

Public Document Pack



To: Councillor Reynolds, Convener; , Councillor Jackie Dunbar and Councillors Allan, Boulton, Cassie, Clark, Collie, Corall, Crockett, Fletcher, Hunter, Kiddie, Milne, John Stewart and Blackman.

Town House,
ABERDEEN, 08 April 2010

LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in Committee Rooms 2 & 3 - Town House on **WEDNESDAY, 21 APRIL 2010 at 10.00 am.**

JANE G MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

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1. Minutes, Committee Business Statement and Informal Business

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2. Applications for Grant, Renewal or Variation of Licences - List of Applications

- 2.1 Application for renewal of a licence for a House in Multiple Occupation - Flat 3, 3 Duthie Terrace, Aberdeen (Pages 31 - 34)
- 2.2 Application for renewal of a licence for a House in Multiple Occupation - 331 Hardgate, Aberdeen (Pages 35 - 38)
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- 2.10 Application for renewal of a licence for a House in Multiple Occupation - Flat J, 48 Market Street, Aberdeen (Pages 67 - 70)
- 2.11 Application for renewal of a licence for a House in Multiple Occupation - First Floor, 559 George Street, Aberdeen (Pages 71 - 74)
- 2.12 Application for renewal of a licence for a House in Multiple Occupation - 33 Gaitside Drive, Aberdeen (Pages 75 - 78)
- 2.13 Application for grant of a licence for a House in Multiple Occupation - 23 Sunnybank Road, Aberdeen
- 2.14 Application for renewal of a licence for a House in Multiple Occupation - 12 Orchard Road, Aberdeen

- 2.15 Market Operator's Licence - Cove Gala Committee (no papers)
- 2.16 Market Operator's Licence - VSA (no papers)
- 2.17 Market Operator's Licence - Culter Gala Committee (no papers)
- 2.18 Application for renewal of a Street Trader's (Hot Foods) Licence (no papers)
- 2.19 Application for grant of a Street Trader's (General) Licence
- 2.20 Application for grant of a Street Trader's (General) Licence (no papers)
- 2.21 Application for grant of a Street Trader's (Hot Foods) Licence (Pages 79 - 80)
- 2.22 Application for grant of a Public Entertainment Licence - Britannia Hotel, Malcolm Road, Aberdeen (no papers)
- 2.23 Application for renewal of a Cinema Licence - Vue, 10 Shiprow, Aberdeen (no papers)
- 2.24 Application for Permission to hold a Public Charitable Collection (Pages 81 - 86)

3. Notification of a Proposed Procession: Aberdeen Students' Charities Campaign - 01 May 2010 at 19:30

4. Review of Late Hours Catering Guidelines - Report (Pages 87 - 90)

5. Review of Street Trader Licences - Report (Pages 91 - 114)

6. Applications for Grant, Renewal or Variation of Licences - List of applications to be heard in confidence

- 6.1 Application for grant of a Taxi Driver's Licence (no papers)
- 6.2 Application for grant of a Taxi Driver's Licence
- 6.3 Application for renewal of a Taxi Driver's Licence

6.4 Application for grant of a Late Hours Catering Licence - The Grill Sizzling,
27 Windmill Brae, Aberdeen

Should you require any further information about this agenda, please contact Jacqui Wallace, e-mail jwallace@aberdeencity.gov.uk or tel 52(2985) or Arlene Dunbar, e-mail ardunbar@aberdeencity.gov.uk or tel. 52(3411)

LICENSING COMMITTEE

ABERDEEN, 24 February, 2010. - Minute of Meeting of the LICENSING COMMITTEE. Present: - Councillor Reynolds, Convener; and Councillors Allan, Boulton, Cassie, Clark, Collie, Corall, Cormie (substituting for Dunbar), Crockett, Donnelly (substituting for Milne), Hunter, Kiddie, Robertson (substituting for Fletcher), John West (substituting for John Stewart) and Kirsty West.

MINUTE OF MEETING OF 13 JANUARY 2010

1. The Committee had before it the minute of 13 January 2010.

The Committee resolved:-
to approve the minute.

MINUTE OF MEETING OF TAXI CONSULTATION GROUP OF 16 NOVEMBER 2009

2. The Committee had before it the minute of the Taxi Consultation Group of 16 November 2009.

The Committee resolved:-
to note the minute.

COMMITTEE BUSINESS STATEMENT

3. The Committee had before it for consideration, the committee business statement.

With reference to item 2 of the business statement, the Committee heard a verbal update from Alastair Thain, Private Sector Housing Manager. Mr. Thain advised that Grampian Fire and Rescue Service had identified a training course in March that the HMO officers would attend. A further course in auditing will need to be undertaken by officers which will allow implementation of the Memorandum of Understanding between the Council and Grampian Fire and Rescue Service. Mr. Thain further advised that he would bring a written report to the next meeting of the Committee.

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The Committee resolved:-

- (i) to remove item 1 on the business statement; and
- (ii) to otherwise note the statement.

MOTION BY COUNCILLOR BOULTON REFERRED BY COUNCIL ON 10 FEBRUARY 2010

4. Reference was made to Article 9(f) of the Minute of Council of 10 February 2010, wherein the undernoted motion by Councillor Boulton was remitted to the Committee for consideration:-

“That full Council, remits to the Licensing Committee a request to review the current guidelines in respect of the 4am terminal hour applied to late night catering licence holders on weekends in the City Centre”.

Thereafter the Committee heard from Councillor Boulton.

The Committee resolved:-

that Officers prepare a report for the next meeting, reviewing the current guidelines for late hours catering licences in respect of the 4am terminal hour setting out the rationale behind the current guidelines and benchmark against other licensing authorities.

INFORMAL BUSINESS

5. The Committee had before it the business dealt with informally since 13 January 2010.

The Committee resolved:-

to note the informal business.

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

6. 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 be subject to the Council's normal conditions unless otherwise stated.

HMO LICENCE APPLICATION FEES

7. The Committee had before it an e-mail from Mr. Mockridge regarding the level of HMO application fees and thereafter heard from Mr. Mockridge who was objecting to the increase in the application fee over the last four years.

The Committee thereafter heard from Norrie Steed, Head of Shelter and Environment. Mr. Steed advised that the application fee had risen from £475 to £1,000 in the last year. Over the four year period the HMO Unit had made a surplus of approximately £83,000 not including any corporate costs. Mr. Steed advised that the legislation did not ring fence the revenue and that any surplus would go into the Council's General Revenue Fund. He further advised that the fee levels were comparable to those in Dundee, Edinburgh and Glasgow.

Members expressed concerns that the revenue generated was not being ring fenced for HMOs and that the level of fees may be too high.

The Committee thanked Mr. Mockridge for highlighting the issue.

The Committee resolved:-

to instruct officers to prepare a report on the finances of the HMO Unit including a breakdown of income generated from application fees and the operating costs of the Unit.

LICENCE APPLICATION FEES APRIL 2010 TO MARCH 2011

8. The Committee had before it for consideration a report by the Director of Corporate Governance regarding the proposed level of application fees for 2010/2011 for licences administered under the Civic Government (Scotland) Act 1982 and other miscellaneous pieces of legislation.

The report advised that for civic and miscellaneous applications the budget had worked out to be cost neutral and therefore a minimum inflationary rise of 2.5% had been applied with a few exceptions. The current fees for street trader licences are not covering costs and an increase of 7% has been applied. Similarly a rise of 5%

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is necessary to cover costs associated with second hand dealer, knife dealer and taxi booking office licences.

With respect to taxi application fees a 2.5% inflationary rise has been applied with the exception of the substitution of vehicles which has been increased by 15%.

It was suggested by the Taxi Consultation Group that a 15% increase was too high in the current economic climate and that a 5% increase be added to the renewal fee to spread the cost and that the substitution fee could be increased by 2.5%.

It was also suggested that the substitution fee could be abolished and the renewal fee be increased to compensate. These suggestions were met with a mixed reception as comparatively few licence holders make use of the substitution option, meaning the vast majority of licence holders would be subsidising the few if either of these options were adopted.

The report recommended:-

that the Committee approve the fees as set out in appendices 1 and 2 to the report.

Thereafter the Committee heard from Russell McLeod, on behalf of the ATG who reiterated that a 15% increase in respect of substitutions was too high.

Mr. McLeod commented that based on the figures presented to the Committee, the Licensing Section would make a surplus of approximately £85,000, which in his opinion was too much.

Thereafter, the Committee heard from Carol Wright, Corporate Officer, who explained that the income presented was a projected income and that the surplus was to account for any contingencies.

The Committee resolved:-

- (i) to approve the application fees for civic and miscellaneous applications as set out in appendix 1 of the report;
- (ii) to freeze taxi application fees at current levels; and
- (iii) to abolish the application fee for taxi vehicle substitutions.

COUTIE VERSUS DUNDEE CITY COUNCIL, COURT OF SESSION DECISION

9. The Committee had before it for consideration a report by the Director of Corporate Governance regarding Coutie versus Dundee City Council Court of Session decision.

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The report advised that the Court of Session decision confirmed that the Committee had taken the correct decision with regard to its policy on wheelchair accessible taxis.

The report recommended:-
that the Committee note the report.

The Committee resolved:-
to approve the recommendation.

AIRPORT ZONING VARIATION OF CONDITION ON YELLOW PLATE TAXIS

10. With reference to article 7 of the minute of meeting of 02 December, 2009, the Committee had before it for its consideration a report on the removal of the zoning conditions currently imposed on taxi licences whereby taxis can either operate exclusively out of Aberdeen airport or exclusively in the city.

The report recommended:-
that members –

- (a) consider the responses from taxi drivers in relation to the proposed variation;
- (b) ratify the proposed new condition; and
- (c) instruct officers to finalise procedural aspects of the variation and issue the amended conditions.

The Committee resolved:-
to approve the recommendations.

VARIATION OF CONDITION ON AIRPORT ZONE TAXI LICENCES

11. With reference to article 7 of the minute of meeting of 02 December, 2009, the Committee had before it for its consideration a report on the variation of conditions attached to airport zoned taxi licences.

The report advised that the Committee had instructed officers to investigate the possibility of varying airport zoned taxi licences (green plates) to allow those operators to pick up fares from the night time ranks on Union Street when they are in operation on Friday and Saturday nights.

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The purpose of the variation is to assist in clearing long queues of passengers at busy times when insufficient taxis are available to satisfy public demand.

A limited consultation exercise was carried out on the proposal. All taxi operators were advised by letter of the decision of 02 December 2009 and told that a report would be forthcoming in respect of the proposal. This generated seventeen responses.

A draft of the report was discussed at the Taxi Consultation Group on 08 February 2010 where no clear consensus of opinion emerged.

It was suggested at that meeting that one way of moving forward might be to initiate a trial period and to suspend the zoning condition on the airport zoned licences during the time that the night time taxi ranks are in operation thereby allowing airport zoned taxis to operate in the city zone during those times. This is done for the oil exhibition every second year and works well. The suspension would apply on Saturday nights/Sunday mornings only between the hours of midnight and 5.00am. An airport operator who picked up a hire before 5am could complete that hire. He could not pick up a passenger in the city zone after 5am.

It was suggested that Friday nights were not included in the trial as the city centre was not busy enough to justify this and that making the change on a Saturday night would be sufficient.

The report recommended:-

- (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;
- (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 5.00am;
- (c) that airport zoned taxis which take advantage of the suspension of the zoning condition also be permitted to pick up passengers on the street by being flagged down; and
- (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.

The Committee resolved:-

to approve the recommendations.

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TECHNICAL SPECIFICATIONS FOR WHEELCHAIR ACCESSIBLE TAXI VEHICLES

12. The Committee had before it for consideration a report by the Director of Corporate Governance. The report asked members to endorse in principle a specification for wheelchair accessible vehicles which are licensed as taxis in the local authority area. Thereafter the proposed specification would be subject of a consultation exercise.

The report recommended:-

- (a) that the Committee adopt a new specification in principle;
- (b) that a consultation exercise is carried out on that specification; and
- (c) that a further report be placed before the Committee with the outcome of the consultation with a view to making a final decision on which specification should be adopted.

The Committee resolved:-

to adopt the recommendations.

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

EXEMPT INFORMATION

The Committee resolved in relation to items 10(1), 10(2) and 10(3) that members of the public and press be excluded from the meeting during discussion of the applications on the grounds that there would be disclosure to them of exempt information as defined in paragraph 14 of Schedule 7(A) to the Local Government (Scotland) Act 1973.

13. 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 be subject to the Council's normal conditions unless otherwise stated.

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**REQUEST FOR SUSPENSION OF TAXI DRIVER LICENCE – LETTER FROM
GRAMPIAN POLICE DATED 22 JANUARY 2010**

EXEMPT INFORMATION

The Committee resolved in relation to items 12 that members of the public and press be excluded from the meeting during discussion of the application on the grounds that there would be disclosure to them of exempt information as defined in paragraph 14 of Schedule 7(A) to the Local Government (Scotland) Act 1973.

14. The Committee had before it for consideration a letter dated 22 January 2010 from Grampian Police requesting the suspension of a taxi driver's licence.

The Committee resolved:-

to hold a suspension hearing on a date to be advised to the members of the Evidential Hearing Sub-Committee.

TAXI FARE REVIEW

15. The Committee had before it a letter dated 03 February 2010 from Aberdeen Taxi Group (ATG). The letter asked the Licensing Committee to consider the following:-

- (1) no fare review for 2010,
- (2) if there is any significant change in circumstances that the Committee would allow the trade to submit a fare increase request at any time during 2010,
- (3) a new fare review will commence early 2011 and any change implemented in June/July, 2011, and
- (4) that a meter change to take account of holiday dates take place in June, 2010.

The Committee resolved:-

to agree to the ATG request.

- **COUNCILLOR JOHN REYNOLDS, Convener.**

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(Article 6) – APPENDIX A

1. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 3/001
Premises – 479 King Street, 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. 3/002
Premises – 5 Spital Walk, Aberdeen

The Committee heard from Alastair Thain, Private Sector Housing Manager, that the applicant had requested that the application be deferred to its next meeting.

The Committee resolved:-

to defer consideration of the application to its next meeting to be held on 24th April, 2010.

3. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 3/003
Premises – 192 Morrison Drive, Aberdeen

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

4. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 3/004
Premises – 406 Union Street, Aberdeen

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

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5. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 3/005
Premises – 27 Greenmore Gardens, Aberdeen

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

6. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**
Application Ref No. 3/006
Premises – 8 Sunnyside Avenue, 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. 3/007
Premises – 22 Woodhill Road, Aberdeen

The Committee heard from Alastair Thain, Private Sector Housing Manager, who spoke to his memo of 9th February, 2010 and advised that one letter of objection had been received.

Thereafter the Committee heard from the objector, from the applicant and from Mr. Thomson, Thomson Properties on behalf of the applicant.

The Committee resolved:-

to give delegated powers to grant the application for a period of one year once all standing work had been completed.

8. **APPLICATION FOR THE GRANT OF A NON DOMESTIC KNIVES AND SWORDS LICENCE**
Application Ref No. 3/008
Premises – Aberdeen Water Sports and Leisure Limited, 35 Victoria Quay, Aberdeen

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

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9. **APPLICATION FOR THE GRANT OF A SKIN PIERCING/TATOOING LICENCE**

Application Ref No. 3/009

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

The Committee was advised that the application had been before the Committee on three previous occasions, and in the absence of the applicant,

The Committee resolved:-

to refuse the application.

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(Article 13) – APPENDIX B

1. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE
Application Ref No. 10/001

The Committee heard from Brenda Flaherty, Legal Manager on behalf of the City Solicitor that the Police had submitted a letter of observation to the application outwith the statutory time period. Thereafter the Committee heard from Sergeant Keith Middler, Taxi Inspector as to the reason why the letter had been submitted late.

The Committee resolved:-
to accept the letter.

Thereafter the Committee considered a letter dated 21 December, 2009 from Grampian Police and thereafter heard from Sergeant Keith Middler on behalf of the Chief Constable. Thereafter the Committee heard from the applicant.

The Committee resolved:-
to grant the application for a period of six months and to recommend to the applicant that he undertake an anger management course.

2. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE
Application Ref No. 10/002

The Committee considered a letter dated 10 December, 2009 from Grampian Police and thereafter heard from Sergeant Keith Middler on behalf of the Chief Constable and from the applicant.

