

# Public Document Pack



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

Town House,  
ABERDEEN Date Not Specified

## LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 14 JUNE 2016 at 10.00 am.**

FRASER BELL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

### B U S I N E S S

#### REQUESTS FOR DEPUTATION

- 1.1 None received at this stage

#### MINUTES, COMMITTEE BUSINESS STATEMENT AND MOTIONS LIST

- 2 Minute of Previous Meeting of 26 April 2016 (Pages 7 - 20)
- 2.1 Minutes of Meetings of the Licensing Evidential Hearings Sub Committee of 29 April, 12 May and 26 May 2016 (Pages 21 - 26)
- 2.2 Minutes of Meetings of the Licensing Urgent Business Sub Committee of 29 April, 12 May and 26 May 2016 (Pages 27 - 32)
- 2.3 Committee Business Statement (Pages 33 - 36)
- 2.4 Motions List (Pages 37 - 38)

#### FILM CLASSIFICATIONS

3.1 Film Classifications - Belmont Filmhouse (Pages 39 - 74)

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

- 4.1 Grant of a Licence for a House in Multiple Occupation - 39 Aboyne Road, Aberdeen (Pages 79 - 80)
- 4.2 Grant of a Licence for a House in Multiple Occupation - 568 Holburn Street, Aberdeen (Pages 81 - 88)
- 4.3 Grant of a Licence for a House in Multiple Occupation - 53 Bannermill Place, Aberdeen (Pages 89 - 126)
- 4.4 Grant of a Licence for a House in Multiple Occupation - 58 Camperdown Road, Aberdeen (Pages 127 - 140)
- 4.5 Grant of a Licence for a House in Multiple Occupation - 44A Belgrave Terrace, Aberdeen (Pages 141 - 146)
- 4.6 Grant of a Licence for a House in Multiple Occupation - 6 Tanfield Avenue, Aberdeen (Pages 147 - 152)
- 4.7 Grant of a Licence for a House in Multiple Occupation - 23F Froghall Avenue, Aberdeen (Pages 153 - 156)
- 4.8 Grant of a Licence for a House in Multiple Occupation - 3 Hilton Street, Aberdeen (Pages 157 - 160)
- 4.9 Grant of a Licence for a House in Multiple Occupation - 1 Loanhead Place, Aberdeen (Pages 161 - 164)
- 4.10 Grant of a Licence for a House in Multiple Occupation - Top floor flat, 21 Justice Street, Aberdeen (Pages 165 - 168)
- 4.11 Grant of a Licence for a House in Multiple Occupation - 14 Pitmedden Road, Aberdeen (Pages 169 - 172)
- 4.12 Application for a Public Charitable Collection (Pages 173 - 174)
- 4.13 Renewal of a Street Trader's Licence - Tompea Ibolya-Emese (Pages 175 - 176)
- 4.14 Grant of a Street Trader's Licence - Kang Soo (Pages 177 - 196)

- 4.15 Renewal of a Street Trader's Licence - Richard Leonard Towler (Pages 197 - 198)
- 4.16 Renewal of a Public Entertainment Licence - Mastrick Community Centre (Pages 199 - 200)
- 4.17 Renewal of a Late Hours Catering Licence - Muhammad Sajid (Pages 201 - 220)
- 4.18 Renewal of a Second Hand Dealer's Licence - Martin James Wood (Pages 221 - 222)
- 4.19 Grant of a Taxi & Private Hire Car Booking Office - Aberdeen Taxis Limited (Pages 223 - 224)
- 4.20 Renewal of an Indoor Sports Licence - Transition Extreme Sports Ltd (Pages 225 - 226)
- 4.21 Grant of a Window Cleaner's Licence - Ali Simpson (Pages 227 - 228)
- 4.22 Renewal of a Taxi Operator's Licence - David Bruce (T490) (Pages 229 - 230)
- 4.23 Renewal of a Taxi Operator's Licence - Rainbow Cars Ltd (T813) (Pages 231 - 232)
- 4.24 Renewal of a Taxi Operator's Licence - James Robert Milne (T526) (Pages 233 - 234)
- 4.25 Renewal of a Private Hire Car Operator's Licence - Graham Smith (PH124) (Pages 235 - 236)
- 4.26 Grant of a Taxi Driver's Licence - Mohammad Khan (Pages 237 - 238)
- 4.27 Grant of a Taxi Driver's Licence - Rattikorn Gouweleeuw (Pages 239 - 240)

### **COMMITTEE REPORTS**

- 5.1 Safety of Sports Grounds Act 1975 as amended - General Safety Certificate Pittodrie Certificate - CG/16/079 (Pages 241 - 286)

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

- 6.1 Landlord Registration
- 6.2 Grant of a Licence for a House in Multiple Occupation
- 6.3 Grant of a Late Hours Catering Licence
- 6.4 Grant of a Taxi Driver's Licence
- 6.5 Grant of a Taxi Driver's Licence
- 6.6 Grant of a Taxi Driver's Licence
- 6.7 Grant of a Private Hire Car Driver's Licence
- 6.8 Grant of a Private Hire Car Driver's Licence
- 6.9 Grant of a Private Hire Car Driver's Licence
- 6.10 Grant of a Private Hire Car Driver's Licence
- 6.11 Grant of a Private Hire Car Driver's Licence
- 6.12 Grant of a Private Hire Car Driver's Licence
- 6.13 Grant of a Private Hire Car Driver's Licence
- 6.14 Grant of a Private Hire Car Driver's Licence
- 6.15 Grant of a Private Hire Car Driver's Licence
- 6.16 Grant of a Private Hire Car Driver's Licence
- 6.17 Grant of a Private Hire Car Driver's Licence
- 6.18 Grant of a Private Hire Car Driver's Licence
- 6.19 Grant of a Private Hire Car Driver's Licence

6.20 Grant of a Private Hire Car Driver's Licence

6.21 Request for Removal of Suspension of Taxi Driver

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<http://committees.aberdeencity.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13012&path=13004>

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

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## LICENSING COMMITTEE

ABERDEEN, 26 April 2016. Minute of meeting of the LICENSING COMMITTEE.  
Present: Councillor Carle, Convener; and Councillors Allan, Boulton, Corall (as substitute for Councillor Townson), Copland, Crockett, Delaney, Lesley Dunbar, Graham, Hutchison, MacGregor, Malik, Malone (from article 9 onwards) and Nicoll.

**The agenda and reports associated with this minute can be found at:-**  
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=3831&Ver=4>

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

### MINUTE OF MEETING OF THE LICENSING COMMITTEE OF 8 MARCH 2016

1. The Committee had before it the minute of its meeting of 8 March 2016.

**The Committee resolved:**

to approve the minute as a correct record.

### MINUTE OF MEETING OF THE LICENSING COMMITTEE OF 6 APRIL 2016

2. The Committee had before it the minute of its meeting of 6 April 2016.

**The Committee resolved:**

to approve the minute as a correct record.

### MINUTE OF MEETING OF THE LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE OF 10 MARCH 2016

3. The Committee had before it the minute of the meeting of the Licensing Evidential Hearings Sub Committee of 10 March 2016.

**The Committee resolved:**

to approve the minute as a correct record.

## LICENSING COMMITTEE

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### MINUTE OF MEETING OF THE TAXI CONSULTATION GROUP OF 1 MARCH 2016

4. The Committee had before it the minute of the meeting of the Taxi Consultation Group of 1 March 2016.

**The Committee resolved:**

- (i) to note that the recommendation proposed by the Consultation Group at article 9 of the minute would be taken forward as part of the report previously requested by the Committee in respect of proposals for street knowledge testing for private hire drivers once section 64 of the Air Weapons and Licensing (Scotland) Act 2015 was in force;
- (ii) to note that the recommendations proposed by the Consultation Group at article 10 of the minute had been reflected in the report on the age of vehicle policy to be considered by Council on 11 May 2016; and
- (iii) to otherwise note the minute.

### COMMITTEE BUSINESS STATEMENT

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

**The Committee resolved:**

- (i) to remove item 4 (Licensing Application Fees 2016/2017) subject to the decision taken later on today's agenda; and
- (ii) to otherwise note the updates contained within the statement.

### MOTIONS LIST

6. The Committee had before it a list of motions as prepared by the Head of Legal and Democratic Services.

**The Committee resolved:**

to note the motions list.

### LICENSING APPLICATION FEES 2016 - 2017

7. With reference to article 1 of the minute of the meeting of the Licensing Committee of 8 March 2016, the Committee had before it a report by the Interim Director of Corporate Governance which advised of the proposed level of application fees for licences administered through the Civic Government (Scotland) Act 1982 and other miscellaneous statutes and to obtain the Committee's approval for the fees to come into effect on 1 April 2016.



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**The report recommended:-**

that the Committee approve the maintenance of the fees at the current levels.

**The Committee resolved:**

to approve the recommendation.

### LEGAL SERVICES

8. The Convener advised that three long serving employees within Legal Services, namely: Eric Anderson (27 years), Bill Gordon (42 years) and Fiona Selbie (36 years) had recently retired from the Council and he thanked them for their contribution and service to the Council.

**The Committee resolved:**

to concur with the Convener's remarks.

### APPLICATION FOR LICENCES

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

**The Committee resolved:**

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

### EXEMPT INFORMATION

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

### APPLICATION FOR LICENCES

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

**The Committee resolved:**

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

- **COUNCILLOR SCOTT CARLE, Convener**

**LICENSING COMMITTEE**  
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**APPENDIX A**

**1     GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Reference Number – 5/01**  
**Premises – 1 Seaview Road, Bridge of Don, Aberdeen**

The Committee was advised that the application had been withdrawn.

**2.     GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Reference Number – 5/02**  
**Premises - 56 Montrose Drive, Aberdeen**

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

**3.     GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Reference Number – 5/03**  
**Premises - 27 Bothwell Road, Aberdeen**

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

**4.     GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Reference Number – 5/04**  
**Premises - 30E Bedford Road, Aberdeen**

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

**5.     GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Reference Number – 5/04**  
**Premises - 45G Kingsgate, Aberdeen**

The Committee had before it a report by Mr Ally Thain, Private Sector Housing Manager and two letters of representation.

The Committee heard from one of the respondents, Mr Armour. The Committee asked questions of the respondent.

The second respondent, F.G Burnett was not present, and was not represented.

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The Committee then heard from the applicant, Mr Ritchie in support of the application.

The Committee asked questions of Mr Ritchie.

**The Committee resolved:**

to defer consideration of the application until the works were completed, after which time the Private Sector Housing Manager could grant the application under delegated powers if appropriate.

**6. RENEWAL OF AN INDOOR SPORTS ENTERTAINMENT LICENCE**

**Application Reference Number – 5/06**

**Premises – Aberdeen Sports Village**

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

The applicant was not in attendance.

A representative from Building Standards was not present.

The Committee heard from Ruth O'Hare, Legal Advisor, who advised that Building Standards had made reference to a prior agreement regarding the operating of the aquatics centre. The applicant had submitted a request to deviate from this agreement and was seeking to vary the terms of the licence.

**The Committee resolved:**

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub Committee to enable the applicant and a representative from Building Standards to be present.

**7. RENEWAL OF A STREET TRADER'S (HOT FOOD) LICENCE - TUANJAI MEARNS**

**Application Reference Number – 5/07**

**Premises – Howe Moss Avenue, South Side, 20metres West of Eastern Spur of Howe Moss Terrace**

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

The applicant was not in attendance.

The Committee heard from Andrew Gilchrest, Environmental Health, who confirmed that a required food safety application had yet to be received, however he had been in touch and advised the applicant of the requirements.

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**The Committee resolved:**

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub Committee, however should a food safety certificate be received in advance of that meeting the Head of Legal and Democratic Services could grant the application under delegated powers if appropriate.

**8. GRANT OF A STREET TRADER'S LICENCE – DAVID THOMAS**

**Application Reference Number – 5/08**

**Premises – St Nicholas Street, East Side, 53metres North of Union Street**

**Operating Hours – Monday to Sunday, 8am to 7pm**

With reference to article 2 of the minute of the meeting of the Licensing Committee of 8 March 2016, the Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application.

The applicant was not in attendance.

**The Committee resolved:**

to refuse the application.

**9. RENEWAL OF A TAXI LICENCE – ALEXIS MURRAY (T663)**

**Application Reference Number – 5/09**

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

**10. RENEWAL OF A TAXI LICENCE – RAINBOW CARS LIMITED (T705)**

**Application Reference Number – 5/10**

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

**11. RENEWAL OF A TAXI LICENCE – GRAHAM MCLEOD (T164)**

**Application Reference Number – 5/11**

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

**12. RENEWAL OF A TAXI LICENCE – ERIC LAWRIE (T281)**

**Application Reference Number – 5/12**

The Committee was advised that the application had been withdrawn.

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**13. RENEWAL OF A TAXI LICENCE – BRIAN FENTY (T381)  
Application Reference Number – 5/13**

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

**14. RENEWAL OF A TAXI LICENCE – BRIAN WOOD (T782)  
Application Reference Number – 5/14**

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

**15. RENEWAL OF A TAXI LICENCE – GRAHAM MCLEOD (T164)  
Application Reference Number – 5/15**

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

**16. RENEWAL OF A TAXI LICENCE – RAINBOW CARS LIMITED (T322)  
Application Reference Number – 5/16**

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

**17. RENEWAL OF A TAXI LICENCE – RAINBOW CARS LIMITED (T701)  
Application Reference Number – 5/17**

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

**18. RENEWAL OF A TAXI LICENCE – WILLIAM ROBERTSON (T543)  
Application Reference Number – 5/18**

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

**19. RENEWAL OF A PRIVATE HIRE CAR LICENCE – RAINBOW CARS LIMITED (PH275)  
Application Reference Number – 5/19**

**LICENSING COMMITTEE**

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

**20. RENEWAL OF A PRIVATE HIRE CAR LICENCE – RAINBOW CARS LIMITED (PH177)**

**Application Reference Number – 5/20**

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

**21. RENEWAL OF A TAXI DRIVER'S LICENCE – SHAUN WYNESS**

**Application Reference Number – 5/21**

The Committee was advised that the application had been withdrawn.

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### APPENDIX B

#### 1. LANDLORD REGISTRATION APPLICATION Application Reference Number – 6/01

With reference to article 1 of appendix B of the minute of the meeting of the Licensing Committee of 8 March 2016, the Committee had before (1) a report by Mr Ally Thain, Private Sector Housing Manager; (2) a letter from the applicant; and (3) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division and Sergeant Gillian Flett was in attendance.

The applicant was in attendance and advised of his position.

The Convener, seconded by Councillor Copland moved:-  
that the registration be granted.

Councillor Delaney, seconded by Councillor Boulton moved as an amendment:-  
that the registration be refused on the grounds that the applicant was not a fit and proper person.

On a division, there voted:- for the motion (7) – the Convener and Councillors Copland, Corall, Crockett, Lesley Dunbar, Graham, and Malik; for the amendment (6) – Councillors Allan, Boulton, Delaney, Hutchison, MacGregor and Nicoll; absent from the division (1) – Councillor Malone.

**The Committee resolved:**

to suspend standing order 22(1) and to adopt the motion.

#### 2. LANDLORD REGISTRATION APPLICATION Application Reference Number – 6/02

The Committee had before (1) a report by Mr Ally Thain, Private Sector Housing Manager; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division and Sergeant Gillian Flett was in attendance.

The applicant was not in attendance, however the Committee was advised that the applicant had requested that the item be deferred and considered at its next meeting.

**The Committee resolved:**

to defer consideration of the landlord registration application to the next meeting of the Committee on 14 June 2016 to enable the applicant to be present.

#### 3. RENEWAL OF A TAXI DRIVER'S LICENCE

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### **Application Reference Number – 6/03**

The Committee had before it a letter from the Committee's nominated Occupational Health Service Provider (OH Assist) dated 27 January 2016, in relation to the applicant.

The applicant was present, accompanied by her husband and spoke in support of her application.

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

to defer consideration of the application to allow OH Assist to receive a medical report from the applicant's GP and thereafter for OH Assist to report to the Head of Legal and Democratic Services, after which time the Head of Legal and Democratic Services could grant the application under delegated powers if the applicant met the Group 2 DVLA medical criteria, or otherwise refer it to the Licensing Urgent Business Sub Committee meeting to be held on 29 April 2016.

#### **4. RENEWAL OF A TAXI DRIVER'S LICENCE** **Application Reference Number – 6/04**

The Committee had before it a letter from the Committee's nominated Occupational Health Service Provider (OH Assist) dated 24 February 2016, in relation to the applicant.

The applicant was present and spoke in support of his application.

Councillor Boulton, seconded by Councillor Graham moved:-

that the application be deferred to receive further information from OH Assist and the applicant's GP, subject to approval by the applicant for this information to be issued.

Councillor MacGregor, seconded by Councillor Nicoll moved as an amendment:-  
that the application be refused.

On a division, there voted:- for the motion (5) – Councillors Boulton, Corall, Delaney, Graham and Malik; for the amendment (9) – the Convener and Councillors Allan, Copland, Crockett, Lesley Dunbar, Hutchison, MacGregor, Malone and Nicoll.

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

to adopt the amendment.



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**5. GRANT OF A TAXI DRIVER'S LICENCE  
Application Reference Number – 6/05**

The Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division and Sergeant Gillian Flett was in attendance to speak in its support.

The applicant was not present.

**The Committee resolved:**

to defer consideration of the application to the next meeting of the Committee on 14 June 2016 to provide the applicant with another opportunity to be present.

**6. GRANT OF A TAXI DRIVER'S LICENCE  
Application Reference Number – 6/06**

The Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard Sergeant Gillian Flett speak in its support.

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

Councillor Boulton, seconded by Councillor Malone moved:-  
that the application be granted for a one year period.

Councillor Crockett, seconded by the Convener moved as an amendment:-  
that the application be refused.

On a division, there voted:- for the motion (3) – Councillors Boulton, Malik and Malone; for the amendment (11) – the Convener and Councillors Allan, Copland, Corall, Crockett, Delaney, Lesley Dunbar, Graham, Hutchison, MacGregor and Nicoll.

**The Committee resolved:**

to adopt the amendment.

**7. GRANT OF A TAXI DRIVER'S LICENCE  
Application Reference Number – 6/07**

The Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division and heard Sergeant Gillian Flett speak in its support.

The applicant was in attendance, accompanied by his solicitor who spoke in support of the application.

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Councillor Boulton, seconded by Councillor Allan moved:-  
that the application be granted for a one year period subject to the applicant passing the required street knowledge test.

Councillor Nicoll, seconded by Councillor Copland moved as an amendment:-  
that the application be refused.

On a division, there voted:- for the motion (5) – the Convener and Councillors Allan, Boulton, Graham and Malik; for the amendment (9) –and Councillors Copland, Corall, Crockett, Delaney, Lesley Dunbar, Hutchison, MacGregor, Malone and Nicoll.

**The Committee resolved:**

to adopt the amendment.

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

**Application Reference Number – 6/08**

With reference to article 4 of appendix B of the minute of the meeting of the licensing Committee of 8 March 2016, the Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division and Sergeant Gillian Flett was in attendance to speak in its support.

The applicant was not in attendance.

**The Committee resolved:**

to defer consideration of the application to the next meeting of the Committee on 26 April 2016 to provide another opportunity for the applicant to be present.

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

**Application Reference Number – 6/09**

With reference to article 5 of appendix B of the minute of the meeting of the licensing Committee of 8 March 2016, the Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division and Sergeant Gillian Flett was in attendance to speak in its support.

Sergeant Flett provided an update on the status of the case.

The applicant was in attendance and advised of his understanding of status of the case.

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**The Committee resolved:**

to defer consideration of the application to the next meeting of the Committee on 14 June 2016 to enable the position in respect of the case to be clarified and to request officers to write to the Procurator Fiscal to confirm the status of the case.

**10. GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE  
Application Reference Number – 6/10**

The Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division and Sergeant Gillian Flett was in attendance and spoke in its support.

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

**The Committee resolved:**

to grant the application.

**11. GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE  
Application Reference Number – 6/11**

The Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division and Sergeant Gillian Flett was in attendance to speak in its support.

The applicant was not in attendance and had requested that consideration be deferred to the next meeting.

**The Committee resolved:**

to defer consideration of the application to the next meeting of the Committee on 14 June 2016 to enable the applicant to be present.

**12. GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE  
Application Reference Number – 6/12**

The Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division and Sergeant Gillian Flett was in attendance to speak in its support.

The applicant was not in attendance.

**The Committee resolved:**

to defer consideration of the application to the next meeting of the Committee on 14 June 2016 to enable the applicant to be present.

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**13. GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE  
Application Reference Number – 6/13**

The Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division. Sergeant Gillian Flett was in attendance and advised that the letter of representation from Police Scotland had been withdrawn.

The applicant was not in attendance.

**The Committee resolved:**

to note that the letter of representation from Police Scotland had been withdrawn and therefore the application would be dealt with under delegated powers.

## LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE

ABERDEEN, 29 April 2016. Minute of Meeting of the LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE. Present:- Councillor Crockett (as a substitute for Councillor Carle), Convener; and Councillors Copland, Crockett, Hutchison and Nicoll.

**The agenda and reports associated with this minute can be found at:-**  
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=547&MId=4206&Ver=4>

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

### CONVENER

1. In the absence of the Convener, Councillor Crockett took the Chair.

### MINUTE OF PREVIOUS MEETING OF 10 MARCH 2016

2. The Sub Committee had before it the minute of its previous meeting.

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

to approve the minute as an accurate record.

### PROCEDURE NOTE

3. The Sub Committee had before it the procedure note which detailed the procedure to be followed for today's hearing.

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

to note the procedure.

### EXEMPT INFORMATION

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

### RENEWAL OF A TAXI DRIVER'S LICENCE

4. With reference to (1) article 6 of Appendix B of the minute of the meeting of the Licensing Committee of 19 January 2016, and (2) article 1 of the minute of the meeting of the Licensing Evidential Hearings Sub Committee of 10 March 2016, the Sub Committee had before it (a) an information sheet prepared by the Head of Legal and

**LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE**

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Democratic Services; (b) judgement by the Sheriff; (c) correspondence from the Chief Constable, Police Scotland, c/o Aberdeen City Division; and (d) a range of documents submitted by the applicant.

The applicant was in attendance, accompanied by his Counsel, solicitor and a witness.

The Chief Constable, Police Scotland, was represented by Counsel, Sergeant Flett and a witness.

As a preliminary matter, Ruth O'Hare, Legal Advisor to the Sub Committee, advised that a further letter of had been received from Police Scotland in respect of the application beyond the statutory time period within which such letters must be received. A copy of the letter had been provided to the applicant.

Thereafter, Counsel for Police Scotland advised that he wished to refer to (1) section 52(A) of the Civic Government (Scotland) Act 1982 and (2) Murdo v HMA and the rationale for this.

The Sub Committee heard from the applicant's Counsel regarding the additional documents which Police Scotland had requested be entered into proceedings. The applicant's Counsel had no objection to the further letter from Police Scotland and section 52(A) of the Civic Government (Scotland) Act 1982, however objected to case Murdo v HMA being entered into proceedings.

**The Sub Committee resolved:**

that the letter of representation from Police Scotland and section 52(A) of the Civic Government (Scotland) Act 1982 be introduced to the proceedings and that case Murdo v HMA should not be introduced into proceedings.

The Sub Committee heard the evidence from Police Scotland's Counsel.

The Sub Committee heard from the applicant's Counsel in support of the application.

The Sub Committee asked questions of both Police Scotland's Counsel and witness and the applicant's Counsel and witness.

**The Sub Committee resolved:**

to grant the application.

- **BARNEY CROCKETT, Convener**

## LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE

ABERDEEN, 12 May 2016. Minute of Meeting of the LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE. Present:- Councillor Carle, Convener; and Councillors Malone, Nicoll and Townson.

**The agenda and reports associated with this minute can be found at:-**  
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=547&MId=4225&Ver=4>

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

### EXEMPT INFORMATION

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

### DECLARATION OF INTEREST

**The Convener declared an interest as a member of Unite. He did not feel it necessary to leave the meeting during the Sub Committee's deliberations.**

### REQUEST FOR THE SUSPENSION OF A TAXI DRIVER'S LICENCE AND TAXI LICENCE

1. The Sub Committee had before it a letter dated 25 April 2016 from the Chief Constable, Police Scotland, c/o Aberdeen City Division, which in terms of sections 12 and 11 of the Civic Government (Scotland) Act 1982, requested the suspension a taxi driver's licence and a taxi licence.

A representative from Police Scotland was not present.

The taxi driver was in attendance and spoke in support of his case.

The Sub Committee asked a number of questions of the taxi driver.

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

to defer consideration of both the taxi driver's licence and taxi licence suspension requests until a further meeting of the Sub Committee on 26 May 2016 to enable (1) the taxi driver to undertake a medical assessment with the Licensing Committee's nominated Occupational Health Service Provider (OH Assist); and (2) for a representative from Police Scotland to be in attendance.

- **SCOTT CARLE, Convener**

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## LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE

ABERDEEN, 26 May 2016. Minute of Meeting of the LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE. Present:- Councillor Carle, Convener; and Councillors Copland (as a substitute for Councillor Townson), Crockett, Malone and Nicoll.

**The agenda and reports associated with this minute can be found at:-**  
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=547&MIId=4239&Ver=4>

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

### MINUTE OF PREVIOUS MEETING OF 12 MAY 2016

1. The Sub Committee had before it the minute of its previous meeting of 12 May 2016.

**The Sub Committee resolved:**

to approve the minute as an accurate record.

### DECLARATION OF INTEREST

**The Convener declared an interest as members of Unite. He did not feel it necessary to leave the meeting during the Sub Committee's deliberations.**

### REQUEST FOR THE SUSPENSION OF A TAXI DRIVER'S LICENCE AND TAXI LICENCE

2. With reference to article 1 of the minute of the meeting of Licensing Evidential hearings Sub Committee, the Sub Committee had before it a letter dated 25 April 2016 from the Chief Constable, Police Scotland, c/o Aberdeen City Division, which in terms of sections 12 and 11 of the Civic Government (Scotland) Act 1982, requested the suspension a taxi driver's licence and a taxi licence.

The licence holder was in attendance, accompanied by his representative.

Sergeant Gillian Flett was in attendance on behalf of Police Scotland.

As a preliminary point, Sergeant Flett advised that she had received further information regarding the case later the previous day and wished to rely on that information in her submission. She further advised that the licence holder and his representative had only just been made aware of this information.

The Sub Committee heard from the applicant's representative regarding the additional information which Police Scotland had requested be entered into proceedings. The

**LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE**

26 May 2016

applicant's representative advised that they sought an adjournment to consider that information and take legal advice. The applicant's representative advised that they would not object to the suspension of the licences for the period of the adjournment.

**The Sub Committee resolved:**

to assign a further meeting of the Sub Committee on a date suitable for all to enable the licence holder to consider the new information and take legal advice; and to agree to suspend the taxi driver's licence and taxi licence under paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982 until the date of the next meeting.

- **SCOTT CARLE, Convener**

## LICENSING URGENT BUSINESS SUB COMMITTEE

ABERDEEN, 29 April 2016. Minute of Meeting of the LICENSING URGENT BUSINESS SUB COMMITTEE. Present:- Councillor Crockett (as a substitute for Councillor Carle), Convener; and Councillors Copland (as a substitute for Councillor Townson), Hutchison (as a substitute for Councillor Boulton) and Nicoll.

