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 27 June 2016 and Sergeant Jardine was in attendance to speak in support of the letter.

The applicant was in attendance, represented by his solicitor, Ms Wilson, who spoke in support of the application. The Committee asked questions of the applicant's representative.

**The Committee resolved:**  
to refuse the landlord registration.

**DECLARATION OF INTEREST**

**Prior to consideration of the following item, Councillor Samarai declared an interest in the following article by virtue of knowing the applicant through her previous employment, and withdrew from the meeting prior to consideration of the application.**

**2. GRANT OF A LATE HOURS CATERING LICENCE**  
**Application Reference Number - 6/02**

With reference to article 5 of the minute of the meeting of the Licensing Committee of 23 August 2016, the Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 14 June 2016, and Sergeant Jardine was in attendance and spoke in support of the letter of objection.

The applicant was not in attendance.

**The Committee resolved:-**  
to refuse the application.

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### 3. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE

#### Application Reference Number - 6/03

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application.

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

#### The Committee resolved:

to refuse the application.

### DECLARATION OF INTEREST

Prior to consideration of the following item, Councillor Samarai declared an interest in the following article by virtue of knowing the applicant through her previous employment, and withdrew from the meeting prior to consideration of the application.

### 4. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE

#### Application Reference Number - 6/04

Mrs Harrison, Legal Advisor, advised that Police Scotland wished to lodge a supplementary letter of objection in respect of the application and highlighted that this was submitted beyond the statutory time period within which such letters must be received. She further advised that the Committee might consider late representations if it was satisfied there was a sufficient reason why it was not made in the time required.

The Committee heard from Sergeant Jardine, Police Scotland who explained why the letter of objection was late and should be considered today.

The applicant was not in attendance.

#### The Committee resolved:-

that the late letter of representation from Police Scotland be introduced to the proceedings.

The Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 31 August 2016, and Sergeant Jardine was in attendance and spoke in support of the letter of objection.

#### The Committee resolved:

to refuse the application.

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**5. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE**

**Application Reference Number - 6/05**

With reference to article 9 of appendix B, of the minute of the meeting of the Licensing Committee of 23 August 2016, the Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 30 May 2016, and Sergeant Jardine was in attendance to spoke in support of the letter of objection.

The applicant was not present.

**The Committee resolved:**  
to refuse the application.

**6. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE**

**Application Reference Number - 6/06**

The Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 3 August 2016, and Sergeant Jardine was in attendance and spoke in support of the letter of objection.

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

**The Committee resolved:**  
to grant the application.

**7. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE**

**Application Reference Number - 6/07**

The Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 27 July 2016, and Sergeant Jardine was in attendance and spoke in support of the letter of objection.

The applicant was not present.

**The Committee resolved:**  
to refuse the application.

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**8. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE**

**Application Reference Number - 6/08**

The Committee was advised that the application had been deferred to the next meeting of the Committee on 13 December 2016.

**9. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE**

**Application Reference Number - 6/09**

The Committee was advised that the application had been withdrawn.

**10. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE**

**Application Reference Number - 6/10**

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application.

The applicant was not in attendance.

**The Committee resolved:**

to refuse the application.

## LICENSING COMMITTEE

LICENSING

COMMITTEE BUSINESS

13 DECEMBER 2016

Please note that this statement contains a note of every report which has been instructed for submission to this Committee. All other actions which have been instructed by the Committee are not included, as they are deemed to be operational matters after the point of committee decision.

Reports which are overdue are shaded.

	<u>Minute Reference</u>	<u>Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
1.	Licensing Committee 27.01.15 (Article 6)	<u>Survey On Unmet Taxi Demand – Collation Of Data And Consultation With Trade</u>  At its meeting on 17 March 2015, the Committee agreed to instruct the Head of Legal and Democratic Services to report to the Licensing Committee in early 2016 with an analysis of taxi marshal data over a twelve month period in accordance with the terms of the report.	A verbal update was received at its meeting on 23 August 2016 and the Committee agreed that a report be submitted in six months' time.	Head of Legal and Democratic Services	18.4.17

2.	Licensing Committee 01.09.15 (Article 7)	<p><u>Training for Taxi Drivers</u></p> <p>At its meeting on 1 September 2015, the Committee resolved, amongst other things, to:</p> <p>(a) instruct officers from Legal and Democratic Services to carry out further investigations into the requirements for taxi driver training and undertake consultation with the trade; and</p> <p>(b) instruct officers from Legal and Democratic Service to report back to Committee on the outcome of (a).</p>	<p>At its meeting on 25 October 2016, the Committee noted that a report would be submitted to the next meeting of the Committee on 13 December 2016.</p> <p><b>An initial consultation has been undertaken with taxi drivers, officers will be reviewing the results and will report to the Committee meeting on 18 April 2017.</b></p>	Head of Legal and Democratic Services	25.10.16
3.	Licensing Committee 19.01.16 (article 8(D))	<p><u>Private Hire Driver Training</u></p> <p>The Committee resolved, amongst other things, to:</p> <p>(a) instruct officers from Legal and Democratic Services to include training for private hire driver licences as part of the current consultation on taxi driver training instructed by the Committee at its meeting on 1 September 2015 and to advise future private hire driver applicants of the opportunity to voluntarily undertake the street knowledge test; and</p> <p>(b) instruct officers to report to Committee with proposals for street knowledge testing for private hire drivers once section 64 of the Air Weapons and Licensing (Scotland) Act 2015 was in force or if earlier when guidance on the Act was made available.</p>	<p>At its meeting on 25 October 2016, the Committee noted that a report would be submitted to the next meeting of the Committee on 13 December 2016.</p> <p><b>An initial consultation has been undertaken with taxi drivers, officers will be reviewing the results and will report to the Committee meeting on 18 April 2017.</b></p> <p>At its meeting on 25 October 2016, the Committee noted that officers expected the Act to be enforced early in 2017 and would report to the Committee at that time.</p> <p><b>A report is on the agenda.</b></p>	Head of Legal and Democratic Services  13.12.17	25.10.16  13.12.16