The Committee resolved:-
to grant the application.

3. APPLICATION FOR THE GRANT OF A TAXI DRIVER LICENCE
Application Ref No. 10/003

The Committee considered a letter dated 2 February, 2010 from Grampian Police and thereafter heard from Sergeant Keith Middler on behalf of the Chief Constable and from the applicant.

The Committee resolved:-
to give delegated powers to grant the application provided the applicant passes the street knowledge test and taxi inspector's driving test.

SPORTS GROUND ADVISORY WORKING GROUP

ABERDEEN, 14 January, 2010. - Minute of Meeting of the SPORTS GROUND ADVISORY WORKING GROUP. Present:- Brenda Flaherty, Licensing, Caroline Treanor, Licensing, David Kidd, Building Standards, Grant Tierney, Building Standards, Drew Carr, Scottish Ambulance Service, Sergeant Salter Watson, Grampian Police, Temporary Chief Superintendent Adrian Watson, Grampian Police, Kevin Coutts, Grampian Fire and Rescue Service, Alex Venters, Environmental Health and Ivor Churcher, Environmental Health.

MINUTE OF MEETING OF 8 OCTOBER 2009

1. The Group had before it the minute of 8 October 2009.

The Group resolved:-

to approve the minute subject to the following amendments at:-

1. Item (B) Media Provision, second paragraph to read:-
“It was confirmed that a joint inspection had taken place by the Health and Safety Executive (HSE) and Environmental Health. Aberdeen Football Club carried out their own risk assessment based on the advice of the HSE and a copy had been forwarded to Environmental Health”
2. Item (D) Disability Discrimination Act 2005, first sentence to read:-
“David Kidd advised that there was a deviation from the Green Guide in respect of disability guidance”
3. Part 2 – Role of Sports Ground Advisory Working Group, third paragraph to read:-
“... certificate to be amended to allow contingency exercise to be carried out every 2 to 5 years”

MATTERS ARISING

2. Sergeant Watson requested that the issue of the contingency exercise be discussed at item 4 of the agenda.

CLARIFICATION OF ROLES

3. David Kidd advised that the issue could be taken at item 4 of the agenda.

SAFETY TEAM VISITS

4. Temporary Chief Superintendent Watson advised the Group of the practice of Glasgow City Safety Team. The Team consisting of representatives from the police, fire service, ambulance service and building standards visit stadia on match days on a collective rather than on an individual basis.

Brenda Flaherty commented that Aberdeen Football Club had previously stated that they were happy to accommodate visits to Pittodrie.

Temporary Chief Superintendent Watson further advised that the Safety Team looked at such issues as ensuring exits were clear, first aid points and meeting with stewards. He asked the group for their views on adopting a similar approach in Aberdeen for visits to Pittodrie Stadium.

Following discussion there was a general consensus that it would be a worthwhile exercise particularly to see the stadium whilst at full capacity and to see procedures in practice.

Drew Carr considered that from his service's view point there was already a presence on match days. He advised that he would consult with colleagues in the west of Scotland on their practices.

Sergeant Watson advised that the contact in Glasgow City Council was Christina Taylor. Brenda Flaherty agreed that Licensing would contact Glasgow to discuss their approach. It was further agreed that each representative of a service would contact their counterpart in another authority to establish their service's approach to visits to Stadia in their local authorities' area.

The Group resolved that:-

- (i) Licensing would contact Glasgow City Council with a view to establishing their approach to collective visits to Stadia; and
- (ii) each service representative would also contact their counterparts in other areas to establish their approach to collective visits to Stadia.

DEVIATIONS

5. David Kidd advised that the terms of the Safety Certificate required Aberdeen Football Club to produce a list of deviations by 4 December 2009.

Caroline Treanor advised that documents relating to deviations had been received and that Aberdeen Football Club believed they had fulfilled the requirements.

David Kidd advised that it was the opinion of Building Standards that the information provided was insufficient and lacked detail.

Brenda Flaherty advised that Aberdeen Football Club may be in breach of clause 4 of the Certificate.

Temporary Chief Superintendent Watson expressed concern that if the Club were in breach of Clause 4 of the Safety Certificate and that the matter went unresolved by

the Group it could leave the Group open to criticism because the terms of the Safety Certificate were being breached. It was acknowledged, however, that Pittodrie Stadium was not unsafe but that there was no audit trail to show what reasonable steps had been taken to address any deviations from the Green Guide.

David Kidd circulated a list of potential deviations to highlight some of the areas the club should be looking at and an example of a deviation list from another local authority's safety certificate. Both documents are appended to the minute at appendix A.

Following discussion it was agreed that Licensing should write to Aberdeen Football Club explaining that the information submitted was insufficient and that they were potentially in breach of Clause 4 of the Safety Certificate. The Club should provide a more detailed list of deviations for the approval of the Group within two weeks. Assistance to the Club in preparing a deviation list would be offered.

Contingency Exercise

Sergeant Watson advised that in terms of the Green Guide a contingency exercise should be carried out annually. Aberdeen Football Club had previously advised that this was not practical. Sergeant Watson has discussed the matter with the police emergency planning team.

A tabletop exercise led by Grampian Police was carried out in August/September 2009. Grampian Police have advised Aberdeen Football Club that these exercises should be led by them and some progress has been made in that regard. Sergeant Watson suggested that the wording of the Safety Certificate be amended. Following discussion it was agreed to amend the wording of the certificate to insert "aspects" before "contingency plan" at Clause 14, paragraph C.

The Group resolved:-

to write to Aberdeen Football Club advising them that they were potentially in breach of Clause 4 as the information provided in relation to deviations was insufficient and that a further comprehensive list should be provided within two weeks.

ANY OTHER COMPETENT BUSINESS

6. None.

DATE OF NEXT MEETING

7. 8 April 2010, 8 July 2010 and 14 October 2010 at 10am.

Appendix 2
Table of Deviations from the Green Guide - Granted

The list of deviations granted is as follows:

<i>Clause number</i>	<i>Standards provided...</i>	<i>Granted on the basis that...</i>
7.7 – Barriers on stairways	The protective barriers serving the vomitories to the seating deck of the East Stand are infilled to a height of not less than 462mm utilising constructions which prevent the passage of 100mm sphere. Height 900mm	A reasonable standard has been achieved which minimises the obstruction problems caused by a fully complying protective barrier.
9.10 – Design of emergency evacuation routes	The vomitory exists in the East Stand . are not served by their own individual corridor route. They discharge into one of two concourse areas, which are fire compartments.	Given that there is a low fire load to the seating deck and concourse areas, that an alternative means of escape exists onto the pitch, the travel distances comply with the Building Standards (Scotland) Regulations, there is a fire detection system and active precautions in the concourse area, it is considered that more than one vomitory exiting into a fire compartment provides a good standard of safe escape.
9.15 – Exit doors and gates	Exit gate adjacent to the new East Stand/South Terrace within the south east corner of the stadium opens against the direction of escape. The gate is manned at all times by a steward in radio contact with the control unit.	The topography of the stadium at this point would not allow the gate to open in the direction of travel unless there was a significant gat at its foot. The steward who mans the gate will be able to quickly open it if its use is required in an emergency.
10.4 – Barrier heights	The protective barrier to the TV gantry in the East Stand is 750mm high. The protective barriers serving the ends of the seat rows at the west end of the North Stand and around the North Stand vomitory opening to have a minimum height of 800mm.	The gantry is not a public area and is only used by trained TV crew personnel, raising the height of the barrier would be an impediment to the viewing scope of the cameras. Deviation is considered to be reasonable having regard to the location of the protective barriers and the necessity for clear sightlines for seated spectators. A relaxation of the Building Standards (Scotland) Regulations has been granted for the reduction in barrier heights. (Ref no 02/00031/RLX).
11.7 – gangways in seated areas – general requirements	1.1m wide lateral gangway between the radial gangways serving the Director's Box.	The 1.1m width, which is less than the recommended 1.2m, is considered acceptable as the gangway is only 1.5m in length between 2 radial gangways where the 90° change in direction will already slow the flow rate, and it will only be used as an alternative means of escape from the Directors Box which has a capacity of just 55.
11.9b – Radial gangways in seated areas	The top 4 risers of the radial gangway providing a second means of escape from the Directors Box are 216mm in height and are not uniform with the remaining risers.	The increased height of the new stairs is required to tie the existing gangway into the new seating deck formation. The trip hazard will be minimal as the stairs are used for escape only from the Directors Box, and therefore the change in rise will be decreasing in the direction of travel. It will only affect the last riser for those accessing Club seats, where the trip hazard will be minimized due to change of direction at this point. A handrail will be provided adjacent to this section of the gangway.
15.10 – Restriction of fire growth and spread	The glazing and wall which separates the seating deck in the East Stand from the hospitality areas is not fire resistant.	The compartmentation of the building complies with the Building Standards (Scotland) Regulations and a comprehensive system of fire detection and additional escape routes have been installed.

10.16 Exit doors and gates

- d. All exit doors and gates on an exit route should always be capable of opening outwards so that crowds can escape in an emergency without obstruction. In situations where the opening of the exit doors or gates would cause an obstruction on a public highway, they should be resited (that is, put further back) within the exit route they serve.
- e. Where practicable exit doors and gates should be sited adjacent to entrances. There should be no obstructions and no changes in level at exit doors.
- f. Sliding or roller-shutter gates should not be used because they are incapable of being opened when pressure is exerted in the direction of crowd flow. Is there an agreed written clarification that the management of exits balances the use of sliding doors?

7.5 Factors affecting the entry capacity

The rate at which people can pass through each turnstile or entry point will vary according to a number of local factors. The rates of entry should therefore be measured at least once a year and recorded.

The main factors affecting the rate of entry are:

A the number and dispersal of turnstile /entry points
is the "press only" turnstile taken into account to Main Stand?

8.4 Flights of stairways

Flights of stairways should not provide long, uncontrolled paths down which crowd pressures and surges can be created. For this reason:

- a. Number of risers

For new construction: Individual flights should consist of no more than 12 risers. However, where the stairway is a secondary stairway for escape only, this may be increased to 16 risers. Reference should also be made to the Building Regulations.

For existing construction: Individual flights should consist of no more than 16 risers.

- b. If there are more than 36 risers in consecutive flights, the path of the stairway should change direction of travel by at least 30 degrees.

Significantly more than 16 rises per flight in parts (South Stand, Merkland Road Stand). Where flights and landings are consecutive and exceed 36 risers in total the guidance looks for at least a 30 degree change of direction rather than the straight line which exists. In the case of Pittodrie due to its age the design of its stairs exceed 36 risers without any landings, without any 30 degree change of direction.

1.7 Deviating from the Guide

The Guide seeks to encourage the meeting of achievable standards, particularly for new construction, but does not attempt to provide a universal minimum standard for existing sports grounds.

It may therefore be possible to deviate from individual guidelines without detracting from the overall safety of a sports ground.

However, it is stressed that the recommendations within the *Guide* are based upon research and experience. Deviations from the *Guide* should therefore only be acceptable when considered to be necessary and reasonable. An accumulation of deviations which result in the application of lower standards in relation to any part of the ground or any aspect of its management should be regarded as unacceptable.

It is the responsibility of ground management to ensure that any decision to deviate from the Guide should be recorded, with supporting written evidence, including the details of a risk assessment. If the deviation is then approved (by management and, where a safety certificate is in force, by the local authority), the action taken should strictly adhere to the contents of the written evidence.

It is further stressed that, unless it can be demonstrated that the alternative measures to be taken are able to achieve an equal or greater degree of safety than those recommended in the *Guide*, a capacity lower than the one which would otherwise be permitted will be required. The extent of such a reduction may be severe.

The above relates to deviating from individual guidelines within the Guide. I have noted a couple of examples of guidelines below

10.8 Design and management of exit systems

f. **Keeping exit routes clear**

Exit routes should be kept clear of obstructions. Catering, sales or toilet facilities should be located in such a way that neither they, nor any queue or waiting they attract, obstruct an exit route. Where exit routes pass through car parks or other areas affected by vehicular movements, consideration should be given to suitable methods of traffic control.

Has half time crowd build up at catering to main stand been reviewed?

LICENSING COMMITTEE- EVIDENTIAL HEARING SUB-COMMITTEE

ABERDEEN, 1 March 2010. - Minute of Meeting of the LICENSING EVIDENTIAL HEARINGS SUB-COMMITTEE. Present: - Councillor Reynolds, Convener; Councillors Clark (substitute for Fletcher) and Corall.

EXEMPT INFORMATION

The Sub-Committee resolved that members of the public and press be excluded from the meeting during discussions of the application on the grounds that there would be disclosure to them of exempt information as defined in Paragraph 14 of Schedule 7A of the Local Government (Scotland) Act 1973.

REQUEST FOR SUSPENSION OF TAXI DRIVER'S LICENCE NO. 1175

1. The Sub-Committee had before it letters from the Chief Constable, Grampian Police dated 14 September 2009, 28 January 2010 and 1 February 2010 requesting suspension of taxi driver's licence number 1175. The licence holder was not present at the meeting but was represented by a solicitor. The Sub-Committee heard from Sergeant Keith Middler on behalf of the Chief Constable and Lewis Porter, Ledingham Chalmers on behalf of the licence holder.

The Sub-Committee resolved:-

to adjourn the hearing until 2 June 2010 for the licence holder to obtain a medical report.

- **COUNCILLOR REYNOLDS, Convener.**

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LICENSING COMMITTEE – EVIDENTIAL HEARINGS SUB-COMMITTEE

ABERDEEN, 29 March 2010. – Minute of Meeting of the LICENSING EVIDENTIAL HEARINGS SUB-COMMITTEE. Present: - Councillor Reynolds, Convener; Councillors Cassie, Corall and K West.

EXEMPT INFORMATION

The Sub-Committee resolved that members of the public and press be excluded from the meeting during discussions of the application on the grounds that there would be disclosure to them of exempt information as defined in Paragraph 14 of Schedule 7A of the Local Government (Scotland) Act 1973.

1. Request for Suspension of Taxi Driver's Licence No. 485

The Sub-Committee had before it a letter from the Chief Constable, Grampian Police dated 22 January 2010 requesting suspension of taxi driver's licence number 485. Having heard submissions from the licence holder, Sergeant Keith Middler on behalf of the Chief Constable and by a representative of Langstane Housing,

Councillor K West, moved;
to suspend the licence for six months

Councillor Reynolds, seconded by Councillor Corall moved as an amendment;
to suspend the licence for 2 months

On a division there voted, for the motion (1) – Councillor K West;
For the amendment (3) – the Convener and Councillors Cassie and Corall.

The Sub-Committee resolved:-

to adopt the amendment.

- COUNCILLOR REYNOLDS, Convener.

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LICENSING
21 April 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 03.06.09 Article 7 and Licensing Committee 02.09.09 Article 2	<u>Fire Safety Standards for Houses in Multiple Occupation</u> to instruct the Private Sector Housing Manager to provide an update on the discussions between GFRS and the HMO unit at the September meeting. Private Sector Housing Manger to provide further report to Committee.	The Committee received a verbal update at its Meeting of 24 February 2010 from the Private Sector Housing Manager, who advised that Grampian Fire and Rescue Service had identified a training course in March that HMO officers would attend. A further course in auditing will need to be undertaken by officers which will allow implementation of the Memorandum of Understanding between the Council and GFRS. A final written report will be brought to Committee on 21 April 2010	Head of Housing & Community Safety	21 April 2010	21 April 2010

2.	Licensing Committee 02.09.09 Article 14	<p><u>Wheelchair Accessible Vehicles</u></p> <p>(i) to obtain copies of vehicle specifications from Edinburgh, Glasgow and Dundee City Councils and</p> <p>(ii) to request that officers bring a report to Committee on the matter to its meeting in January 2010</p>	The Committee considered a report by the Director of Corporate Governance at its meeting on 24 February 2010. The report recommended that the Committee adopt a new specification in principle, that a consultation exercise be carried out and that a further report be place before the Committee with the outcome of the consultation.	Head of Legal and Democratic Services	02 June 2010	02 June 2010
3.	Licensing Committee 24.02.10 Article 4	<p><u>Review of Late Hours Catering</u></p> <p>That officers prepare a report for the next meeting, reviewing the current guidelines for late hours catering in respect of the 4am terminal hour setting out the rationale behind the current guidelines and benchmark against other licensing authorities.</p>		Head of Legal and Democratic Services	21 April 2010	21 April 2010
4.	Licensing Committee 24.02.10 Article 7	<p><u>HMO Licence Application Fees</u></p> <p>To instruct officers to prepare a report on the finances of the HMO unit including a breakdown of income generated form application fees and the operating costs of the unit.</p>		Head of Housing & Community Safety	02 June 2010	02 June 2010

5.	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 5.00am;</p> <p>(c) that airport zoned taxis which take advantage of the suspension of the zoning condition also be permitted to pick up passengers on the street by being flagged down; and</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
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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	7 April 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.3 Duthie Terrace, Aberdeen (First floor flat)

Applicant/s: A.&R.Rental

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 21 April 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 flat contained within a granite tenement, with accommodation comprising of four bedrooms with kitchenettes, and one communal 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 10 June 2009. The HMO Officer visited the premises on 8 July 2009, then he wrote to the applicant on 10 July 2009, listing the following requirements to bring the premises up to the current HMO standard:-

1. The glazed panel in the flat exit door must either be replaced with a fire-resistant panel or an additional smoke-detector installed immediately outside the door.
2. Installation of 30-minute fire-resistant room pass-doors.
3. A Fire Action Notice to be displayed within the premises.
4. A fire blanket to be installed in the kitchen.
5. All damage to the hallway ceiling to be made good and redecorated.
6. All gas & electrical safety certification and the Notice for Display-Certificate of Compliance to be submitted to the HMO Unit.