**The agenda and reports associated with this minute can be found at:**  
**<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=502&MIId=4222&Ver=4>**

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

### CONVENER

1. In the absence of the Convener, Councillor Crockett took the Chair.

### DETERMINATION OF URGENT BUSINESS

2. In terms of Standing Order 28(5)(vi), and in accordance with Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, the Sub Committee was informed that it had to determine: (1) that the item on the agenda was of an urgent nature; and (2) that the Sub Committee required to consider the item and take a decision thereon.

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

to agree that the item was of an urgent nature and required to be considered this day.

### EXEMPT INFORMATION

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

### RENEWAL OF A TAXI DRIVER'S LICENCE

3. With reference to article 3 of appendix B of the minute of the meeting of the Licensing Committee of 26 April 2016, the Sub Committee had before it (1) a letter from the Committee's nominated Occupational Health Service Provider (OH Assist) dated 27 January 2016 and (2) a tabled letter again from OH Assist dated 29 April 2016. Both letters were in relation to the applicant.

The applicant was present, along with her husband and representative.

**LICENSING URGENT BUSINESS SUB COMMITTEE**

29 April 2016

**The Sub Committee resolved:**

to grant the application for a six month during which the further assessment as detailed in the letter from OH Assist of 29 April 2016 should be undertaken.

- **COUNCILLOR CROCKETT, Convener**

## LICENSING URGENT BUSINESS SUB COMMITTEE

ABERDEEN, 12 May 2016. Minute of Meeting of the LICENSING URGENT BUSINESS SUB COMMITTEE. Present:- Councillor Carle, Convener; and Councillors Malone, Nicoll and Townson.

The agenda and reports associated with this minute can be found at:  
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=502&MI d=4224&Ver=4>

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

### DETERMINATION OF URGENT BUSINESS

1. In terms of Standing Order 28(5)(vi), and in accordance with Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, the Sub Committee was informed that it had to determine: (1) that the items on the agenda were of an urgent nature; and (2) that the Sub Committee required to consider the items and take a decision thereon.

**The Sub Committee resolved:**

to agree that the items were of an urgent nature and required to be considered this day.

### APPLICATION FOR A PUBLIC CHARITABLE COLLECTION - CHILDREN'S 1<sup>ST</sup>

2. The Sub Committee had before it (1) an information note prepared by the Head of Legal and Democratic Services in respect of the application from Children's 1<sup>st</sup> for a public charitable collection on Sunday 15 May 2016, Saturday 28 and Sunday 29 May 2016.

Emma Finlayson, Children's 1<sup>st</sup> Regional Fundraising Manager, was in attendance and spoke in support of the application, explaining the reason why two of the collections were to be held on a Sunday and the manner in which they would be conducted.

The Sub Committee asked questions of the applicant.

**The Sub Committee resolved:**

to grant the application.

### RENEWAL AND VARIATION OF AN INDOOR SPORTS ENTERTAINMENT LICENCE – ABERDEEN SPORTS VILLAGE

3. With reference to article 6 of appendix A of the minute of the meeting of the Licensing Committee of 26 April 2016, the Sub Committee had before it (1) an information note prepared by the Head of Legal and Democratic Services in respect of the application; and (2) an email from the applicant dated 26 April 2016.

The applicant, Mr Costello, Aquatics Centre Manager, Aberdeen Sports Village, was in attendance and spoke in support of the renewal and variation of the indoor sports entertainment licence at Aberdeen Sports Village.

A representative from Building Standards was present and confirmed that Building Standards was content that the outstanding works in respect of the renewal application had been completed. However, in terms of the variation application, which sought an increase in the maximum occupancy of the aquatics centre, he advised that a request required to be made directly to them to review the building, alongside the Fire and Rescue Service, in order to assess the proposed variation.

The Sub Committee asked questions of the both the applicant and Building Standards representative.

**The Sub Committee resolved:**

- (i) to grant the renewal of the indoor sports entertainment licence for Aberdeen Sports Village; and
- (ii) to defer consideration of the variation of the indoor sports entertainment licence for Aberdeen Sports Village to enable the applicant to submit a request to Building Standards regarding the proposed increase in the maximum occupancy of the aquatics centre and that a report on Building Standard's assessment of the proposal be submitted to a future meeting of the Licensing Committee when considering the variation.

**RENEWAL OF A STREET TRADER'S LICENCE (HOT FOOD) - TUANJAI MEARNS**

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

- **COUNCILLOR CARLE, Convener**

## LICENSING URGENT BUSINESS SUB COMMITTEE

ABERDEEN, 26 May 2016. Minute of Meeting of the LICENSING URGENT BUSINESS SUB COMMITTEE. Present:- Councillor Carle, Convener; and Councillors Copland (as a substitute for Councillor Townson), Crockett, Malone and Nicoll.

**The agenda and reports associated with this minute can be found at:**  
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=502&MIId=4243&Ver=4>

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

### DETERMINATION OF URGENT BUSINESS

1. In terms of Standing Order 28(5)(vi), and in accordance with Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, the Sub Committee was informed that it had to determine: (1) that the items on the agenda were of an urgent nature; and (2) that the Sub Committee required to consider the items and take a decision thereon.

**The Sub Committee resolved:**

to agree that the items were of an urgent nature and required to be considered this day.

### APPLICATION FOR A PUBLIC PROCESSION - COVE GALA

2. The Sub Committee had before it (1) an information note by the Head of Legal and Democratic Services in respect of the application for a public procession order by Cove Gala, with the procession to be held on 11 June 2016.

The applicant was not in attendance.

**The Sub Committee resolved:-**

to make an order to waive the statutory 28 day notice period.

### APPLICATION FOR A PUBLIC PROCESSION - CULTER GALA

3. The Sub Committee had before it (1) an information note by the Head of Legal and Democratic Services in respect of the application for a public procession order by Culter Gala, with the procession to be held on 28 May 2016.

The applicant was not in attendance.

**The Sub Committee resolved:-**

to make an order to waive the statutory 28 day notice period.

**LICENSING URGENT BUSINESS SUB COMMITTEE**  
26 May 2016

- COUNCILLOR SCOTT CARLE, Convener



LICENSING

COMMITTEE BUSINESS

14 JUNE 2016

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

Reports which are overdue are shaded.

	<u>Minute Reference</u>	<u>Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
1.	Licensing Committee 27.01.15 (Article 6)	<u>Survey On Unmet Taxi Demand - Collation Of Data And Consultation With Trade</u>  At its meeting on 17 March 2015, the Committee agreed to instruct the Head of Legal and Democratic Services to report to the Licensing Committee in early 2016 with an analysis of taxi marshal data over a twelve month period in accordance with the terms of the report.	<b>An analysis of the data is awaited and a report should be submitted to the Committee at its meeting on 23<sup>rd</sup> August 2016</b>	Head of Legal and Democratic Services	08.03.16

2.	Licensing Committee 01.09.15 (Article 7)	<u>Training for Taxi Drivers</u> At its meeting on 1 September 2015, the Committee resolved, amongst other things, to: (a) instruct officers from Legal and Democratic Services to carry out further investigations into the requirements for taxi driver training and undertake consultation with the trade; and (b) instruct officers from Legal and Democratic Service to report back to Committee on the outcome of (a).	<b>There have been delays in commencing consultation due to unforeseen circumstances however questionnaires will be sent out in June and a report should be submitted to the Committee within two cycles.</b>	Head of Legal and Democratic Services	08.03.15
3.	Licensing Committee 19.01.16 (article 8(D))	<u>Private Hire Driver Training</u> The Committee resolved, amongst other things, to: (a) instruct officers from Legal and Democratic Services to include training for private hire driver licences as part of the current consultation on taxi driver training instructed by the Committee at its meeting on 1 September 2015 and to advise future private hire driver applicants of the opportunity to voluntarily undertake the street knowledge test; and (b) instruct officers to report to Committee with proposals for street knowledge testing for private hire drivers once section 64 of the Air Weapons and Licensing (Scotland) Act 2015 was in force or if earlier when guidance on the Act was made available.	<b>The report should be submitted to the Committee within two cycles.</b>	Head of Legal and Democratic Services	08.03.16  Dependent on Act being enforced or guidance being available

4.	Licensing Committee 08.03.16 (article 3 appendix A)	<p><u>Age Policy For Private Hire And Taxi Vehicles</u></p> <p>The Committee resolved to request officers to review the age policy for private hire and taxi vehicles and submit a report on this matter to a future meeting of the Committee.</p>	<p>A report was on the agenda for the Licensing Committee meeting on 6 April at which time it was agreed to refer the report simpliciter to full Council. The report will be considered by full Council on 11 May 2016.</p> <p>Council on 11 May resolved, amongst other things, to instruct the Head of Legal and Democratic Services to review the policy on Age of Vehicles following the implementation of the accessible vehicle policy on 6 June 2018 and report back to the Licensing Committee with recommendations as appropriate twelve months after the accessible vehicle policy has been implemented.</p>	Head of Legal and Democratic Services	June 2019
5.	Council 11.05.16	<p><u>Review of Accessible Vehicles Policy</u></p> <p>Council on 11 May resolved, amongst other things:</p> <p>(i) to instruct the Head of Legal and Democratic Services to write to the UK Transport Minister in order to seek further clarity on any proposed implementation date for the remaining provisions of part 12 of the Equality Act 2010; and</p> <p>(ii) to instruct the Head of Legal and Democratic Services to write to the Chief Executive of Dundee City Council seeking clarity in and around their mixed fleet policy and report back to the Licensing Committee with their response.</p>		Head of Legal and Democratic Services	22.08.16

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LICENSING COMMITTEE

MOTIONS LIST

<u>No.</u>	<u>Motion</u>	<u>Date of Council Meeting</u>	<u>Committee Motion referred to / date/ decision of Committee</u>	<u>Action taken / Proposed Future Action</u>	<u>Responsible Head(s) of Service</u>	<u>Due Date</u>	<u>Is authority sought to remove motion from list?</u>
1.	<p><u>Motion by Councillor Hutchison</u></p> <p>That the Licensing Committee agrees that a consultation would be held to consider the replacement of the quota target of 100% of taxis being wheelchair accessible vehicles by 2017 and that the report from this consultation would go before members at the next meeting of the Licensing Committee.</p>	Licensing Committee 8 March 2016	N/A	<p>to instruct the Head of Legal and Democratic Services to prepare a report for consideration at an additional meeting of the Committee to be held in early April 2016 in accordance with Standing Orders, detailing all of the implications for the Council, if the Committee were to reduce the 100% quota target for taxi vehicles being wheelchair accessible by June 2017.</p> <p>A report was considered at the additional Licensing Committee meeting on 6 April 2016 at which time the Committee resolved to approve the recommendations in the report, subject to the following amendments:</p> <ul style="list-style-type: none"> <li>(a) to note the previous decision of the Licensing Committee and the consultation as narrated in the report together with the decisions in the cases of Wilson v Aberdeen City Council and R v Newcastle x parte Blake;</li> <li>(b) to note the Council's duties under equalities legislation to promote the public sector equality duty and that any move to set aside the policy would have a negative impact on the Council's</li> </ul>	Legal and Democratic Services	11/05/16 – Council	Yes

<u>No.</u>	<u>Motion</u>	<u>Date of Council Meeting</u>	<u>Committee Motion referred to / date/ decision of Committee</u>	<u>Action taken / Proposed Future Action</u>	<u>Responsible Head(s) of Service</u>	<u>Due Date</u>	<u>Is authority sought to remove motion from list?</u>
				<p>equality outcomes; and  (c) to amend recommendation (ii) to include a reminder in the letter to licence holders of their conditions of licence in relation to the assistance of all passengers.</p> <p><b>In terms of Standing Order 36(3), this matter was referred to full Council in order for a final decision to be taken.</b></p> <p>Council on 11 May resolved, amongst other things:</p> <p>(i) to instruct the Head of Legal and Democratic Services to write to the UK Transport Minister in order to seek further clarity on any proposed implementation date for the remaining provisions of part 12 of the Equality Act 2010; and</p> <p>(ii) to instruct the Head of Legal and Democratic Services to write to the Chief Executive of Dundee City Council seeking clarity in and around their mixed fleet policy and report back to the Licensing Committee with their response.</p> <p><b>Recommended for removal.</b></p>			



## AGE CLASSIFICATION REQUEST

2016

*Belmont Film House , 49 Belmont Street , Aberdeen*

# THE GLASS CELL

## SYNOPSIS

**The Glass Cell (Die Gläserne Zelle, Hans W. Geisendorfer, 1978) 93 min**

*The Glass Cell* tells of Philip Carter, an engineer who's released from prison after serving time for a crime he didn't commit only to have his life on the outside completely unravel. In the film, the prison scenes are limited to the opening credits but Geisendorfer very effectively has prison letters from Philip's wife Lisa (Brigitte Fossey) read out on the soundtrack during shots of the protagonist on the streets of Frankfurt looking for work. As days turn to weeks, Philip finds himself troubled by the relationship between Lisa and his lawyer David (Dieter Laser) and this, together with his difficulty finding employment and his blackmailing by an old associate, leaves him in a troubled state of mind. He kills his wife's lover in a moment of anger. The events spiral downward and he is pushed to kill his blackmailer too.



## SUGGESTED RATING UTILISING BBFC GUIDELINES

# 15

### DISCRIMINATION

None

### DRUGS

No References to Illegal drugs or drug use.

### HORROR

On two occasions someone is murdered. The first person is murdered by being hit by a marble statue. However the actual hitting is suggested and not shown on screen. The second murder is committed by stabbing the victim with a knife. Again the action is suggested. The actual stabbing is not visible and there is also no blood on screen.

### IMITABLE BEHAVIOUR

None

### LANGUAGE

Occasional use of strong language.

### NUDITY

None

### SEX

There is the suggestion of sex, but this is not shown on screen.

### THEME

Grief, murder, relationships

### VIOLENCE

There are 2 violent scenes, which are the murder scenes.

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## AGE CLASSIFICATION REQUEST

2016

*Belmont Filmhouse, 49 Belmont Street, Aberdeen*

# ENOUGH ROPE

## SYNOPSIS

BASED ON PATRICIA HIGHSMITH'S NOVEL THE BLUNDERER. IN THIS DRAMA, TWO TOTAL STRANGERS SUSPECT EACH OTHER OF MURDERING THEIR OWN WIVES.

## FILM DETAILS

Director: Claude Autant-Lara. Run time: 104 mins. Country of Origin: France/Germany/Italy. Year of Production: 1963.

SUGGESTED RATING UTILISING BBFC GUIDELINES

12A

DISCRIMINATION

None

DRUGS

None

HORROR

None

IMITABLE BEHAVIOUR

None

LANGUAGE

None

NUDITY

None

SEX

None

THEME

Paranoid investigation into a dual murder by the men accused of committing the crimes

VIOLENCE

One on-screen murder by smothering

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## AGE CLASSIFICATION REQUEST

2016

*Belmont Filmhouse, 49 Belmont Street, Aberdeen*

# GHOSTS OF DARKNESS

## SYNOPSIS

TWO PARANORMAL INVESTIGATORS ARE UNEXPECTEDLY THROWN TOGETHER IN THE HOPE OF SOLVING A 100 YEAR MYSTERY. LOCKED FOR THREE NIGHTS IN A HOUSE WITH A DARK AND UNSETTLING PAST, THE TWO INVESTIGATORS MUST PUT THEIR DIFFERENCES TO ONE SIDE AND WORK TOGETHER. THEY SOON DISCOVER THE MYTHS AND STORIES ARE NOTHING COMPARED TO WHAT ACTUALLY RESIDES WITHIN THE EERIE WALLS OF RICHWOOD MANOR. SCEPTICISM AND SHOWMANSHIP ARE SOON PUT TO ONE SIDE WHEN THE TWO INVESTIGATORS REALISE THERE IS MORE AT STAKE THAN JUST THEIR PROFESSIONAL REPUTATION. FOR ONCE THEY HAVE STUMBLED ONTO THE REAL THING, BUT THIS TIME IT'S THEIR OWN LIVES AT STAKE.

[FILM DETAILS](#)

Director: David Ryan Keith. Run time: 84 mins. Country of Origin: UK. Year of Production: 2016.



SUGGESTED RATING UTILISING BBFC GUIDELINES

15

DISCRIMINATION

None

DRUGS

None

HORROR

Infrequent scenes of moderate horror

IMITABLE BEHAVIOUR

None

LANGUAGE

Infrequent use of strong language

NUDITY

None

SEX

None

THEME

Paranormal horror

VIOLENCE

One violent murder with multiple stab wounds. Other acts of violence occur off camera.

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## AGE CLASSIFICATION REQUEST

2016

*Belmont Film House , 49 Belmont Street , Aberdeen*

# MARTY GOES TO HOLLYWOOD

## SYNOPSIS

*Marty Goes to Hollywood is a film with no budget about a guy in a film with a big budget. Despite getting gets his big break playing Tom Hanks' Irish brother in the movie Cloud Atlas, Marty can't afford to go to his Hollywood premiere.*

*His pals make a pledge to get Marty to the red carpet in Hollywood and decide to film the process but Hollywood does not welcome the idea of a film being made on their turf. In the face of adversity, the boys refuse to take no for an answer and set out on a journey of friendship, belief, fate, kilts and banjo's swapping the hills of Castlemilk for the streets of LA.*

*The film takes a look at the reality of how a Scottish jobbing actor fits into the massive US film industry machine.*

## FILM DETAILS

Director: Martyn Robertson. Run time: 52 mins. Country of Origin: UK. Year of Production: 2015.

SUGGESTED RATING UTILISING BBFC GUIDELINES

15

DISCRIMINATION

None

DRUGS

Moderate alcohol consumption

HORROR

None

IMITABLE BEHAVIOUR

None

LANGUAGE

Infrequent use of mild bad language

NUDITY

Upper torso male nudity. Very mild

SEX

None

THEME

No material that will harm or offend

VIOLENCE

None

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## AGE CLASSIFICATION REQUEST

2016

*Belmont Film House , 49 Belmont Street , Aberdeen*

# WHO KILLED NELSON NUTMEG

## SYNOPSIS

**A group of children spend their summers at a caravan park in the north of England. When the park mascot Nelson Nutmeg goes missing the group suspect that he has been killed and they set out to follow the clues to solve the mystery.**

## FILM DETAILS

Director: Tim Clague, Danny Stack. Run time: 82 mins. Country of Origin: UK. Year of Production: 2015.



SUGGESTED RATING UTILISING BBFC GUIDELINES

PG

DISCRIMINATION

None

DRUGS

None

HORROR

None

IMITABLE BEHAVIOUR

A boy abseils down a cliff while his friends support him on a rope.

LANGUAGE

None

NUDITY

None

SEX

None

THEME

No material that will harm or offend

VIOLENCE

None



## AGE CLASSIFICATION REQUEST

2016

*Belmont Filmhouse , 49 Belmont Street , Aberdeen*

# THIS SWEET SICKNESS

## SYNOPSIS

David is an accountant. He leaves town every Friday, pretending he is going to take care of his parents at their old people's home. But actually his parents are dead, and he spends the week-ends converting a chalet. He intends to live there with Lise, a woman he knows and loves since childhood. But Lise has just married another and has a baby. David's mad love does not see those facts as an obstacle...

## FILM DETAILS

Director: Claude Miller. Run time: 107 mins. Country of Origin: France. Year of Production: 1977.

SUGGESTED RATING UTILISING BBFC GUIDELINES

15

DISCRIMINATION

None

DRUGS

None

HORROR

None

IMITABLE BEHAVIOUR

None

LANGUAGE

Infrequent use of strong language

NUDITY

Mild nudity

SEX

Frequent moderate sex references

THEME

Tale of love and obsession

VIOLENCE

Infrequent moderate acts of violence

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## AGE CLASSIFICATION REQUEST

2016

*Belmont Film House , 49 Belmont Street , Aberdeen*

# BODYPOPPIN PIXILATION ANIMATION

## SYNOPSIS

**Short documentary film about dance/animation workshops made by young people as part of YACNE funded programme of activities.**

## FILM DETAILS

Director: Grant Anderson. Run time: 5 mins. Country of Origin: UK. Year of Production: 2016.



SUGGESTED RATING UTILISING BBFC GUIDELINES

U

DISCRIMINATION

None

DRUGS

None

HORROR

None

IMITABLE BEHAVIOUR

None

LANGUAGE

None

NUDITY

None

SEX

None

THEME

No material that will harm or offend

VIOLENCE

None

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## AGE CLASSIFICATION REQUEST

2016

*Belmont Film House , 49 Belmont Street , Aberdeen*

OWN

## SYNOPSIS

**Short dance film across cityscape of Aberdeen made with young people as part of YACNE funded programme of activities.**

## FILM DETAILS

Director: Jen Randall, Lightshed Pictures. Run time: 5 mins. Country of Origin: UK. Year of Production: 2016.

SUGGESTED RATING UTILISING BBFC GUIDELINES

U

DISCRIMINATION

None

DRUGS

None

HORROR

None

IMITABLE BEHAVIOUR

None

LANGUAGE

None

NUDITY

None

SEX

None

THEME

No material that will harm or offend

VIOLENCE

None

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## AGE CLASSIFICATION REQUEST

2016

*Belmont Film House , 49 Belmont Street , Aberdeen*

# WHISKY GALORE!

## SYNOPSIS

The warmth, whimsy and, of course, the whisky which made Whisky Galore! such a success in both the source novel and Alexander Mackendrick's 1949 film adaptation are alive and well in this version of a much loved and highly treasured favourite.

The story of Whisky Galore! is based on real life events, when the 8000 ton cargo ship the SS Politician ran aground off the Island of Eriskay during gale force winds.

Author Compton McKenzie took these events and wrote a wonderfully warm and witty book that was ripe for adaptation. In 1949 his story of whisky-deprived islanders plundering a wrecked vessel and doing their best to hide the loot from the Home Guard was adapted by Ealing Studios, going on to be hailed a classic. It was released in the US as Tight Little Island and in France as the far more saucy Whisky A Go Go.

The film details the story of the inhabitants of the isolated Scottish island of Today, in the Outer Hebrides, where gloom sets in as their wartime rationing of whisky runs out. When cargo ship the SS Cabinet Minister runs aground the shrewd islanders run rings around the buffoonish English Home Guard commander Captain Waggett (beautifully played by Eddie Izzard) and conspire to hide away cases of the precious amber nectar.

## FILM DETAILS

Director: Gillies McKinnon. Run time: 98 mins. Country of Origin: UK. Year of Production: 2016.



SUGGESTED RATING UTILISING BBFC GUIDELINES

# 12A

DISCRIMINATION

None

DRUGS

Consumption of alcohol

HORROR

None

IMITABLE BEHAVIOUR

None

LANGUAGE

Infrequent use of moderate language

NUDITY

None

SEX

Some mild sex references

THEME

No material that will harm or offend

VIOLENCE

None

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**LICENSING COMMITTEE**  
**14 June 2016**  
**LIST OF APPLICATIONS**

	<b>Application Type</b>	<b>Name and Address of Applicant(s)</b>	<b>Premises, Vehicle or Area to which Application Refers</b>	<b>Objections or Representations Received From</b>	<b>Date by which Application to be Determine (If Applicable)</b>	<b>Pages</b>
1.	HMO Application (Grant)	Feel At Home (Aberdeen) Ltd	39 Aboyne Road, Aberdeen	C, H & I	25 January 2017	79 – 80
2.	HMO Application (Grant)	Karen McKee +C.D.M.Lettings	568 Holburn Street, Aberdeen	One representation	31 March 2017	81 – 88
3.	HMO Application (Renewal)	Keith F.Lamb +Bridget A.Lamb	53 Bannermill Place, Aberdeen	One representation	6 April 2017	89 – 126
4.	HMO Application (Grant)	Nida M.A.Wani & Nuha M.Wani	58 Camperdown Road, Aberdeen	5 representations	21 April 2017	127 – 140
5.	HMO Application (Grant)	John S.Gauld & Margaret C.Gauld +Liesl C.Megginson	44A Belgrave Terrace, Aberdeen	One representation	25 April 2017	141 – 146
6.	HMO Application (Grant)	John Craig & Carole A.Craig +Easthaven Property Management	6 Tanfield Avenue, Aberdeen	One representation & one 'late' representation	26 April 2017	147 – 152
7.	HMO Application (Grant)	George Eweka	23F Froghall Avenue, Aberdeen	C, H & I	8 July 2016	123 – 156
8.	HMO Application (Grant)	Christopher Minchin	3 Hilton Street, Aberdeen	C, H & I	20 July 2016	157 – 160
9.	HMO Application (Grant)	Dean Phillips + C.D.M.Lettings	1 Loanhead Place, Aberdeen	C, H & I	23 July 2016	161 – 164
10.	HMO Application (Renewal)	Martin J.Flett	Top floor flat, 21 Justice Street, Aberdeen	C, H & I	20 August 2016	165 – 168

11.	HMO Application (Grant)	Ian M.Dossett + Easthaven Property Management	14 Pitmedden Road, Aberdeen	C, H & I	20 August 2016	169 – 172
12.	Public Charitable Collection	ABF The Soldiers Charity and Catherine Ross MBE	Union Street, School Hill Area, Outside Union Square	LD	N/A	173 – 174
13.	Street Trader (Renewal)	Tompea Ibolya-Emese	Crawpeel Road Monday – Friday 07:00 – 14:00	LD	11 August 2016	175 – 176
14.	Street Trader (Grant)	Kang Soo	<ol style="list-style-type: none"> <li>1. Kirkhill Place – Southside -140m east of Dyce Drive</li> <li>2. Harness Road -Southside –40m East of Harness Circle Western Spur</li> <li>3. Southern Road –Southside - 160m East of Crawpeel Road</li> <li>4. Craigshaw Drive – Southside - 160m West of Wellington Road</li> <li>5. Moss Road, Westside -120m South of Gateway Drive</li> <li>6. Stoneywood Park North-West Side – 40m North of Stoneywood Park</li> <li>7. Tern Place Northside – 90m West of Demore Road</li> <li>8. Exploration Drive-Westside - 90m North of Exploration Drive Eastern Spur</li> </ol> Trading Hours: Monday to Sunday 07:00 – 19:00	LD Objection x 2	14 August 2016	177 – 196
15.	Street Trader (Renewal)	Richard Leonard Towler	South Esplanade West Monday – Friday 07:00 – 15:00 Saturday 07:30 – 14:00	LD	14 August 2016	197 – 198
16.	Public Entertainment (Renewal)	Mastrick Community Centre Voluntary Management Committee	Mastrick Community Centre Greenfern Road Aberdeen	LD BS	20 July 2016	199 – 200

17.	Late Hours Catering (Renewal)	Muhammad Sajid	Richi's Café 10 Bridge Street Aberdeen	Objection x 8	18 October 2016	201 – 220
18.	Second Hand Dealer (Renewal)	Martin James Wood	Aberdeen Market 8-10 Market Street Aberdeen	LD	5 July 2016	221 – 222
19.	Taxi & PHC Booking Office(Grant)	Aberdeen Taxis Limited Unit B 15 Lotland Street Inverness	Aberdeen Taxis 5 Crown Street Aberdeen	LD	26 July 2016	223 – 224
20.	Indoor Sports (Renewal)	Transition Extreme Sports Ltd Links Road Aberdeen	Transition Extreme Sports Centre Links Road Aberdeen	BS	20 July 2016	225 – 226
21.	Window Cleaner (Grant)	Ali Simpson	N/A	LD	22 June 2016	227 – 228
22.	Taxi Operator (Renewal)	David Bruce (T490)	MK13 YGP	LD	20 June 2016	229 – 230
23.	Taxi Operator (Renewal)	Rainbow Cars Ltd (T813)	SF64 GYO	LD	27 July 2016	231 – 232
24.	Taxi Operator (Renewal)	James Robert Milne (T526)	SE59 LLT	LD	23 August 2016	233 – 234
25.	Private Hire Car Operator (Renewal)	Graham Smith (PH124)	EA10 KLC	LD	6 July 2016	235 – 236
26.	Taxi Driver (Grant)	Mohammad Khan	N/A	LD	21 June 2016	237 – 238
27.	Taxi Driver (Grant)	Rattikorn Gouweleeuw	N/A	LD	7 July 2016	239 – 240

**ABBREVIATIONS:**

LD Legal and Democratic Services  
 EH Environmental Health  
 SFRS Fire and Rescue Service  
 BS Building Standards

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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	2 June 2016
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

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

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.39 Aboyne Road, Aberdeen**

**Applicant/s: Feel At Home (Aberdeen) Limited**

**Agent: None stated**

I refer to the above HMO licence application, which is due to be considered by the Licensing Committee at its meeting on 14 June 2016 for the reason that the applicants do not own the property.