4.	Licensing Committee 08.03.16 (article 3 appendix A)	<p><u>Age Policy For Private Hire And Taxi Vehicles</u></p> <p>The Committee resolved to request officers to review the age policy for private hire and taxi vehicles and submit a report on this matter to a future meeting of the Committee.</p>	<p>A report was on the agenda for the Licensing Committee meeting on 6 April at which time it was agreed to refer the report simpliciter to full Council. The report will be considered by full Council on 11 May 2016.</p> <p>Council on 11 May resolved, amongst other things, to instruct the Head of Legal and Democratic Services to review the policy on Age of Vehicles following the implementation of the accessible vehicle policy on 6 June 2018 and report back to the Licensing Committee with recommendations as appropriate twelve months after the accessible vehicle policy has been implemented.</p>	Head of Legal and Democratic Services	June 2019
5.	Council 11.05.16	<p><u>Review of Accessible Vehicles Policy</u></p> <p>Council on 11 May resolved, amongst other things:</p> <p>(i) to instruct the Head of Legal and Democratic Services to write to the UK Transport Minister in order to seek further clarity on any proposed implementation date for the remaining provisions of part 12 of the Equality Act 2010; and</p> <p>(ii) to instruct the Head of Legal and Democratic Services to write to the Chief Executive of Dundee City Council seeking clarity in and around their mixed fleet policy and report back to the Licensing Committee with their response.</p>	<p>At its meeting on 25 October 2016, the Committee requested the Licensing Team Leader to follow up the letter to the Chief Executive of Dundee City Council seeking clarity in and around their mixed fleet policy and report to the next meeting of the Committee in this regard.</p> <p>An update will be provided to the Committee at its meeting on 17 January 2017.</p>	Head of Legal and Democratic Services	Dependent on response being received from the Chief Executive of Dundee City Council

6.	Licensing Committee 25.10.16 articles 5 and 9	<p><u>Taxi Fare Review</u></p> <p>The Committee resolved to:</p> <ul style="list-style-type: none"> <li>(i) request the Licensing Team Leader, as part of the current taxi fare review, to explore ways in which any future increase in airport access charges could be mitigated by the Council in a timely manner;</li> <li>(ii) instruct the Licensing Team Leader to undertake a review of the existing taxi fare formula, including surcharges, following the completion of the current taxi fare review;</li> <li>(iii) to instruct officers to meet with trade representatives to explore the restructure of tariff charges and report back to the Committee thereafter;</li> <li>(iv) to instruct the Head of Legal and Democratic Services to undertake a review of the taxi fare formula and report back to the Committee the findings; and</li> <li>(v) to note that discussions with Aberdeen International Airport regarding the recent increased fee for non airport taxis dropping passengers off at the airport concourse were ongoing and to request that the Committee be updated on these discussions as appropriate.</li> </ul>		Head of Legal and Democratic Services	<p>13.12.16</p> <p>13.6.17</p> <p>13.6.17</p> <p>13.6.17</p> <p>13.6.17</p>
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7.	Licensing Committee 25.10.16 article 5	<u>Taxi Ranks</u>  The Committee resolved to instruct the Licensing Team Leader to undertake a full review of taxi rank provision and location within the city, in consultation with the Roads Infrastructure Manager and all appropriate parties, to identify where suitable additional taxi ranks could be provided if appropriate and to report back on the outcome of the review to a future meeting of the Committee for consideration of the findings.		Head of Legal and Democratic Services	13.6.17
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**LICENSING COMMITTEE**  
**13 December 2016**  
**LIST OF APPLICATIONS**

	<b>Application Type</b>	<b>Name and Address of Applicant(s)</b>	<b>Premises, Vehicle or Area to which Application Refers</b>	<b>Objections or Representations Received From</b>	<b>Date by which Application to be Determine (If Applicable)</b>	<b>Pages</b>
1.	HMO Application (Grant)	Brendon Gill	91 Bedford Road, Aberdeen	C, H & I	1 February 2017	29-32
2.	HMO Application (Grant)	Christopher Plane	4 Devonshire Road	1 Objection	6 November 2017	33-38
3.	Street Trader (Grant)	Claire Louise Sutherland	Zones 1, 2 & 5 – Please see attached sheet	EH	28 December 2016	39-40
4.	Street Trader (Renewal)	Gary Zucinski	Zones 1-8 – Please see attached sheet	EH	31 December 2016	41-42
5.	Public Entertainment (Grant)	Seaton Community Project	Seaton Community Project & Hut Seaton Place East Aberdeen AB24 1XE	LD	6 January 2017	43-44
6.	Street Trader (Renewal)	Elizabeth Usher MacDonald	Souterhead Road Altens Industrial Estate Aberdeen	EH	7 January 2017	45-46
7.	Public Entertainment (Renewal)	Warehouse Health Club	The Warehouse Health Club 20 Mearns Street Aberdeen AB11 5AT	LD	7 February 2017	47-48
8.	Request for Revocation of a Late Hours Catering Licence		3-5 Rose Street, Aberdeen			49-50

**ABBREVIATIONS:**

LD      Legal and Democratic Services  
EH      Environmental Health  
BS      Building Standards  
Roads



## SUBMISSION OF LATE REPORT

**NAME OF COMMITTEE** : Licensing Committee

**DATE OF COMMITTEE** : 13 December 2016

**TITLE OF REPORT** : Taxi Licence Applications

**Reason for late submission of report (to be completed by report author)**

This is not a report, it is the submission of 5 Taxi Licence (Grant) applications relating to previous licences which were not renewed in error by the licence holders.

**Reason why Convener is requested to consider accepting report as a matter of urgency / why the matter cannot wait for a future meeting (to be completed by report author)**

The applications are not required to be determined by the committee at this meeting, however if they are not the licence holders/applicants in question would not be able to operate over the Christmas period. They have all operated the related vehicles for a number of years without issue.

**Reason why Convener / Vice Convener has agreed to accept the report (to be completed by Convener / Vice Convener)**

Given the history of applicants being good in the past - happy to deal with a one off slip up.