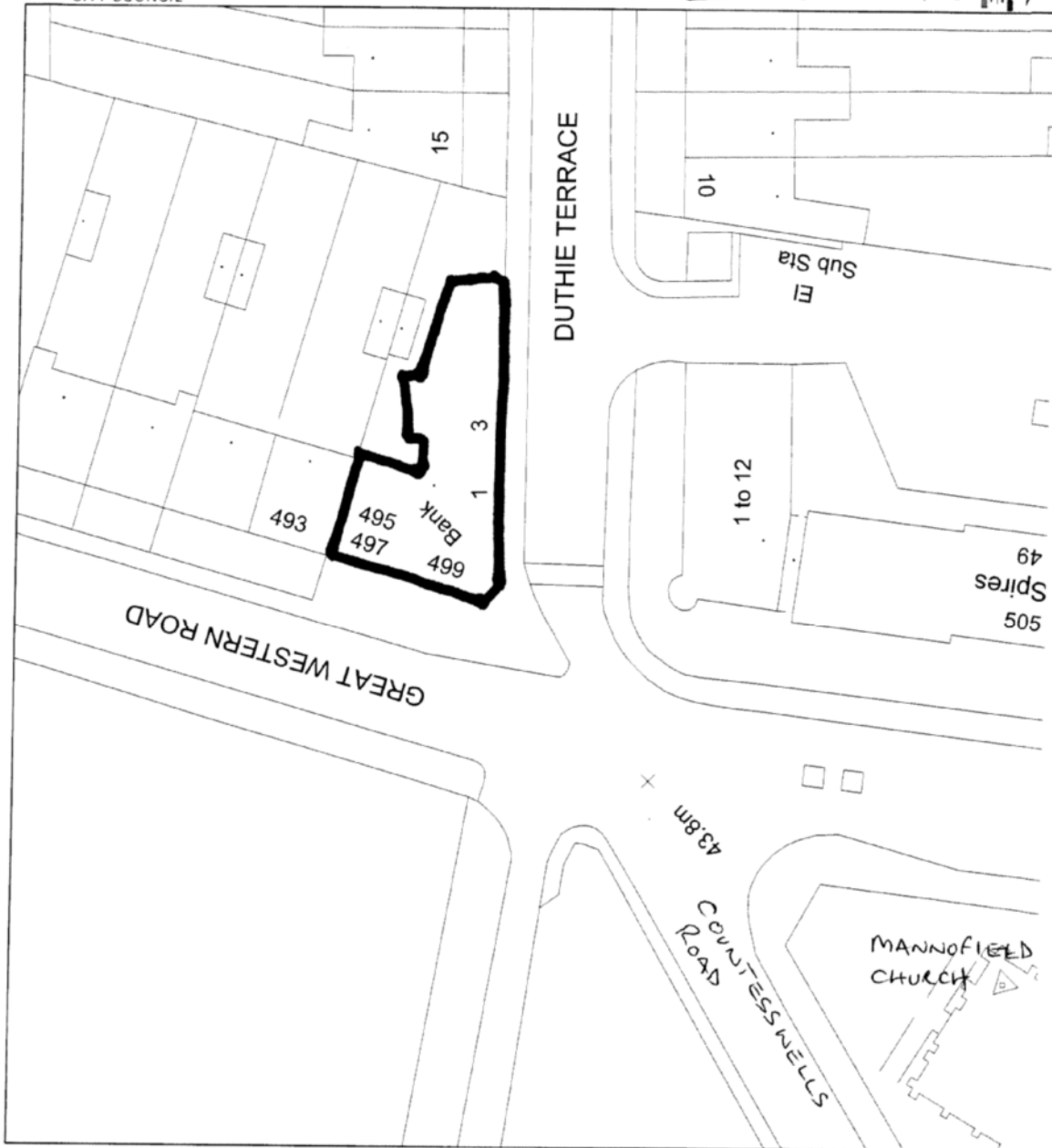
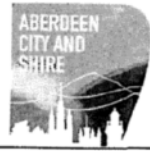
At the date of this memo, all work & certification requirements have not been met. Accordingly, the applicant has been invited to attend the meeting of the Licensing Committee on 21 April 2010, where the application will be discussed.

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 at No.3 Duthie Terrace, Aberdeen.
- The applicant and their premises were registered with the Landlord Registration database, however the registration expired in October 2009 and was not renewed. It will be necessary for the applicant to re-register with the Landlord Registration database although the registration fee will be waived if the HMO licence is granted.
- 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 10 June 2009. The Council must determine the application no later than 9 June 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 2 June 2010, at the latest.

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

Ally Thain
Private Sector Housing Manager



Title: APPLICATION FOR HMO LICENCE
PREMISES: FLAT 3, 3 DUTHIE TERRACE, ABERDEEN
Scale: 1:500 **Date:** 05 April 2010 **Map Ref:** NJ9104NE

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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	7 April 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.331 Hardgate, Aberdeen (Top floor flat)

Applicant/s: A.&R.Rental

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 21 April 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 top-floor flat contained within a granite tenement, with accommodation comprising of four bedrooms with kitchen areas and one communal 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 10 June 2009. The HMO Officer visited the premises on 8 July 2009, then he wrote to the applicant on 10 July 2009, listing the following requirements to bring the premises up to the current HMO standard:-

1. Installation of 30-minute fire-resistant room pass-doors.
2. A Fire Action Notice to be displayed within the premises.
3. A fire blanket to be installed in the kitchen.
4. All damage to the hallway ceiling to be made good and redecorated.
5. The mildew within the shower area to be removed.
6. All gas & electrical safety certification and the Notice for Display-Certificate of Compliance to be submitted to the HMO Unit.

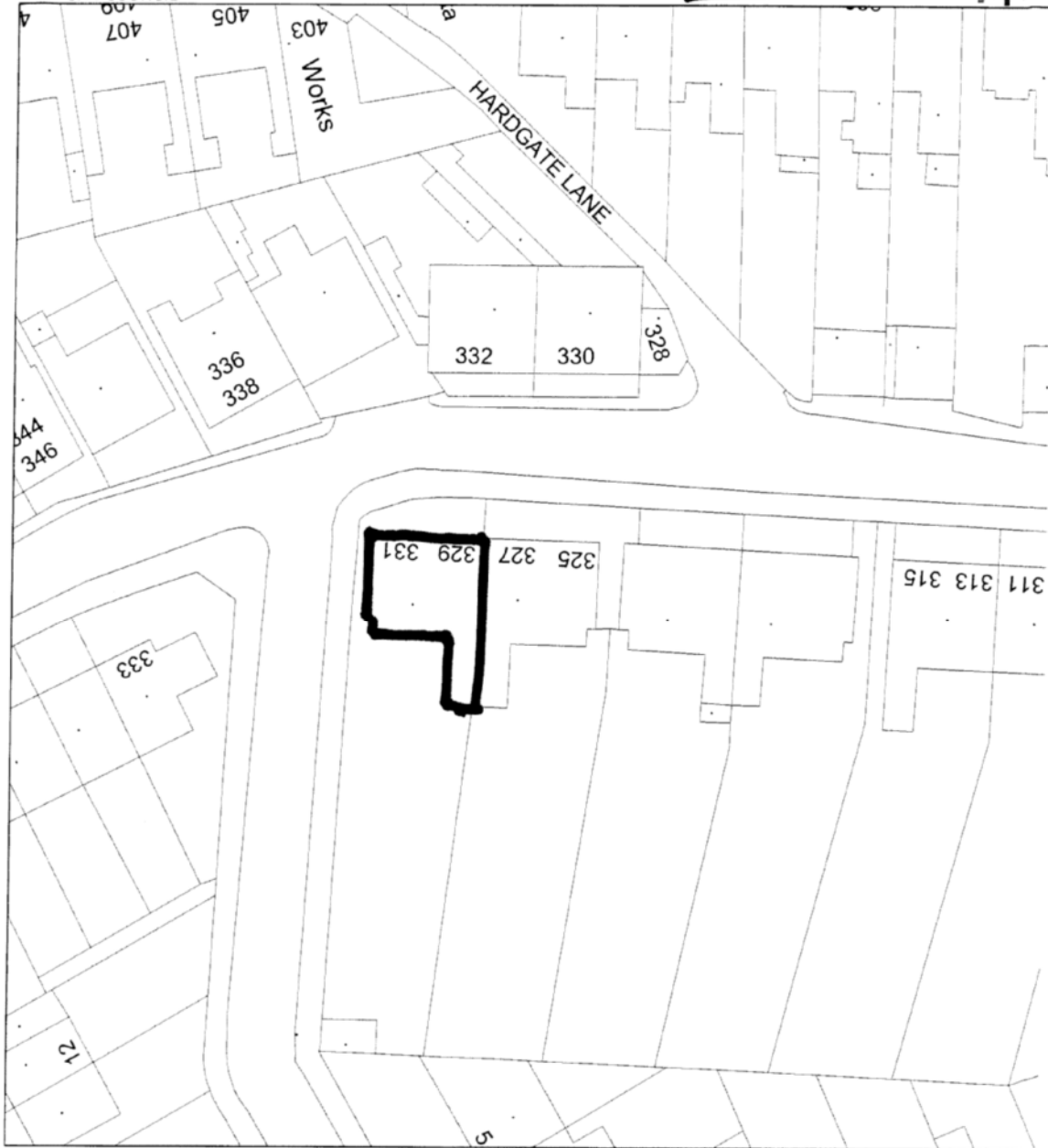
At the date of this memo, all work & certification requirements have not been met. Accordingly, the applicant/agent has been invited to attend the meeting of the Licensing Committee on 21 April 2010, where the application will be discussed.

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 top floor flat at No.331 Hardgate, Aberdeen.
- The applicant and their premises were registered with the Landlord Registration database, however the registration expired in October 2009 and was not renewed. It will be necessary for the applicant to re-register with the Landlord Registration database although the registration fee will be waived if the HMO licence is granted.
- 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 10 June 2009. The Council must determine the application no later than 9 June 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 2 June 2010, at the latest.

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

Ally Thain
Private Sector Housing Manager



Title: APPLICATION FOR HMO LICENCE
PREMISES : TOP FLOOR FLAT, 331 HARDGATE, ABERDEEN
Scale: 1:500 Date: 05 April 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	7 April 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 Hayfield Riding School, Hazlehead Park, Aberdeen
Applicant/s: Equiworld Club Ltd
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 21 April 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 student accommodation block contained within the Riding School complex, with accommodation comprising of twelve bedrooms, two public rooms, two kitchens 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 26 June 2009. The HMO Officer visited the premises on 8 July 2009, then he wrote to the applicant on 9 July 2009, listing the following requirements to bring the premises up to the current HMO standard:-

1. Installation of 30-minute room pass-doors.
2. All exit doors must be refitted with keyless locks.
3. Fire Exit signage to be installed in all relevant parts of the property.
4. A Fire Action Notice to be displayed within the premises.
5. A fire blanket to be installed in each kitchen.
6. The applicant to ensure an improvement in the housekeeping/cleanliness of the property.
7. All combustible materials to be removed from the water tank cupboard.
8. All windows to be capable of easy-opening for ventilation.
9. All water leaks affecting the ceilings to be investigated and repaired.
10. The WC extractor fan and the WC cistern to be repaired or replaced.
11. All bedrooms to be fitted with wardrobes and adequate storage facilities.

12. All electrical & gas safety certification, the Tenancy Agreement and the Notice for Display-certificate of Compliance to be submitted to the HMO Unit.

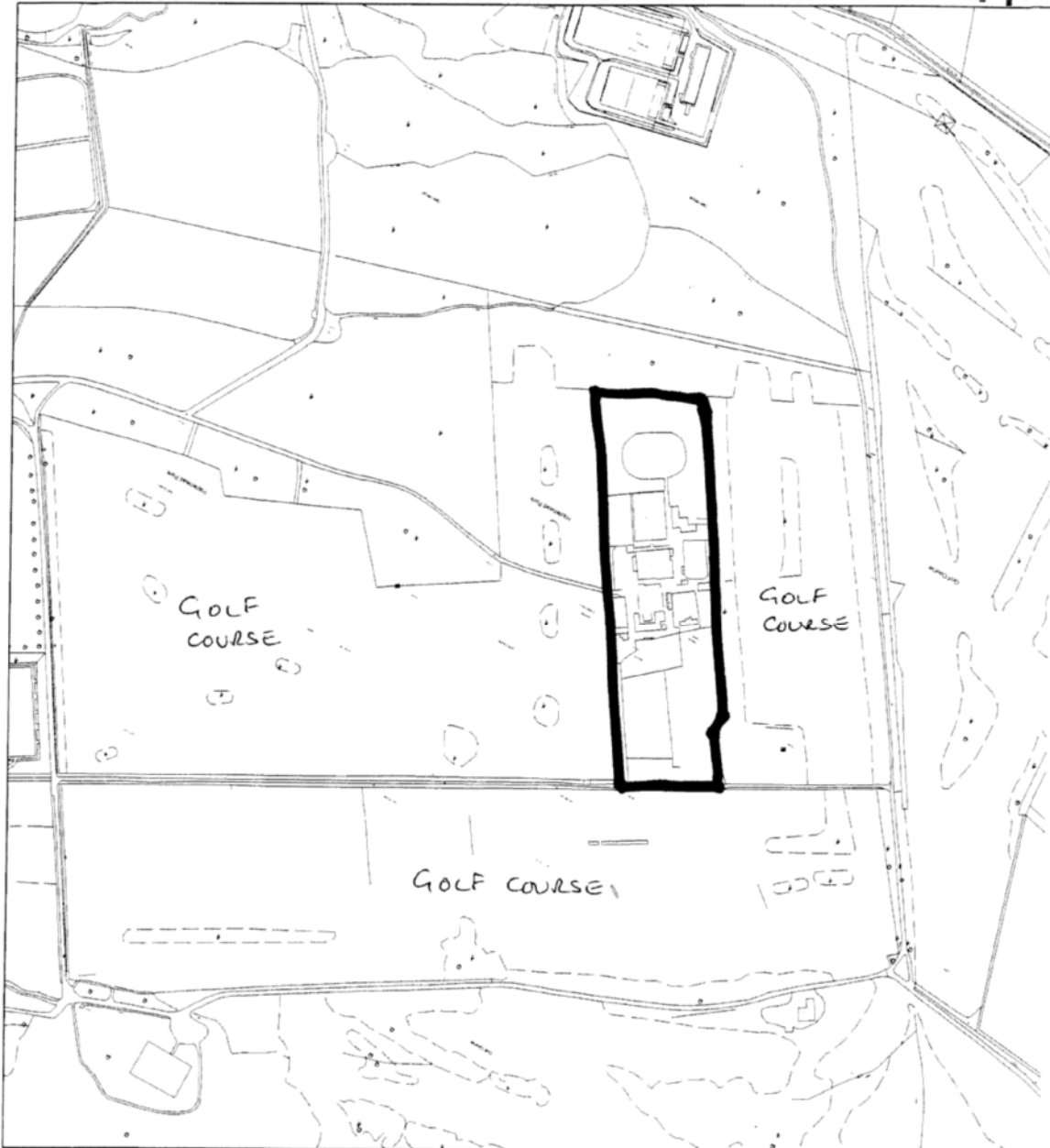
At the date of this memo, all work & certification requirements have not been met. Accordingly, the applicant/agent has been invited to attend the meeting of the Licensing Committee on 21 April 2010, where the application will be discussed.