I can advise you as follows:

### **The HMO legislation**

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Section 129(1) of the Act states;

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

### **Application history:**

The applicants submitted an application for an HMO licence on 26 January 2016 and paid the relevant application fee. Some time later, the HMO Unit received a phone call from another member of the public, enquiring about the possibility of her purchasing the property and applying for an HMO licence. A check revealed that the licence-applicants do not legally own the property, but are interested in purchasing it. At the date of this report, the property is advertised for sale on the ASPC website at a fixed price, and no closing date.

### **HMO Unit procedures:**

This matter has highlighted the requirement to ensure that HMO licence-applicants are the legal owners of the property in question. In this regard, the HMO Unit is now obtaining an online copy of the Title Deeds from the Registers of Scotland, whenever an HMO licence application is submitted, so that a comparison can be made between the legal owners according to the Title Deeds, and the names on the HMO licence application.

**Referral to Licensing Committee:**

I only hold delegated powers to approve HMO licence applications where there are no concerns or representations property. The HMO licence application for No.39 Aboyne Place is not competent in terms of the above legislation for the reason that it has not been made by the owner of the property, and should therefore be refused.

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

**Ally Thain**

Private Sector Housing Manager





# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	2 June 2016
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

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

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.568 Holburn Street, Aberdeen**

**Applicant/s: Karen McKee**

**Agent: CDM Lettings**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 14 June 2016 for the reason that one letter of representation was received by the HMO Unit.

I can advise you as follows:

**The HMO legislation**

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

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

**The premises:**

The property at No.568 Holburn Street, Aberdeen, is an upper floor maisonette flat providing accommodation of 6 letting bedrooms, one public room, one kitchen, one bathroom & one shower-room. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

The HMO licence application is dated 28 March 2016 and was received by the HMO Unit on 1 April 2016.

**Notice of HMO Application:**

The Certificate of Compliance has not yet been submitted, however a copy of the Notice of HMO Application was submitted, and is dated 28 March 2016. This being the case, the 21-day statutory period for displaying the Notice ended on 19 April 2016.

**Letter of representation:**

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

**Letter from licence-applicant:**

The agent submitted a letter on behalf of the licence-applicant, in response to representations. The letter is attached as Appendix 'C'.

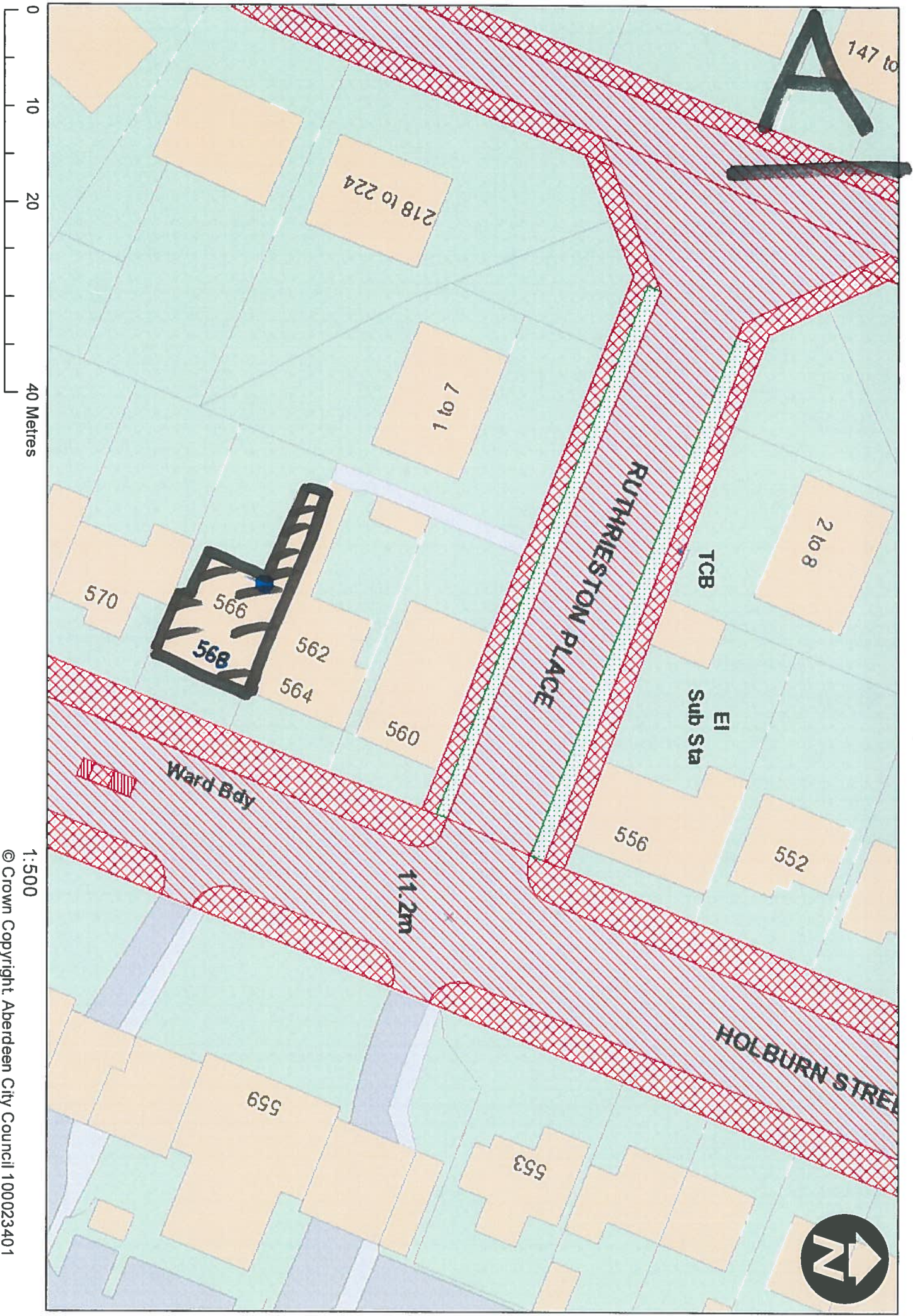
**Other Considerations:**

- Police Scotland has been consulted in respect of the applicant's suitability as a 'fit & proper' person, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- At the date of this report, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of anti-social behaviour at No.568 Holburn Street, Aberdeen.
- The applicant, her property & her agent are registered with the Landlord Registration database.
- The applicant has requested an occupancy of 5 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The applicant has applied for Planning Permission Change of Use to a 6-bed HMO. At the date of this report, the application is pending, however if the application is granted, an occupancy of 6 tenants will be acceptable to the HMO Unit in terms of space & layout.
- The applicant held an HMO licence for the property between July 2007 – January 2014, but did not apply to renew the licence and ceased the operation as an HMO. The applicant has now applied for another HMO licence therefore the application is treated as a 'first-time' HMO licence application.
- There are 24 pending or granted HMO properties along the length of Holburn Street, Aberdeen.

- The letter of representation mentions the HMO at No.571 Holburn Street, Aberdeen. The owners of this property were granted an HMO licence in June 2014 to accommodate a maximum of 9 tenants. The owners also obtained Planning Permission Change of Use to an HMO.
- The letter of representation mentions difficulties associated with car parking in Holburn Street, Aberdeen, however car parking is not a consideration of HMO licensing.
- At the date of this report, an initial inspection of the property has been carried out and a number of upgrading requirements identified. I will advise the Committee of the up-to-date position at the meeting on 14 June 2016.

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

**Ally Thain**  
Private Sector Housing Manager



**B**

7<sup>th</sup> April 2016

HMO Unit  
Housing and Environmental  
Business Hub 1  
Lower Ground Floor West  
Marischal College  
Broad Street  
Aberdeen AB10 1AB

Aberdeen City Council
Housing & Environment
DATE RECEIVED
08 APR 2016
Private Sector Housing Unit

Objection to HMO - 568 Holburn Street AB10 7LJ

We are strongly opposed to the renewal of the HMO permit to the above property due to the fact that within our immediate area we have already a large HMO property at 571 Holburn Street across the road from the property seeking HMO renewal.

We note that recently in the local press Bill Comrie was concerned about the siting of HMO properties within a busy residential area. We would like to take this opportunity to point out the following facts which we consider as relevant in our strong objection to the renewal of the HMO permit as parking and safe passage along Holburn Street can be hazardous at times due to the volume of traffic and people parking in order to use the following businesses:-

- Busy Post Office/Chemist shop
- R&D Heating/Electrical - down a small lane and vehicles reverse out onto Holburn Street
- Large HMO property at 571 - currently AWPR wagons are parked on the pavement and sometimes at bus stop
- Busy Chinese Take Away - home delivery vehicle reversing out onto Holburn Street
- Riverside Clinic customers reversing out onto Holburn Street
- 2 large B&B establishments nearby
- Busy Dental Practice nearby
- Kitchen retail shop nearby
- Caber Coffee - has own parking but vehicles reverse

- South Holburn Church and community halls - no parking
- Student accommodation/flats muted for this area as well - with no parking area

Please pass on our concerns to the relevant people in order that our objections can be duly considered.

Yours sincerely,

Rosemary Paterson and George Paterson



**568 Holburn Street  
Aberdeen  
AB10 7LJ**

**12 April 2016  
Reference:**

### **HMO Objection**

Dear Councillors

We would like to respond to the objection letter against the HMO application for 568 Holburn Street.

While we understand the concerns of Mr and Mrs Paterson that Holburn street is a busy street and can some times back up with people reversing out of side streets, we feel that this objection is not valid against the Landlords Application for a HMO License on a number of points.

1. Issues with a current HMO property at 571 Holburn Street should be confined to this property and should be dealt with by raising a complaint against this property.
2. Currently 568 Holburn Street does not have a HMO license (one is not required) and is put out to Monday to Friday workers who all have vehicles. The fact that we will be placing students in this property will likely reduce the number of cars linked with the leasing of this property.
3. There are no areas of parking linked to this property that require a driver to reverse onto Holburn Street.
4. We do not believe there should be concerns over student HMO properties sited in busy residential areas as this is actively pushing mixed communities which is a key requirement in planning.
5. We do not believe there is any ground for refusal of a HMO license based on parking .
6. If there were an antisocial element to the parking habits of any future tenants then we would address this in the appropriate manner.
7. There are no parking permits required in this area of the city indicating that there is ample

provision for parking.

We would happily pass on our contact details as the managing agent for this property to Mr and Mrs Paterson for future contact if they encounter any issues with the activities of any future tenants so that any concerns can be addressed quickly and effectively.

If there are any further questions I will be present on the 14th June 2016 at the Licensing Committee or I can be contacted on 01224 517

Many Thanks

Chris Minchin

Director

CDM Lettings





**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	2 June 2016
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

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

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.53 Bannermill Place, Aberdeen**

**Applicant/s: Keith F.Lamb**

**Agent: Bridget A.Lamb**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 14 June 2016 for the reason that one letter of representation was received by the HMO Unit.

I can advise you as follows:

### **The HMO legislation**

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

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

### **The premises:**

The property at No.53 Bannermill Place, Aberdeen, is an upper floor maisonette flat providing accommodation of 5 letting bedrooms, one public room, one kitchen & 4 bathrooms (2 en-suite). The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

The HMO licence application is dated 23 February 2016 and was received by the HMO Unit on 7 April 2016.

**Notice of HMO Application:**

During the initial inspection of the property by the HMO Officer, he was not satisfied that the Notice of HMO Application had been properly displayed, and he instructed the applicant to display another Notice for a further 21-day statutory period. A fresh Notice was displayed on 25 April 2016 and the 21-day statutory period ended on 17 May 2016.

**Letter of Representation:**

One letter of representation was received by the HMO Unit on 11 May 2016, within the statutory 21-day Notice period, and must therefore be considered by the Committee. The letter is attached as Appendix 'B'. Certain sections of the letter have been highlighted by the writer of the letter and not by the author of this report.

**Letter from licence-applicant:**

The applicant's Solicitor submitted a letter in response to representations (attached as Appendix 'C'). The letter includes 4 'references' by way of e-mails from the tenants of No.53 Bannermill Place to the agent, Bridget Lamb.

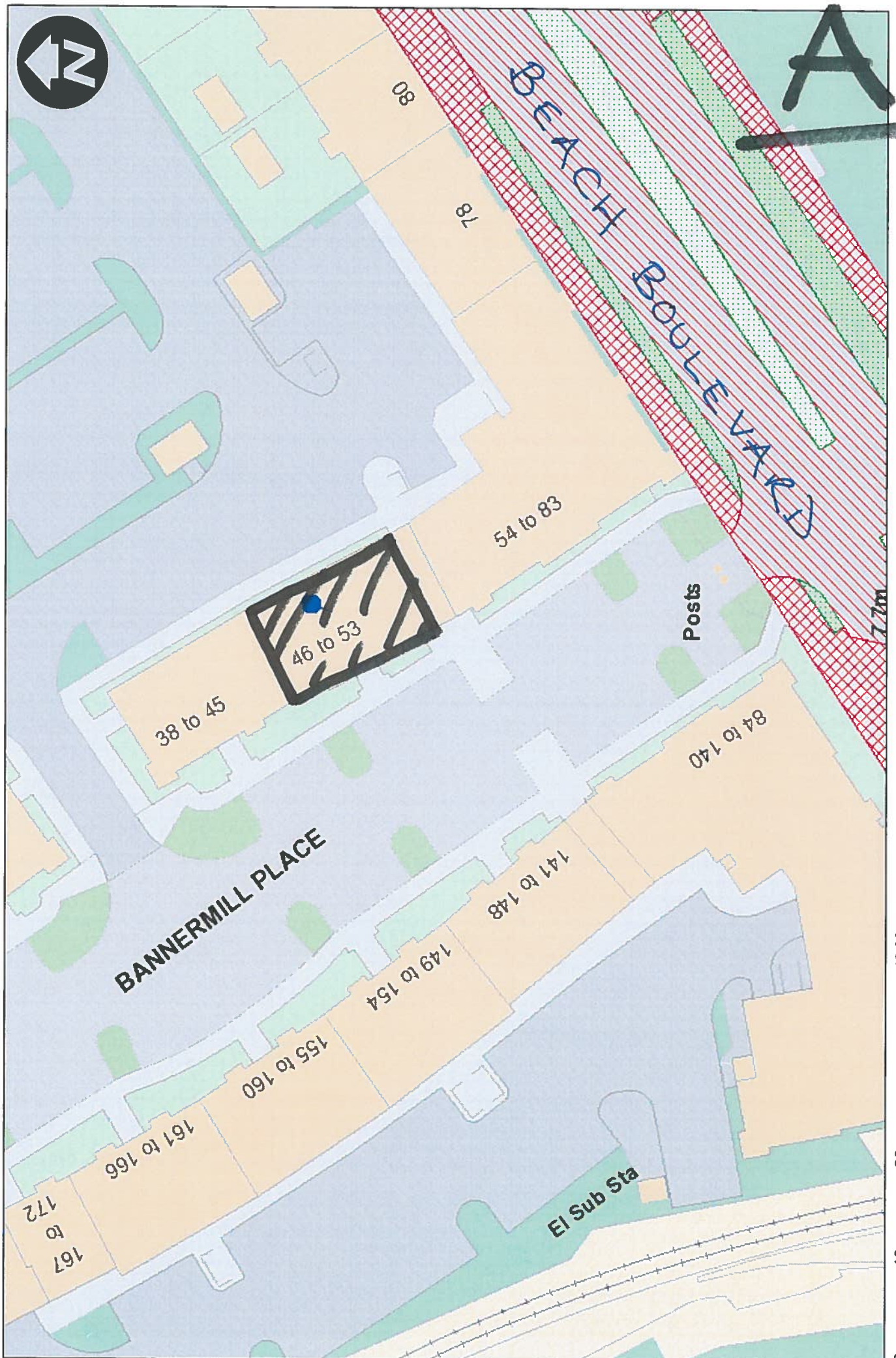
**Other Considerations:**

- Police Scotland has been consulted in respect of the applicant's suitability as a 'fit & proper' person, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- At the date of this report, the Council's Anti-Social Behaviour Investigation Team (ASBIT) have a record of having served Warning Notices on the occupants of No.53 Bannermill Place, in June 2013 & September 2014. Both Warning Notices were in respect of loud music. One further complaint was made to the ASBIT team in February 2016. Staff attended on that occasion but did not witness any anti-social behaviour.
- The applicant & his property are registered with the Landlord Registration database. He has also registered another 2 rental properties which are not HMOs. He has not however declared that Bridget A.Lamb is acting as agent for No.53 Bannermill Place, which is a legal requirement. He must therefore apply to register her as an agent.
- The applicant has requested an occupancy of 5 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is to renew the HMO licence. The applicant was first granted an HMO licence in April 2013.

- The applicant purchased No.53 Bannermill Place in 2007.
- The letter of representation mentions the ongoing difficulty in contacting the landlord and/or agent. Condition LC10 attached to the landlord's current HMO licence states:  
*"The licence-holder must provide adjoining neighbours with how they can contact him/her and his/her agent in an emergency or with non-urgent complaints"*  
 The current HMO licence was granted on 23 April 2013.
- The letter of representation mentions a breach of the Title Deed Conditions, however this is not a ground of refusal in respect of HMO licensing. Neighbours are entitled to seek their own legal remedy without the Council's involvement.
- The letter of representation mentions difficulties with car parking within the development, however car parking is not a consideration of HMO licensing.
- As mentioned above, an initial inspection of the property was carried out, which identified some upgrading work and certification requirements. At the date of this report, these requirements have not been carried out therefore I will advise the Committee of the up-to-date position at the meeting on 14 June 2016.

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

**Ally Thain**  
 Private Sector Housing Manager



1:500  
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B

08 May 2016

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

Aberdeen City Council
Housing & Environment
DATE RECEIVED
11 MAY 2016
Private Sector Housing Unit

**Ref: Objection to renewal of HMO Licence for 53 Bannermill Place**

Dear Sir/Madam

I wish to object to the above licence renewal dated 25 April 2016.  
 My flat is immediately below the above named HMO.  
 Please find my detailed objection, with evidence, attached.

Since the applicant purchased this property I have had to deal with multiple issues. There are clearly major failings in the way that the landlord manages and maintains his property. Neither the landlord nor his agent are available to answer calls for help from their tenants. Messages are not responded to. The boiler and faulty appliances have been left out of order for weeks. Escapes of water are not identified and dealt with resulting in not only major inconvenience to their own tenants but also to the property below.

The evidence speaks for itself. **There have been 8 escapes of water (EOW) incidents.** This does not happen in well maintained, well managed properties. Nobody should have to put up with this. I get a great deal of empathy and sympathy from the Bannermill factors and the block buildings insurers but both tell me there is little they can do as they represent both parties. (See attached.)

The only body that can take action to stop these EOWs is the Aberdeen City Council Licensing Committee. **I am asking the Committee to refuse to renew the licence on the grounds that the landlord and his agent are unfit people to hold an HMO licence.**

It is blatantly obvious that the above HMO is not being managed or maintained to anything like an acceptable standard and the very least the licensing committee should do **is require Mr Keith Lamb to resubmit his application with a professional property management company named as agent.** This would ensure there is a **competent person available 24/7** to respond to and deal with the tenants' or neighbours' problems.

I note from the renewal form that the landlord is to be given a copy of my objection. I therefore look forward to receiving a copy of his response so that we are on an equal footing at the licensing committee meeting.

The objection is very comprehensive and self explanatory but please let me know if you need any clarification or you require any further evidence.

Yours sincerely

Julie Thompson (Miss)

**Objection to renewal of HMO licence for 53 Bannermill Place**

I wish to object under the following headings:

1. The agent, Mrs Bridget Lamb, is not a fit and proper person to carry out this role and has not fulfilled her responsibilities as agent.
2. The landlord, Mr Keith Lamb, is not a fit and proper person to carry out this role and has not fulfilled his responsibilities as landlord.
3. I am the victim of nuisance caused by HMO 53 Bannermill. "A landlord has a duty to repair and maintain the property at the start of the tenancy and at all times during the tenancy." Mr Keith Lamb has failed to do so on a regular basis and this has resulted in frequent damage to my flat.
4. As an owner I am legally entitled to the "quiet enjoyment" of my home. Since the Lambs purchased HMO 53 Bannermill I have not been able to do so. I am constantly on edge worrying about what I'm going to have to deal with/complain about next.

Evidence (with supporting paperwork):

Nuisance/Anti-Social Behaviour:

1. **I have been the victim of 8 escapes of water from 53 Bannermill Place.**  
The detailed list attached (Appendix 1) shows the frequency and lack of response/negligence on the part of the landlord and agent. Each escape of water can be verified by either the contractor who repaired the damage or the insurance company that covered the cost or both. I have also retained all emails to and from the relevant factors regarding each incident. These can be supplied if any facts are disputed.
2. Because of the above escapes of water from 53 Bannermill my entire 3 bedroom flat (except for the sitting room and master bedroom) has been repainted. The kitchen several times. This has caused me a huge amount of inconvenience, stress and agitation.
3. This frequency of damage is completely unacceptable to any reasonable person. See 29:06:15 email from David Wood of GS Insurance (Appendix 2).
4. There were no escapes of water during the previous 5 years when 53 Bannermill was owner occupier.
5. I have lost my contents insurance no claims bonus because of escape of water number 3. (Appendix 1)
6. As we have a block buildings insurance policy all 8 owners in this block have to pay one eighth of the excess every time number 53 leaks its filthy water on my flat. So it's not just me who is losing out financially.
7. 53 Bannermill is traditional build and has cement floors. It takes a significant amount of water to actually cause damage to the flat below. There have been at least 3 other escapes of water at 53 Bannermill that did not cause visible damage to my flat. Homefix told me the boiler had leaked just before escape of water number 4. The tenants sent me a note about a leaking pipe (Appendix 3) and there had been problems with the kitchen sink 2 weeks before escape of water number 7.
8. I have called the Anti-Social Behaviour line on three occasions because of late night parties. On two occasions a warning was issued. On the third (13:02:16)

the team could not issue a warning as they arrived too late to hear the noise. They did witness the partygoers leaving 53 Bannermill in 3 taxis.

9. I have also verbally spoken to the tenants about noise on several occasions and have received written apologies from them. (Appendix 4.) I feel I have to keep on top of this or they will just think it's OK and carry on doing it. Stressful.

Agent not a fit and proper person and has not fulfilled her responsibilities:

1. Mrs Bridget Lamb does not and can not fulfil the role of agent.
2. Mrs Bridget Lamb is elderly, in poor health and attends hospital regularly. See 13:09:12 email from Carline Stevens of Select Property Management Services (the former factors at Bannermill) (Appendix 5). See 14:01:13 email from Jennifer Nicolson also of Select Property Management Services (Appendix 6). The tenants at 53 also confirmed this.
3. Mrs Bridget Lamb lives in Perth - 100 miles from the HMO she is supposed to be the agent for.
4. Mrs Bridget Lamb has not attended a single escape of water or noise nuisance incident.
5. Mrs Bridget Lamb has never apologised to me either in writing or personally for any of the distress her HMO has caused me.
6. Mrs Bridget Lamb does not make routine inspections of her HMO. The tenants in 2012 and again in 2015 informed me of this. The Central Insurance loss adjuster also found this with "clearly visible water damage", that had been "going on for some time", not being attended to. See escape of water number 5 for detail and 06:02:13 email from Graham Hudson at Central Insurance. (Appendix 7).
7. Mrs Bridget Lamb does not treat escapes of water from her property as a priority, regularly doesn't respond to her tenants' phone messages and has to be chased by the development's factors to take action. (See Appendix 1 for detail and also 17)
8. Mrs Bridget Lamb does not respond to official letters regarding HMO 53 Bannermill. She ignored requests for information from RSA – see 15:05:13 email from Craig Donaldson of RSA. (Appendix 8) She also ignored repeated letters from Halifax Insurance (my contents insurers) who had to employ a solicitor to try to recover their costs – see 12:11:12 letter from George Berry of Lyons Davidson solicitors. (Appendix 9)
9. Mrs Bridget Lamb actually argued with the solicitors that any of my contents were damaged. See 28:12:12 letter from George Berry of Lyons Davidson. (Appendix 10)

Landlord not a fit and proper person and has not fulfilled his responsibilities:

1. Mr Keith Lamb is the landlord of the above property in name only. He has no involvement with the above property other than that he owns it.
2. Mr Keith Lamb has not ensured that his HMO is managed and maintained properly. He has entrusted the role of agent for this 5 bedroom HMO to his elderly mother who he must be aware is in poor health and out of her depth.
3. He has never, at any point, stepped in to help her.



4. Mr Keith Lamb's work commitments, and his responsibilities as landlord of other properties, may explain why his role as landlord and HMO licence holder at 53 Bannermill has been neglected.
5. All the different tenants at HMO 53 Bannermill have consistently told me their landlord is Bridget Lamb.
6. As an owner Mr Keith Lamb has not complied with his legal responsibility as set out in the Bannermill Deed of Conditions ABN9819 D8 to "keep the flat in a good state of repair .....and take all appropriate steps ..... to prevent damage to the fabric of the same which may....create a nuisance to the other proprietors or their tenants". (Appendix 11.) He also does not comply with his responsibility under LC1 in the attached list of HMO responsibilities. (Appendix 12)
7. Mr Keith Lamb has never provided me with "details of how I can contact him and his agent in an emergency or with non-urgent complaints" as per LC10 in the attached list of HMO responsibilities. (Appendix 12) It is clear that he should have provided adjoining neighbours with this information.
8. 53 Bannermill had been an HMO for some time before an HMO licence was applied for. See list of escapes of water numbers 3, 5 and 6. (Appendix 1)
9. The original HMO licence for 53 Bannermill was applied for on 02 October 2012 - the same day as Jennifer Nicolson of Select Property Management emailed Ally Thain at Aberdeen City Council asking if the property had a licence. See email. (Appendix 13)
10. An application for renewal of this licence was made on 07:04:16 by Mr Keith Lamb. No notice was displayed on or near the property. The current application for this renewal dated 25:04:16 (and the accompanying notice at the property) is 3 days late.