**Convener/Vice-Convener** : 

**Date** :

**Director/Representative** : 

**Date** :





**LICENSING COMMITTEE**  
**13 December 2016**  
**CONTINUATION OF LIST OF APPLICATIONS**

	<b>Application Type</b>	<b>Name and Address of Applicant(s)</b>	<b>Premises, Vehicle or Area to which Application Refers</b>	<b>Objections or Representations Received From</b>	<b>Date by which Application to be Determine (If Applicable)</b>	
9	Request For Exemption to WAV Policy	Alexander Ingram	T260 (MA60 WEF)	N/A	N/A	
10	Request For Exemption to WAV Policy	Arthur Milne	T469 (M11 LDO)	N/A	N/A	
11	Request For Exemption to WAV Policy	Douglas Robertson	T725 (DL11 CMV)	N/A	N/A	
12	Request For Exemption to WAV Policy	Gordon James Burke	T257 (BG62 FFW)	N/A	N/A	
13	Request For Exemption to WAV Policy	William Benzie Crawford	T284 (GJ14 WPZ)	N/A	N/A	

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**BBREVIATIONS:**

LD Legal and Democratic Services  
 EH Environmental Health  
 BS Building Standards  
 Roads

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# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

<b>To</b>	Fraser Bell, Head of Legal & Democratic Services	
<b>From</b>	Ally Thain, Private Sector Housing Manager	
<b>Email</b>	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	<b>Date</b> 1 December 2016
<b>Tel.</b>	522870	<b>Our Ref.</b>
<b>Fax.</b>		<b>Your Ref.</b>

**Part 5 of Housing (Scotland) Act 2006**

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No. 91 Bedford Road, Aberdeen**

**Applicant: Brendon Gill**

**Agent: None stated.**

I refer to the above HMO licence application, which is due to be considered by the Licensing Committee at its meeting on 13 December 2016 for the reason that the upgrading work instructed by the HMO Unit has not been completed.

I can advise you as follows:

**The HMO legislation**

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
  - i) Its location
  - ii) Its condition
  - iii) Any amenities it contains
  - iv) The type & number of persons likely to occupy it
  - v) Whether any rooms within it have been subdivided
  - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
  - vii) The safety & security of persons likely to occupy it
  - viii) The possibility of undue public nuisance
  - ix) There is, or would be, an overprovision of HMOs in the locality

**The premises:**

The premises to which this HMO licence application relates is a two storey mid terraced house providing accommodation comprising 4 letting bedrooms, one kitchen/dining/living-room & one bathroom. The location of the premises is shown on the plan attached as Appendix 'A'

**The HMO application:-**

The HMO licence application was received by the HMO Unit on 2 February 2016.

**HMO upgrading works and certification:**

The HMO Officer carried out a joint initial inspection of the property with an Officer from Scottish Fire & Rescue Service on 11 February 2016, then he wrote to the applicant listing the following requirements to bring the property up to the current HMO standard:-

1. Faulty or missing lightbulbs to be replaced.
2. Additional electrical sockets to be installed throughout the premises.
3. Please note that portable heaters are not allowed within the premises.
4. The electrical cupboard door must be provided with a lock or bolt.
5. The Notice of HMO Application must be re-displayed outside the premises for a further 21 days, where the Notice can be easily read by all neighbours.
6. The Certificate of Compliance & Gas Safe Certificate to be submitted to the HMO Unit.

At the date of this report, the above works & certification requirements have not been completed.

**Scottish Fire & Rescue Service (SFRS):**

SFRS confirmed that they are satisfied with the fire safety arrangements within the property.