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 accommodation block at Hayfield Riding School, Aberdeen.
- At the date of this memo, the applicant and their premises are not registered with the Landlord Registration database. They must register as a legal requirement of letting property although the registration fee is waived if an HMO Licence is granted.
- The applicant has requested an occupancy of 14 tenants, which is acceptable to the HMO Unit.
- As mentioned above, the Council received the HMO Licence application on 26 June 2009. The Council must determine the application no later than 25 June 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 2 June 2010, at the latest.

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

Ally Thain
Private Sector Housing Manager



Title: APPLICATION FOR HMO LICENCE
PREMISES: HAYFIELD RIDING SCHOOL, HAZLEHEAD PARK, ABERDEEN
Scale: 1:5000 **Date:** 05 April 2010 **Map Ref:** NJ8804

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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	7 April 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.11 Orchard Walk, Aberdeen
Applicant/s: Mr & Mrs P.Hart
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 21 April 2010, for the reason that the works and certification requirements have not been met.

I can advise you as follows:-

The premises:-

The premises to which this HMO Licence application relates is an inner-terraced two-storey house, with accommodation comprising of five 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 24 June 2009. The HMO Officer visited the premises on 2 July 2009, then he wrote to the applicants on 14 July 2009, listing the following requirements to bring the premises up to the current HMO standard:-

1. A fire alarm / fire detection system to be installed.
2. The self-closing device on one of the bedrooms to be reinstated.
3. The house exit doors to be fitted with keyless locks.
4. The Notice for Display-Certificate of Compliance and the electric periodic inspection report to be submitted to the HMO Unit.

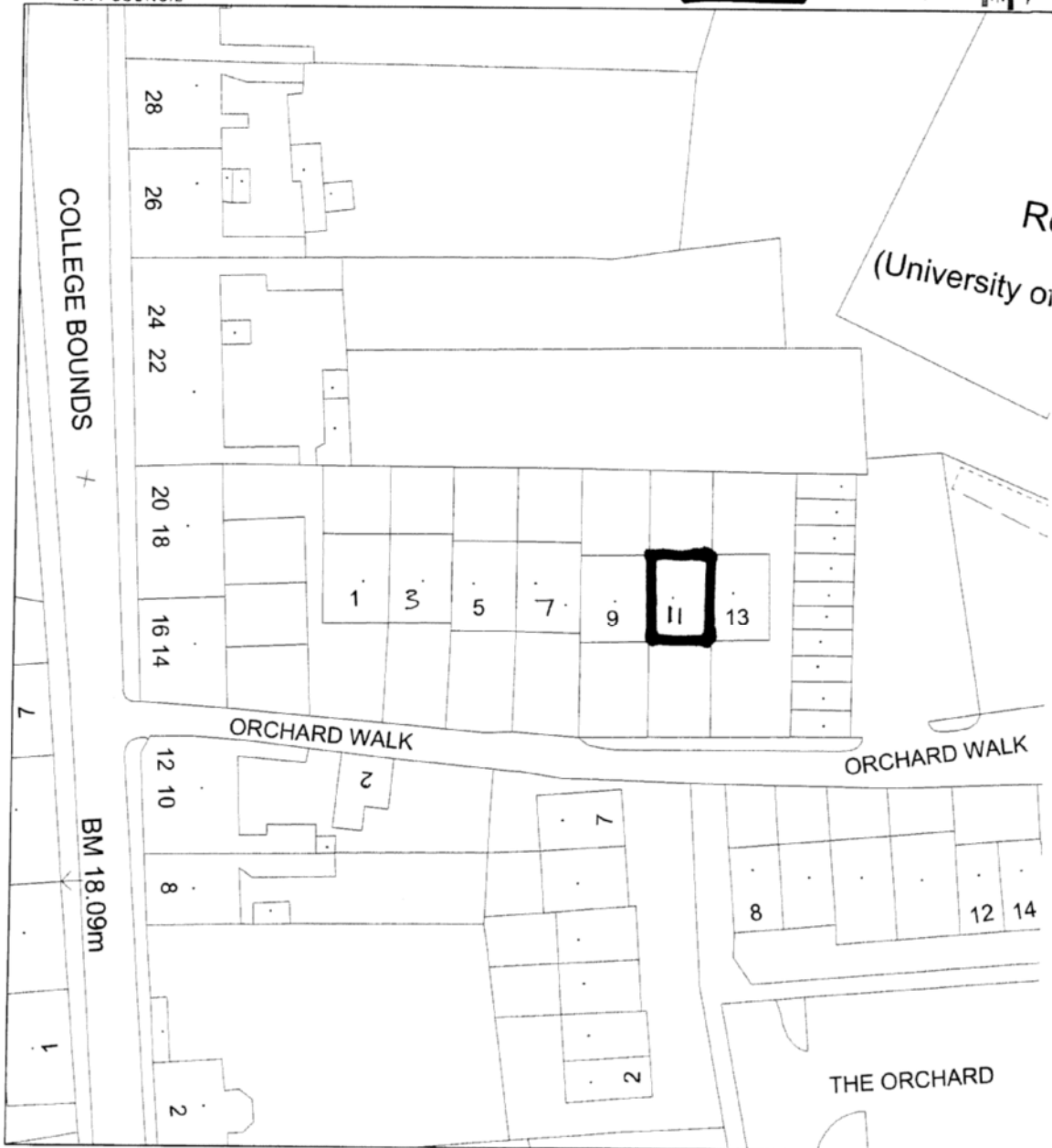
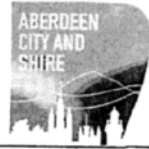
At the date of this memo, all work requirements have not been met. Accordingly, the applicants have been invited to attend the meeting of the Licensing Committee on 21 April 2010, where the application will be discussed.

Other considerations:-


- The Chief Constable, Grampian Police, has not yet responded to the request for a "fit and proper person" check to be carried out therefore a further request has been made.
- 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.11 Orchard Walk, Aberdeen.
- The applicants and their premises are registered with the Landlord Registration database.
- The applicants have requested an occupancy of 5 tenants, which is acceptable to the HMO Unit.
- As mentioned above, the Council received the HMO Licence application on 24 June 2009. The Council must determine the application no later than 23 June 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 2 June 2010, at the latest.

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

Ally Thain
Private Sector Housing Manager



Title: APPLICATION FOR HMO LICENCE
Premises: 11 ORCHARD WALK, ABERDEEN
Scale: 1:500 **Date:** 05 April 2010 **Map Ref:** NJ9307NE

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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	7 April 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.14 Hillview Terrace, Cults, Aberdeen
Applicant/s: Inspire Partnership Through Life
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 21 April 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 detached two-storey house, with accommodation comprising of three bedrooms, two public rooms, one kitchen and four 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 29 June 2009. The HMO Officer visited the premises on 7, 9 & 23 July 2009, then he wrote to the applicant on 28 July 2009, listing the following requirements to bring the premises up to the current HMO standard:-

1. The formation of a fire-protected means of escape from the ground & first floors to a final exit.
2. Installation of 30-minute fire-resistant room pass-doors.
3. All door locks must be capable of being opened from the inside without the use of a key.
4. A Fire Action Notice to be displayed within the premises.
5. A fire blanket to be installed in the kitchen.
6. All gas & electrical safety certification, the Tenancy Agreement and the Notice for Display-Certificate of Compliance to be submitted to the HMO Unit.

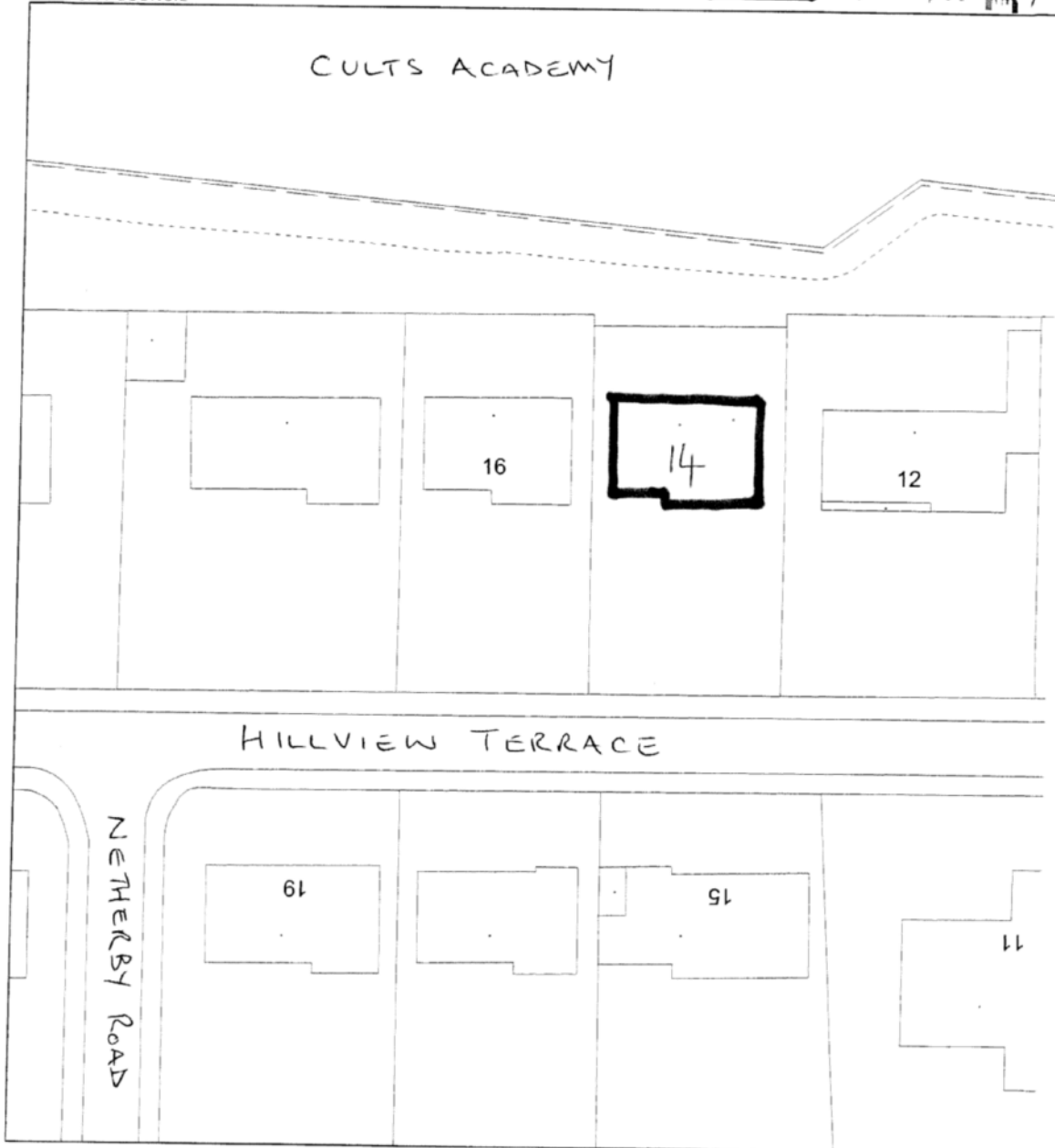
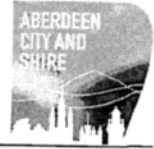
At the date of this memo, all work & certification requirements have not been met. Accordingly, the applicant has been invited to attend the meeting of the Licensing Committee on 21 April 2010, where the application will be discussed.

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 top floor flat at No.14 Hillview Terrace, Cults, Aberdeen.
- The applicant and their 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 29 June 2009. The Council must determine the application no later than 28 June 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 2 June 2010, at the latest.

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

Ally Thain
Private Sector Housing Manager



Title: APPLICATION FOR HMO LICENCE
PREMISES: 14 HILLVIEW TERRACE, CULTS, ABERDEEN
Scale: 1:500 Date: 05 April 2010 Map Ref: NJ8802NE

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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	7 April 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.32 Kintore Place, Aberdeen

Applicant/s: Lynn K.Worth

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 21 April 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 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 17 July 2009. The HMO Officer visited the premises on 11 August 2009, then he wrote to the applicant on 12 August 2009, listing the following requirements to bring the premises up to the current HMO standard:-

1. Installation of 30-minute fire resistant room pass-doors.
2. A Fire Action Notice to be displayed within the premises.
3. A fire blanket to be installed in the kitchen.
4. All windows to be capable of easy opening for ventilation.
5. All gas & electrical safety certification, the Tenancy Agreement and the Notice for Display-Certificate of Compliance to be submitted to the HMO Unit.

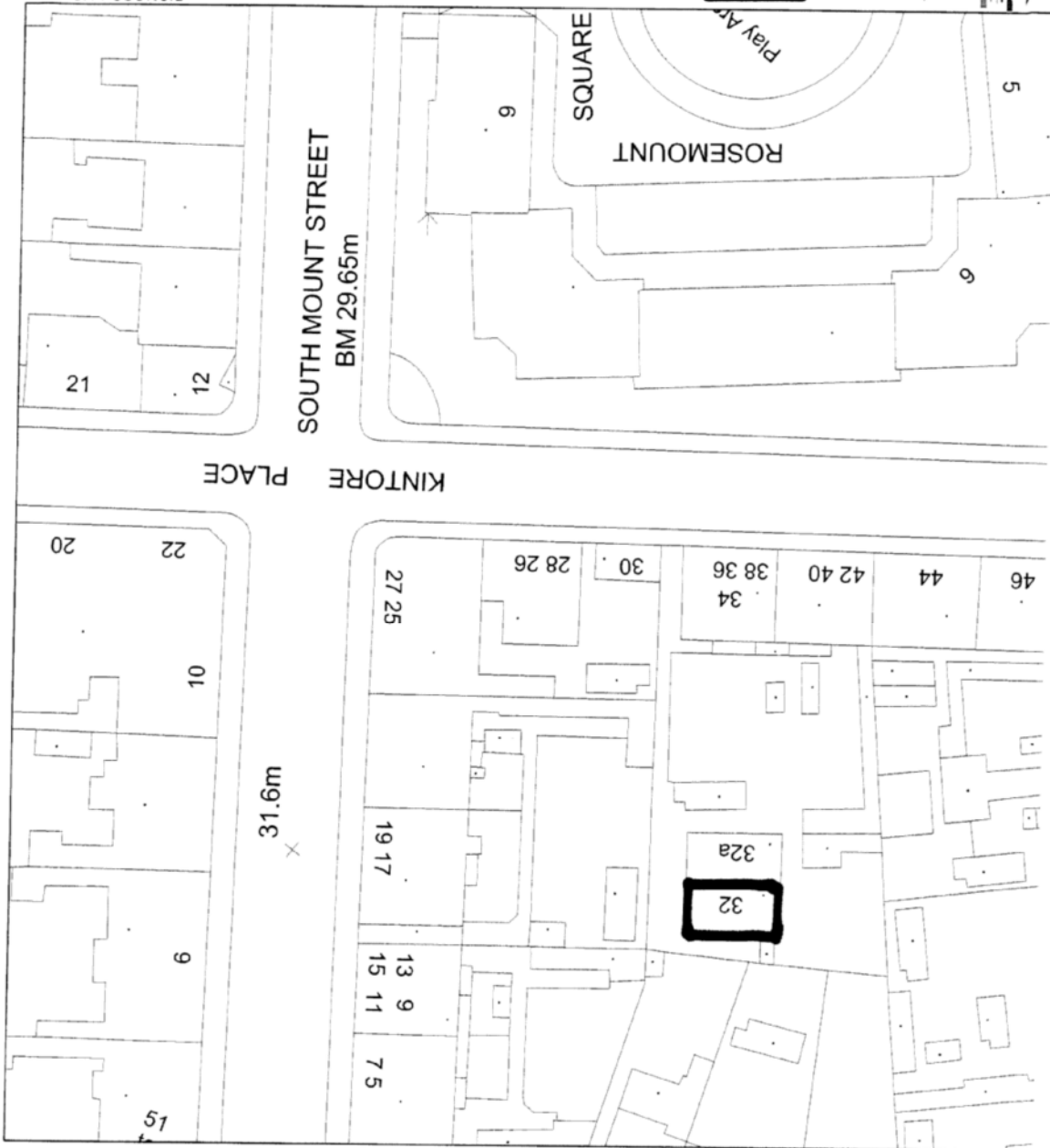
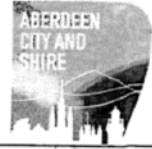
At the date of this memo, all work & certification requirements have not been met. Accordingly, the applicant has been invited to attend the meeting of the Licensing Committee on 21 April 2010, where the application will be discussed.