Other supporting factors:

1. The development's Deed of Conditions ABN59819 D3 does not permit licensed commercial HMOs. The Deed states that "each flat is to be used and occupied as a private dwellinghouse and shall not be subdivided or occupied by more than one family at a time". (Appendix 14) Unrelated tenants are not a family. This clause is there "to protect the living environment" as explained by the developer George Wimpey – see attached. (Appendix 15)
2. Each property at Bannermill **owns** one parking space. (It is not allocated parking.) There have always been 2 or 3 cars at HMO 53 Bannermill all parking onsite. The second and third cars should be parking offsite. Please see a copy of the recent Bannermill owners' meeting minutes confirming that HMOs, and parking in particular, are a key concern at Bannermill. (Appendix 16) It is Mr Keith Lamb as the landlord who is responsible for ensuring the Deeds are complied with.

In summary both Mr Keith Lamb and Mrs Bridget Lamb treat their HMO purely as an investment when it is, of course, a licensed commercial property which they need to manage and take responsibility for. Neither takes responsibility and they are obviously unwilling to pay a professional to do it for them. The property is therefore not well maintained and problems are not dealt with in a timely manner. This has resulted in the flat below suffering persistent nuisance from frequent escapes of water and also noise.

To conclude – I look forward to meeting Mr Keith Lamb and his agent Mrs Bridget Lamb at the licensing meeting.

## Escapes of Water from 53 Bannermill Place

1. October 2008 - \*new washing machine not installed properly. Extensive damage to my kitchen ceiling. **Mrs Bridget Lamb didn't want to involve insurance** – the factors at the time, Trinity, advised me against that - to ensure that repairs both in 53 and 51 were carried out properly and that everything was documented. Buildings claim covered by Zurich Insurance and excess paid by Mrs Bridget Lamb. Repairs to my flat carried out by MS Services. Did not meet tenant. Did not ask for details. Naively assumed this was a one off!

2. 2011 – date not recorded - water all over kitchen work top and hob. Source not identified – tenants at 53 (3 girls – students) not aware of any problems. They did not investigate the source of the leak. Didn't cause any visible damage and was not reported to factors. This was probably caused by the boiler leaking. Again, I naively assumed this was another one off!

3. 09 and 10 June 2012 – extensive damage to TV room ceiling, walls, and sofa and also walls of second bedroom - **\*bathroom waste pipe worked itself loose the day after an all night party at 53 Bannermill**. Select now factors. No buildings insurance claim made - repairs carried out by Homefix and paid for by Mrs Bridget Lamb. Mixed group (male and female) tenants – students. This incident was completely avoidable as I had reported water leaking into my bathroom on 09 June and asked one of the tenants to investigate and get back to me – Mrs Bridget Lamb said she had not been informed, **no action was taken**, the tenant carried on using the bathroom resulting in extensive damage to my flat the next day.

Contents insurance claim made for upholstery damage – Halifax Insurance had to employ solicitors (see 12:11:12 email from George Berry of Lyons Davidson Solicitors (Appendix 9)) to attempt to recover their outlay as **Mrs Bridget Lamb ignored their letters. Mrs Bridget Lamb also withdrew her verbal acceptance of responsibility!**

4. June 2012 – medium sized stain on the kitchen ceiling to the left of the hob extractor hood. Source not identified. Homefix repaired this – paid for by Mrs Bridget Lamb. Probably the leaking boiler again.

5. 01 September 2012 - kitchen ceiling once again water damaged - \*by leaking washing machine. Mixed group of at least 4 (male and female) tenants – mostly students – new tenants had no contractors' phone numbers to get the source checked out and told me **they had never met their landlord as she was in hospital**. They told me **their boiler had been broken for 4 weeks and their washing machine was also out of action – their landlord was not returning their calls regarding these issues or the escape of water**. Repairs to my ceiling carried out by MS Services. **Paid for by Mrs Bridget Lamb.**

6. 13 January 2013 – bathroom ceiling damaged. 53 examined independently by Central Insurance loss adjuster because of the frequency of damage. Source identified as a poor fitting shower screen – tenants had carried on using it although water was running down the side of the bath. **This escape of water had been going on for “a significant period of time” and had “visibly stained the flooring and rotted the skirting board” but this had not been picked up and rectified by the landlord.** (See 06:02:13

email from Graham Hudson of Central Insurance.) (Appendix 7) Block buildings insurance claim to RSA. Repairs carried out by Burns Construction. Group of 5 male and female tenants. Central Insurance agreed to waive my half of the excess.

\*The source of these leaks were not independently verified - the only leak inspected by an insurance company was number 6 – which is clearly seen to be neglect.

7. 02 June 2015 – kitchen ceiling damaged. Landlord's agent **did not respond to a call from one of her tenants reporting this**. Once again the tenants informed me this was a regular occurrence. **I had to ask the Property Management Company (new Bannermill factors) to call the landlord the following day**. Plumber sent by agent at 53 to investigate, and fix, the source of the leak. Source was not identified or fixed as the leak continued with the damage caused getting progressively worse. **A week later water was still dripping into my kitchen. Hall ceiling also now damaged**. The tenants at 53 informed me the plumber had been out again - it was the boiler, which needed to be replaced. **Their water had been turned off by the plumber**. Boiler replaced by British Gas. More damage caused during the repair. Block buildings insurance claim to RSA. Excess to be divided between all 8 owners in the block.

8. 15 January 2016 – kitchen and en suite ceilings damaged. I informed the tenants of HMO 53 Bannermill who informed Mrs Bridget Lamb. Mrs Bridget Lamb asked her tenants to have a look to see if they could find any water. They didn't so **she did absolutely nothing**. I then had to ask the Bannermill factors to phone Mrs Bridget Lamb. **They asked her to send a plumber. It is Mrs Bridget Lamb's responsibility as the agent to ensure that escapes of water are located and dealt with promptly – not her tenants'. She should not have had to be asked to send a plumber**. Please see 21:01:16 email from Jessica Stewart of The Property Management Company. (Appendix 17) Mrs Bridget Lamb has not been able to discover where this leak came from. Damage repaired by Proserv and covered by block buildings RSA insurance as "a one off incident". Excess to be divided between all 8 owners in the block.

**From:** David Wood  
**To:** "juthomps"  
**Date:** 29/06/2015 10:35  
**Subject:** FW: Potential Insurance Claim - Escape(s) of Water - 51 Bannermill Place

Morning Julie,

I refer to our meeting on Wednesday. I am sorry to note from your attached report, the problematic water ingress history that you have experienced in recent years.

I am afraid that from the insurance aspect I do not know where you could obtain verified statistics on EOW frequency within such apartment buildings. Perhaps somewhat simplistically, I can confirm that 7 incidents in 7 years is definitely significantly above average!

(NB It is now 8 incidents in 8 years.)

As you may appreciate, PMC have only relatively recently taken over as the Building Managers and have been provided with very little historic information and documentation on the detail of insurance claims or otherwise.

As we discussed, the most appropriate way to insure a Development such as Bannermill is on the basis of the common policy such as is now arranged by us for PMC. Unfortunately as matters stand legally at this time, one of the downsides of this from your point of view is that the Owner of the property above also holds the same interest in the policy and accordingly, no recovery action can be undertaken by the property insurers against them, as they are also the Insured. This is entirely separate to your own legal rights.

Turning to the incident on 02/06/15, I would confirm that the damage sustained to your property will form the subject of a claim – to be dealt with by RSA. As requested, I will ask Burns Construction, whom I note you dealt with previously, to attend to provide a repair quotation. I trust that you shall hear from them shortly in this regard.

My further detailed advices on the current claim will follow as soon as possible.

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

From: r.burnett

Date: 10/06/2015 15:44

To: "juthomps

Subj: RE: Water damage - 51 Bannermill Place

Thank you - all that is noted. I had said that I would have a look at it next week to see what the residual was after some of the drying out had occurred – I had suggested Monday next week, maybe at Lunchtime.

Jessica has asked the Insurance Company to attend – and is awaiting the response.

This is a very difficult matter. I fully understand that you feel aggrieved and that there is discord between yourself and your neighbour. We can only act where we have a remit and an authority to do so. We have no real rights concerning the interior of flats, and many property manager companies will argue that leaks between flats are not their matter – we do not do this.

We are doing everything we can to act correctly, to assist you, to deal with the insurers, and we have now had two clear conversations with your neighbours, where we have reminded them of their responsibilities.

Regards

Richard

Richard S Burnett MA FRICS FIRPM

Director

The Property Management Company

Little Square

Oldmeldrum

Head Office: +44 (0)

Direct Dial: +44 (0)

Fax: +44 (0)

Email:

21

51 Banermill Place,

18.09

We tried to come round to tell you in person that we have a leaking pipe from our washing machine. Our insurance is coming out tomorrow to resolve the problem. Please let us know if this issue affects your flat in any way.

Flat 53

~~(no damage caused to my flat on this occasion.)~~

Hello,

Just to let you know, it is my flat mates birthday this weekend which may result in noise. We would just like to inform you & apologise in advance.

From

Flat 53 ن



Julie,

On behalf of flat 53, we would like to take this opportunity to apologise for the recent level of noise from our flat.

We are university students & it is our freshers week (introduction to university) which has led us to making an excessive amount of noise. At the time we did not realise how easily noise travels through the block, however, now we do & we sincerely apologise.

We tried to speak to you in person but you must have been unavailable. If you ever feel this way again please do not hesitate to come to our door.

Kind regards

Residents of flat  
53.

As you may know, we had an 'end of exams' party at the weekend. We would like to sincerely apologise for the noise, however, it was a celebration but we do understand that the noise levels got out of hand.

We do respect you as our neighbours and realise that it is unacceptable.

Sincere apologies again,

Thanks

53

Dear Flat 51,

We are writing to apologise for the noise that occurred on Sunday night. We were not aware that the music was disturbing anyone but we sincerely apologise and I can assure you that there will be no music played at unacceptable hours of the night / morning again. As for the noise on the stairs ~~we~~ we cannot think about what you are referring to except possibly our friend falling down the stairs in the flat which we also apologise about. I am assuming that the letter sent to us was from you as you live below us but it was not specified in the letter so we apologise if you heard any noise.

Apologies

Flat 53

P.s. We have tried to come down and say this in person but there was no answer.

\* This letter was not from me. Clearly another flat (probably 52) had written them a letter complaining about the noise.

**From:** Carline Stevens  
**To:** <juthomps  
**Date:** 13/09/2012 15:45  
**Subject:** RE: 51 Bannermill Place

Hi Julie

I hope this email finds you well.

Thank you for your email. I am sorry to hear that you have had another issue with water leaking into your property from the flat above. Jennifer has spoken to the owner of that flat on several occasions. The issue appears to have occurred from a faulty washing machine. We have been assured that it has been remedied and the fact that you have had no further leaks would indicate that this is the case.

The owner is an elderly person and is currently suffering from ill health. As per my previous email we would suggest that you prepare a letter for us to forward to the owner stating your frustration and distress from dealing with this issue for a 4<sup>th</sup> time.

The insurance company have been informed of both leaks, it is standard for us to advise them of any issues within the development. We did not make a claim for the last leak as the owner paid for all of the repairs and it is far better for an owner to do so. This last leak will also not be processed as a claim as it will not warrant a claim due to the costs for repairs.

Ofcourse our concern in these situations is that small claims do not have an adverse effect on the premiums, the insurer would rather see a few large claims being processed than multiple smaller claims. We have to be responsible when making claims as it affects 323 proprietors. I would have many frustrated proprietors if the premiums went up because we were processing small claims. The insurance is there for a reason and not to pick up the tab for owners whom do not maintain their properties to a standard that then causing subsequent damage to neighbouring properties, we will always pursue the owner of the property where the leak has been sourced from for payment of any repairs.

The repairs will commence in a few weeks when you are on holiday as per your request, these timescales are specified by yourself and something we have no control over. A speedy resolution is important to us as we have no desire for clients to be in these situations for longer than is necessary.

(17)

appendix

(6)

B

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

From: Jennifer

To: juthomps

Sent: Mon, 14 Jan 2013 13:39

Subject: RE: Water damage 51 Bannermill Place

Hi Julie,

Please be advised I went round to 53 Bannermill Place and unfortunately there was no answer, I have popped a letter into their mailbox asking for entry into the flat for Mike of MS Services to try and source this new leak that has appeared in your bathroom. I have asked them to contract us as a matter of urgency and also asked them NOT to use their main bathroom until this leaked is sourced. As explained we wish to send MS Services in this time to source and repair this new leak.

I will continue to try and get access and if I do not here back the next step is to leave this letter on their door so that someone will notice this on entry to the flat. I have tried to contract the owner but I know she is currently in hospital with ongoing health problems so we will try and deal with this on her behalf.

I will speak to Mike regarding making an appointment to come and see this new leak.

I will be in touch regarding the above.

Kind regards

Jennifer

**From:** Graham Hudson  
**To:** "juthomps(  
**Date:** 06/02/2013 9:34  
**Subject:** Loss adjuster's report - 53 Bannermill Place

Hi Julie

I have discussed matters with our Loss Adjuster, Duncan Chapman, who attended the premises to ascertain damage .

Unfortunately he advises that he is in a difficult position here on the basis that he is acting for RSA under delegated authority and as such am not at liberty to provide report to any other

I can advise that the cause in the case of the recent incident involved escape of water from the junction of a fixed shower screen and sealant to the bath to which the screen is fixed all within the flat above you. The flat, or rather duplex, is tenanted by students. Escape of water had clearly been happening over a significant period of time – the track of the water stain being clearly seen from the bathroom door, and rotted end of MDF skirting clearly visible.

Our view is that any liability in respect of this incident would likely lie with the upper floor occupiers rather than the landlord and chances of them carrying insurance, or of pinning them down at all, is not high as you will appreciate

Hopefully this is of assistance

Kind Regards

Graham

(19)

appendix 8  
B  
1

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

From: Craig Donaldson

To: JUTHOMPS

CC: Joyce Callander

Sent: Wed, 15 May 2013 10:46

Subject: BACKSCAN / CLAIM REFERENCE ^

Dear Miss Thompson

Thank you for your recent email re the damage at Bannermill Place. We attach our advices and comments in relation to the numbered points raised in your email:

1. My colleague Claire Comrie will respond seperately to you on tthis point.

2. The total excess for this claim is £250, and the 50% you have been asked to pay is £125. The excess is essentially an uninsured loss that forms the first part of the claim.

Specifically how the excess is charged to each property owner is a matter for the managing agents to discuss directly with the owners of each flat.

3. Liability enquiries are not yet complete as we have not received the information we require from the owner of flat 53. We have chased a response to our queries on a regular basis but to date we have not received this, so we are therefore unable to provide our informed response on liability for the incident. We have copied Central Insurance Services into this email and they will chase the owner for a response.

There are a number of factors we need to consider when arriving at a decision regarding liability, and in this particular case we note that the damage has allegedly arisen as a result of the occupants of the property using a shower screen which is known to be faulty. It may therefore be the case that the actual liability for this particular incident would attach to the tenants of the property for continuing to use the shower knowing there is the potential for there to be resultant damage. At this time we are not in possession of the full facts to allow us to make a considered response, so the aforementioned is referenced simply to outline the nature of the enquiries we need to undertake in respect of claims of negligence.

4. Regarding the excess, the policy is in the name of Bannermill Proprietor's Association, therefore this means that any recovery pursued would technically be a case of Bannermill Proprietor's Association pursuing a claim against themselves, which would not possible.

We have clarified, however, that the policy does note that each owner is deemed to be individually insured therefore this does allow each owner to pursue a claim for uninsured losses against another owner. This is dependent, however, on legal liability for the incident being established, as outlined above.

5. We have copied in Central Insurance to this response and have asked them to provide you with a copy of the policy.

Craig Donaldson  
Liability TPPD Claims

(20)

Appendix (9)

**B**

**Lyons Davidson**  
SOLICITORS

Miss J Thompson

12th November 2012

Direct Dial:

Email:

Our Ref:

Always quote our reference

Dear Miss Thompson

**Claim Against:** TBA  
**Incident Date:** 10th June 2012

We are writing to introduce ourselves in relation to the above incident, which we understand has led to a claim under your property insurance policy.

Your property insurers have provided us with basic details of this incident. We are a firm of solicitors who specialise in pursuing Third Parties who have caused damage to people's property and recovering the money spent by insurers on repairing that damage. Your insurers have therefore asked us to consider whether there is any reasonable chance of pursuing a Third Party for a recovery of their outlay in this case. Your insurers will fund the costs of this.

We would like to find out more about the circumstances of this incident before we decide whether or not there is any reasonable chance of pursuing a Third Party. The purpose of this letter is to tell you that we will be phoning you not less than 3 days from the date of this letter to ask you some questions about precisely what happened and whether you can help us to identify a Third Party responsible for causing the incident. You owe your insurers a duty under your insurance policy to provide this information, if you have it.

Your insurance claim will continue to be dealt with by Lloyds Tsb Bank Plc who can be contacted on 01633 468969. This investigation into the potential recovery of their outlay will be handled by George Berry, who can be contacted at the address and phone number given on this letter under our file reference quoted above.

If there is anything in this letter that you would like us to explain or to discuss further, please do not hesitate to telephone George Berry, who is the person responsible for dealing with this matter, on the direct dial number listed, quoting the above reference number.

Yours sincerely

Victoria House, 51 Victoria Street, Bristol BS1 6AD, DX No: 7834 BRISTOL

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INVESTORS  
IN PEOPLE



(21)

appendix (10)

**B**

**Lyons Davidson**  
SOLICITORS

Miss J Thompson

28th December 2012

Direct Dial:

Email:

Our Ref:

Always quote our reference

Dear Miss Thompson

**Claimant: Miss J Thompson**  
**Incident date: 10th June 2012**

I am writing to give you an update on the progress of this claim.

Since we spoke on the phone last month I engaged the other side with a letter holding them responsible for the damage caused. This was sent on 29<sup>th</sup> November, and I received a telephone call from Mrs Lamb on the 12<sup>th</sup> December in reply to it.

She categorically denied that any contents were damaged in the incident, and stated that the leak was unforeseeable. She stated that if I wanted her insurance details then I would have to contact Select Property Management. I duly called them and spoke with the manager, Carline, who discussed the incident with me.

I bought up the need to obtain insurance details to progress the claim. Although she could provide the buildings insurer, she said that contents insurance is not a necessity of the terms of the mortgage for the properties, and that would be something I would have to contact the other side about. This is the stage we are currently at in the claim. I have drafted a further letter to send to Mrs Lamb to obtain this information, and wait to hear back in due course.

If you have any queries in the meantime, please do not hesitate to contact me.

Yours sincerely

**George Berry**  
**LYONS DAVIDSON**





TITLE NUMBER ABN59819

D 8

appendix (11)

D. BURDENS SECTION

ENTRY NO

SPECIFICATION

Each Proprietor shall be bound along with the Proprietors of all other Flats within the Whole Subjects to uphold and maintain the Common Amenities in good order and repair in all time coming, and shall contribute an equal share towards the cost of maintenance, repair and renewal of the same, one share being payable in respect of each Flat owned and in the event of damage or destruction to renew, replace or repair the same.

The landscaped and amenity areas within the dotted blue area on the said plan annexed hereto shall be maintained by the Proprietors to the satisfaction of the Superiors and to the satisfaction of the Planning Authority. Any trees or planting within any of the said areas which die within a period of five years of the completion of the development of the Whole Subjects or are removed or become damaged or diseased shall be replaced in the next planting season with others of a similar size and species or in accordance with such other scheme as may be submitted to and approved of in writing for the purpose by the Planning Authority. In the event of the said areas not being maintained as aforesaid the Superiors or the Planning Authority shall be entitled to serve notice upon the Factors calling upon them to carry out any necessary works within a period of Twenty one days failing which, either the Superiors or the Planning Authority shall be entitled to instruct the necessary works and recover the costs thereof from the Factor who in turn shall be entitled to recover the costs thereof from the Proprietors.

(SEVENTH)

The Proprietor shall keep the Flat in a good state of repair and decoration and take all appropriate steps either by himself or in conjunction with others to prevent damage to the fabric of the same which may prejudice the stability thereof or create a nuisance to the other Proprietors or their tenants and, in particular, but without prejudice to the foregoing generality, by the control of vermin, the immediate treatment of dry rot or other form of rot or infestation which may be detected, and the repair of any damage to water or other service pipes or wires; And any Proprietors who fail to take timeous and adequate measures to prevent and repair such damage or such defects including notification to adjoining Proprietors whose premises may be affected with a view to safeguarding their property.

**Conditions Applicable to a House in Multiple Occupation Licence  
Part 5 of Housing (Scotland) Act 2006**

- LC1** The licence-holder must take steps to ensure that the property fittings and furniture, including fire precautions, plumbing gas and electrical installations, are maintained throughout the period of the licence to the standard required. The licence-holder should hold all necessary certificates.
- LC2** The licence-holder must ensure that advice to occupiers on action to be taken in the event of an emergency is clearly and prominently displayed within the living accommodation.
- LC3** The licence-holder must ensure that the physical standards for the HMO living accommodation assessed as suitable by the local authority when approving the licence application are met at all times.
- LC4** The licence-holder must ensure that the number of persons residing in the premises shall not exceed «Phmocc»
- LC5** The licence-holder must make the HMO licence & conditions available to occupiers, within the premises where it can be conveniently read by residents.
- LC6** The licence-holder must ensure that actions to secure repossession must only be by lawful means.
- LC7** The licence-holder must ensure that Liquefied Petroleum Gas (LPG) shall not be used or stored on the premises.
- LC8** The licence-holder shall comply with the current regulations regarding maximum re-sale prices of gas and electricity supplied, as appropriate.
- LC9** The licence-holder must ensure that any lockable bedroom doors are fitted with a lever latch and secured with a suitable lock and thumb turn mechanism or other appropriate locking mechanism.
- LC10** The licence-holder must provide adjoining neighbours with details of how they can contact him/her and his/her agent in an emergency, or with non-urgent complaints.
- LC11** The licence-holder must not alter the property, fixtures or fittings without the prior written consent of the local authority.

**From:** Jennifer  
**To:** <juthomps >  
**Date:** 02/10/2012 9:43  
**Subject:** RE: 51 Bannermill Place

Hi Julie,

Hope you are well,

Carline is back in the office the week commencing the 15<sup>th</sup> Oct, can I arrange for her to come and see your ceiling in the kitchen, think this would be best regarding the way forward. Carline stays on site so we can just work round yourself to a suitable time.

As for the noise from above, I have emailed our contact at Aberdeen City Council asking if this property holds a HMO licence. If so I can give you his email address as we would both need to advise him of this situation that has become a regular occurrence. As you have kept a diary this would be good for you to list them directly to him.

Once I here back I will advise you if they do have this and give you the email address to send regarding this problem.

If you can advise when Carline can pop in past I would put this into her diary.

Kind regards

Jennifer

## LAND REGISTER OF SCOTLAND

TITLE NUMBER ABN59819

appendix (14) D 3

## D. BURDENS SECTION

## SPECIFICATION

(FOURTH)

Each Flat is to be used and occupied as a private dwellinghouse and shall not be subdivided or occupied by more than one family at a time; No Flat or Parking Space shall be used for the carrying on therein of any trade, business or profession or for the selling of any goods or wares of any sort, whether or not such use may be deemed incidental or natural to the ordinary residential use of the Flat or whether any person occupying the same may have a contractual right to use the same for or in connection with or arising out of any trade business or profession notwithstanding any Rule of Law to the contrary; No Flat or Parking Space shall be used for the sale of any wines or spirits or other excisable liquors nor for the making or manufacturing of any goods for sale without the prior written consent of the Superiors; No board, card, plate or advertising notice of any kind shall be placed on any Flat or Parking Space or any other parts of the Whole Subjects (except in connection with the selling or leasing thereof) without the prior written consent of the Superiors; No power boats, marine craft, caravans, motor homes, trailers, commercial vehicles or vehicles other than private motor cars, motor cycles or cycles shall be parked on any Parking Space or in the open or on any other part of the Whole Subjects; No handicrafts for commercial purposes shall be carried on in any Flat or Parking Space or other parts of the Whole Subjects without the consent of the Superiors, nor shall anything be done on the Flat or the Whole Subjects which may be deemed a nuisance or occasion disturbance to adjoining proprietors; the parking of motor cars, motor cycles, cycles, or any other vehicle of any nature shall not be permitted in or on any path, border, landscaped or amenity area, access roads or pavements forming part of the Whole Subjects at any time.

(FIFTH)

It is intended that there be erected on the Whole Subjects Twenty Six Blocks of Flats comprised as follows:- Block 1 Plots 1-8, Block 2 Plots 9-16, Block 3 Plots 17-46, Block 4 Plots 47-54, Block 5 Plots 55-82, Block 6 Plots 83-90, Block 7 Plots 91-98, Block 8 Plots 99-106 (declaring that Plots 99 and 100 comprise self-contained ground floor flats), Block 9 Plots 107-114, Block 10 Plots 115-122, Block 11 Plots 123-152, Block 12 Plots 153-160, Block 13 Plots 161-166, Block 14 Plots 167-172 (declaring however that Blocks 13 and 14 will for the

### INTERIM DEPOSIT

When you have received confirmation of your Offer of Loan and, if applicable, concluded missives on the sale of your existing property, we would then require that, through your Solicitor, you sign Unconditional missives and pay the deposit for your new home.

### SITE VISITS

Please remember, a building site is a dangerous place for young and old and children should not be allowed to play anywhere near, nor should anybody try to gain access to, area/houses under construction. **BE WARNED ENTERING A SITE UNDER CONSTRUCTION AND NOT WEARING A HARD HAT IS A CRIMINAL OFFENCE.**

Please remember, a building site is private property even when some of the houses are occupied and therefore gaining access to any part of the development is totally at the Company's discretion.

Once your home is complete, you will be invited to meet with your Site Manager and complete a Familiarisation Visit of your new home. This is your opportunity to comment on the finish of your new home.

### STRUCTURAL COMPLETION/LEGAL COMPLETION

You should have received an approximate structural completion period when you reserved. This may be in the form of a two month span. We will not be able to provide you with a more accurate time scale until construction of your plot has commenced. **All subsequent enquiries regarding the structural completion date of your property should be made via your Sales Executive** – please also remember the accuracy of the date which you will be given will very much depend upon the stage of construction at the time of your request.

In the initial stages, this date will only be approximate and should **not** be taken as the final date of house readiness until we have confirmed it during the later stages of construction. Please bear in mind that delays to the build progress **will have** an impact on the final completion date. The causes are often outwith our control and whilst we make every effort to bring the programme back on course, it is more than likely that your initial entry date will require to be altered. We will do everything possible to complete your home to the timescale provided but please note that Wimpey Homes East Scotland Ltd will **NOT** pay compensation for delays to your plot.

As your new home approaches structural completion, our solicitors will then write and tell your solicitor of the anticipated final date.

Your Solicitor will be advised by the Company of the readiness of your property in time for legal completion arrangements to be made. Once you have settled, you can then occupy your new Wimpey Home.