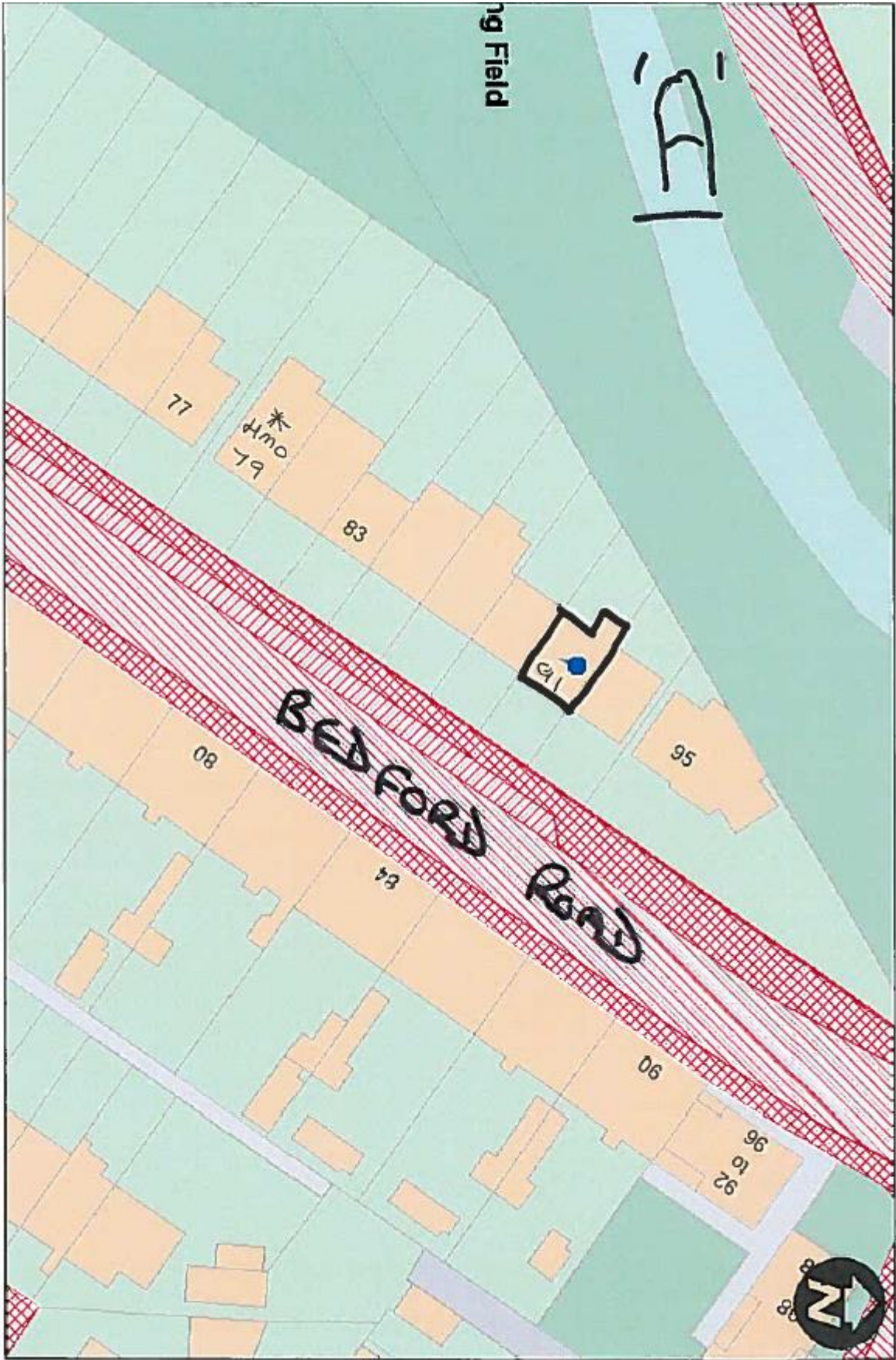
**Other considerations:**

- Police Scotland, as a statutory consultee, was initially consulted in respect of the applicant's suitability as a 'fit & proper' person, and made no adverse comment or objection.
- Scottish Fire & Rescue Service, as a statutory consultee, was initially consulted in respect of the suitability of the premises as an HMO, and made no comment or objection.
- At the date of this memo, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any corroborated complaints of anti-social behaviour at No. 91 Bedford Road, Aberdeen.
- The applicant & his property are registered with the Landlord Registration database.
- The applicant has requested an occupancy of 3 tenants which is acceptable to the HMO Unit in terms of space and layout.
- The HMO licence application under consideration is a 'first-time' application.

- The meeting of the Licensing Committee on 13 December 2016, is the last meeting before the one-year deadline therefore if the above-mentioned HMO requirements have not been completed by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 13 December 2016. I will advise the Committee whether or not all our requirements have been completed.

I trust the above explains the position. Please contact me on x2870 should you have any queries regarding the above.

**Ally Thain**  
Private Sector Housing Manager





## MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Doug Yeats, Senior Private Sector Housing Officer, Communities, Housing & Infrastructure		
Email	<a href="mailto:dyeats@aberdeencity.gov.uk">dyeats@aberdeencity.gov.uk</a>	Date	1 December 2016
Tel.	522531	Our Ref.	
Fax.		Your Ref.	

### **Part 5 of Housing (Scotland) Act 2006**

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.4 Devonshire Road, Aberdeen**

**Applicant : Christopher Plane**

**Agent: None stated**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 13 December 2016 for the reason that one letter of representation was received by the HMO Unit.

I can advise you as follows:

### **The HMO legislation**

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
  - i) Its location
  - ii) Its condition
  - iii) Any amenities it contains
  - iv) The type & number of persons likely to occupy it
  - v) Whether any rooms within it have been subdivided
  - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
  - vii) The safety & security of persons likely to occupy it
  - viii) The possibility of undue public nuisance
  - ix) There is, or would be, an overprovision of HMOs in the locality

### **The premises:**

The property at No.4 Devonshire Road, Aberdeen, is a two-storey upper end-terrace flat providing accommodation of 4 letting bedrooms, one public room, one kitchen & two bathrooms. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

The HMO licence application is dated 2 November 2016 and was received by the HMO Unit on 7 November 2016.

**Notice of HMO Application:**

The public Notice of HMO Application was on display outside the property for the statutory 21-day period from 2 November 2016.

**Letter of representation:**

One letter of representation was received by the HMO Unit on 22 November 2016, within the statutory 21-day Notice period, and must therefore be considered by the Committee. The letter is attached as Appendix 'B'.

**Other considerations:**

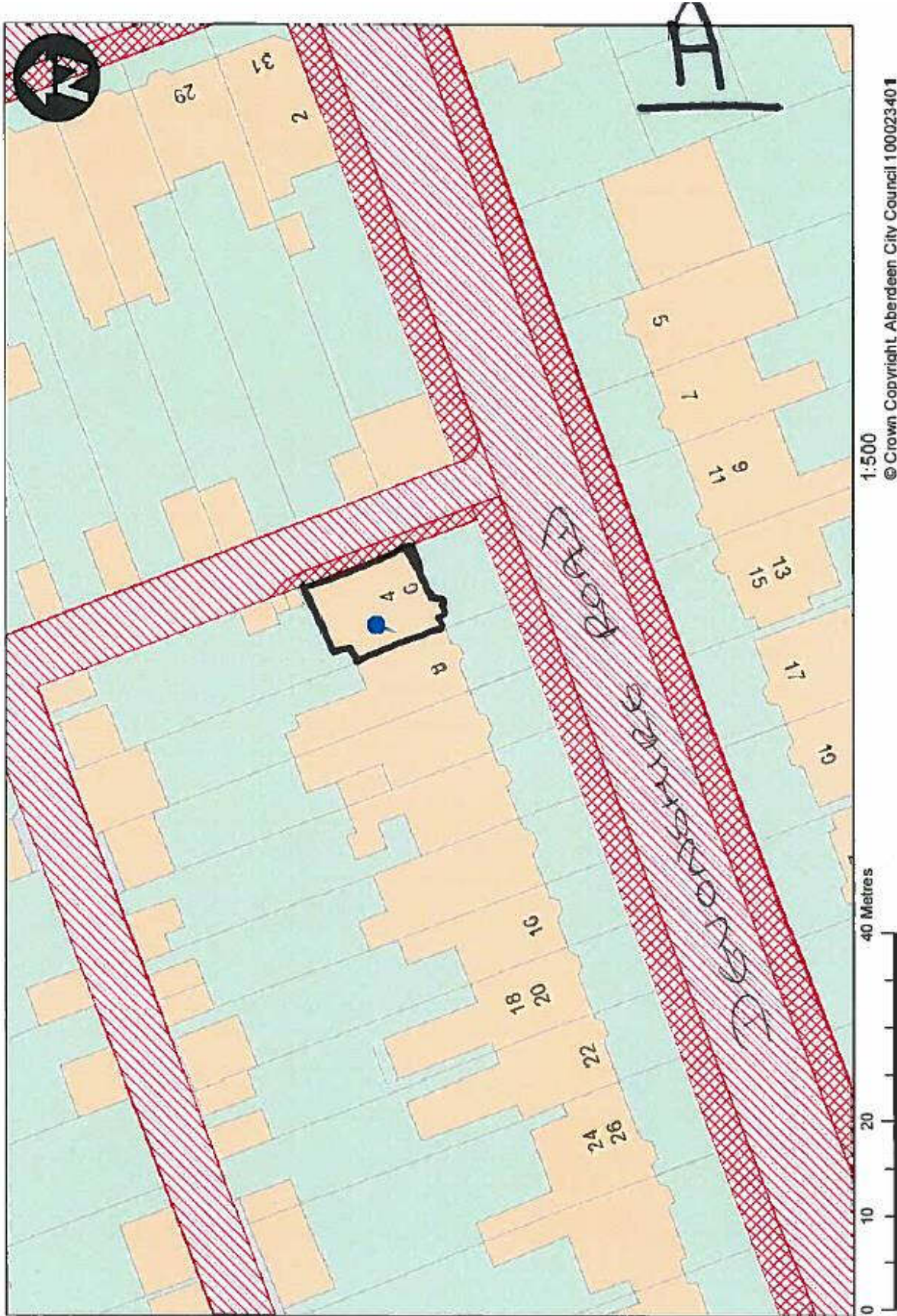
- Police Scotland has been consulted in respect of the applicants' suitability as 'fit & proper' persons, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- At the date of this report, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of anti-social behaviour at No.4 Devonshire Road, Aberdeen.
- The applicant and the property are registered with the Landlord Registration database
- The application under consideration is a 'first-time' HMO licence application.
- There are no HMO-licenced properties in Devonshire Road.
- The letter of representation mentions car parking congestion at Devonshire Road, however car parking is not a consideration of HMO licensing.
- At the date of this report the initial inspection has not been carried out, I will update the Committee at the meeting on 13 December 2016 in this regard.