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 (ASBIT) has a record of one complaint in October 2009 concerning loud music allegedly coming from the upper floor flat at No.32 Kintore Place, Aberdeen. The complaint was investigated however no music was heard when Officers arrived at the property and no further action was taken.
- 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 17 July 2009. The Council must determine the application no later than 16 July 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 2 June 2010, at the latest.

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

Ally Thain
Private Sector Housing Manager



Title: APPLICATION FOR HMO LICENCE
PREMISES : 32 KINTORE PLACE, ABERDEEN
Scale: 1:500 Date: 05 April 2010 Map Ref: NJ9306NW

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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	7 April 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.16 M, Ashgrove Road, Aberdeen
Applicant/s: Lewis A.Pratt
Agent: Bain Property Agency**

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at their meeting on 21 April 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 third-floor flat contained within a modern flatted development, with accommodation comprising of three bedrooms, one public room, one kitchen and two bathrooms. The position of the premises is shown on Appendix 'A' attached to this memo.

The HMO application:-

The HMO Licence application was submitted to the Council on 21 July 2009. The HMO Officer visited the premises on 27 July 2009, then he wrote to the agent on 27 July 2009, listing the following requirements to bring the premises up to the current HMO standard:-

1. Installation of a fire alarm / fire detection system.
2. All self-closing fire-doors must be capable of fully closing against their stops.
3. A Fire Action Notice to be displayed within the premises.
4. A fire blanket to be installed in the kitchen.
5. All windows to be capable of easy-opening for ventilation.
6. All valid gas & electrical safety certificates and the Tenancy Agreement to be submitted to the HMO Unit.

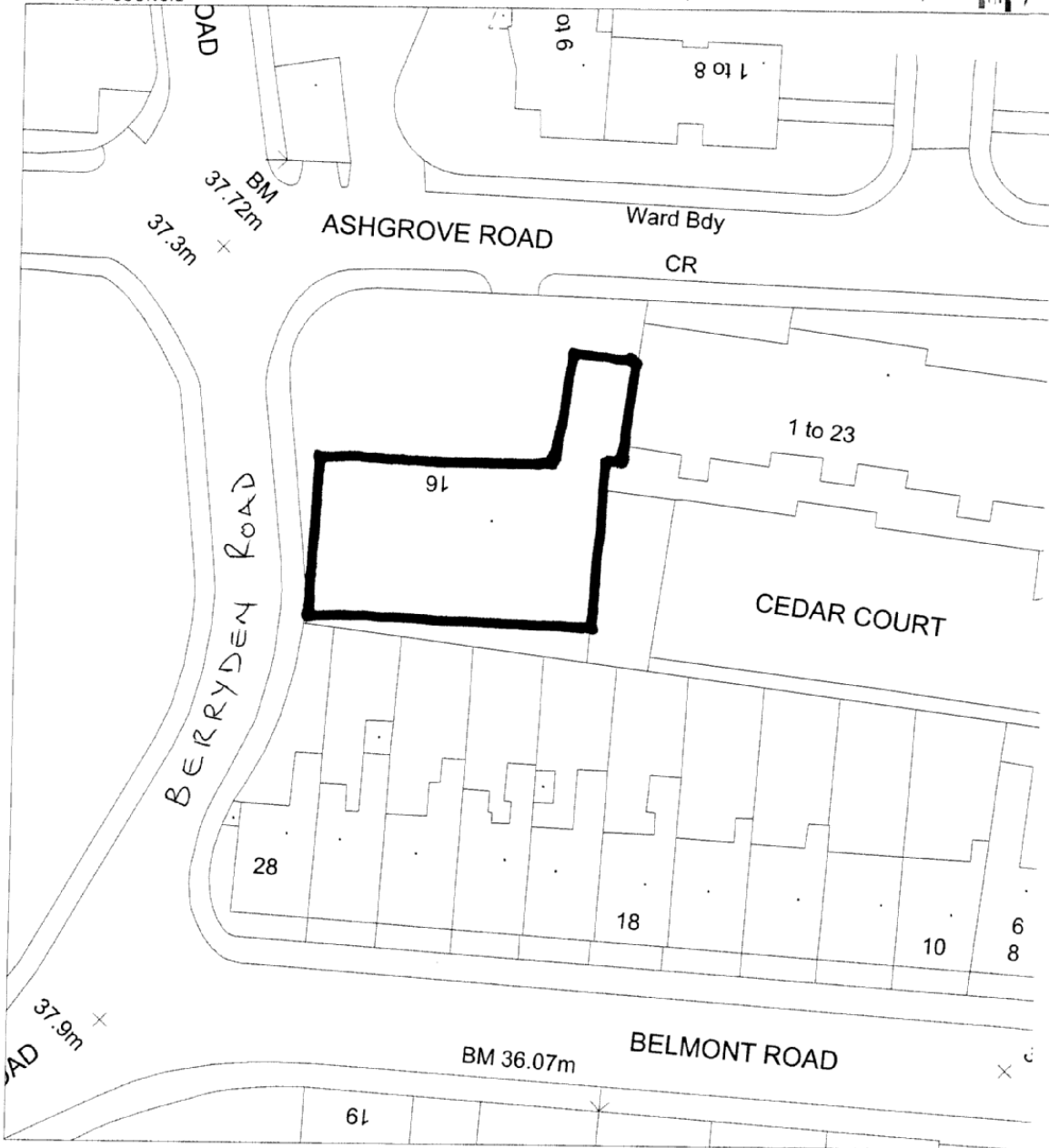
At the date of this memo, all works & certification requirements have not been met. Accordingly, the applicant/agent has been invited to attend the meeting of the Licensing Committee on 21 April 2010, where the application will be discussed.

Other considerations:-

- Unfortunately, due to an oversight on the part of the HMO Unit, the Chief Constable, Grampian Police, has not been consulted in respect of the applicant's suitability as a "fit and proper person". I have therefore forwarded a copy of the HMO Licence application form to Grampian Police together with a request that they carry out a Police-check, and advise me of the outcome.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the property, and has made no comments or objections.
- At the date of this memo, the Council's Antisocial Behaviour Investigation Team has no record of any complaint in respect of No.16 M, Ashgrove Road, Aberdeen.
- The applicant and his 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 21 July 2009. The Council must determine the application no later than 20 July 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 2 June 2010, at the latest.

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

Ally Thain
Private Sector Housing Manager



Title: APPLICATION FOR HMO LICENCE
Premises: FLAT M, 16 ASHGROVE ROAD, ABERDEEN
Scale: 1:500 **Date:** 05 April 2010 **Map Ref:** NJ9307NW

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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	7 April 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.31 Sunnyside Avenue, Aberdeen
Applicant/s: William B.Willox
Agent: James & George Collie, Solicitors**

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at their meeting on 21 April 2010, for the reason that the works and certification requirements have not been met.

I can advise you as follows:-

The premises:-

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

The HMO application:-

The HMO Licence application was submitted to the Council on 31 July 2009. The HMO Officer visited the premises on 18 August 2009, then he wrote to the agent on 28 August 2009, listing the following requirements to bring the premises up to the current HMO standard:-

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

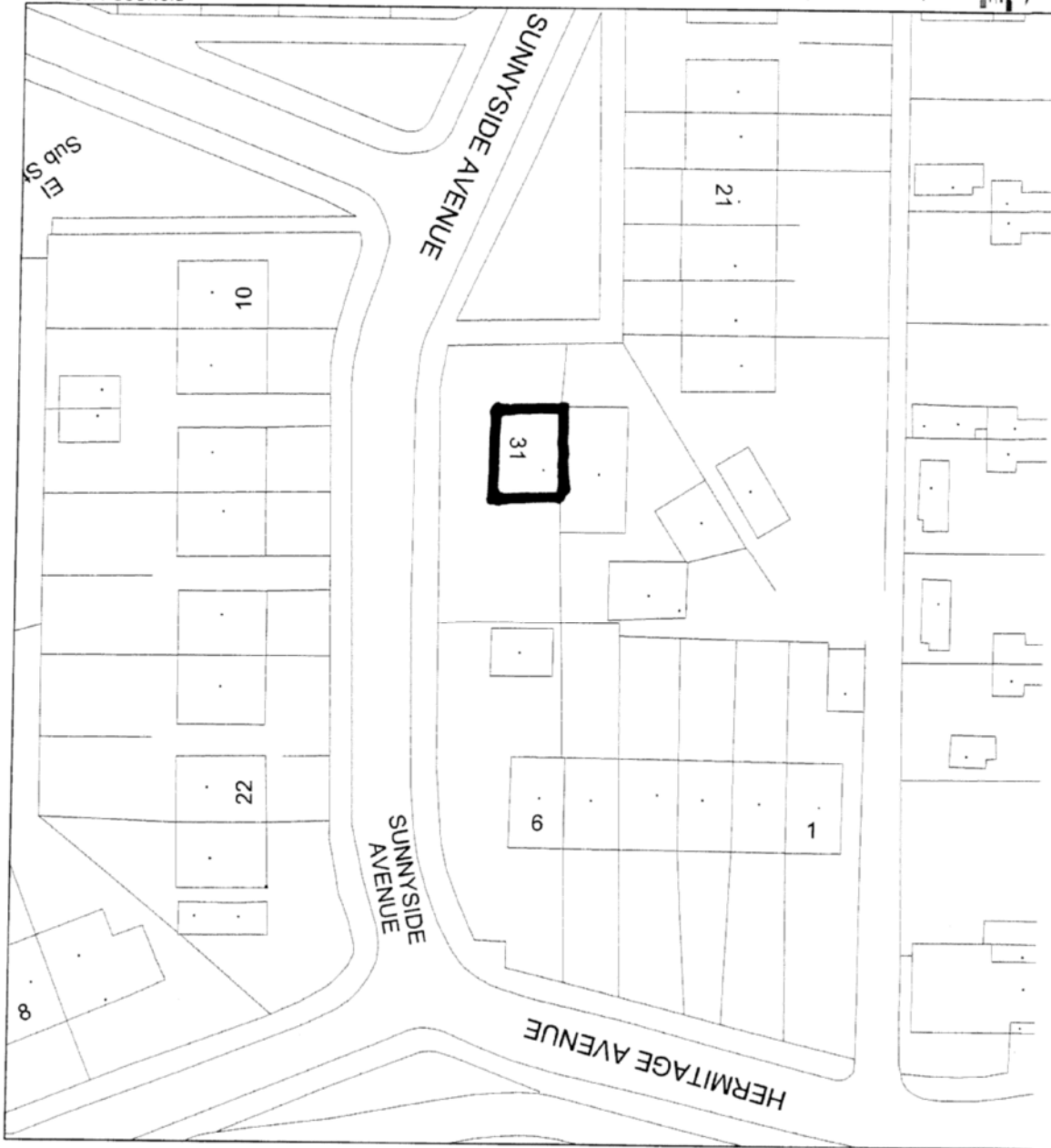
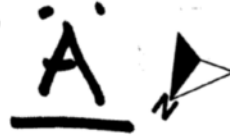
At the date of this memo, all work & certification requirements have not been met. Accordingly, the applicant/agent has been invited to attend the meeting of the Licensing Committee on 21 April 2010, where the application will be discussed.

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 property at No.31 Sunnyside Avenue, Aberdeen.
- The applicant and his 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 31 July 2009. The Council must determine the application no later than 30 July 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 2 June 2010, at the latest.

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

Ally Thain
Private Sector Housing Manager



Title: APPLICATION FOR HMO LICENCE
PREMISES: 31 SUNNYSIDE AVENUE, ABERDEEN
Scale: 1:500 Date: 05 April 2010 Map Ref: NJ9307NE

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Template created by GIS Research & Information Unit, Strategic Leadership Team, 02/05/10

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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	7 April 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.9 University Road, Aberdeen
Applicant/s: Victoria R.Wright
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 21 April 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 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 18 August 2009. The HMO Officer visited the premises on 1 September 2009, then he wrote to the applicant on 2 September 2009, listing the following requirements to bring the premises up to the current HMO standard:-

1. Installation of a fire alarm/fire detection system.
2. Installation of 30-minute fire-resistant room pass-doors.
3. The flat exit door 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. All gas & electrical safety certification, the Tenancy Agreement and the Notice for Display-Certificate of Compliance to be submitted to the HMO Unit.

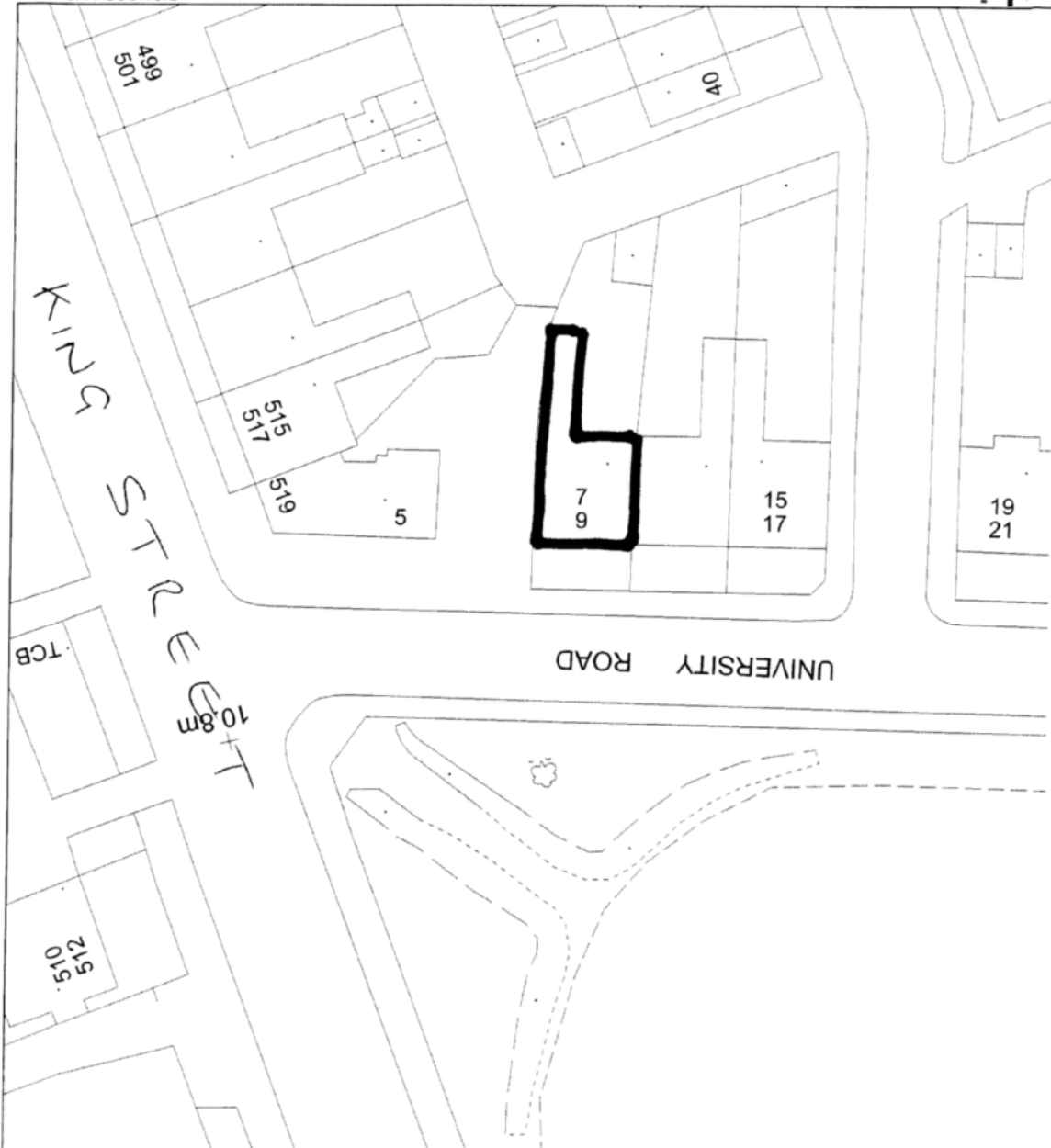
At the date of this memo, all work & certification requirements have not been met. Accordingly, the applicant has been invited to attend the meeting of the Licensing Committee on 21 April 2010, where the application will be discussed.