### DEED OF CONDITIONS

Your Solicitor should have explained the above to you prior to settlement. Please note that the elements contained in the above document are legal and binding on all feu holders who reside on the development. The conditions are for the initial benefit and protection of all residents allowing any individual or group of people to independently progress through law any breach by an individual resident, whether we as a Company exist or not. The manner in which such prosecution takes place should be resolved individually or through a factor, if appointed, and a majority wish it subject to payment of legal fees. Obviously it is hoped that legal enforcement of the conditions will not be necessary, as the majority are standard conditions that apply to most new build developments to protect the living environment. In the case where action is required, the initial step is for the complainant to register the initial concern with the offender and to allow a reasonable time for compliance. If compliance is not forthcoming then unfortunately legal proceedings may have to be instigated. It is not Wimpey Homes remit or responsibility to "enforce" conditions as these conditions are between residents and subject to normal law and the burden of proof.

## **Bannermill Owners Meeting – 26 April 2016 at Hilton Doubletree**

The owners had been invited to meet with Richard Burnett a Director of PMC Ltd and the Property Manager for Bannermill. The meeting was formatted to be an informal discussion or focus group. 14 flats were represented.

All owners are welcome at these meetings and are encouraged to attend. We do ask that you notify us that you are attending, in order that the right room size, places etc. are booked

Owners had been asked to submit any points that they wished to raise.

1. Occupancy tenancies, and the knock on problems for refuse and car parking.

There was a wide ranging discussion about the issues that a large number of occupiers in a block cause, and the fact that the number of HMO Licenced Properties increase the number of occupants in the development. Much of the discussion focused around car parking and a possible permit system. Some owners are very much opposed to the idea of a permit system, while others seem quite enthusiastic. PMC will draft and send out a consultation to gauge overall opinion on the matter

2. Everyone is paying for the hygiene clean in bin stores to the list of things to be discussed at the April meeting please. I'd like to know what other owners think of this. The only reason these bin stores need a hygiene clean is because they house the bins that are used at the bottom of the bin chutes used purely by the flats in those blocks. Don't see why non bin chute blocks are having to pay for a hygiene clean that has nothing to do with them. – 51 Bannermill Place.

There was a brief discussion at the meeting about this point but the owner who submitted it was not present and none of the owners present saw it as a major issue of concern

3. NHBC Claim

There was a long and wide ranging discussion concerning a possible building defect and possible remedies.

In mid-April, PMC had sent out to all owners a summary of the position concerning water penetration in the blocks with the curtain (glass) walls and the responses from NHBC rejecting the claims and the subsequent appeals. It was agreed that PMC could now do no more concerning this matter.

The effected owners, a number of whom were present agreed to meet together and to consider what action they may or may not take. It was agreed that this was no longer a matter for the general owners meetings.

4. Other points that were then raised.

- a. An owner complimented the new site superintendent on his efforts and her comments met with general agreement
- b. An owner commented on leaves still in borders and the grounds team and the site superintendent will address these
- c. An owner asked about a roof survey and commented that he could see two plastic caps off vents. PMC is in discussion with a Chartered Surveying Company about a roof survey

using a drone. Since the meeting, further communications have been received and this should be able to proceed fairly soon. To comply with the relevant legislation concerning drone flying, owners will receive advance notification.

- d. PMC had not renewed the Pest Control contract with GD Pest Control. They are in discussion with several other companies but, as yet – a positive proposal has not been received. They will continue to pursue this.
- e. An Owner asked if more detail could be shown on contractor invoices. This is not within the control of PMC but the request will be fed back to contractors
- f. A question was asked about the insurance reinstatement value of the development. PMC confirmed that the method of confirming this was under review.
- g. A couple of owners commented on specific lights and Don has been notified to attend to these.

The next meeting will be an evening meeting and the date and venue will be notified.



appendix (17)  
**B**

**From:** Jessica Stewart  
**To:** "juthomps"  
**Date:** 21/01/2016 16:01  
**Subject:** RE: 51 Bannermill Place - escape of water number 8 - update

Julie

I have spoken the owner of 53 Bannermill Place, who is aware that there has been water coming into your property. She said the tenants have had a thorough look but can't find any water. I have asked her to instruct a plumber to attend to source the leak as it is most likely coming from her property – he is going to have a look today. She is going to update me on her findings.

Can you please email to me photographs of the damage in your property?

Many thanks



Jessica Stewart AIRPM

Office Co-ordinator & HR Manager

Head Office: +44

The Property Management Company

Direct Dial: +44

Little Square

Fax: +44

Oldmeldrum

Email:

Aberdeenshire

Web:

AB51 0AY



Member of the Property Managers Association Scotland



qualified property professionals here



RICS

the mark of property professionalism worldwide

The Property Management Company is regulated by RICS.

Authorised and Regulated by the Financial Conduct Authority (Firm Reference No. 315094)

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

From: Richard Burnett  
To: [juthomps](mailto:juthomps)  
CC: Bannermill <[Bannermill](mailto:Bannermill)>  
Sent: Thu, 4 Jun 2015 10:37  
Subject: RE: 51 Bannermill Place - wet ceiling

Julie – I have called both numbers that we have - both go to voicemail and I have left messages, explaining the situation and asking for an urgent response, both to the flat and to me.

We also have an email address, which I have messaged similarly, and we are notifying the insurers of a potential claim.

10.28am - Owner has just called me. Her maintenance man has keys and has been instructed to address this today. That should sort the problem

Regards

Richard

Richard S Burnett MA FRICS FIRPM

Director

The Property Management Company

Little Square

Oldmeldrum

Aberdeenshire

AB51 0AY

Head Office: +44

Direct Dial: +44

Fax: +44

Email:

Web:



# Anderson Beaton Lamond

SOLICITORS & NOTARIES



Ally Thain, Esq.  
Private Sector Housing Manager  
Aberdeen City Council  
Communities, Housing & Infrastructure  
Business Hub 1  
Lower Ground Floor West  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

Our Ref:  
Your Ref:

1<sup>st</sup> June 2016

Dear Mr. Thain

Keith Fraser Lamb  
53 Bannermill Place, Aberdeen

I refer to your letter dated the 12<sup>th</sup> of May 2016 and note that whilst you requested any letters in support of the application to be submitted prior to close of business on Friday 27<sup>th</sup> of May I enclose an appropriate letter and would like to apologise for submitting this outwith the time limit requested by you.

I would confirm, at the outset, that there is no suggestion in the letter of objection from Miss Thompson that my client has ever committed any offence, practiced any unlawful discrimination or contravened any provision of law and therefore I would suggest that my client is a fit and proper person to be a landlord.

The main grounds of objection are that my client has failed to maintain the property and in order to submit this Miss Thompson has highlighted a number of occasions of escape of water.

I would explain that the property in question is a 5 bedroom, 4 bathroom property. Unfortunately escapes of water from a property will occasionally occur regardless of how well a property is maintained.

You will note from the list of escapes from water that there were references to 8 escapes of water from the property although the source of incidents 2, 4 and 8 were not identified as being from 53 Bannermill Place. Therefore we are talking about 5 separate occasions over a period of 8 years the causes being washing machine, waste pipe, shower screen and boiler rather than one recurring problem. In all of the situations referred to there is only one situation on which Mrs. Lamb did not deal with the matter promptly and this is when she was in hospital in 2012.

My client employs a firm to do cleaning, a maintenance man who is on call 24 hours and has Scottish Gas cover for the boiler/appliances. Any issues are attended to promptly and I enclose emails from the tenants themselves confirming that any issues are dealt with promptly, that the

Bordeaux House, 31 Kinnoull Street, Perth PH1 5EN (LP-7 Perth) (DX PE 5)

Telephone: 01738 639999 Fax: 01738 630063 Email: [info@abl-law.co.uk](mailto:info@abl-law.co.uk) Web: [www.abl-law.co.uk](http://www.abl-law.co.uk)

Partners: Lydia M. Fotheringham, Lizzie M. McFadzean, Peter J. Stewart.

Consultant: Iain W. Lamond. Associate: C. Aaron Acheson. Solicitor: Rachel Scanlon. Executry Assistant: Laura H. Cramb.

source of some of the leaks Miss Thompson has complained about could not be ascertained and do not appear to be from the flat and that they have endeavoured to ensure any noise is kept to a minimum.

On the basis of all of the above I would therefore dispute the suggestion that our client is not a fit and proper person to be a landlord.

Should you have any queries regarding any aspect of the above then please do not hesitate to contact me.

Yours sincerely

Peter Stewart  
[peterstewart@abl-law.co.uk](mailto:peterstewart@abl-law.co.uk)

Jocelyn Reid

May 18

to me

Hi Bridie

As requested I am sending you an email in regards to the flat below ours

A couple of months back Julie came to our door and said that water was leaking from her roof. I then phoned you and you told me all of the places to look for water. After finding nothing I informed Julie. A couple of days later an old gentleman came to the door saying he was from Julie's flat. He mentioned that there was still water leaking. I felt quite bad about this so I asked the gentleman if he wanted to come into the flat to see if he could find the leak, he said no. I have heard nothing since so assumed all was well.

In terms of the noise complaint I am quite confused and frustrated by this. The majority of us work full time. All of us in the flat are in bed by 10pm. A lot of us have been abroad lately and I honestly cannot remember the last time we played music from the flat. If anyone from the flat does go out, we make sure we leave at a reasonable time so that we do not disturb anyone. If the noise complaint is from early in the morning then this could be the seagulls. I was woken 3 times last week thinking there was building work going on in the flat.

I hope this helps Bridie and that you feel better soon.

Jocelyn (53 Bannermill place) xx

Sent from my iPhone

Flat 53 inbox x



Rebekah Moorhouse <re>

May 18

to me

Hello Bridie,

Following a discussion with Jocelyn after you emailed her:

I was so devastated to hear that the leak and noise issues have arisen again. We have checked under the sinks and the bathrooms on a number of occasions and also offered them to come in to look which Julie declined. If we have any issues with the flat we contact you immediately and it gets fixed. I'm at a bit of a confusion as to her letter to the council as we all work fulltime, rarely have music on in the flat and are in bed by 10pm every night. Most of us go home at the weekends nowadays also, so I'm at a complete loss to where the issues are.

The noises in which she is referring to is general living noise i.e. hovering, walking and doors closing. We have all made considerable effort to walk past Julie's door quietly and up the stairs of the complex in such a way that noise isn't an issue in that regard.

Our flat appliances have also been checked again and again as you have requested and no such leaks have been found within our flat. We are doing our best on our part to be considerate towards our neighbours and as a landlord you have gone above and beyond for us and Julie. I am confused as to what Julie wants to achieve by these emails. I feel that it's general harassment at times from her part and am sincerely hurt by this as I know others in the flat are too.

I know that the flat below Julie have parties and I think she is possibly confusing our noise with them, as I can hear them at times over the weekends. It is a busy flat complex and Bannermill have hundreds of people living there so the car park can get loud at night also and I would hate to think she was blaming these noises on our flat, however I believe this to be the case.

As you know our inspections from the HMD and the factors of Bannermill have all went well and no such leaks or antisocial behaviour was highlighted.

I'm so sorry that this has come up again, it's hassle that no one involved wants and if there is anything that I can do to better the situation then please let me know.

Yours Sincerely,  
Rebekah Moorhouse  
53 Bannermill place

LEANNE GREENE

May 18  to me 

Hi Brodie,

Following your message to Jocelyn today I am sending you an email as requested. I personally feel as though Julie targets us, she lives below us and as a result it is only natural that she will hear noise eg. hoovering, walking around, doors etc. The majority of us with exception to Jocelyn have been abroad for the past week and I can't remember the last time we were all on a night out so I'm confused as to where this noise is coming from. Further to this, the majority of us work full time and get up early to attend the gym before work and as a result we are in bed by 10pm. I don't feel as though there is anything more we could do to reduce the noise coming from our flat.

There is a flat below Julie which is occupied by students who go out regularly, we can hear them from our flat so I feel Julie is mistaking their noise as us.

As for the leak situation, numerous professionals have been around and could not find a leak so again I am confused where this may be coming from.

I hope you are well and I will speak to you soon.

Regards,

Leanne Greene Please consider the environment before printing this email. Robert Gordon University is the top university for graduate jobs in the UK (HESA 2013 & 2014). Robert Gordon University is a Scottish charity registered under charity number SC 013781. This e-mail and any attachment is for authorised use by the intended recipient(s) only. It may contain proprietary material, confidential information and/or be subject to legal privilege. It should not be copied, disclosed, retained or used by any other party. If you are not an intended recipient then please promptly delete this e-mail and any attachment and all copies and inform the sender. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Robert Gordon University. Thank you.

Complaint 

Leigh-Ann Morrison

May 18  to me 

Hello Brodie,

It's just like you to know that you are a brilliant landlord and we at a flat appreciate all you have done for us especially for me who has lived in Bannermill for 5 years now. You answer every call, query, email and text message that any of your tenants have and make sure we have a safe living environment through checks of the flat and meetings with us.

Regarding the water leaks, my flat mate Jocelyn let work men in to figure out where the leak was however there was no leak found and they did not return after that.

Any issues we have had, we have communicated these with yourself. Where it has not been possible to deal with either from our end or yours, we have contacted Chris the handy man. Where Chris has not been able to fix something and we have had to seek other professionals help such as Scottish gas, you have helped us do so.

From the 9th to the 14th of this month there has only been 1 person in the flat, as the rest of us have been out of the flat and on holiday. For the past year, each person in the flat have been professional/skilled/qualified graduates who work full time. Myself and Shaun are the only two students completing our final years at university which involved continuous 12 hour days, most days, at the library in garthdee. Therefore, I would dispute that there has been any noise which has been anything over the 'norm' for a flat which contains 5 people.

I am really upset, frustrated and devastated that this is coming up again, as we do not want your faith in your tenants to go. We abide by the rules which Julie asked us to keep the noise down before 11pm. By which point nowadays most of us are already in bed asleep. I will not deny that perhaps on the odd occasions we have had a night out, however I would argue that every person is entitled to enjoy themselves every now and again.

I am so sorry Brodie that this is coming up again, it's so sad. If there's anything we can do from our end, please don't hesitate to let us know.

Kind regards,

Leigh-Ann



**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	2 June 2016
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

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

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.58 Camperdown Road, Aberdeen**

**Applicant/s: Nida M.A.Wani & Nuha M.Wani**

**Agent: None stated**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 14 June 2016 for the reason that 5 letters of representation were received by the HMO Unit.

I can advise you as follows:

### **The HMO legislation**

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

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

### **The premises:**

The property at No.58 Camperdown Road, Aberdeen, is a two-storey semi-detached house providing accommodation of 4 letting bedrooms, one public room, one kitchen & one bathroom. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

The HMO licence application is dated 15 April 2016 and was received by the HMO Unit on 22 April 2016.

**Certificate of Compliance – Notice of HMO Application:**

The Certificate of Compliance submitted by the applicant declares that the public Notice of HMO Application was on display outside the property for the statutory 21-day period between 22 April 2016 – 14 May 2016.

**Letters of representation:**

Five letters of representation were received by the HMO Unit within the statutory 21-day Notice period, and must therefore be considered by the Committee. Details of the letters are as follows:

- A letter from Elizabeth A.Jackson (attached as Appendix 'B')
- A letter from Malcolm Low & Ayeshea Low (attached as Appendix 'C')
- A letter from M.Nieman & K.G.Nieman (attached as Appendix 'D')
- A letter from Keith Mackie & Carole Mackie (attached as Appendix 'E')
- A letter from Nicola Moir & Neil Moir (attached as Appendix 'F')

**Letter from licence-applicant:**

One of the applicants submitted a letter in response to representations (attached as Appendix 'G')

**Other Considerations:**

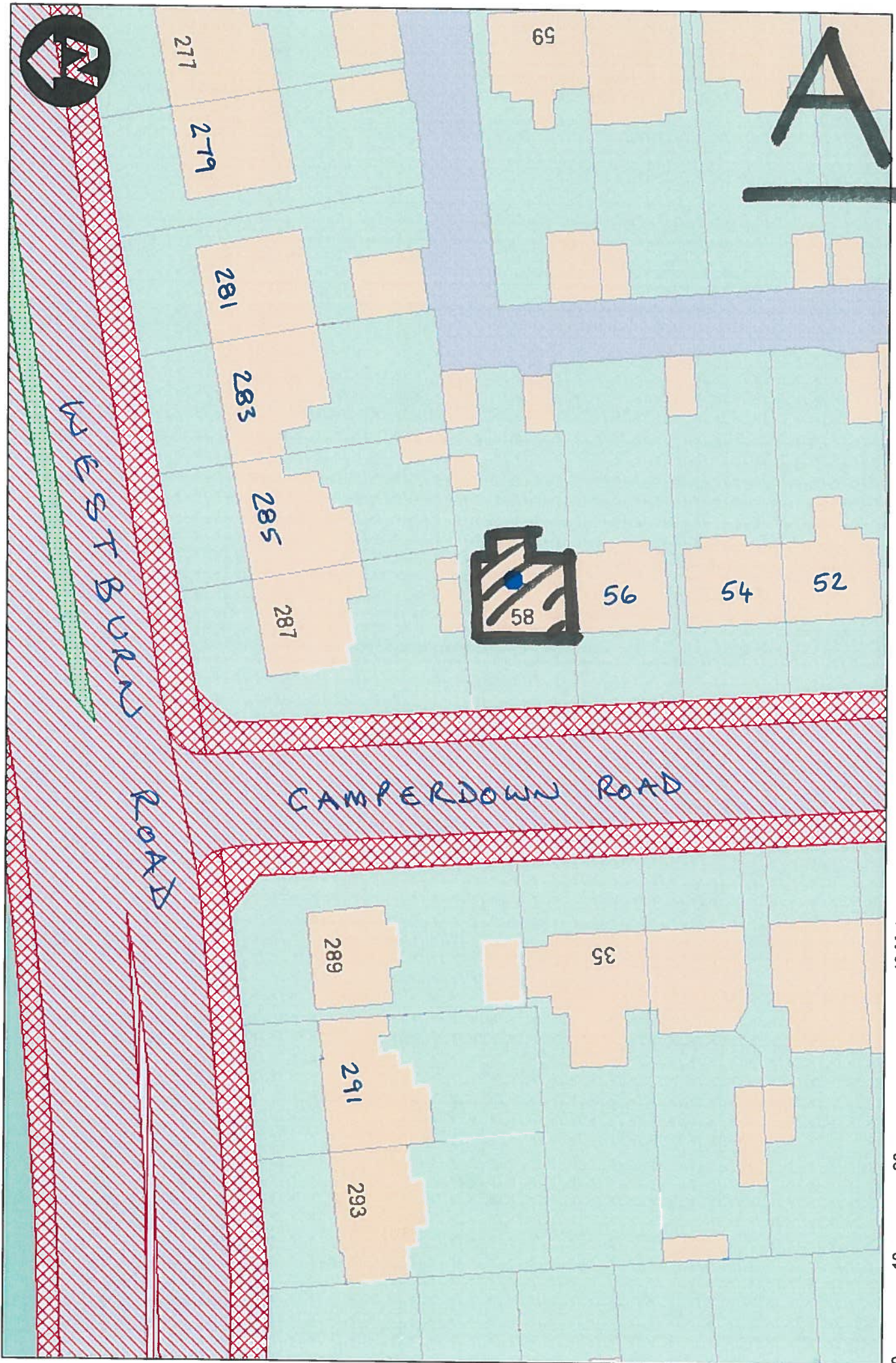
- Police Scotland has been consulted in respect of the applicants' suitability as 'fit & proper' persons, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- At the date of this report, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of anti-social behaviour at No.58 Camperdown Road, Aberdeen.
- The applicants & their property are not registered with the Landlord Registration database therefore it will be necessary for them to register prior to letting the property.
- The applicants have requested an occupancy of 4 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is a 'first-time' HMO licence application.
- The applicants acquired No.58 Camperdown Road in February 2016.
- The application under consideration is the first recorded HMO licence application in Camperdown Road, Aberdeen.



- The letters of representation mention difficulties associated with car parking in Camperdown Road, which is a Controlled Parking Zone. Each household is entitled to 2 parking permits which allows 2 cars to be parked in the street during the day when restrictions apply. Restrictions do not apply in the evening and overnight when anyone may park a car in Camperdown Road. The rear garden of No.58 Camperdown Road includes 2 garages accessed from a private lane. All that said, car parking is not a consideration of HMO licensing.
- At the date of this report, an initial inspection has been carried out which has revealed a number of upgrading works and certification requirements. I will advise the Committee of the up-to-date position at the meeting on 14 June 2016.

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

**Ally Thain**  
Private Sector Housing Manager



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40 Metres  
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4<sup>th</sup> May, 2016

Aberdeen City Council  
HMO Unit  
Housing and Environment  
Business Hub 1  
Marshall College, Broad Street  
Aberdeen.

Dear Sir

Aberdeen City Council
Housing & Environment
DATE RECEIVED 05 MAY 2016
Private Sector Housing Unit

Re: Proposed Application for change of use from Residential Property to an HMO licence at 58 Camperdown Road, Aberdeen.

I wish to object to the above proposal on the grounds of the adverse impact on the amenity of the area with respect to:

- 1) maintenance of the property
- 2) public nuisance eg will the refuse bins be taken off the street and not block access to the garage at the bottom of Camperdown Road.
- 3) the size of the property being too small for a number of unrelated tenants - how many tenants will there be?

When will the licence be reviewed?

This is purely a business venture in the middle of a family orientated neighbourhood

Yours faithfully,

ELIZABETH A JACKSON

C  
1

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

Dear Sir

Objection to the Multiple Occupancy of 58 Camperdown Road

I am writing to express my concern and to note our objection to the multiple occupancy of 58 Camperdown Road.

The reasons we are objecting are as follows;

- 1) The impact on parking in the area. There is already a shortage of parking spaces and living in such close proximity to the hospital, not only do residents use the available parking but patients and staff working at the hospital. There are plans to build new flats at the hospital without the provision of even one space per dwelling and further developments at the hospital.
- 2) Concerns over maintenance and upkeep of the garden.
- 3) There is already a multiple occupancy property in Rosebery Street, (which was also objected to) the Street adjacent to Camperdown Road and in such a small area we feel this could adversely effect the area that our children live. It will also set a precedence for the over provision of multiple occupancy properties in the area.
- 4) Multiple occupancy tenancies are often favoured by students and there are reasons why insurance companies charge higher premiums or don't want to insure properties occupied by students. Any properties which encourage the letting to several unrelated tenants leave the property and area open to an increased likelihood of anti social behaviour.

I would be extremely grateful if you could note our objection and the potential detrimental effect to the area and my families well being.

Yours sincerely

Mr Malcolm Low

Mrs Ayeshea Low

Aberdeen City Council
Housing & Environment
DATE RECEIVED 11 MAY 2016
Private Sector Housing Unit

D

Aberdeen City Council
Housing & Environment
DATE RECEIVED
11 MAY 2016
Private Sector Housing Unit

10th May 2016

Dear Sir,

Re: Application for a licence for a house in multiple ownership (HMO) 58 Camperdown Road,

We write to object to the above application on the following grounds :-

- a) Camperdown Road is a residential street where the properties are mainly owner occupied by families or are leased to families. An HMO at the above address would set a precedent which risks changing the character of the street, to the potential detriment of owner occupiers such as ourselves.
- b) There is an increased risk of obtrusive evening and night time noise and disturbance from an HMO compared with a normal residence, affecting particularly the adjoining semi-detached house and other nearby householders.
- c) This HMO would be likely to increase the car parking congestion on the street towards our property as there is a bus stop and area of double yellow lines in front of the property.
- d) There could be issues regarding upkeep of the grounds at the property.
- e) There appears to be plenty of student accommodation elsewhere in Aberdeen, much of it purpose-built.

We urge you to refuse this application.

Yours faithfully

M NIEMAN

K G NIEMAN

E

7<sup>th</sup> May 2016

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

Aberdeen City Council
Housing & Environment
DATE RECEIVED
11 MAY 2016
Private Sector Housing Unit

Dear Sir/Madam,

**OBJECTION TO HMO APPLICATION: 58 Camperdown Road, Aberdeen, AB15 5NU**

We are writing in response to the 'Notice of Application for a House of Multiple Occupation' for the above property and wish to raise our objections.

We feel it is entirely inappropriate to change this family home into living accommodation for multiple tenants. This is very much a family-orientated area with a strong sense of community and an HMO is not in keeping with the neighbourhood.

The property in question is a modest 3 bed semi-detached house, which according to a recent leasing schedule, has one bathroom and one kitchen. Are these amenities adequate for unrelated persons to share?

We are aware of a property in Rosebery Street where an HMO has recently been granted. Allowing yet another HMO to be approved so close by would set a precedent in the immediate vicinity, changing our area and not for the better. How many more will follow? According to the Aberdeen City Council website, there are approximately 90 HMOs in the wider Rosemount and Mile End ward suggesting there is already over-provision in the area. This figure does not take into account the high number of other current rental properties.

Parking also has to be taken into consideration given the potential increase in the number of cars an HMO would bring. It is already at a premium in the area, especially in the evenings and at weekends when the parking restrictions are not in force.

HMOs come with a reputation and this raises further concerns:

- Noise and public nuisance – not only caused by tenants but by their social groups visiting the property. It would be difficult to establish who was responsible for any problems.

E

- General upkeep and maintenance of property and gardens (including proper disposal of rubbish) – what guarantees do we have that this would be suitably attended to? Sadly, there is often a lack of respect from tenants for their surroundings.
- Rapid turnover of tenants – we would not know who was living in the house from month to month.
- We understand that the application is initially for 3 people to share the property. Can this number be increased in the future and what is the maximum number of tenants allowed in a property of this size?
- Would the landlord be available at any time should problems arise concerning tenants?

On a personal note, the back door of the property is in an elevated position which directly overlooks the living area at the back of our house. We are very aware of any comings and goings at this door. Previous residents have always very kindly been mindful of this and it is a concern that tenants would not have the same consideration for our privacy.

Thank you for considering our objections and we look forward to hearing from you.

Yours faithfully,

Keith Mackie

Carole Mackie

**F**

Nicola & Neil Moir

May 10, 2016

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

Dear Sir or Madam:

We would like to object to the proposed application for HMO of 58 Camperdown Road.

Our concerns are mainly for the safety of children including ours in the neighborhood and surrounding gardens who play outside a great deal especially in the summer, in gardens which back onto this property. We pay dearly to live in this area and have always lived here and understand this type of housing may attract unsavory characters who may only stay months at a time, so there will be a massive amount of people in and out not really caring for the property and gardens as we residents do.

Will they keep the gardens? Will they maintain appropriate levels of refuse? Will they keep the noise down and be aware of young families nearby? There is already such a property in Rosebery Street, surely one in the area is enough? Parking is another issue which is already a nightmare with people parking for the hospital outside our homes when we've to pay £190 annually for passes.

We strongly urge you to consider our objections as the owner of no 58 has barely tried to sell the property and now in our opinion is going for a money making scheme and hasn't thought for a moment of the consequences it may have on the local residents for years to come.

Yours Faithfully,

Nicola and Neil Moir

<b>Aberdeen City Council</b>
<b>Housing &amp; Environment</b>
<b>DATE RECEIVED</b> <b>12 MAY 2016</b>
<b>Private Sector Housing Unit</b>





8<sup>th</sup> May 2016

Aberdeen City Council  
HMO Unit  
Housing and Environment  
Business Hub 1  
Marischal College  
Broad Street  
Aberdeen

Dear Sir,

Re: Response to letter of objection for change of use from Residential Property to an HMO licence at 58 Camperdown Road, Aberdeen

I would like to give a response to the points raised in the letters of objection to the HMO license.