I trust the above explains the position. Please contact me on x2531 should you have any queries regarding the above.

**Doug Yeats**

Senior Private Sector Housing Officer





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HMO Unit  
Housing and Environment  
Business Hub 11  
Second Floor West  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

Date: 19<sup>th</sup> November 2016

SUBJECT: HMO Application 4 Devonshire Road Aberdeen AB10 6XR- OBJECTION

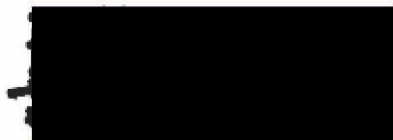
Dear Sir/Madam

I am writing to lodge objection as an affected area resident to the proposal to transfer the use of the dwelling located at 4 Devonshire Rd, Aberdeen AB10 6XR from single to multiple occupancy.

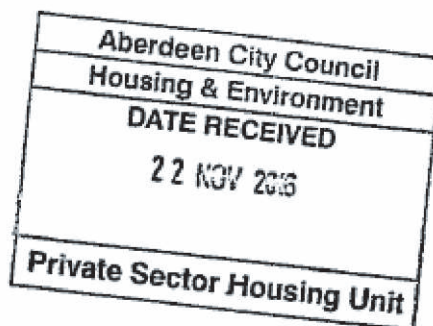
Our reasons for objection to this change of use of the property are:

1. Multiple occupancy properties are not in keeping with the character of Devonshire Road and the grant of this application will be material to changing the character of the area detrimentally.
2. A multiple occupancy dwelling will add to the parking congestion in the road either due to additional permitted or non permitted parking from occupant vehicles that will exceed the capacity of the road.
3. Devonshire Road is a quiet residential area occupied by families and a number of elderly residents, a multiple occupancy dwelling and increased occupancy in the area is likely to detract from this due to multiple coming and going from a single property
4. There is no societal need for extension of multiple occupancy dwellings in to this area due to the economic challenges faced in Aberdeen city.
5. The properties in the area and gardens are in generally well maintained status, multiple occupancy dwellings usually are not in keeping with this as the occupants normally don't assume responsibility for maintaining the external fabric.

Yours sincerely,



Mr James ODonnell



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1

To HMO Unit  
Housing and Environment  
Business Hub 11  
Second Floor West  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

From

SUBJECT: HMO Application 4 Devonshire Road Aberdeen AB106XR-  
APPLICANTS RESPONSE TO OBJECTION by [REDACTED]

Dear Sir/Madam

[REDACTED] has lodged objection based on 5 items. I respond to each in turn as follows.

1. Multiple occupancy properties are not in keeping with the character of Devonshire Road and the grant of this application will be material to changing the character of the area detrimentally.

Response:

The character of a neighbourhood stems from the character of its occupants. All neighbourhoods benefit from a mix of residents. An all elderly, or all middle class, or all wealthy resident profile would make for a very dull place. Young and single folk aspiring to live in this area deserve a pied-a-terre and I have faith that, treated fairly, they would respond in kind and treat the neighbourhood with respect and go about their business in a dignified manner.

2. A multiple occupancy dwelling will add to the parking congestion in the road either due to additional permitted or non permitted parking from occupant vehicles that will exceed the capacity of the road.

Response:

There is a single garage available to occupants. Number 4's entrance is in the lane which has single yellow line restrictions. Parking is allowed between 1800 to 0800 which ideally suits single people who drive to work as it means they can legally park overnight. In this respect it has better parking facilities to the rest of Devonshire Rd. Admittedly parking is always an issue in this area. Occupants are encouraged to car share where practical by notices displayed on a kitchen notice board to this effect. A cycle shed is also available and occupants are encouraged to make use of their bikes.

3. Devonshire Road is a quiet residential area occupied by families and a number of elderly residents. A multiple occupancy dwelling and increased occupancy in the area is likely to detract from this due to multiple coming and going from a single property.

Response:

Devonshire Rd is indeed a pleasant and much sought-after address. Number 4 is a 4-bedroom upper flat with a garden. On the face of it this description would make it ideal for families with young children. However access to the garden is via a 5m walk (crawl) along the lane (a public highway) and no sane parent would contemplate allowing their toddler to negotiate it unsupervised. The other groups suited to the address are then couples with older children, childless couples and single people, who rarely use the garden. My point is the building layout itself makes it ideally suited to the proposed type of occupancy. As for increased comings and goings, this is inevitable. However, with the entrance in the lane no one from Devonshire Rd would see who comes and goes.

22 JUN 2016

'C'

4. There is no societal need for extension of multiple occupancy dwellings in to this area due to the economic challenges faced in Aberdeen city.

Response:

I don't think you are saying "we should keep them all in Torry/Tillydrone/Woodside" but it sounds close to this. Nor are you saying the converse "if the economic situation were better we would welcome them to Devonshire Rd. with open arms". For a young person making his way, as I recall, every step is economically challenging regardless of the business climate. If society determines it has no need of young aspiring individuals prepared to face down challenges then we are truly doomed.