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 property at No.9 University Road, Aberdeen.
- The applicant is currently registered with the Landlord Registration database, although No.9 University Road is not registered. It will therefore be necessary for the applicant to add the property to the database although the registration fee will be waived if the HMO Licence is granted.
- 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 18 August 2009. The Council must determine the application no later than 17 August 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 2 June 2010, at the latest.

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

Ally Thain
Private Sector Housing Manager



Title: APPLICATION FOR HMO LICENCE
PREMISES: 9 UNIVERSITY ROAD, ABERDEEN
Scale: 1:500 Date: 05 April 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	7 April 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.48 Market Street, Aberdeen (Top floor flat right)
Applicant/s: Anthony J.Dawson
Agent: James & George Collie, Solicitors**

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at their meeting on 21 April 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 top-floor flat contained within a granite tenement, with accommodation comprising of three bedrooms, one kitchen/dining room 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 27 August 2009. The HMO Officer visited the premises on 17 September 2009, then he wrote to the agent on 21 September 2009, listing the following requirements to bring the premises up to the current HMO standard:-

1. Tenants had removed smoke detectors and the heat detector. Agent to ensure that this does not reoccur.
2. Tenants are storing combustible materials in the common staircase. Agent to organise immediate removal of these materials.
3. A fire detection fire / fire alarm system to be installed.
4. Installation of 30-minute room pass-doors.
5. The glazing panels adjacent to the flat exit door to be either replaced with fire-resistant glazing or solid sheeting.
6. All fire-safety provisions within the property to be explained and demonstrated to the tenants.
7. All doorlocks to be capable of being opened from the inside without a key.
8. A Fire Action Notice to be displayed within the premises.
9. A fire blanket to be installed in the kitchen.

10. Additional electric sockets to be installed throughout the house.
11. The whole property to be redecorated.
12. The mildew problem in the bathroom to be resolved.
13. A water leak affecting the ceiling to be investigated and repaired.
14. All windows to be capable of easy-opening for ventilation.
15. The agent to organise a proper housekeeping regime.
16. All electrical & gas safety certification, the Tenancy Agreement and the Notice for Display-certificate of Compliance to be submitted to the HMO Unit.

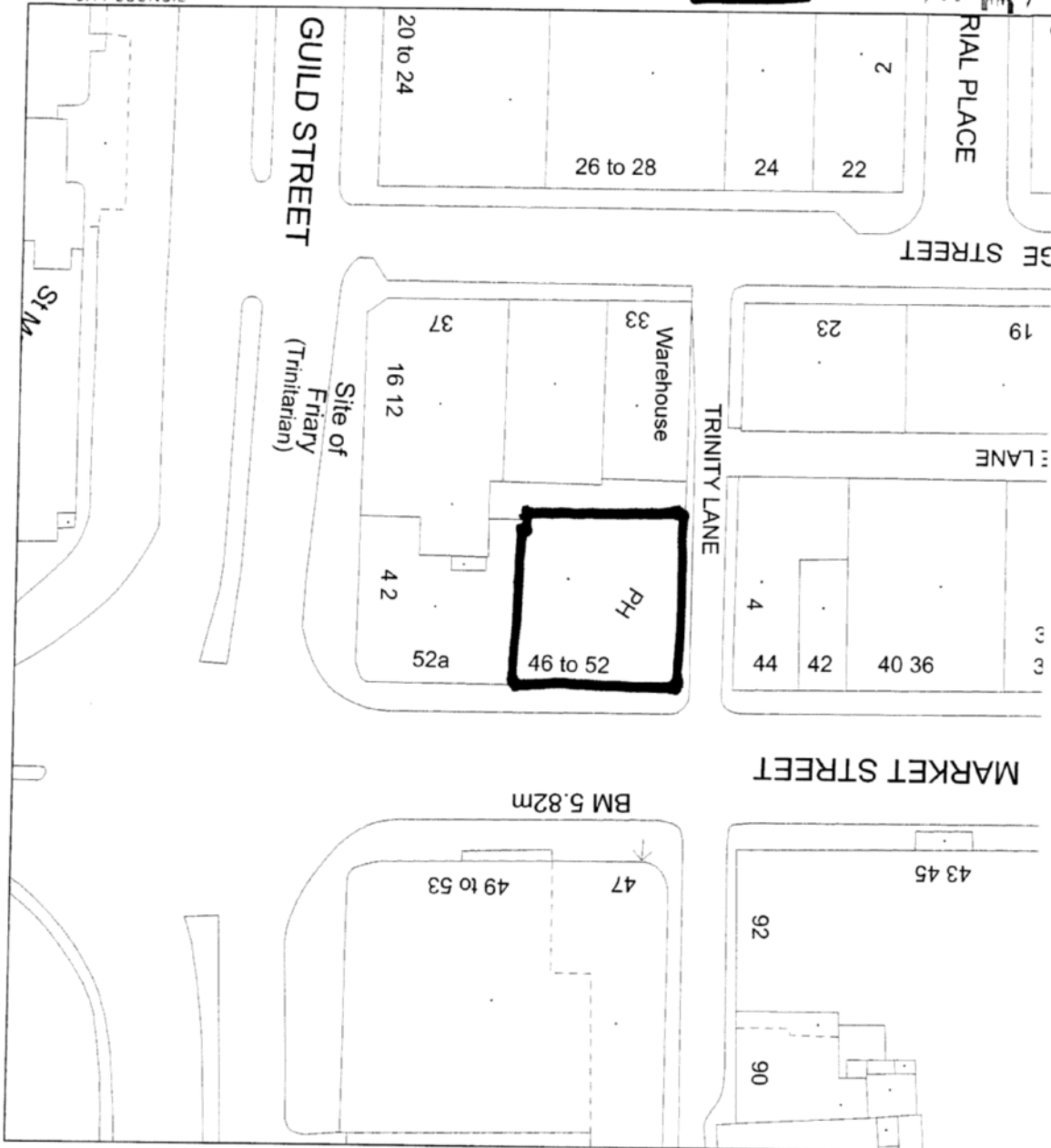
At the date of this memo, all work & certification requirements have not been met. Accordingly, the applicant/agent has been invited to attend the meeting of the Licensing Committee on 21 April 2010, where the application will be discussed.

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 top floor flat at No.48 Market Street, Aberdeen.
- The applicant and his 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 27 August 2009. The Council must determine the application no later than 26 August 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 2 June 2010, at the latest.

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

Ally Thain
Private Sector Housing Manager



Title: APPLICATION FOR HMO LICENCE
Premises: TOP FLOOR FLAT RIGHT, 48 MARKET STREET, ABERDEEN
Scale: 1:500 **Date:** 05 April 2010 **Map Ref:** NJ9406SW

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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	7 April 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.559 George Street, Aberdeen (First floor flat)

Applicant/s: Mr & Mrs Suttie

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 21 April 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 flat contained within a granite tenement, with accommodation comprising of three bedrooms, one public room, one kitchen/dining-room 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 27 August 2009. The HMO Officer visited the premises on 9 October 2009, then he wrote to the applicants on 9 October 2009, listing the following requirements to bring the premises up to the current HMO standard:-

1. Installation of 30-minute fire resistant room pass-doors.
2. A Fire Action Notice to be displayed within the premises.
3. A fire blanket to be installed in the kitchen.

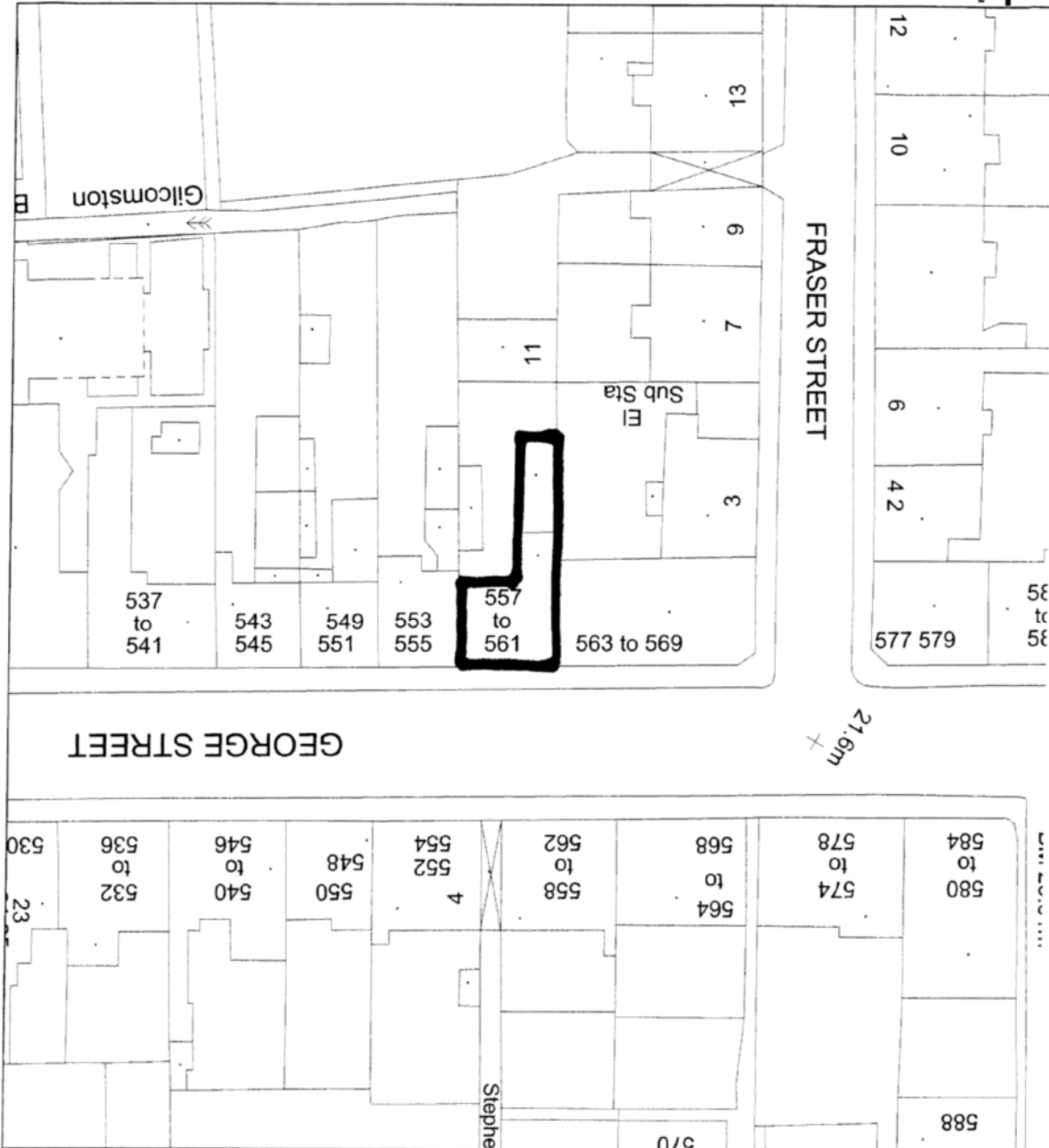
At the date of this memo, all work requirements have not been met. Accordingly, the applicants have been invited to attend the meeting of the Licensing Committee on 21 April 2010, where the application will be discussed.

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 the first floor flat at No.559 George Street, Aberdeen.
- The applicants and their premises are registered with the Landlord Registration database.
- The applicants have requested an occupancy of 4 tenants, which is acceptable to the HMO Unit.
- As mentioned above, the Council received the HMO Licence application on 27 August 2009. The Council must determine the application no later than 26 August 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 2 June 2010, at the latest.

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

Ally Thain
Private Sector Housing Manager



Title: APPLICATION FOR HMO LICENCE
Premises: FIRST FLOOR FLAT, 559 GEORGE STREET, ABERDEEN
Scale: 1:500 **Date:** 05 April 2010 **Map Ref:** NJ9307SE

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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	7 April 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.33 Gaitside Drive, Aberdeen
Applicant/s: James G.Mollison
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 21 April 2010, for the reason that the works and certification requirements have not been met.

I can advise you as follows:-

The premises:-

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

The HMO application:-

The HMO Licence application was submitted to the Council on 2 September 2009. The HMO Officer visited the premises on 1 October 2009, then he wrote to the applicants on 2 October 2009, listing the following requirements to bring the premises up to the current HMO standard:-

1. All self-closing fire doors to be capable of closing fully against their doorstops.
2. The loft access hatch to be capable of closing fully against its stops.
3. All fire-safety provisions to be fully explained and demonstrated to the tenants.
4. A Fire Action Notice to be displayed within the premises.
5. A fire blanket to be installed in the kitchen.
6. Additional electric sockets to be installed throughout the house.
7. Damaged bedroom ceilings to be made good and redecorated.
8. The electric periodic inspection report to be submitted to the HMO Unit.

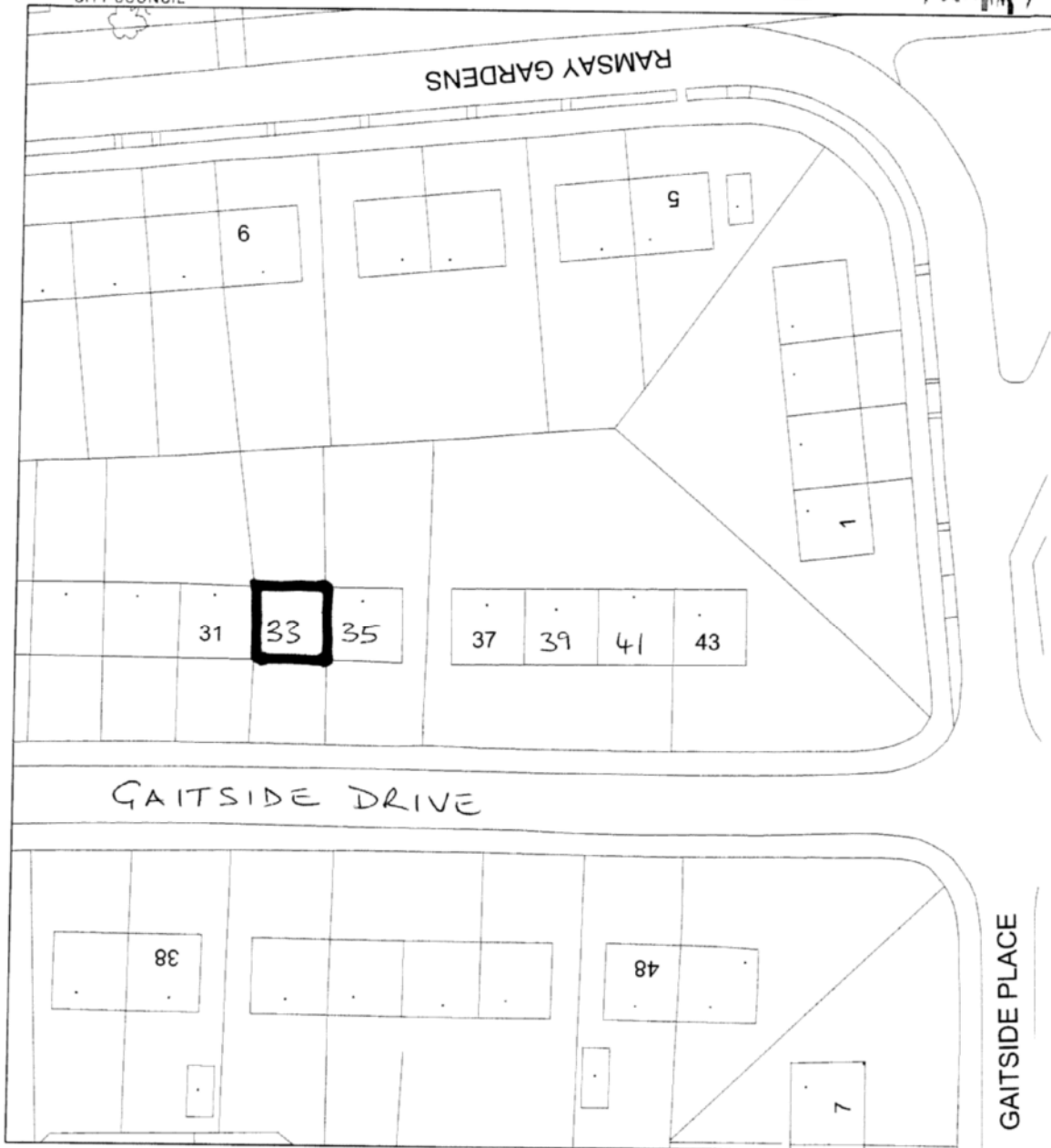
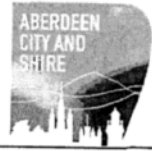
At the date of this memo, all work requirements have not been met. Accordingly, the applicants have been invited to attend the meeting of the Licensing Committee on 21 April 2010, where the application will be discussed.