1) Maintenance of property

We will ensure the future tenants maintain the property to the highest standard. We live in close proximity to the property (Westburn Drive) and can therefore liaise closely with tenants and be directly involved in the day to day upkeep of the property.

The front garden requires to be mowed occasionally and we will be responsible for ensuring this is carried out. The back garden mainly comprises rocks and thus regular maintenance will not be as much of an issue. Regular inspections of the property will be carried out in order to assess this.

2) Public nuisance

The tenants will be chosen carefully so as not to cause a negative impact to the neighbourhood. In all likelihood, the tenants will be mature medical students attached to the hospital. Medical students have a greater responsibility to uphold a positive image due to the possible repercussions and thus will be less likely to cause any problems.

There will be a clause in the tenancy agreement with regards to antisocial behaviour, we will provide our contact details (including mobile number) to all neighbouring residents in the unlikely event of a disturbance and we will reiterate the point that we live nearby if there are any problems.

3) Capacity

There will be a maximum of four tenants for the property. We have been advised that the property is of sufficient size for this number of people with four bedrooms, one bathroom, a spacious kitchen, living room, two garages, one basement, one shed and two gardens. Residents are more than welcome to arrange a visit to the property to assess this for themselves. We have also visited HMO properties of similar capacity and feel we are providing adequate facilities.

4) HMO property in a residential neighbourhood

The property is in a residential, family-oriented neighbourhood and the worries that the current residents have with regards to the HMO licence are completely understandable. We ourselves live next to a similar HMO property and have found no disturbances to our daily lives, we aim for this to be the case with the residents living near our own property as well.

5) Car parking

Each household is entitled to a maximum of two on street parking spaces and we exercised this right when we were living at the property, thus the disturbance to this should be minimal if a HMO licence is granted. However, the property is equipped with two garages to accommodate parking for the residents and we will try to encourage this as a cheaper and safer option thus minimising any congestion to on street parking.

6) Student accommodation

We are familiar with the current state of student accommodation and have found a lack of affordable properties near the hospital for medical students in particular. We feel that acquiring a HMO licence would aid students in their studies to minimise travel time and the cost of living.

7) Tenants

We understand that residents are unhappy with the fact that there may be a high turnover of undesirable tenants living at the property for months at a time. We can assure you that the proposed tenancy agreement is intended to be on a long-term contract (ideally one year or longer) as this will be ideal both for the tenants who may be studying for several years in Aberdeen and for the residents. Tenants will thus be more likely to cultivate good relations with neighbours and maintain the property to a high standard.

It is worthy to note that we originally intended for the property to be rented out to families but have had no luck in finding suitable tenants and thus believed a HMO to be the next best option as the property has remained empty for almost a year.

8) Other concerns

With regards to the back door being elevated and looking out onto neighbours' back gardens we will be sure to instruct tenants of being mindful as previous owners have done before.

The likelihood is that the tenants will be out for most of the day for their studies/work and will not be occupying the house during the summer if they are returning home, so at the times where most families will be home, there will be minimum disturbance caused.

The bins have been put out for collecting in front of our house without obstruction to any amenities (e.g. garages) for over 10 years and there is no reason for this not to continue to be the case. Tenants will be instructed to do the same and thus refuse disposal should not pose a problem for anyone else in the vicinity.

I hope this has addressed the main concerns raised regarding the HMO license, I want to ensure that by acquiring a HMO licence we will cause as little disturbance to the community living nearby. If there are any other queries or if you are unsatisfied with this response then please get in touch and I will do my best to alleviate your worries regarding the licence.

Yours faithfully,

Nuha Wani

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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	2 June 2016
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

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

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.44A Belgrave Terrace, Aberdeen**

**Applicant/s: John S.Gauld & Margaret C.Gauld**

**Agent: Liesl C.Meggison**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 14 June 2016 for the reason that one letter of representation was received by the HMO Unit.

I can advise you as follows:

### **The HMO legislation**

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

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

### **The premises:**

The property at No.44A Belgrave Terrace, Aberdeen, is an upper floor maisonette flat providing accommodation of 4 letting bedrooms, 3 public rooms, one kitchen & 3 bathrooms. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

The HMO licence application is dated 26 April 2016 and was received by the HMO Unit on 26 April 2016.

**Certificate of Compliance – Notice of HMO Application:**

The Certificate of Compliance submitted by the applicants declares that the public Notice of HMO Application was on display outside the property for the statutory 21-day period between 26 April 2016 – 17 May 2016.

**Letter of representation:**

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

**Letter from licence-applicant:**

The agent, on behalf of the applicants, submitted a letter in response to representations. The letter is attached as Appendix 'C'.

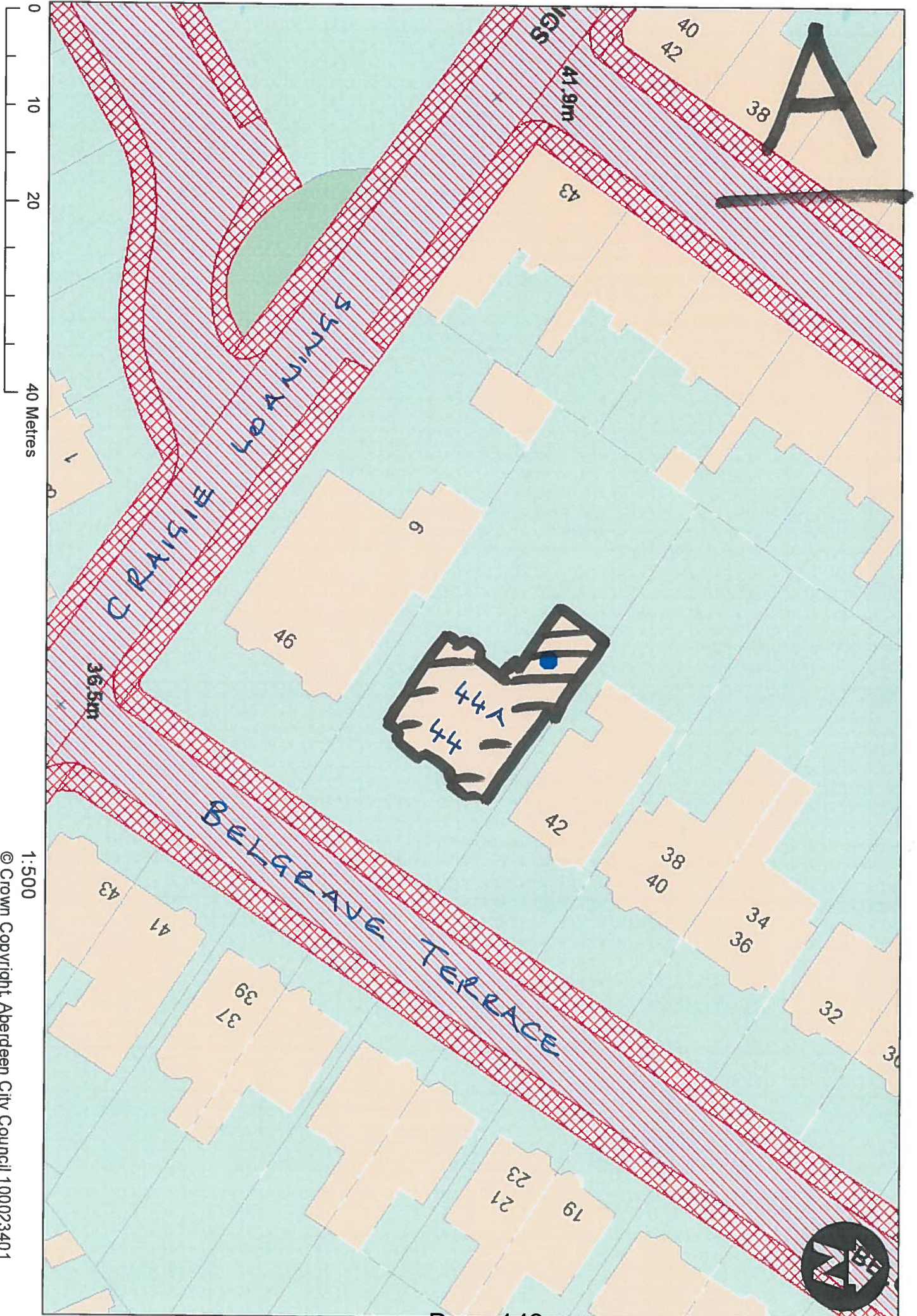
**Other Considerations:**

- Police Scotland has been consulted in respect of the applicants' suitability as 'fit & proper' persons, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- At the date of this report, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of anti-social behaviour at No.44A Belgrave Terrace, Aberdeen.
- The applicants & their property are registered with the Landlord Registration database. The agent is not registered, therefore it will be necessary for the agent to do so.
- The applicant has requested an occupancy of 5 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is a 'first-time' HMO licence application.
- At the date of this report, an initial inspection has been carried out which identified some upgrading work required . I will advise the Committee of the up-to-date position at the meeting on 19 January 2016.

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

**Ally Thain**

Private Sector Housing Manager



B

Alex & Carol Jones

9 May 2016

Dear Sir or Madam

We are writing to protest about the recent notice that 44A Belgrave Terrace Aberdeen will be used for a HMO tenancy for student tenants for what was previously a single family dwelling.

It is a large flat with many bedrooms that could accommodate a significant number of people and their friends and family. As we currently reside in the flat we have concerns that noise will become excessive, especially at night, due to the large number of people that could stay there. This is especially true in their kitchen which lays above my young son's bedroom.

We have also had problems in the past where plumbing leaks have caused significant damage to our property from the overlying property and are worried that the more people that live in that property the more chance there is of a reoccurrence.

One of our major concerns though is that tenants of 44A Belgrave have the right to cross our property to use a shared garden at the back. This brings up potential security concerns at the back of our house, as people unknown to us will have rights essentially be in our back garden. This worries us particularly as we have young children, one of which has special educational needs, who regularly play in our back garden and we need to be confident that our children are safe and that all gates are shut securely so they cannot get out.

Belgrave Terrace suffers from significant parking issues and we hope that the council will make adequate provision for any additional parking requirements that the multiple occupants in 44A would require. This is also the case for rubbish collection as multiple occupants will no doubt produce significantly more rubbish and recycling that will will require proper disposal.

I hope that the above outlines our concerns about the licence application for HMO occupancy of 44A Belgrave Terrace. If you have any questions please do not hesitate to contact us.

Yours faithfully

Alex & Carol Jones

Aberdeen City Council
Housing & Environment
DATE RECEIVED 12 MAY 2016
Private Sector Housing Unit

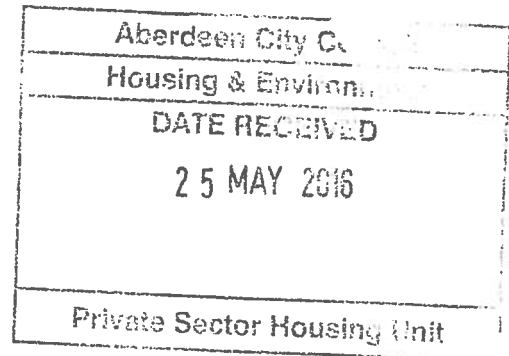


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25<sup>th</sup> May 2016

DELIVERY

Ally Thain Esq  
Private Sector Housing Manager  
Aberdeen City Council  
Business Hub 1  
Marischal College  
Aberdeen



Dear Mr Thain,

HMO application - 44A Belgrave Terrace, Aberdeen

I thank you for your letter of 12 May with enclosures.

I now respond to the letter of representation from Alex and Carol Jones dated 9 May.

John S Gauld is a registered landlord with Aberdeen City Council and a member of Landlord Accreditation Scotland, attending courses as and when required ensuring a full understanding and compliance at all times to current legislation. He has taken pride in always being proactive and responsive to tenants' needs ensuring all work is carried out by qualified tradesmen.

Regarding para 2 of the representation letter, this application is for a maximum 5 people and he is anticipating the calibre of the tenants to be high, by the quality and size of the property. The short assured tenancy (SAT) contains an anti-social behaviour clause, as do all his former SAT's. The property has been let since 2011 and there have never been issues or concerns raised and as there are no bare wooden floors in the property, the risk of noise is minimal.

Regarding para 3, there was a leak during Alex and Carol's ownership whilst they were abroad and their property was unoccupied. When their agents informed John of the leak, he had a plumber immediately on site to rectify the problem.

Regarding Para 4, the rear garden for the property is fully enclosed, with a gate and fence. This is accessed, and always has been, since the division of the house to two flats in 1957, via a shared gate and a shared access path as per the title deeds.

Regarding para 5, I believe that it is irrelevant to this HMO application, as an owning family could have an equivalent demand on street parking.

John lives next door to the property and is available for Alex and Carol to call round if they have any matters they would like to discuss about the property, and this has always been the case as neighbours.

I trust that, subject to the conversion of the necessary internal doors to half-hour fireproof standard, and the three additional smoke detectors in the second floor, which are all presently in hand, the licence for an HMO, will be granted.

Should you have any queries or comments please do not hesitate to contact me.

Yours sincerely

Liesl Megginson, agent for John S Gauld

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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	2 June 2016
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

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

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.6 Tanfield Avenue, Aberdeen**

**Applicant/s: John Craig & Carole A.Craig**

**Agent: Easthaven Property Management**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 14 June 2016 for the reason that one letter of representation, and one 'late' letter of representation were received by the HMO Unit.

I can advise you as follows:

### **The HMO legislation**

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

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

### **The premises:**

The property at No.6 Tanfield Avenue, Aberdeen, is a two-storey semi-detached house providing accommodation of 4 letting bedrooms, one public room, one kitchen & 3 bathrooms. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

The HMO licence application is dated 21 April 2016 and was received by the HMO Unit on 27 April 2016.

**Certificate of Compliance – Notice of HMO Application:**

The Certificate of Compliance submitted by the applicants declares that the public Notice of HMO Application was on display outside the property for the statutory 21-day period between 25 April 2016 – 15 May 2016.

**Letter of representation:**

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

**'Late' letter of representation:**

One letter of representation was received by the HMO Unit on 23 May 2016, approx.. one week outwith the statutory 21-day period. The legislation, however, allows the local authority to consider a late letter if it considers that it was reasonable for the respondent to submit the letter after the deadline for doing so. Accordingly, if the Committee decides to consider the letters, copies will be circulated to Members at the meeting.

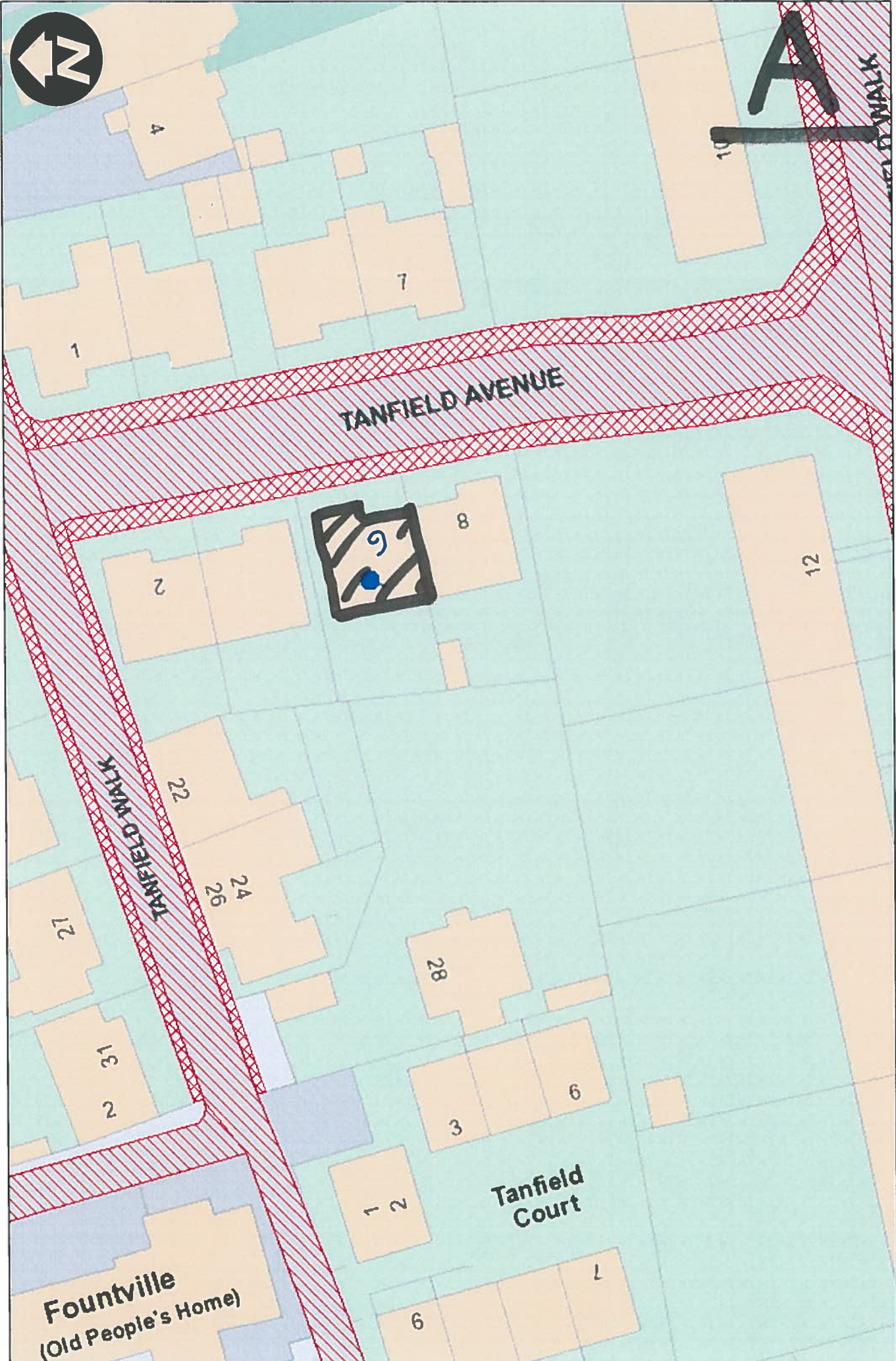
**Other considerations:**

- Police Scotland has been consulted in respect of the applicants' suitability as 'fit & proper' persons, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- At the date of this report, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of anti-social behaviour at No.6 Tanfield Avenue, Aberdeen.
- The applicants and their agent are registered with the Landlord Registration database, however the applicants have not registered No.6 Tanfield Avenue. It will therefore be necessary for them to do so before letting it.
- The applicant has requested an occupancy of 4 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is a 'first-time' HMO licence application.
- There are no HMO-licenced properties in Tanfield Avenue.
- The letter of representation mentions a lack of a car parking space at No.6 Tanfield Avenue, however car parking is not a consideration of HMO licensing.

- At the date of this report, an initial inspection of the property has not yet been carried out. The inspection, when scheduled, will involve an HMO Officer and an Officer from Scottish Fire & Rescue Service, and it is likely that they will identify works & certification requirements to bring the property up to the current HMO standard. I will advise the Committee of the up-to-date position at the meeting on 14 June 2016.

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

**Ally Thain**  
Private Sector Housing Manager



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40 Metres

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**Fountville**  
(Old People's Home)

**Tanfield Court**

**TANFIELD AVENUE**

**TANFIELD WALK**

**TANFIELD WALK**

**A**

**B**

Mr Brian J. Dempster

H.M.O Unit  
Housing and Environmental,  
Business Hub 1,  
Lower Ground Floor West,  
Marischal College,  
Broad Street,  
Aberdeen,  
AB10 1AB

10/05/2016

To Whom It May Concern.

I as the co-owner along with my wife Jennifer A. Dempster wish to object to the Multiple Occupancy application for number 6, Tanfield Avenue on the grounds of the lack of car parking space and also since the property has been acquired by John and Carole Craig of Gourdon they have made no attempt to maintain the grounds of the said property and if this is what is to be expected in the future then it is not acceptable.

Also if it is to be used for student accommodation there is an elderly gentleman living next door who would have to put up with all the noise and other inconveniences which are associated with several young people living together.

I hope you will consider this and not allow what is a very quiet street with very good neighbours be spoiled by allowing these premises which is a family home to be used for multiple occupancy.

Yours Sincerely

Brian J Dempster

Aberdeen City Council
Housing & Environment
DATE RECEIVED 12 MAY 2016
Private Sector Housing Unit

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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

<b>To</b>	Fraser Bell, Head of Legal & Democratic Services		
<b>From</b>	Ally Thain, Private Sector Housing Manager		
<b>Email</b>	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	<b>Date</b>	2 June 2016
<b>Tel.</b>	522870	<b>Our Ref.</b>	
<b>Fax.</b>		<b>Your Ref.</b>	

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

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.23F Froghall Avenue, Aberdeen**

**Applicant/s: George Eweka**

**Agent: None stated**

I refer to the above HMO licence application, which is due to be considered by the Licensing Committee at its meeting on 14 June 2016 for the reason that the upgrading work instructed by the HMO Unit and the Scottish Fire & Rescue Service has not been completed.

I can advise you as follows:

**The HMO legislation**

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

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

**The premises:**

The premises to which this HMO licence application relates is a top-floor flat providing accommodation comprising 3 letting bedrooms, one public room, one kitchen & one bathroom. The location of the premises is shown on the plan attached as Appendix 'A'

**The HMO application:-**

The HMO licence application was received by the HMO Unit on 9 July 2015.

**HMO upgrading works and certification:**

The HMO Officer carried out a joint initial inspection of the property with an Officer from Scottish Fire & Rescue Service on 15 July 2015, then he wrote to the applicant listing the following requirements to bring the property up to the current HMO standard:-

1. An IP44 light fitting to be installed in the bathroom.
2. All faulty or missing lightbulbs to be replaced.
3. Additional electrical sockets to be installed throughout the premises.
4. Carbon Monoxide detectors to be installed in every room containing a gas appliance.
5. All self-closing doors to be adjusted to ensure that they fully close against their doorstops.
6. All windows to be adjusted to ensure that they open and close properly.
7. The sink base unit door to be rehung.
8. Beds, wardrobes and chests of drawers to be supplied and installed within each bedroom.
9. The Certificate of Compliance, Gas Safe Certificate, Electrical Installation Condition Report, PAT certificate & a copy of the Tenancy Agreement to be submitted to the HMO Unit.

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

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

At the date of this report, SFRS has yet to confirm that they are satisfied with the fire safety arrangements within the property.

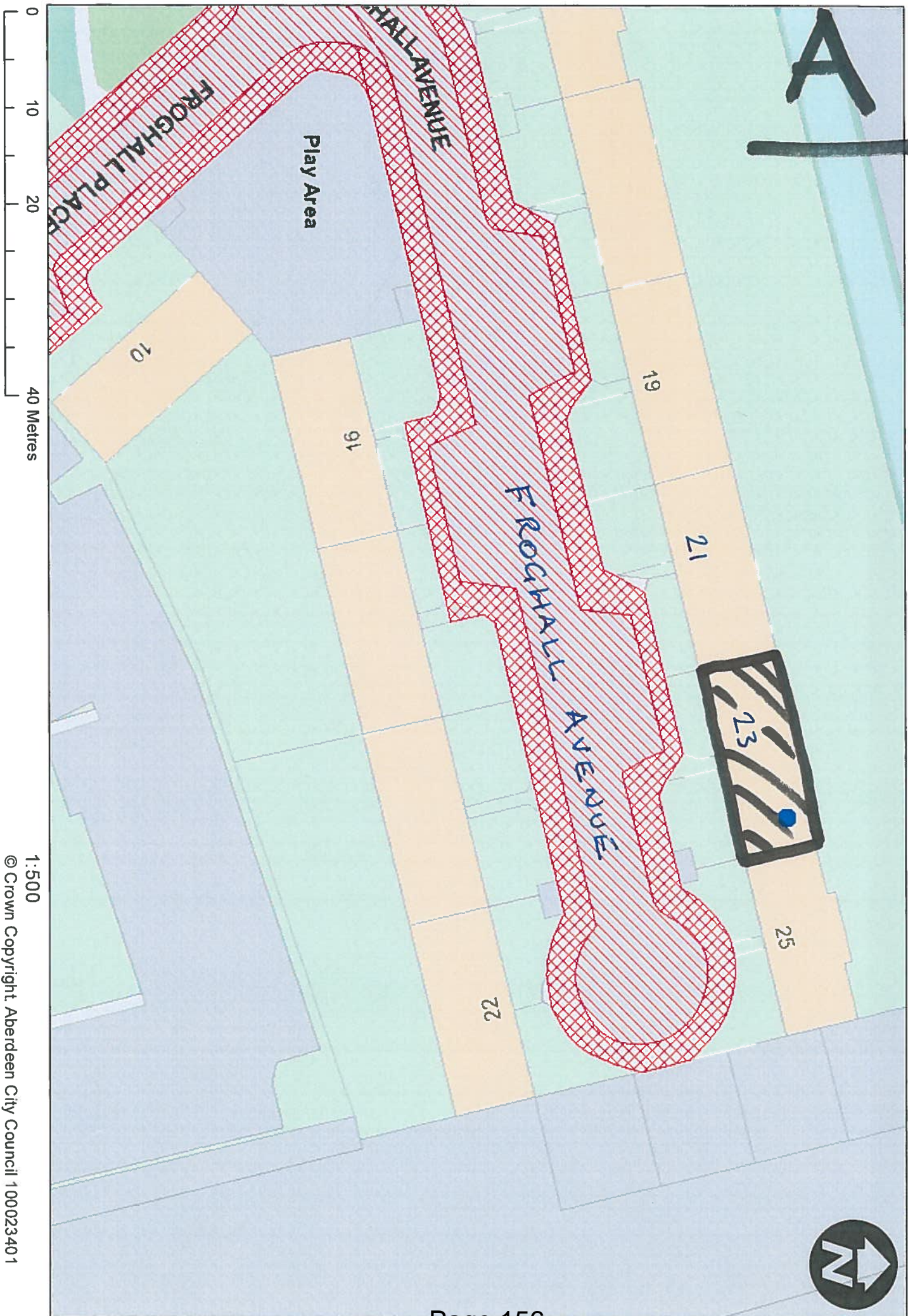
**Other considerations:**

- Police Scotland, as a statutory consultee, was initially consulted in respect of the applicant's suitability as a 'fit & proper' person, and made no adverse comment or objection.
- Scottish Fire & Rescue Service, as a statutory consultee, was initially consulted in respect of the suitability of the premises as an HMO, and made no comment or objection.
- At the date of this memo, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour at No.23F Froghall Avenue, Aberdeen.
- The applicant and his property are registered with the Landlord Registration database.
- The applicant have requested an occupancy of 3 tenants which is acceptable to the HMO Unit in terms of space and layout.

- The HMO licence application under consideration is a 'first-time' application.
- The meeting of the Licensing Committee on 14 June 2016, is the last meeting before the one-year deadline therefore if the above-mentioned HMO requirements have not been completed by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 14 June 2016. I will advise the Committee whether or not all our requirements have been completed.