5. The properties in the area and gardens are in generally well maintained status. Multiple occupancy dwellings usually are not in keeping with this as the occupants normally don't assume responsibility for maintaining the external fabric.

Response:

Allow me to put your mind at rest. The proposed landlord-tenant contract stipulates the landlord shall be responsible for the upkeep of the garden. If the application is successful and you [redacted] come across unkempt bins or rubbish-strewn garden please let me know and I promise to intervene on Devonshire Road's behalf. My contact information is given above.

Yours sincerely,

[redacted]

[redacted]

22 Nov 2016

Christopher Plane

## **INFORMATION NOTE FOR MEMBERS**

### **GRANT OF A STREET TRADER LICENCE APPLICANT: CLAIRE LOUISE SUTHERLAND**

#### **This item has been placed on the agenda because:**

The application requires to be determined by 28 December 2016. To date the applicant has not provided a food safety certificate. Members should therefore note the terms of Section 39 of the Civic Government (S) Act 1982 which states that the committee must refuse the application unless there is produced to them a certificate by the food authority (for the purposes of section 5 of the Food Safety Act 1990)] stating that the vehicle, kiosk or moveable stall complies with the requirements of any relevant regulations made under that Act.

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## **INFORMATION NOTE FOR MEMBERS**

### **RENEWAL OF A STREET TRADER LICENCE**

**APPLICANT: GARY ZUCINSKI**

#### **This item has been placed on the agenda because:**

The application requires to be determined by 31 December 2016. To date the applicant has not provided a food safety certificate. Members should therefore note the terms of Section 39 of the Civic Government (S) Act 1982 which states that the committee must refuse the application unless there is produced to them a certificate by the food authority (for the purposes of section 5 of the Food Safety Act 1990)] stating that the vehicle, kiosk or moveable stall complies with the requirements of any relevant regulations made under that Act.

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## **INFORMATION NOTE FOR MEMBERS**

**GRANT OF PUBLIC ENTERTAINMENT LICENCE  
APPLICANT: SEATON PROJECT, SCHOOL ROAD, ABERDEEN**

**This item has been placed on the agenda because:**

The application requires to be determined by 06 January 2017 and to date we have not received a clear report from Building Standards

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## **INFORMATION NOTE FOR MEMBERS**

### **RENEWAL OF A STREET TRADER LICENCE APPLICANT: ELIZABETH USHER-MCDONALD**

#### **This item has been placed on the agenda because:**

The application requires to be determined by 07 January 2017. To date the applicant has not provided a food safety certificate. Members should therefore note the terms of Section 39 of the Civic Government (S) Act 1982 which states that the committee must refuse the application unless there is produced to them a certificate by the food authority (for the purposes of section 5 of the Food Safety Act 1990)] stating that the vehicle, kiosk or moveable stall complies with the requirements of any relevant regulations made under that Act.

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## **INFORMATION NOTE FOR MEMBERS**

### **RENEWAL OF PUBLIC ENTERTAINMENT LICENCE**

**APPLICANT: THE WAREHOUSE HEALTH CLUB, 20 MEARNS STREET**

**This item has been placed on the agenda because:**

The application requires to be determined by 07 February 2017 and to date the applicant has not provided a certificate stating that they have complied with the requirement contained in paragraph 2 of Schedule 1 to the Civic Government (S) Act 1982 to display a notice at or near the premises for a period of 21 days beginning with the date on which the application was submitted to the licensing authority.

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**Arlene Dunbar**

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**From:** [REDACTED]  
**Sent:** [REDACTED]  
**To:** Karen Gatherum  
**Cc:** IRI0009\_00006 \_ 3\_5 ROSE STREET \_ REMOVAL OF TENANT Emails  
<{F3704589}.iMan\_Docs@sendandfile.brodies.com>  
**Subject:** 3-5 Rose, Street, Aberdeen - Late Hours Catering Licence [BRO-D.FID3704589]  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CONFIDENTIAL MESSAGE - INTENDED RECIPIENT ONLY**

Good morning Kate

Following on from our telephone conversation yesterday morning, we act on behalf of Karen and Yusuf Iridag. They are the owners of a property at 3-5 Rose Street, Aberdeen ("The Property"). The Property was leased to Abdul Malek and Mohamad Hussan El-Behaderie ("The Tenants") by virtue of a lease dated 17th, 22nd, and 24th August 2005 and registered in the Books of Council and Session on 19th September 2005 ("the Lease"). We can provide a copy of the Lease if required. The Tenants hold a Late Hours Catering Licence over the premises which we understand is valid until August 2017.

The terms of the Lease were breached and the Lease was terminated on Friday 7 October 2016. Notwithstanding the termination of the Lease the Tenants continued to trade over the weekend of the 7 October. The Tenants vacated the Property on Monday 10 October 2016.

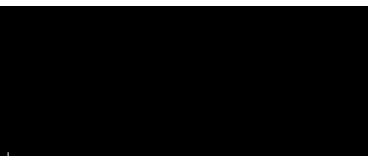
Clause 34.1.4 of the Lease provides:- " On the expiry or earlier termination of this Lease (howsoever determined) at the request of the Landlord to ensure that the Licence is assigned, endorsed, transferred and handed over to the Landlord or to whomsoever it may appoint and to attend before the Licensing Board (if so required) and sign all notices, applications and consents and generally to do all other acts and things which may be required (including for the avoidance of doubt surrendering the Licence) to transfer the Licence to the Landlord or whomsoever they may appoint or to permit the Landlord to procure the Licence". The Licence referred to in Clause 34.1.4 is the existing Late Hours Catering Licence.

As the Late Hours Catering Licence cannot be transferred, the Tenants have been called upon to surrender the Licence but to date have refused to do so. Our clients wish to lease the Property to new tenants, however this is will be particularly difficult if the new tenant cannot obtain a Late Hours Catering Licence. Following discussions with you we have been advised that a new Late Hours Catering Licence application by new tenants would not be considered until the position with the existing Licence is resolved. In order to resolve this situation we should be grateful if the Licensing Committee would consider revoking the existing Licence or rendering it invalid which would allow a new application to be lodged and processed. We understand that the next Licensing Committee meeting is due to take place on 17 December and we should be grateful if this matter could be put before the Committee at the next meeting for their consideration.