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.33 Gaitside Drive, Aberdeen.
- The applicant and his 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 2 September 2009. The Council must determine the application no later than 1 September 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 2 June 2010, at the latest.

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

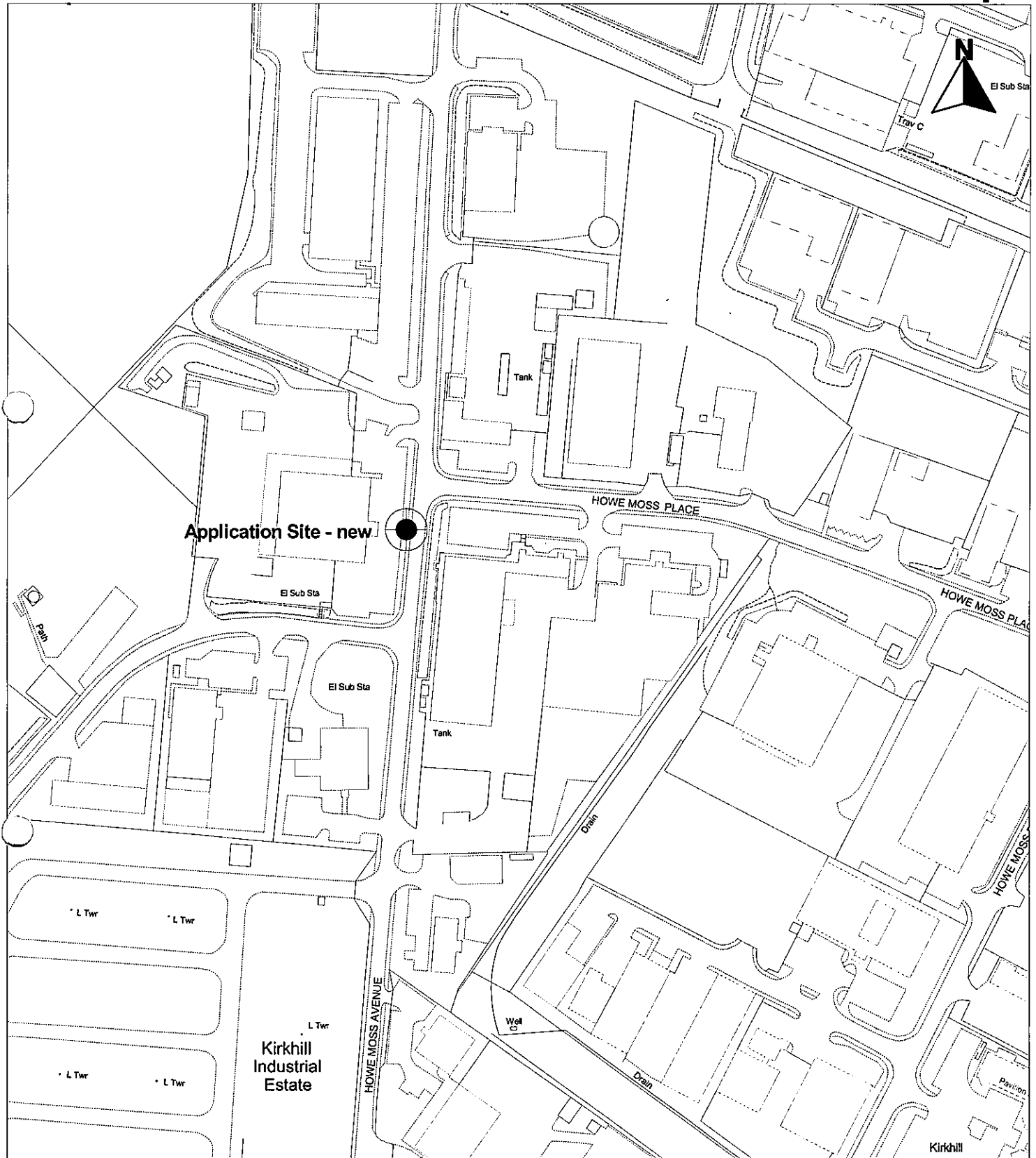
Ally Thain
Private Sector Housing Manager



Title: APPLICATION FOR HMO LICENCE
PREMISES: 33 GAITSIDE DRIVE, ABERDEEN
Scale: 1:500 **Date:** 05 April 2010 **Map Ref:** NJ9103SE

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Title: Howemoss Avenue 30 metres south of Howemoss Place - west side

Scale: 1:2500

Date: 22 February 2010

Map Ref: NJ8612NE



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CIVIC GOVERNMENT (SCOTLAND) ACT 1982

APPLICATION FOR PERMISSION TO HOLD A PUBLIC CHARITABLE COLLECTION



EACH QUESTION MUST BE ANSWERED - USE BLOCK CAPITALS

(1) (a) Name of Charity	Help for Heroes		
(b) Address of Head Office	Unit 6 Aspen Business Centre ORDNANCE ROAD, TIDWORTH HANTS SP9 7QD		
(c) Address of main premises in Scotland (if any)	N/A		
(d) OSCR Registration details (if registered in Scotland, if registered elsewhere, please provide equivalent registration details)	Reg no 6363256 Charity reg no. 1120920		
(2) (a) Full name of applicant who must be the organiser of the collection.	[REDACTED]		
(b) Age and Date of Birth of applicant	[REDACTED]		
(c) Address of applicant and telephone number	[REDACTED]		
3) Application is being made for: (Please tick, as appropriate)	Street Collection <input checked="" type="checkbox"/>	House to House Collection	Other <input checked="" type="checkbox"/>
If "Other" please describe manner of Collection	WITH OUR MOTORS + RECEIVE DONATIONS		
(4) How will the money collected be used?	GO TO H4H OFFICE		
(5) Over what area or in what location(s) is it proposed that the collection should extend?	AS WE HAVE NOT BEEN IN THIS AREA BEFORE A92 WE WOULD LIKE TO KEEP NEAR PLEASE ADVISE US.		
(6) State date or dates on which it is proposed that the collection should be made. (See Note 2 overleaf before completing this section)	July 4th 2010 Sunday		

(7)	Approximately how many persons is it proposed to authorise to act as collectors in the area of the Licensing Authority to which the application has been made?	5 Bob [redacted] man.
	How will they be identifiable?	See letter.
(8)	Is it proposed that remuneration should be paid out of the proceeds of the collection?	N/A
(a)	to collectors?	N/A
(b)	to other persons?	N/A
	If so, at what rates and to whom?	
(9)	Will the proposed collection involve the sale or service of food? (Answer YES or NO only)	NO
(10)	Has the applicant ever been convicted of any crime or offence? (Answer YES or NO only)	NO
(11)	Please provide specimen signatures of any persons other than the applicant who are to be authorised to sign collectors' certificates.	[redacted]

I declare that the particulars given by me on this form are, to the best of my knowledge and belief, correct.

I ATTACH A SPECIMEN OF THE CERTIFICATE TO BE ISSUED TO COLLECTORS

Date 6th JAN 2010

Signature [redacted]
(Applicant)

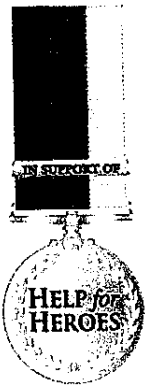
IMPORTANT

1. Applications must be submitted NOT LATER THAN ONE MONTH before the date of the proposed collection.
2. Collections are permitted as follows:
 - a) Street collection (Flag Day) every Monday, Thursday and Saturday and every day in December except Sundays and Public Holidays.
 - b) House to House Collections one week Monday to Friday inclusive allowed per charity.
 - c) Other collection (e.g. pub-crawl, Carol Singing, book sales) any number of collections may be allowed at any time at the discretion of the City Solicitor.

When completed, this form should be returned to the Office of City Solicitor, Resources Management, Ground Floor, Town House, Broad Street, Aberdeen, AB10 1AQ.

DATA PROTECTION ACT 1998

Aberdeen City Council (the Data Controller) will process the information on this form for the purpose of granting or refusing this application. The information will be disclosed to Grampian Police and may also be circulated to Grampian Fire and Rescue Service and/or Strategic Leadership and Neighbourhood Services for their statutory interest and to any other relevant body. It may also be



CHARITY NO
1120920

IN SUPPORT OF **HELP** *for* **HEROES**

Dear Sir/Madam

On Saturday 26th June to Saturday 10th July 2010, five vehicles with men and women are starting off from Portsmouth Hants, to raise money for **HELP FOR HEROES DRIVE ROUND BRITAINS COASTLINE CHALLENGE**. From Portsmouth to John o Grouts and back again!! In two weeks!

We are people from all walks of life; we just want to help those who have given everything to help us.

Both events I am participating in are on the H4H website under events for which I am registered on and they agree to this.

All of us are trying to get sponsors for both events, so more money can go to the charity. But of course we would like to look our best for the press on the first event and will be trying to stop in Bed/Breakfast accommodation if funds allow it. Then there is the fuel - but this is not going to stop us it's the challenge.

We shall be stopping off at different towns/villages, where we are aiming to meet Footballers and Fans at there Club Grounds in these areas

Saturday 26th June 2010 Portsmouth
Saturday 26th June 2010 Bristol
Sun 27th June 2010 Cardiff
Monday 28th 2010 June Swansea
Tuesday 29th 2010 Liverpool
Sun 4th July 2010 Aberdeen and Dundee
Thursday 8th July 2010 Ipswich
Friday 9th July 2010 Brighton
Sat 10th July 2010 Portsmouth at D-day Museum Finish

As well we will be selling help the heroes' wrist bands and handing out goodie bags along the way to help raise more money for the charity; this will also be the build up to the Berkshire4x4show in August, again in aid for Help for Heroes.

Website. www.berkshire4x4show.co.uk Here you can take a look at past years shows. In 2010 because of the type of charity we are hoping to have more military vehicles, custom vehicles, traders etc to make this event even bigger than ever for our troops and families and the public to attend, for me this is a dream come true to help give something back to the community as the community has helped my family over the years.

If there are any questions you may like to ask please contact steph@sawbery.freescrve.co.uk or 07990667503

Yours Faithfully

██████████





HELP for HEROES

Support For Our Wounded

25th November 2009

To Whom It May Concern:

I would like to confirm that [REDACTED] intend to raise funds for Help for Heroes by doing 'Britains Coastline Challenge.' Steph has officially informed the charity of their intentions by registering and their unique fundraising reference number is: 20090915-3335-4751

Everyone at Help for Heroes wishes them the best of luck with their event.

We would point out that fund raising is undertaken at the fundraisers own risk, Help for Heroes cannot indemnify the fundraiser in any way for accident or injury to third parties or their property, and any requirement for Public Liability insurance to be arranged is the sole responsibility of the fundraiser.

Help for Heroes was launched on the 1 October 2007 to raise money for wounded servicemen and women from all the Armed Forces returning from the current conflicts in Iraq and Afghanistan. The charity managed to raise a staggering £12 million in its first year and the current total is just over £30 million. This is all down to individuals such as Steph, Nicky, Chas, Paul and Andy who support the cause and who are prepared to give up their time to go out and raise funds – we are truly grateful.

The first fundraising target was to raise £8 million to help build a much needed swimming pool and gym complex at Headley Court, the tri-service rehabilitation centre in Surrey. The target was achieved, the plans have been drawn up and the facilities should be completed by December 2009. For more information on our current and future fundraising projects, or about the charity in general, then please visit our website at www.helpforheroes.org.uk

Kindest regards

Davina Liddell
Help for Heroes

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COMMITTEE: LICENSING

DATE: 21 APRIL 2010

DIRECTOR: CORPORATE GOVERNANCE

TITLE OF REPORT: REVIEW OF LATE HOURS CATERING GUIDELINES
REPORT NUMBER: CG/10/059

1. PURPOSE OF REPORT

To advise the Committee that a consultation on the review of current guidelines applied to late hours catering premises commenced on 12 April 2010 with a deadline for responses of 10 May 2010.

2. RECOMMENDATION(S)

That the Committee notes,

- 1) the consultation period and
- 2) that a further report on the findings of the consultation will come before the Committee on 02 June 2010.

3. FINANCIAL IMPLICATIONS

None.

4. SERVICE & COMMUNITY IMPACT

The impact on the community will not be known until the conclusion of the review.

5. OTHER IMPLICATIONS

None.

6. REPORT

At its meeting of 24 February 2010, the Committee considered the following Motion by Councillor Boulton:

'That the Full Council remits to the Licensing Committee a request to review the current guidelines in respect of the 4am terminal hour applied to late night catering licence holders on weekends in the city centre'

The Committee resolved "That officers prepare a report for the next meeting, reviewing the current guidelines for late hour catering licences in respect of the 4am terminal hour setting out the rationale behind the guidelines and benchmark against other licensing authorities".

A consultation with interested parties commenced on 12 April and will run until 10 May 2010. A list of consultees is appended to the report at Appendix A.

A further report will come before the Committee on 02 June 2010 detailing the findings of the consultation and will contain a comparison to other local authority areas.

7. REPORT AUTHOR DETAILS

Arlene Dunbar
Administration Officer
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Tel: 01224 523411

8. BACKGROUND PAPERS

None

List of Consultees

- Ward Councillors
- Grampian Police
- Community Councils
- Late Hour Catering Licence Holders
- Aberdeen City Licensing Board
- Taxi Trade
- City Centre Manager
- The Aberdeen City Alliance

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ABERDEEN CITY COUNCIL

COMMITTEE: LICENSING

DATE: 21 April 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 changes 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 as per paragraph 6.2 (d) below;

- (ii) Maintains current practice whereby hot food applications for new sites must be brought before the Committee for its 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) Revokes its current guideline prohibiting street trading in the City Centre;
- (v) Adds a new condition (condition 22) prohibiting the siting of street trading stances which sell any type of food and/or drinks within a four hundred metre radius of the outer boundary of a school at all times;
- (vi) In the meantime maintains all nine zones in relation to street traders' licences for ice cream vans and other mobile vans pending a potential change in legislation.
- (vii) Maintains the current one year duration for a street trader's licence.

- (viii) Endorses in principle the amended current conditions as detailed in Appendix B of this report.

3. FINANCIAL IMPLICATIONS

None.

4. SERVICE & COMMUNITY IMPACT

- (i) In relation to the prohibition on city centre street trading and the 100 metre rule the Committee shall be fulfilling its obligations under the Provision of Services Regulations 2006 ('the Regulations') (see paragraph 6.3 (b) below).
- (ii) With regards to the siting of street trading stances which sell food and drinks not less than a four hundred metre radius outside schools, there may be a wider positive impact on the promotion of health amongst school children.
- (iii) Following a twenty eight day consultation period from 2 to 30 March 2010, five responses were received. These responses are annexed as Appendices D, E, F, G and H to this report.

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 shall be 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.

In terms of Section 39 of the Act, street trading means 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.

Exceptions exist whereby a street trader's licence is not required for the sale of certain items such as newspapers, milk, coal or fuel derived from coal or for certain activities, such as those for which a Pedlars Certificate has been granted under the Pedlars Act 1871 or those for which a licence is required under another section of the Act. Neither is it required for organising or participating in a public benevolent collection (within the meaning of section 84 of the Charities and Trustee Investment (Scotland) Act 2005).

For any activity which involves the sale of food, a street trader must have a Food Safety Certificate issued to them by the environmental health service of the Council before they can acquire a street trader's licence.