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

**Ally Thain**  
Private Sector Housing Manager



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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	2 June 2016
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

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

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.3 Hilton Street, Aberdeen**

**Applicant/s: Christopher Minchin**

**Agent: None stated**

I refer to the above HMO licence application, which is due to be considered by the Licensing Committee at its meeting on 14 June 2016 for the reason that the upgrading work instructed by the HMO Unit and the Scottish Fire & Rescue Service has not been completed.

I can advise you as follows:

### **The HMO legislation**

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

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

### **The premises:**

The premises to which this HMO licence application relates is an upper-floor maisonette flat two-storey end-terraced house providing accommodation comprising 5 letting bedrooms, 2 public rooms, one kitchen & one bathroom. The location of the premises is shown on the plan attached as Appendix 'A'

**The HMO application:-**

The HMO licence application was received by the HMO Unit on 21 July 2015.

**HMO upgrading works and certification:**

The HMO Officer carried out a joint initial inspection of the property with an Officer from Scottish Fire & Rescue Service on 25 August 2015, then he wrote to the applicant listing the following requirements to bring the property up to the current HMO standard:-

1. An IP44 light fitting to be installed in the bathroom.
2. Faulty or missing lightbulbs to be replaced.
3. Additional electrical sockets to be installed throughout the premises.
4. Carbon Monoxide detectors to be installed in every room containing a gas appliance.
5. The locks on the flat exit door must be replaced with a lock of a type that is able to be opened from the inside without the use of a key.
6. Any locks in the doors of the letting bedrooms must be of a type that are able to be opened from the inside without the use of a key.
7. All self-closing doors must be adjusted to ensure that they fully close against their door-stops.
8. All windows to be adjusted to ensure that they open and close properly.
9. The Gas Safe Certificate, Electrical Installation Condition Report, PAT certificate & a copy of the Tenancy Agreement to be submitted to the HMO Unit.

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

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

At the date of this report, SFRS has yet to confirm that they are satisfied with the fire safety arrangements within the property.

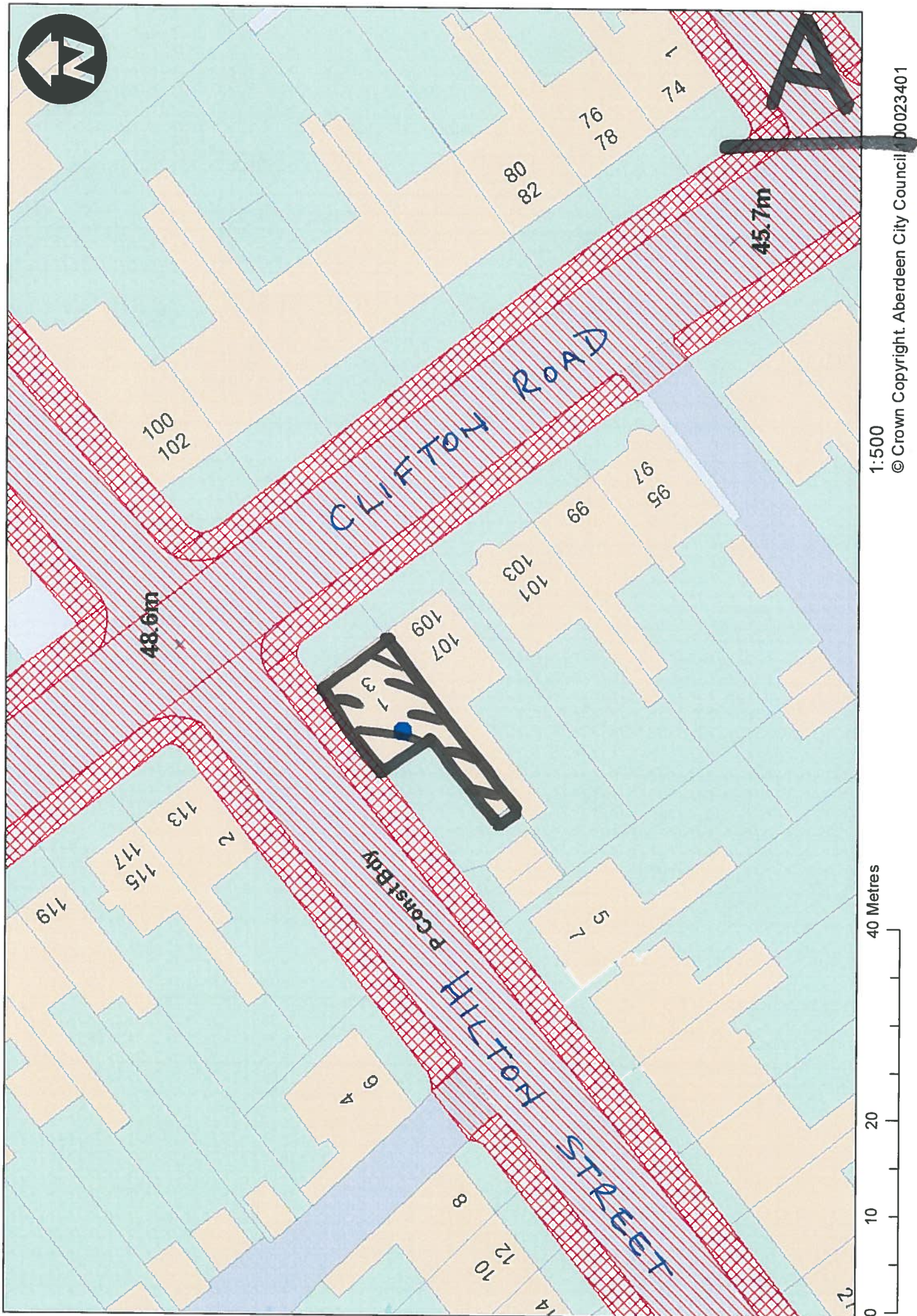
**Other considerations:**

- Police Scotland, as a statutory consultee, was initially consulted in respect of the applicant's suitability as a 'fit & proper' person, and made no adverse comment or objection.
- Scottish Fire & Rescue Service, as a statutory consultee, was initially consulted in respect of the suitability of the premises as an HMO, and made no comment or objection.
- At the date of this memo, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour at No.3 Hilton Street, Aberdeen.
- At the date of this report, the applicant and his property are not registered with the Landlord Registration database. It will therefore be necessary for the applicant to register prior to letting the property.

- The applicant has requested an occupancy of 5 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The HMO licence application under consideration is a 'first-time' application.
- The meeting of the Licensing Committee on 14 June 2016, is the last meeting before the one-year deadline therefore if the above-mentioned HMO requirements have not been completed by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 14 June 2016. I will advise the Committee whether or not all our, and SFRS requirements have been completed.

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

**Ally Thain**  
Private Sector Housing Manager



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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	2 June 2016
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

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

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.1 Loanhead Place, Aberdeen**

**Applicant/s: Dean Phillips**

**Agent: CDM Lettings**

I refer to the above HMO licence application, which is due to be considered by the Licensing Committee at its meeting on 14 June 2016 for the reason that the upgrading work instructed by the HMO Unit has not been completed.

I can advise you as follows:

### **The HMO legislation**

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

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

### **The premises:**

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

**The HMO application:-**

The HMO licence application was received by the HMO Unit on 24 July 2015.

**HMO upgrading works and certification:**

The HMO Officer carried out a joint initial inspection of the property with an Officer from Scottish Fire & Rescue Service on 7 September 2015, then he wrote to the applicant listing the following requirements to bring the property up to the current HMO standard:-

1. An IP44 light fitting to be installed in the bathroom.
2. Faulty or missing lightbulbs to be replaced.
3. Additional electrical sockets to be installed throughout the premises.
4. Carbon Monoxide detectors to be installed in every room containing a gas appliance.
5. The locks on the flat exit door must be replaced with a lock of a type that is able to be opened from the inside without the use of a key.
6. Any locks in the doors of the letting bedrooms must be of a type that are able to be opened from the inside without the use of a key.
7. All self-closing doors must be adjusted to ensure that they fully close against their door-stops.
8. All windows to be adjusted to ensure that they open and close properly.
9. All rooms must be fitted with fixed controllable space heating appliances.
10. The sealant around the bath/shower to be replaced.
11. The chimney serving the open fireplace in the living-room to be swept annually.
12. The Certificate of Compliance, Gas Safe Certificate, Electrical Installation Condition Report, PAT certificate, a copy of the Tenancy Agreement & a copy of the approved Building Warrant to be submitted to the HMO Unit.

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

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

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

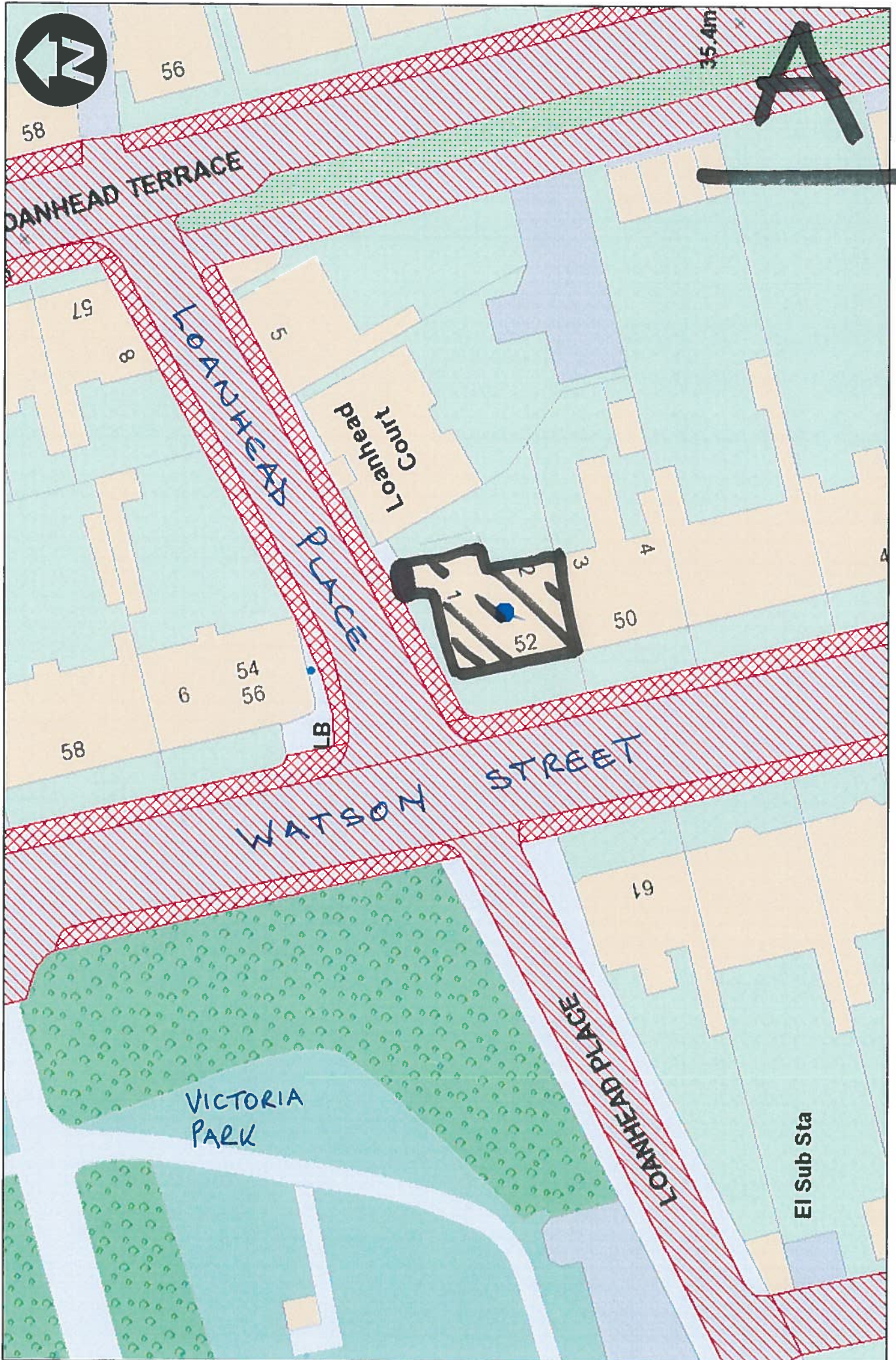
**Other considerations:**

- Police Scotland, as a statutory consultee, was initially consulted in respect of the applicant's suitability as a 'fit & proper' person, and made no adverse comment or objection.
- Scottish Fire & Rescue Service, as a statutory consultee, was initially consulted in respect of the suitability of the premises as an HMO, and made no comment or objection.
- At the date of this memo, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any corroborated complaints of anti-social behaviour at No.1 Loanhead Place, Aberdeen.

- The applicant, his property & his agent are registered with the Landlord Registration database.
- The applicant has requested an occupancy of 4 tenants which is acceptable to the HMO Unit in terms of space and layout.
- The HMO licence application under consideration is a 'first-time' application.
- The meeting of the Licensing Committee on 14 June 2016, is the last meeting before the one-year deadline therefore if the above-mentioned HMO requirements have not been completed by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 14 June 2016. I will advise the Committee whether or not all our requirements have been completed.

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

**Ally Thain**  
Private Sector Housing Manager



1:500

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40 Metres

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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	2 June 2016
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

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

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.21 Justice Street, Aberdeen (Top floor flat)**

**Applicant/s: Martin J.Flett**

**Agent: None stated**

I refer to the above HMO licence application, which is due to be considered by the Licensing Committee at its meeting on 14 June 2016 for the reason that the upgrading work instructed by the HMO Unit has not been completed.

I can advise you as follows:

### **The HMO legislation**

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

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

### **The premises:**

The premises to which this HMO licence application relates is a top-floor tenement flat providing accommodation comprising 3 letting bedrooms, one public room, one kitchen & one bathroom. The location of the premises is shown on the plan attached as Appendix 'A'

**The HMO application:-**

The HMO licence application was received by the HMO Unit on 21 August 2015.

**HMO upgrading works and certification:**

The HMO Officer carried out an initial inspection of the property on 9 September 2015, then he wrote to the applicant listing the following requirements to bring the property up to the current HMO standard:-

1. All self-closing doors to be adjusted to ensure that they fully close against their door-stops.
2. All windows to be adjusted to ensure that they open and close properly.
3. The window in the livingroom to be repaired so as to prevent draughts.
4. The bathroom ceiling to be redecorated.
5. The sealant around the showertray to be renewed.
6. The Certificate of Compliance, Gas Safe Certificate, PAT certificate & a copy of the Tenancy Agreement to be submitted to the HMO Unit.

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

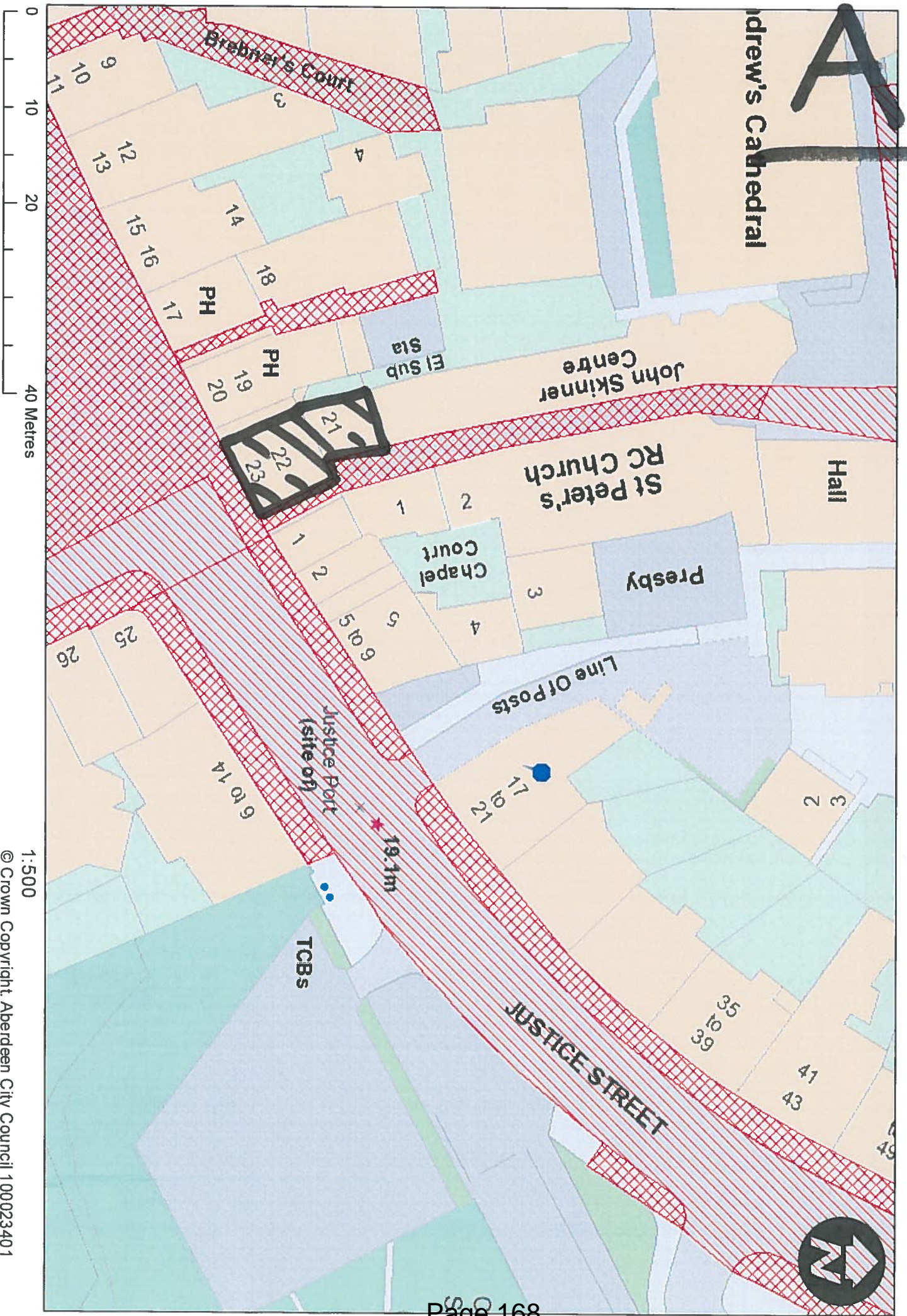
**Other considerations:**

- Police Scotland, as a statutory consultee, was initially consulted in respect of the applicant's suitability as a 'fit & proper' person, and made no adverse comment or objection.
- Scottish Fire & Rescue Service, as a statutory consultee, was initially consulted in respect of the suitability of the premises as an HMO, and made no comment or objection.
- At the date of this memo, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour at the top floor flat, 21 Justice Street, Aberdeen.
- The applicant and his property are registered with the Landlord Registration database.
- The applicants have requested an occupancy of 3 tenants which is acceptable to the HMO Unit in terms of space and layout.
- The HMO licence application under consideration is a 'renewal' application.
- The meeting of the Licensing Committee on 14 June 2016, is the last meeting before the one-year deadline therefore if the above-mentioned HMO requirements have not been completed by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 14 June 2016. I will advise the Committee whether or not all our requirements have been completed.

---

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

**Ally Thain**  
Private Sector Housing Manager



**A**

Andrew's Cathedral

John Skinner Centre

St Peter's RC Church

Hall

Presby

Chapel Court

Line Of Posts

JUSTICE STREET

Brebner's Court

Justice Port  
(site of)

TCBs

19.1m

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20  
40 Metres

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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	2 June 2016
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

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

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.14 Pitmedden Road, Aberdeen**

**Applicant/s: Ian M.Dossett**

**Agent: Easthaven Property Management**

I refer to the above HMO licence application, which is due to be considered by the Licensing Committee at its meeting on 14 June 2016 for the reason that the upgrading work instructed by the HMO Unit has not been completed.

I can advise you as follows:

**The HMO legislation**

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

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

**The premises:**

The premises to which this HMO licence application relates is an upper floor maisonette flat providing accommodation comprising 5 letting bedrooms, one public room, one kitchen & 2 bathrooms. The location of the premises is shown on the plan attached as Appendix 'A'

**The HMO application:-**

The HMO licence application was received by the HMO Unit on 21 August 2015.

**HMO upgrading works and certification:**

The HMO Officer carried out an initial inspection of the property on 1 September 2015, then he wrote to the agent listing the following requirements to bring the property up to the current HMO standard:-

1. The mechanical extractor fan in the top-floor bathroom must be connected to the light switch.
2. IP44 light fittings to be installed in the bathrooms.
3. The faulty light switch in the top-floor bedroom to be replaced.
4. Faulty or missing lightbulbs to be replaced.
5. Additional electrical sockets to be installed throughout the premises.
6. Carbon Monoxide detectors to be installed in every room containing a gas appliance.
7. Portable heaters must be permanently removed from the property.
8. All glazing in doors to be replaced with safety glass.
9. All garden areas to be maintained in a tidy condition.
10. The statutory Notice of HMO Application must be redisplayed for a further 21-day period.
11. The Certificate of Compliance, Gas Safe Certificate, Electrical Installation Condition Report, PAT certificate & a copy of the Tenancy Agreement to be submitted to the HMO Unit.

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

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

The previous owners of No.14 Pitmedden Road, Aberdeen, held an HMO licence for the property until they sold it in August 2015 to the current licence-applicant. The property was the subject of a fire safety audit by SFRS in July 2012, and SFRS are aware that an HMO licence application from a new owner has been received. The new owner is obliged by law to hold a Fire Safety Risk Assessment for the property which must be made available to SFRS for audit at any time.

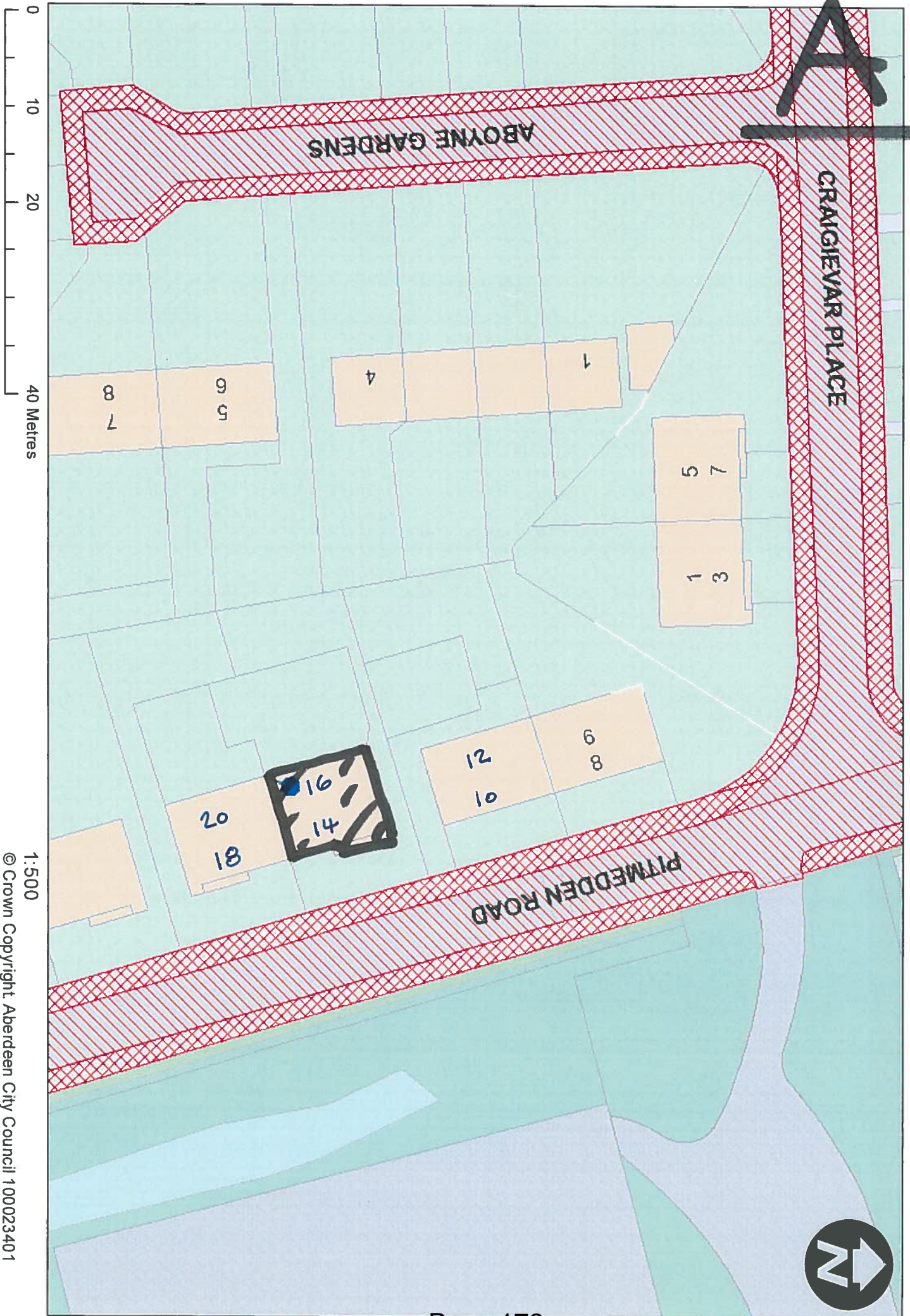
**Other considerations:**

- Police Scotland, as a statutory consultee, was initially consulted in respect of the applicant's suitability as a 'fit & proper' person, and made no adverse comment or objection.
- Scottish Fire & Rescue Service, as a statutory consultee, was initially consulted in respect of the suitability of the premises as an HMO, and made no comment or objection.
- At the date of this memo, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour at No.14 Pitmedden Road, Aberdeen.

- The applicant and his agent are currently registered with the Landlord Registration database, but the applicant has not registered No.14 Pitmedden Road. It will therefore be necessary for him to register the property prior to letting it.
- The applicant has requested an occupancy of 5 tenants which is acceptable to the HMO Unit in terms of space and layout.
- The HMO licence application under consideration is a 'first-time' application inasmuch as this is the first HMO licence application from the current owner. As mentioned above, the previous owners held an HMO licence..
- The meeting of the Licensing Committee on 14 June 2016, is the last meeting before the one-year deadline therefore if the above-mentioned HMO requirements have not been completed by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 14 June 2016. I will advise the Committee whether or not all our requirements have been completed.

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

**Ally Thain**  
Private Sector Housing Manager



## **INFORMATION NOTE FOR MEMBERS**

### **PUBLIC CHARITABLE COLLECTION APPLICANT: CATHERINE ROSS MBE DAY AND DATE: SATURDAY 25 JUNE 2016**

This item has been placed on the agenda because the applicant is seeking to hold a public charitable collection, on Saturday 25 June 2016 in the city centre. (Union Street, Schoolhill area, outside Union square)

Permission has already been granted for a street collection for that date in the City Centre. The Committee only permits one collection in a locality at a time.

For information, permission has also been granted for a street collection on that date at the Gordon Barracks.

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Office: - (01330) 810200  
Aberdeen-clcatering@outlook.com

REF: - KANGSOO/OBJECTION  
Tuesday, 29 March 2016

**HAND DELIVERED**

Fraser Bell  
Head of Legal & Democratic services  
Litigation & licensing  
Legal & Democratic Services Corporate Governance  
Aberdeen City Council  
Marshal College  
Business Hub 611s  
Broad Street  
Aberdeen  
AB10 1AB



Dear Mr Bell,

**Objection in relation to application for Street Traders licence  
Kang Soo – MOSS ROAD, WEST SIDE, 120 METERS SOUTH OF  
GATEWAY DRIVE**

We C&L Catering hereby **OBJECT** to this application in so far as it relates to Moss Road West Side 120 meters south of Gateway Drive (The proposed Site)

Our grounds for objection relates to the unsuitability of location

Committee will be aware that an application was previously brought before committee by Sarah Beattie in relation to her application proposing to locate and trade her unit at Moss Road, 160 meters west side, south of Gateway Drive. This was objected to by Total E&P UK for various concerns relating to the overall operation of street traders in the area.