I look forward to hearing from you and should you require any further information please do not hesitate to contact me.

Regards,

Jacqui



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## **INFORMATION NOTE FOR MEMBERS**

### **TAXI LICENCE (RENEWAL)- T260 APPLICANT: ALEXANDER INGRAM**

This item has been placed on the agenda because the licence in question expired on 31 May 2016 and was not renewed in error. An application for the Grant of a Taxi Licence was submitted in December 2016 for the same applicant and vehicle.

The licence in question related to a saloon car and current policy is that all new Grant applications must relate to an Accessible Vehicle. The applicant is requesting that they be permitted to use the previously licensed saloon car in relation to this application.

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## **INFORMATION NOTE FOR MEMBERS**

### **TAXI LICENCE (RENEWAL)- T469**

**APPLICANT: ARTHUR MILNE**

This item has been placed on the agenda because the licence in question expired on 31 May 2016 and was not renewed in error. An application for the Grant of a Taxi Licence was submitted in December 2016 for the same applicant and vehicle.

The licence in question related to a saloon car and current policy is that all new Grant applications must relate to an Accessible Vehicle. The applicant is requesting that they be permitted to use the previously licensed saloon car in relation to this application.

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## **INFORMATION NOTE FOR MEMBERS**

### **TAXI LICENCE (RENEWAL)- T725 APPLICANT: DOUGLAS ROBERTSON**

This item has been placed on the agenda because the licence in question expired on 31 May 2016 and was not renewed in error. An application for the Grant of a Taxi Licence was submitted in December 2016 for the same applicant and vehicle.

The licence in question related to a saloon car and current policy is that all new Grant applications must relate to an Accessible Vehicle. The applicant is requesting that they be permitted to use the previously licensed saloon car in relation to this application.

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## **INFORMATION NOTE FOR MEMBERS**

### **TAXI LICENCE (RENEWAL)- T257 APPLICANT: GORDON JAMES BURKE**

This item has been placed on the agenda because the licence in question expired on 31 May 2016 and was not renewed in error. An application for the Grant of a Taxi Licence was submitted in December 2016 for the same applicant and vehicle.

The licence in question related to a saloon car and current policy is that all new Grant applications must relate to an Accessible Vehicle. The applicant is requesting that they be permitted to use the previously licensed saloon car in relation to this application.

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## **INFORMATION NOTE FOR MEMBERS**

### **TAXI LICENCE (RENEWAL)- T284 APPLICANT: WILLIAM BENZIE CRAWFORD**

This item has been placed on the agenda because the licence in question expired on 31 May 2016 and was not renewed in error. An application for the Grant of a Taxi Licence was submitted in December 2016 for the same applicant and vehicle.

The licence in question related to a saloon car and current policy is that all new Grant applications must relate to an Accessible Vehicle. The applicant is requesting that they be permitted to use the previously licensed saloon car in relation to this application.

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## ABERDEEN CITY COUNCIL

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COMMITTEE	Licensing Committee
DATE	13 December 2016
DIRECTOR	Richard Ellis
TITLE OF REPORT	Immigration Act 2016– Implications for Taxi and Private Hire Car Drivers
REPORT NUMBER	CG/16/154
CHECKLIST COMPLETED	Yes

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### 1. PURPOSE OF REPORT

To inform the Committee of the implications of the Immigration Act 2016 on the Taxi and Private Hire Car licensing regime.

### 2. RECOMMENDATION(S)

- 1) That the committee give delegated powers to the Head of Legal and Democratic Services, to grant taxi and private hire car driver licences for those applicants whose leave to remain in the UK is time limited for such period as appropriate;
- 2) To otherwise note the report.

### 3. FINANCIAL IMPLICATIONS

It is intended to carry out the annual review of the application fees to ensure that the taxis and private hire fees set are sufficient to meet the expenses of the Licensing Authority in exercising their functions.

### 4. OTHER IMPLICATIONS

The requirement to carry out the additional checks required by the Immigration Act 2016 will have staff resource and administration implications which in the short term will be absorbed into current staff workloads to ensure that we meet our legislation obligations. Long term the implications of this additional workload and an increased workload associated with the administration of the taxis and private hire

street knowledge regime will require an examination of staff resources and associated administration costs to ensure that the fees are set at a sufficient level to meet the expenses of the Licensing Authority. The provisions of the Immigration Act 2016 are intended to extend to Late Hours Catering Licences and Personal Licences issued under the Licensing (Scotland) Act 2005 which will have further staff and resource implications.

## 5. BACKGROUND/MAIN ISSUES

On Thursday 12 May 2016, the Immigration Bill received Royal Assent and is now known as the Immigration Act 2016 (herein referred to as the 2016 Act). The 2016 Act amends Section 13 of the Civic Government (Scotland) Act 1982.

The Main provision of the 2016 Act are:

- Licensing authorities shall not grant a licence to any person unless they are satisfied that the person has the right to work in the UK;
- Where an applicant has been granted leave to remain in the UK for a limited period, the licence must end at or before the end of the leave period;
- A taxi or private hire driver licence will cease to have effect if the person to whom the licence was granted is no longer eligible to hold a licence because of their immigration status;.
- Licensing authorities will have the power to revoke or suspend a licence, if a person has been convicted of an immigration offence or if the person has been required to pay an immigration penalty.

The practical effect of the 2016 Act is that the Licensing Authority will require to interview, in person, every applicant for the grant and renewal of a taxi driver and private hire car driver licence to establish that the person has the right to work in the UK and examine certain identification documentation. The provisions of the 2016 Act come into effect on 1 December 2016.

It is estimated that the licensing section will need to carry out Immigration checks on approximately 1050 renewal applications and 300 new applications (based on 2016 figures) and that an average check will take around 15 - 30 minutes to complete. It may be the case that during the checking process that further checks with the Home Office are required and this will necessitate further administrative procedures and staff time.

It may also become apparent that an applicant right to remain in the UK is time limited. It is recommended therefore, that the Committee delegate powers to the Head of Legal and Democratic Services to grant licences for those applicants whose leave to remain in the UK is time limited, a licence for a duration which does not exceed the applicant's period of leave.

It is also intended that the provision of the Immigration Act 2016 will eventually be extended to applicants for Late Hours Catering licences and Personal Alcohol Licences under the Licensing (Scotland) Act 2005.