6.2 Hot Food Sites

6.2.1 Advertising

a) Current system

In terms of paragraph 2(2) Schedule 1 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 (e.g.: vehicles/kiosks/moveable stalls) do not constitute premises for the purposes of this provision, these stances do not require to display this notice.

Whilst paragraph 2(7)(a) and (b) Schedule 1 of the Act imposes various advertising obligations on a Licensing Authority, there are no advertising obligations with regards to street traders' licences. In terms of paragraph 2(7)(c), the Committee do 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. It is this power which is utilised in relation to the advertising of applications for new hot food sites or new applicants for existing hot food sites. Applications are advertised in the Citizen freepaper. The applicant pays the advertising cost (currently £200 per site).

b) Problem with current system

A current problem with advertising in the freepaper is that this newspaper's circulation figures have dropped in many areas throughout the City and in some areas there is no circulation of the freepaper at all. (See Appendix B annexed to this Report detailing weekly distribution figures for the Citizen). Those areas that do not receive the freepaper are apparently those areas which, according to the Council's advertising Officer, attract most hot food licence applications. Residents of these areas are therefore less likely to be aware of the application notices/advertisements and therefore may not have the opportunity of making an objection/representation to the application. This makes the advertisement (for which the applicant is paying) somewhat futile.

(c) Advantage of current system

Advertising ensures that the public in those areas in which the newspaper is circulated know of the proposal.

d) Suggestions for change and reasons why

Members may wish to retain the current system. However, for the reasons indicated in paragraph 6.2(b) above, current advertising arrangements seem somewhat ineffective.

If it does decide to revoke the current system, the Committee could advertise all applications for hot food sites/new applicants for existing food sites on the Council's website. 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 to an extent. However this still may not reach a sufficient number of people in the right geographical location.

The Committee may wish to consider that there be no advertising at all of these applications. 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 Committee

a) Current system

Upon Committee instruction, 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. Licences for existing sites with new applicants are dealt with by delegated powers.

b) Problems with current system

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.

c) Advantage of current system

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 mandatory advertising of hot food sites be revoked with no replacement advertising in place. Determination by the Committee could be the only channel by which the Committee has knowledge of these applications.

d) Suggestion for change and reason why

It is recommended that there is no change to current practice in respect of new sites. If these applications were determined via delegated powers, this could be problematic in relation to contentious applications as Members would have no knowledge of them.

6.3 The 100 Metre Rule

a) Current system

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 the structures) and public safety (e.g.: if there is a minimum distance in place between street trading structures, this may facilitate pedestrian movement and lead to less congestion in specific areas).

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

b) Problems with current system

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 by individuals and businesses across the European Economic Area ('EEA') by removing many 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.

Regulation 22 also provides that 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. However, on examination of all three exceptions, it is unlikely that the statutory definition of all three would be met to render the 100 metre rule lawful.

c) Regulation 21

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.

d) Suggestion for change and reason why

That the Committee revokes the 100 metre rule as it arguably falls foul of Regulation 22.

6.3.1 Schools

a) Current system

The 100 metre rule also applies to the siting of street trading stances in relation to schools (usually ice cream vans and hot and cold food vans) as schools are an establishment which sell or offer for sale similar goods/articles/services. This means that a food van/ice cream van cannot be located within 100 metres from a school. There is no condition in place with regards to the 100 metre rule and its specific application to schools.

b) Problems with current system

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 (which usually includes siting of the school canteen within). 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. For example, a hot food van may be located 70 metres from the outer school boundary but 100 metres from the school building. 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.

If the 100 metre measurement commences from the building itself, ice cream vans and hot food structures will obviously be located closer to the school and thus be more visible to pupils than say, for example, if

the 100 metre distance commences from the outer school boundary. 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 Licensing Authority has received complaints with regard to the location of street traders which sell food in relation 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, for example, 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

Paragraph 6.3 (b) above concludes that the 100 metre rule is unlawful in terms of Regulation 22. However, it is arguable that the imposition of this 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 more easily. 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 criterion). 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. If a less restrictive measure can attain the same result, it should be preferred. In other words, are there less restrictive measures that could be put in place to promote healthy eating amongst school children other than the 'four hundred metre mile' rule. It is arguable that the rule itself is not wholly restrictive in any event as it is still permitting traders to trade, albeit within a reasonable distance from the school.

(v) Suggestions for change and reasons why

It is suggested that the Committee endorse a new condition 22 which shall state that '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 four hundred metre radius of the outer boundary of a school at all times. 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'. An example of the outer boundary of a school may be the

surrounding outer fence or wall. The reason the geographical distance ought to be extended from a 100 metre radius to a four hundred metre radius is to facilitate the attainment of the objective – the promotion of the health and well being of school children through healthy eating.

This approach would be consistent with the general aim of the Scottish Government's 'Hungry for Success' initiative (of which the promotion of healthy eating for school children is a part). It is also consistent in spirit with the statutory duty incumbent on a local authority that it endeavours to ensure that schools managed by it are health promoting (Section 1, Schools (Health Promotion and Nutrition) (Scotland) Act 2007 amending the Standards in Scotland's Schools etc. Act 2000).

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. If implemented, the four hundred metre radius could potentially impact on all nine ice cream vans operating in zoned areas as these ice cream vans can potentially operate within a 100 metre radius of a school should they so wish.

There is also currently one hot food van trading within the immediate vicinity of the outer boundary of a school. If the four hundred metre radius is adopted as a new rule, approximately fifteen hot food traders would be affected by the rule i.e. they would be prohibited from trading within a four hundred metre radius of a school.

It is recommended that if this new condition is adopted by the Committee, it does not take effect retrospectively. This means that the prohibition on trading within a four hundred metre radius of a school would only take effect as a condition attached to a licence in the following two circumstances: upon renewal of a current licence or upon the grant of a new licence. Current traders would still therefore be permitted to operate within a hundred metre radius of a school until their licence is renewed.

6.4 City Centre Street Trading

a) Current system

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 seems to be 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. There is also a desire to minimise overcrowding of sites.

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 Santa Hat Stall all situated in St Nicholas Square).

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

b) Problems with current system

In accordance with paragraph 5(2)(a) Schedule 1 of the Act, 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.

Regulation 22 prohibits the imposition of a 'territorial restriction' on the provision of a service activity. A prohibition on trading within a certain area is arguably a 'territorial restriction' as it is prohibiting trading within a specified area.

Regulation 22 also provides for exceptions whereby this prohibition may be lawful. On analysis of the statutory definition of all three exceptions, it is unlikely all three conditions would be met to provide that the imposition of territorial restrictions in relation to city centre street trading could be regarded as lawful.

From a legal perspective, paragraph 5(2)(a) of Schedule 1 of the Act and Regulation 22 conflict. The former is permitting zoning and Regulation 22 is prohibiting it. The Scottish Government is currently reviewing primary legislation (including the 1982 Act) to ensure compliance with the Directive. It remains to be seen whether the specific zoning provision in paragraph 5(2)(a) Schedule 1 of the Act will be amended to ensure compliance with the Directive.

c) Suggestion for change and reason why

That the Committee revokes its current guideline prohibiting street trading in the city centre (and its gold zones). Whilst this prohibition is

lawful in terms of paragraph 5(2)(a) of Schedule 1 of the Act, it is arguably unlawful under the Regulations.

Notwithstanding the ambiguous legal position with regards to this prohibition, it is also a prohibition that does not seem to work well in practice. Its relationship with gold zones is ambiguous and, as noted, on three occasions to date this prohibition has been relaxed.

A city centre is the heart of the commercial and cultural life of a city and helps define its identity. If street trading stances are of a high quality, they can contribute to this commercial and cultural life and make a city more vibrant. Street trading can also enhance the visual amenity of a city centre and perhaps promote a more 'European' atmosphere to it. For example, the sale of different cultural foods and ethnic goods. If they are of a high quality, they may even attract people into the city centre to browse/purchase. This may be beneficial to the local economy.

6.5 Grounds of Refusal of a Licence

If the Committee do revoke the current 100 metre rule and prohibition on street trading within the city centre, then possible concerns such as, for example, excess footfall within a specific area or noise and smell could be caught, in terms of paragraph 5 Schedule 1 of the Act, by grounds of refusal including 'the possibility of undue public nuisance', 'public order or public safety' or the all encompassing 'if there is other good reason for refusing the application'.

6.6 Ice Cream Van Zoning

a) Current system

There are currently nine zones within the Aberdeen City area that apply to ice cream vans. Currently, applications in relation to zones one to eight are generally granted via delegated powers. 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 general 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 what zone they ought to apply for. The licence issued specifies 'Area of Trade' and indicates the permitted zone(s) in which the ice cream vendor may trade. The ice cream vendor may only trade within the zone(s) specified on the licence. 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.

b) Problem with current system

The current system seems relatively uncontroversial and works well though the imposition of these restricted trading zones may fall foul of Regulation 22. However, as noted in paragraph 6.4(b) above, zoning is permitted in terms of paragraph 5(2)(a) of the Act. The legal position is therefore ambiguous.

With regards to Regulation 21, a Local Authority cannot subject the exercise of a service activity (e.g.: street trading) to 'proof of the existence of economic need or market demand'. The Committee cannot therefore invoke lack of economic need or market demand as justification for zoning.

c) Suggestions for change and reason why

As the system currently works well and is lawful under paragraph 5(2)(a) Schedule 1 of the Act, it is recommended that zoning for ice cream vans remains in place until the legal position is clarified i.e. the Scottish Government amends the zoning provision to ensure compliance with the Directive.

If this recommendation is upheld, this may affect condition 17 at a later date (which provides that 'A licence holder shall exercise their trade only within the areas specified in their licence').

6.7 Mobile Vans

a) Current system

Other mobile vans such as bakeries, fish vans and butchers, are also designated to zones for the purpose of street trading. These zones reflect the nine zones in place for ice cream vans. An application to trade in zone 9 (city centre) requires to be determined by the Committee.

b) Problem with current system

Zoned areas for the purpose of street trading are likely to fall foul of Regulation 22 though are lawful in terms of paragraph 5(2)(a) Schedule 1 of the Act. There are no identifiable problems with the current system.

c) Suggestion for change and reason why

For the reasons stated in paragraph 6.6 (c) (i) above, it is recommended that zoning remains in place unless the zoning provision is amended by the Scottish Government.

6.8 Duration of Licence

a) Current system

A street trader's licence is currently granted/renewed for a one year period.

b) Problem with current system

There are no identifiable problems with the current duration of the licence.

c) Suggestion for change and reasons why

It is recommended that the one year duration of the licence is not altered. Whilst the duration could be shortened or extended up to a period of 3 years in terms of paragraph 8 Schedule 1 of the Act, there seems no compelling reason to do so. Extension of duration could reduce the frequency of mandatory environmental health visits and the shortening of duration could increase administrative workload unnecessarily.

7. **AUTHOR DETAILS**

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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 licenceholder" means the person named in the licence.
 - b) "the Council" means the Aberdeen City Council.
 - c) "City Solicitor" means the City Solicitor of Aberdeen City Council
 - d) "Corporate Director, Neighbourhood Services (Central Area)" means the Corporate Director, Neighbourhood Services (Central Area) of Aberdeen City Council.
- 2
 - a) The licenceholder shall, immediately on receiving his licence, and before commencing trading, sign his licence in the space provided.
 - b) The licenceholder 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 licenceholder, 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 licenceholder, at the time of issue of his licence and badge of identification such sum as may be specified from time to time by them.
3. The licenceholder shall not lend or allow any other person to use his licence, or badge, if provided.
4. The licence holder shall not in any way alter, erase or deface his licence and shall, when required produce it for examination by the City Solicitor at the Town House, Aberdeen.
5. Where the goods or articles to be sold or which are to be offered for sale by the licenceholder are intended for human consumption, the licenceholder shall not store such goods or articles in any premises or vehicle until the said premises or vehicle has been approved by the Corporate Director, Neighbourhood Services (Central Area) for the purpose.

6. 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 the Corporate Director, Neighbourhood Services (Central Area) and shall comply at all times with the requirement of "the Food Safety Act, 1990".
7. The licenceholder 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 licenceholder 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.
8. 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 the Corporate Director, Neighbourhood Services (Central Area). On written notice signed by the Corporate Director, Neighbourhood Services (Central Area) himself or by an Environmental Health Officer authorised by the Council to sign such notices in terms hereof, being given to the licenceholder 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 licenceholder shall immediately cease trading until he remedies the cause of complaint to the satisfaction of the Corporate Director, Neighbourhood Services (Central Area) 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.
9. 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.
10. Except as otherwise directed by the Council the licenceholder shall not engage in street trading within 100 metres of any other licenceholder 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 licenceholder in a particular street or locality or area but such a direction shall not be effective until it is endorsed by the City Solicitor on the licence.

11. If the licenceholder 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 City Solicitor 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.
12. The licenceholder shall be permitted to exercise his trade only within the areas indicated in this licence.
13. The licenceholder 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.
14. On being granted a licence for the first time the licenceholder shall be furnished by the City Solicitor 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.
15. The licenceholder shall be bound to renew his badge on being notified by the City Solicitor 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.
16. Where the licence has been granted in relation to a specific vehicle or trailer the licenceholder shall not modify or replace the said vehicle without previously having notified the Corporate Director, Neighbourhood Services (Central Area) in writing and having received the appropriate certificate granted upon the provisions of Section 39(4) of the Civic Government (Scotland) Act, 1982.
17. 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 Corporate Director, Neighbourhood Services (Central Area).
18. The licenceholder shall ensure that any number allotted to his vehicle by the Corporate Director, Neighbourhood Services (Central Area) 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.

19. 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

APPENDIX B

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

CONDITIONS APPLICABLE TO A STREET TRADER'S LICENCE

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

2. **CONDITIONS:**

- 3. 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.
- 4. 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.

5. 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.
6. A licence holder shall not at any time lend to nor allow any other person to use their licence, and/or identity badge.
7. 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.
8. 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 licenceholder 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.
9. 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.
10. 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.
11. A licence holder shall trade only from the stance specified in the licence.
12. 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.
13. 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.
14. 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.

15. 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.
16. A licence holder shall comply with any reasonable instruction given by a relevant person in relation to his/her street trading activity.
17. A licence holder shall exercise their trade only within the areas specified in their licence.
18. 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.
19. 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 Act 1974.
20. 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.
21. 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.
22. 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 four hundred metre 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.
23. 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.

ABERDEEN CITIZEN WEEKLY DISTRIBUTION FULL COVERAGE

	No of Households	Postcode Sectors
North		
BRIDGE OF DON	9132	AB22/8 AB23/8
BUCKSBURN	3131	AB21/9
DYCE	2366	AB21/7
	14629	
South		
COVE, ALTENS	3024	AB12/3
GARTHDEE, KAIMHILL	3437	AB10/7 AB15/7
KINCORTH, NIGG	2645	AB12/3 AB12/5
PORTLETHEN	2545	AB12/4
	11651	
West		
CRAIGEIBUCKLER,HAZLEHEAD	5264	AB15/6/7/8
WESTHILL	3921	AB32/6
CULTS, BIELDSIDE, MILLTIMBER, CULTER	4598	AB13/0 AB14/0 AB15/9
QUEENS, HOLBURN, MANNOFIELD	6274	AB10/6 AB15/4/6/7/8
KINGSWELLS	1594	AB15/8
	21651	
City North		
WOODSIDE	1588	AB16/5 AB21/9 AB24/4 AB25/3
ASHGROVE, CORNHILL, STOCKETHILL	1948	AB16/5 AB25/3
	3536	
City South		
ROSEMOUNT 1	4250	AB15/4/5 AB25/2
ROSEMOUNT 2	5178	AB10/1 AB15/4 AB25/1/2/3
FERRYHILL	5952	AB10/6/7 AB11/6/7
	15380	
City East		
CITY BEACH	606	AB24/5
	606	
OVERALL TOTAL	67453	
ABC figure 72,103 Jan 09 - June 09		

07/10/2009

Appendix F

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:CAMLNE@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 Spence; Ivor Churcher; Irene Cormack; Ian Yuill; Jennifer Stewart; John Corall; John Stewart; Jackie Dunbar; Jennifer Laing ; Jim Farquharson; James Hunter; Jim Noble; James Kiddie; John West; John Reynolds; Jillian Wisely; Kate 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;
carolknight@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

monitoring.

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Appendix 6

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 <4B8D3CEA.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.

Appendix H

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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