## 6. IMPACT

### **Public –**

The report will be of interest to both the taxi trade and the members of the public.

An Equality and Human Rights Impact Assessment is not required as the proposal does not disproportionately impact on persons with protected characteristics compared to persons without such characteristics

## 7. MANAGEMENT OF RISK

The change will necessitate training for staff within licensing regarding the type of immigration checks to be carried out which will require additional skills and knowledge. This risk can be appropriately managed and staff have received guidance from the Home Office.

## 8. BACKGROUND PAPERS

None.

## 9. REPORT AUTHOR DETAILS

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## ABERDEEN CITY COUNCIL

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COMMITTEE	Licensing Committee
DATE	13 December 2016
DIRECTOR	Richard Ellis
TITLE OF REPORT	KNOWLEDGE TESTING FOR PRIVATE HIRE DRIVERS
REPORT NUMBER	CG/16/153
CHECKLIST COMPLETED	Yes

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### 1. PURPOSE OF REPORT

To inform the Committee that Section 64 of the Air Weapons and Licensing (Scotland) Act 2015 (hereinafter referred to as “the 2015 Act”) came into force on 1 November 2016 giving the Licensing Authority the ability to require applicants for a private hire car licence to take a knowledge test prior to the grant or renewal of the licence; to extend the current knowledge test to private hire drivers.

### 2. RECOMMENDATION(S)

That the Committee

1. Approve the Introduction of a knowledge test for private hire car drivers applicable to any application lodged on or after 1 November 2016 and
2. Extend the current knowledge test to private hire drivers.

### 3. FINANCIAL IMPLICATIONS

It is intended to carry out the annual review of the application fees to ensure that the taxis and private hire fees set are sufficient to meet the expenses of the Licensing Authority in exercising their functions.

### 4. OTHER IMPLICATIONS

The requirement to carry out additional tests will have a staff resource and administration implications which in the short term will be absorbed into current staff workloads. Long term the implications of this additional workload and the addition of new legislation requirements

relating to the administration of the taxis and private hire regime will require to be examined and fully costed.

## 5. BACKGROUND/MAIN ISSUES

At its meeting on 2 February 1990 the Licensing Committee agreed to extend the administration of a street knowledge test to private hire drivers. The test was already in operation in relation to taxi drivers. The Committee was aware that there was no specific reference in the Civic Government (Scotland ) Act 1982 for knowledge testing for private hire drivers. However the Committee noted that it was a condition of every private hire drivers licence that the driver ensured the passenger was driven to their destination by the shortest possible route. By imposing a street knowledge test on private hire drivers the Committee sought to ensure the interests of the public could be suitably protected.

On 25 November 2014 the Licensing Committee refused an application for a private hire drivers licence on the ground that there was other good reason for refusal, namely the applicant's failure to pass the street knowledge test. The applicant in question subsequently appealed the decision to the Sheriff Court. After hearing submissions from both the applicant and the Council, the Sheriff issued his judgement on 18 November 2015.

The Sheriff upheld the appeal by the applicant. He determined that the Committee's policy of 2 February 1990 was ultra vires and therefore the Committee acted beyond its powers.

The Committee agreed that the decision of 2 February 1990 will be set aside pending the implementation of the relevant provisions of the 2015 Act.

Section 64 of the 2015 Act amends section 13 of the 1982 Act to allow knowledge testing of applicants for a private hire car driver licence.as per the ability to do so for a taxi drivers licence and came into force on 1 November 2016.

It is recommended that the Committee adopt a knowledge test for private hire car drivers applicable to any application lodged on or after 1 November 2016.

It is further recommended that the Committee extend the test already in operation for taxi drivers (Appendix 1) to private hire car drivers.

## 6. IMPACT

### **Improving Customer Experience –**

The provision of a knowledge test for both taxi and private hire car drivers should ensure insofar as possible a consistency of service



across the taxi and private hire car fleet and offer a better experience for customers.

**Corporate -**

Improving standards across the taxi and private hire fleet fits in with the aims of the Council's Local Transport Strategy.

**Public –**

This report will be of interest to members of the public who make use of licensed private hire cars. An EHRIA has been completed however it has concluded the proposal will generally have a neutral impact on the protected characteristic groups and does not have the potential to impact on any person's human rights.

7. MANAGEMENT OF RISK

Failure to implement a knowledge test for private hire drivers may result in a two tier system and lead to lower standards of service for passengers who utilise private hire cars. The provision of a knowledge test for both taxi and private hire car drivers should ensure insofar as possible a consistency of service across the taxi and private hire car fleet and offer a better experience for customers.

8 BACKGROUND PAPERS

None

9 REPORT AUTHOR DETAILS

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## **GUIDANCE NOTES FOR STREET KNOWLEDGE TEST CANDIDATES**

As an applicant for a taxi or private hire car driver's licence, you must be able to demonstrate a thorough knowledge of the City prior to being licensed by Aberdeen City Council as a taxi or private hire car driver.

This is achieved by means the Street Knowledge Test, which you must successfully negotiate before moving on to the next stage of the licensing procedure.

The test is divided into four parts:

- 1) **Streets** – where you are given the name of a street and must provide the names of the streets at either end of the street given. [There are 20 streets and one mark is given for correctly identifying the street at each end. Time to complete around 30 mins. Pass mark 30/40]
- 2) **Places of Interest** – where you are given a list of places of interest and must provide the name of the streets where they are located. [There are 20 places of interest given. Time to complete around 15 mins. Pass mark 15/20]
- 3) **Routes** – you will be required to demonstrate that you can convey a passenger by the shortest practical route between a given starting point and destination, thus evidencing your knowledge of how to journey quickly and safely through the city's roads and streets. [5 routes are provided. Time to complete around 30 mins. Pass mark 4/5].
- 4) **Traffic Signs** – where you must correctly identify a series of road traffic signs. [20 signs provided. Time to complete around 15 mins. Pass mark 15/20].

You must pass each of the four parts to gain an overall pass in the test. If you fail one or more part you will fail the test.

Testing will take place at the Town House, Broad Street, Aberdeen on Monday afternoons at 2.15pm. The test should be completed in 1 hour 30 mins.

If you have any questions or require further information please do not hesitate to contact the licensing authority by email at [licensing@aberdeencity.gov.uk](mailto:licensing@aberdeencity.gov.uk) or by telephone on (01224) 522879/522878.