As it stands we believe that the location which this trader wishes to trade from is unsuitable due to its proximity to the roundabout. We sight that this would cause severe traffic disruption in the area cause congestion on the roundabout. We also believe this site would cause a safety hazard for vehicles emerging from the roundabout and the Total E&P UK car park.

Our interest to object is in relation to the concerns raised by Total E&P UK regarding the previous application made by Sarah Beattie. Committee should be aware as we are currently one of the street traders in the area we are currently trying to resolve issues raised from the previous committee meeting

by Total E&P UK. I would suggest that the introduction of another trader at this time would only cause to aggravate the current situation and only heighten the safety concerns raised by Total E&P UK which we are currently trying to resolve.

Thank you for your time.

Yours Sincerely



Liam Davidson  
Partner



**TOTAL E&P UK**

Our Reference: LE/Prop/10176/eh

29 March 2016

Total E&P UK Limited  
Unit A, Moss Road  
Gateway Business Park  
Nigg, Aberdeen  
AB12 3GW

Fraser Bell, Head of Legal  
Litigation and Licensing, Legal and Democratic Services  
Corporate Governance  
Aberdeen City Council  
Marischal College  
Business Hub 6 L1S  
Broad Street  
Aberdeen  
AB10 1AB

Dear Fraser

### **Objection to Street Trader Licence Application**

Reference is made to the: (i) objection letter dated 5 October 2015 that was submitted by Total E&P UK Limited to Aberdeen City Council in respect of the Street Trader Licence Application that was made by Sarah Beattie regarding Moss Road and Gateway Drive (having reference number 4/20) (the “**2015 Objection Letter**”); (ii) Licensing Committee meeting minutes dated 3 November 2015 and email correspondence dated 16 September 2015 (attached hereto as Appendix 1); and (iii) granting of Ms Beattie’s application in respect of Gateway Drive.

We have been made aware that a further Street Trader Licence Application has recently been submitted by Kang Soo in relation to Moss Road, west side, 120m south of Gateway Drive (the “**Application**”). Moss Road, west side, 120m south of Gateway Drive shall be referred to in this letter as the “**Proposed Site**”. For illustrative purposes, the Proposed Site is depicted as ‘Site 1’ on the map which is included on page 4 of Appendix 1. We have also appended 7 photographs to this objection letter (each being subsequently labeled as “Appendix 2”, “Appendix 3”, “Appendix 4”, “Appendix 5”, “Appendix 6”, “Appendix 7” and “Appendix 8”).

For the same reasons as set out in the 2015 Objection Letter, Total E&P UK Limited hereby **OBJECT** to the Application. For ease of reference, we have re-stated the basis of our objection below.

### **Background and interest to object**

Total E&P UK Limited, a company registered in England and Wales (company number: 00811900) having a principal place of business at Crawpeel Road, Altens Industrial Estate, Aberdeen, AB12 3FG

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("TEPUK"), occupies a property which is located at Unit A, Moss Road, Gateway Business Park, Nigg, Aberdeen, AB12 3GW (the "Affected Property"). The main entrance and exit to the Affected Property are situated in close proximity to the Proposed Site (please refer to Appendix 1).

### **Objection to the Application**

TEPUK's objection is based on a concern that the granting of the Application would be contrary to the securing of public safety and to the prevention of public nuisance. In this regard, we cite the following points:

- (i) creation of hazardous driving conditions,
- (ii) increase in traffic congestion,
- (iii) unjustified introduction of another catering vehicle,

and develop them further below.

#### (i) Creation of hazardous driving conditions

The rationale behind TEPUK's concern that the granting of this Application will create hazardous driving conditions is two-fold: (1) the parked catering vehicle will create a visual obstruction to road users; and (2) the parked catering vehicle will reduce the capacity of Moss Road to single-lane traffic only. We will now deal with each element in turn:

##### 1. Visual obstruction

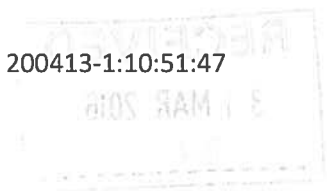
There are currently two hot food service vehicles positioned within the vicinity of the Affected Property and the Proposed Site (please refer to Appendix 1). The positioning of these catering vehicles is obstructive and significantly reduces visibility conditions for the various road users within this area (please refer to the email correspondence in Appendix 1 and to Appendix 2 and Appendix 3). In this regard, we struggle to see how the requirements of clause 8 of the conditions which are applicable to a street trader's licence are being met by the two current street traders or how the applicant could satisfy the requirements of this clause in the event that the Application is granted.

As noted above, access and egress to the Affected Property can only be achieved via Moss Road. The positioning of the two current hot food service vehicles has meant that the line of sight of our personnel and visitors upon exiting the Affected Property is significantly reduced such that drivers are often required to 'edge' their way out to the opposite side of Moss Road in order to establish whether there is any oncoming traffic (please refer to Appendix 4). This safety issue is further amplified by the fact that there are no parking restrictions in force within the Gateway Business Park which means that customers of the catering vehicles are at liberty to park anywhere along Moss Road. On a number of occasions, this has led to the complete obstruction of the exit route from the Affected Property (reference should be made to Appendix 5). The introduction of another catering vehicle on this road will only exacerbate this safety issue, an issue which is already of great concern to us.

##### 2. Single-lane traffic

Moss Road is a relatively short stretch of road which is serviced by two roundabouts, one at either end of the road. Throughout the applicant's proposed hours of operation, this road is heavily used by a variety of different road users, including but not limited to: (i) learner drivers; (ii) learner motorcyclists; (iii) office workers; (iv) articulated lorry drivers; (v) van drivers; (v) fork-lift drivers; and (vi) drivers of various lifting vehicles such as cherry-pickers (please refer to Appendix 6 and Appendix 7). The placement of the

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two current hot food service vehicles, coupled with a row of parked cars, has reduced the capacity of part of Moss Road to single-lane traffic only (please refer to appendix 8). In order to pass the catering vehicles and any parked cars, vehicles travelling North-bound on Moss Road must drive on the right-hand side of the road in order to reach the roundabout. In the event that a third hot food service vehicle is stationed at the Proposed Site, it is likely that the entirety of Moss Road will be reduced to single-lane traffic only. This creates a hazardous environment in which vehicles travelling in opposite directions must pass each other. Of particular significance is the fact that this road is often used by inexperienced learner drivers and learner motorcyclists (please refer to Appendix 2 and Appendix 6).

(ii) Traffic congestion

As noted above, the introduction of another hot food service vehicle at the Proposed Site is likely to further reduce the available capacity of Moss Road. As more companies move their businesses into the Gateway Business Park, a relatively new development, the level of traffic is destined to increase. An increase in the number of users of a road which is only capable of single-file traffic will inevitably lead to traffic congestion.

(iii) Unjustified introduction of another hot food service vehicle

In addition to the two hot food service vehicles which are located on Moss Road, there is already a third catering vehicle which is located on Gateway Drive, South-East of the roundabout (reference should be Appendix 1). Application Reference Number 4/20 has also recently been granted for the site at Gateway Drive, Northern Spur, west side, 50m north of the roundabout. On balance with the current safety and traffic congestion issues, we are of the view that the introduction of a fourth caterer within the Gateway Business Park is not justified in the circumstances.

**Conclusion**

Safety is of paramount importance to TEPUK and the current placement of two catering vehicles on Moss Road is already of great concern to us. The introduction of a third hot food service vehicle on Moss Road, in the event that the Application is granted, will further jeopardize the safety of our personnel, visitors and the other road users for the reasons noted above.

In the circumstances, the Application should be refused.

If you have any queries or would like to discuss this further, please contact Ron Steel, TEPUK's Road Safety Co-Ordinator, on 01224 298754

Yours sincerely  
For and on behalf of Total E&P UK Limited

  
Tim Varley  
Supply Base Superintendent

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Enclosed: Appendix 1

Appendix 2

Appendix 3

Appendix 4

Appendix 5

Appendix 6

Appendix 7

Appendix 8

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**LICENSING COMMITTEE**  
3 November 2015

The Committee heard from the respondent, Mr Steel, who advised of Total's general concerns regarding the location of street trader (hot food) sites in the Gateway Business Park.

The Committee heard from the applicant, Ms Beattie, in support of the application, during which she confirmed that the application for a licence for site 1 on Gateway Drive had been withdrawn.

**The Committee resolved:**

- (i) to grant the application for a street trader's licence on Gateway Drive Northern Spur, west side, 50metres north of roundabout (site 1 on the map) and to note that the application for a street trader's licence on Moss Road, West Side, 160metres south of Gateway Drive, Aberdeen, had been withdrawn; and
- (ii) to request the Enforcement Officer to investigate the general comments in respect of the location of street trader sites in the Gateway Business Park.

**21. GRANT OF A WINDOW CLEANER'S LICENCE – DONALD MATHESON**  
**Application Reference Number - 4/21**

With reference to article 2 of the minute of the meeting of the Licensing Urgent Business Sub Committee of 30 July 2015, the Committee had before it an Information note which advised that this item was on the agenda because the application had been considered and refused within the last year because the applicant had not provided public liability insurance.

The note explained that in terms of paragraph 6 of Schedule 1 to the Civic Government (Scotland) Act 1982, where a licensing authority had refused an application, it should not, within one year of their refusal, entertain a subsequent application for the grant of the same kind of licence in respect of the same activity in the same area, unless in their opinion there had been a material change of circumstances. Therefore, before the Committee could determine the application, the Committee would have to decide if, in its opinion, there had been a material change.

The Committee heard from Mrs O'Hare, Legal Advisor, who advised that the applicant could not be present today, however the material change proposed by the applicant was that the necessary insurance document had been provided along with the current application.

## Agenda Item 4.20

### STREET TRADERS- MOSS ROAD SITES

The first Street Trader (Hot Food) licence for the Moss Road location was granted in August 2014. This was for a site 5m away from the southernmost end of Moss Road. This licence included a second site at Gateway Drive a short distance away.

At the time this licence was granted Moss Road was effectively an empty location- the Total site was still largely undeveloped with only a part of the building erected. There were no entry or exit openings on to Moss Road from the Total site (the entry was off the mini roundabout at the southern end of Moss Road).

The licence holder decided to operate from the second site on their licence (Gateway Drive) and in September 2014 a second Street Trader (Hot Food) licence was granted for a second site on Moss Road which was 70m North of the first site. Again at this time there were no entry or exit openings onto Moss Road from the Total site although the site was now fully completed in every other aspect.

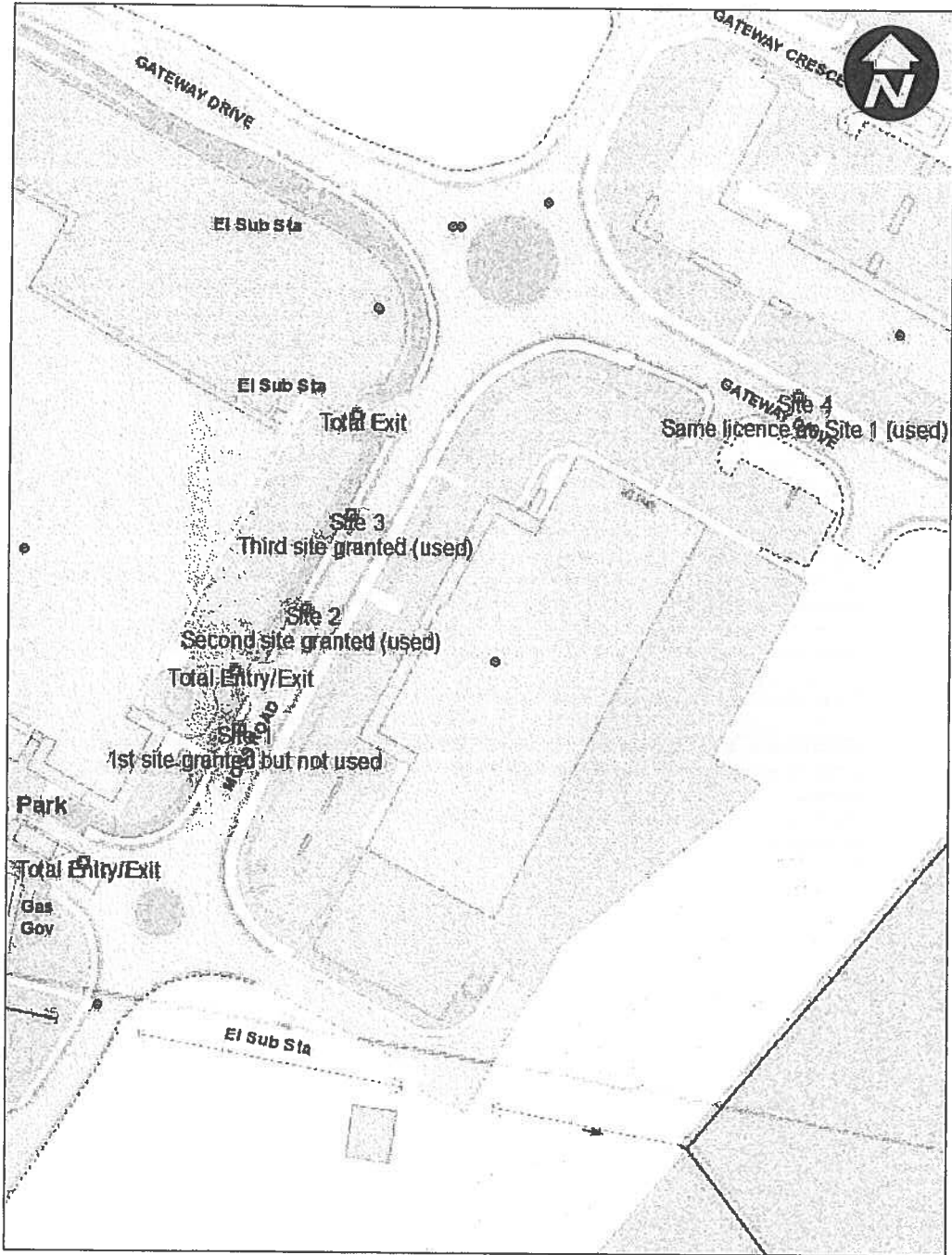
As there were no exits or entrances to the Total site directly onto Moss Road when these licences were granted, there were no issues in relation to traffic or causing obstruction to vehicles entering or exiting the site. Only the second site was actually in use as previously stated.

A third Street Trader (Hot Food) licence was granted for a site on Moss Road in November 2014 which was 15m North of the second site. This effectively meant two vans being physically located on Moss Road and a third which could locate there if desired.

However by the time the third licence was granted two entry/exit points had been built from the Total site directly onto Moss Road, one around 10m south of the second hot food site and the other around 10m of the third site.

The application currently submitted is for the current un-used first site on Moss Road and the Gateway Drive site (the original licence holder has surrendered their licence and this applicant wishes to operate from the same existing sites).

However the road layout has clearly changed since the original licence was granted and there may be issues surrounding traffic & obstructing vehicles exiting or entering the Total site.



Moss Road

Total Entry & Exits Not In Place When Sites 1 & 2 Granted



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**From:** Vyck Ritson  
**Sent:** 16 September 2015 22:26  
**To:** Bill Gordon  
**Subject:** RE: St Trader S Beattie

Hi Bill,

I had the opportunity to visit this site today as I had received a complaint regarding various issues at the location on Moss Road, including the presence of two hot food vans outside the Total building there.

On site I noted that there were two vans within about 20 metres of each other. Both vans locations had damage on the adjacent verge by adding decking or precast concrete slabs. These were not installed to a suitable standard and could represent a trip hazard. Their presence would also impact the ability to maintain the verges.

The vans on Moss Road were called Fat Cow and Big Tasty. The generator for the Fat Cow was very noisy and this was a specific complaint from my complainant at Total. I can forward his email to you if that helps.

The two vans are located between access/ egress points for Total, there is limited space for customer parking as parking seems to happen along one side of the road only. The volume of vehicles parked along the kerb have caused visibility issues for cars exiting the total car park. These cars need to edge out of the exit until they can see passed the parked vehicles, this can put them over the centre line of the carriageway.

I would suggest that this location is not suitable for two licensed vans. The vans plus support vehicles and generators take up a substantial length of the kerbline.

I visited the site between 13:00 and 13:40, during that time I observed customers parking and visiting the vans however by 13:35 most vehicles had left and this suggests that the problem may be for a limited time only.

The van located on the Gateway Drive spur had a flat tyre. It was located fairly close to the roundabout given the size of vehicles that are using the area and the van was placed opposite an access to a car park access/ egress. As the route is still being developed there should be little conflict at this site at present however I would suggest that the van is moved away from the access to the car park.

I am happy to discuss these comments further if required.

Kind regards,  
Vycki



Appendix 2



Note: This photograph has been taken from one of the offices of the Affected Property.

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Appendix 3



Note: This photograph has been taken from one of the offices of the Affected Property.

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Appendix 4



Note: This photograph has been taken from one of the offices of the Affected Property.

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Appendix 5



Note: This photograph has been taken from one of the offices of the Affected Property. As you can see, the exit to the Affected Property has been completely blocked off.

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Appendix 6



Note: This photograph has been taken from one of the offices of the Affected Property. It is our understanding that the Proposed Site is in the same position as the learner driver shown in this photograph.

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Appendix 7



Note: This photograph has been taken from one of the offices of the Affected Property.

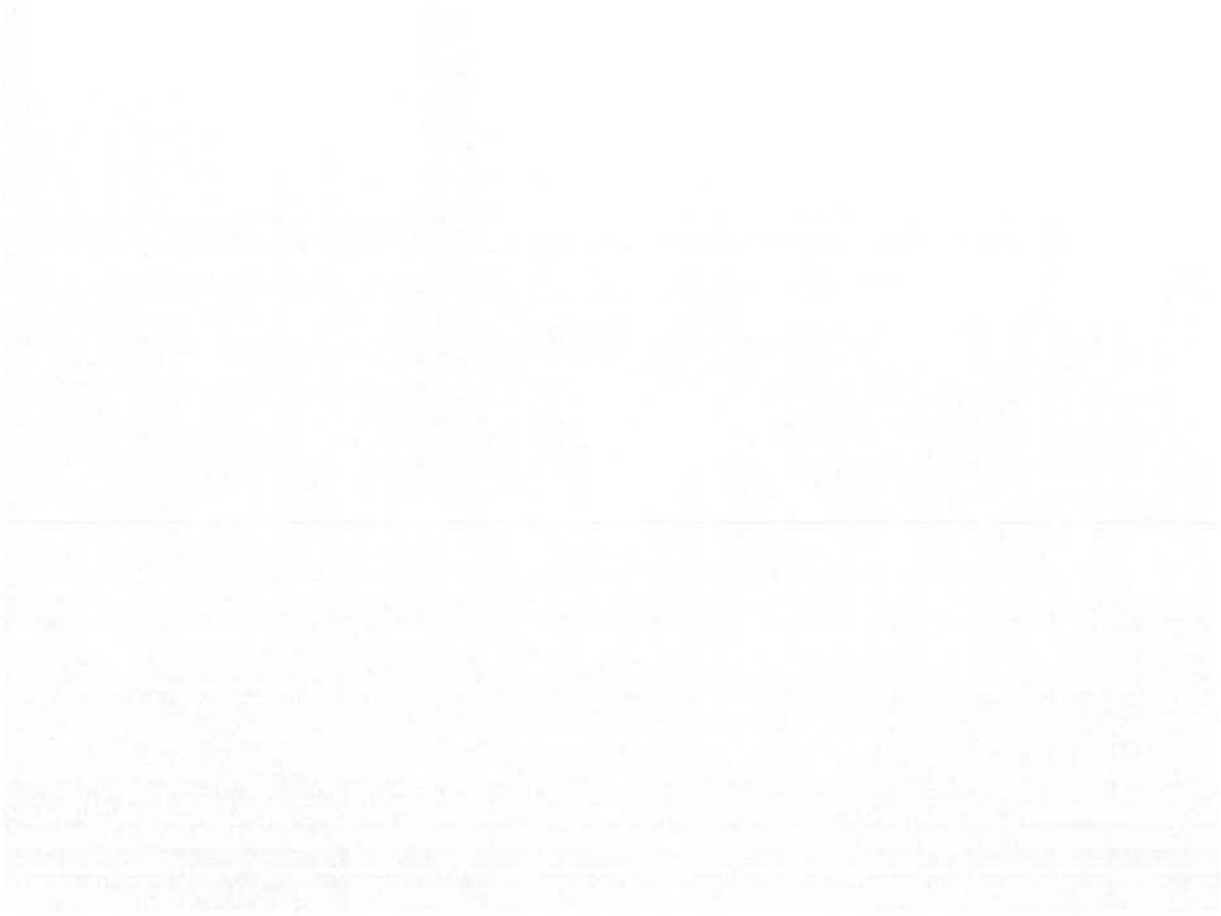
200413-1:10:51:47

Appendix 8



Note: This photograph has been taken from one of the offices of the Affected Property.

200413-1:10:51:47





Licensing Team, Legal & Democratic Services, Corporate Governance  
Business Hub 6 L1S, Marischal College  
Aberdeen  
AB10 1AQ

Dominic Willox



Date: Friday 13<sup>th</sup> May 2016

Subject: Objection 10 Bridge Street Aberdeen AB11 6JJ

To whom it may concern;

I am a resident in the city centre and live at [REDACTED] Bridge Street Aberdeen, I am writing to you today to object the opening of a late night restaurant/café/takeaway at 10 Bridge Street Aberdeen.

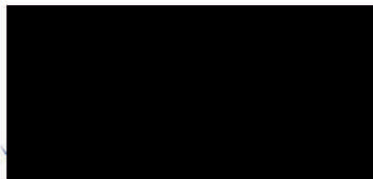
Once the nightclubs and bars close the city centre is noisy enough without allowing another Kebab shop to open to 4am, there are already many takeaways for people to go without opening any more, but this one sits a junction and would create a huge gathering of people creating noise and litter.

It opened on Wednesday 15<sup>th</sup> May and since then I can already smell the food cooked by Richie's Kebab & Pizza shop in my property.

I would ask you reject this as another kebab shop would not add to the area but bring it down.

Yours Sincerely

Dominic Willox



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Bridge Street Social Club & Underground Nightclub  
18 Bridge Street  
Aberdeen  
AB11 6JJ  
TEL: 01224 582828  
General Manager: JP McGivney



Licensing Team, Legal & Democratic Services, Corporate Governance  
Business Hub 6 L1S, Marischal College  
Aberdeen  
AB10 1AQ

**Date: Monday 9<sup>th</sup> May 2016**

**Subject: Objection to late night opening of 10 Bridge Street Aberdeen AB11 6JJ**

To whom it may concern;

I am JP McGivney General Manager of Bridge Street Social Club & Underground Nightclub which operates on Bridge Street Aberdeen AB11 6JJ. I am writing to you today to object to the late night catering application at 10 Bridge Street Aberdeen AB11 6JJ.

We work closely with Police Scotland and our Neighbours to have peaceful and smooth dispersal of people from Bridge Street at the end of trading, the new shop would be directly next door to the venue and at the busiest traffic lights in Aberdeen. Once patrons leave the venue or indeed from other venues nearby making their way to Union Street taxi ranks this new late night catering shop would prevent this dispersal. The Kebab & Pizza Takeaway would allow people to gather at a busy junction spilling onto the street as they would not be dispersing to Union street which would increase noise and safety.

As a part of working with night time partners like the Police we are required to marshal our Q system on Bridge street to allow safe passage and movement of pedestrians, if granted a 4am license this takeaway would impact this movement and create safety concerns. One concern would be people spilling onto the road and becoming a traffic safety concern the other would be gaps in crowd control barriers which we use thus creating Bridge street to become overrun instead of a neat controlled entry system.

I genuinely believe that this application poses a real safety concern and will result in flash points occurring with traffic, noise and general disturbance.

I would ask that you reject this application on these grounds.

Yours Kindly

  
JP McGivney  
General Manager

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Licensing Team  
Legal and Democratic Services  
Corporate Governance  
Business Hub 6  
L1s  
Marischal College  
Aberdeen  
AB10 1AQ



10/05/2016

Dear Sirs

**Application by Muhammad Sagid for a late night catering licence at 16 Bridge Street, Aberdeen**

As the owner/landlord of two flats at ■ Bridge Street, Aberdeen which are above the premises referred to in the licence application I hereby object to the granting of the licence on the following grounds namely:-

1. Smell-I do not think there will be sufficient extraction ducting provided in the premises to an external point to allow dissipation of the smells coming from these premises and this will mean that any smells will go up through the building into the flats above and affect the occupiers.
2. Over provision of similar licenced premises within a small area-there are 6 other similar type premises within 150 meters of these premises.
3. Noise-there have already been complaints from my tenants at ■ Bridge Street to the relevant Council Department about noise from people who are congregating outside the building late night and the granting of this licence will add further problems for the tenants and the Council department.
4. Litter-this type of late night establishment will only add to the litter problem in this area.

Please confirm receipt of my letter and I look forward to hearing from you further

Yours faithfully

Victoria Miller

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Licensing Team  
Legal and Democratic Services  
Corporate Governance  
Business Hub 6  
L1s  
Marischal College  
Aberdeen  
AB10 1AQ

10/05/2016

Dear Sirs

**Application by Muhammad Sagid for a late night catering licence at 16 Bridge Street, Aberdeen**

As the owner/landlord of two flats at [redacted] Bridge Street, Aberdeen which are above the premises referred to in the licence application I hereby object to the granting of the licence on the following grounds namely:-

1. Smell-I do not think there will be sufficient extraction provided in the premises to an external point to allow dissipation of the smells coming from these premises and this will mean that any smells will go up through the building into the flats above and affect the occupiers.
2. Over provision of similar licenced premises within a small area-there are 6 other similar type premises within 150 meters of these premises.
3. Noise-there have already been complaints from my tenants at [redacted] Bridge Street to the relevant Council Department about noise from people who are congregating outside the building late night and the granting of this licence will add further problems for the tenants and the Council department.

Please confirm receipt of my letter and I look forward to hearing from you further

Yours faithfully

[redacted signature]  
Kevin WA Davidson  
[redacted address]

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Licensing Team  
Legal and Democratic Services  
Corporate Governance  
Business Hub 6  
L1s  
Marischal College  
Aberdeen  
AB10 1AQ



10/05/2016

Dear Sirs

**Application by Muhammad Sagid for a late night catering licence at 16 Bridge Street, Aberdeen**

As the owner/landlord of two flats at [REDACTED] Bridge Street, Aberdeen which are above the premises referred to in the licence application I hereby object to the granting of the licence on the following grounds namely:-

1. Smell-I do not think there will be sufficient extraction ducting provided in the premises to an external point to allow dissipation of the smells coming from these premises and this will mean that any smells will go up through the building into the flats above and affect the occupiers.
2. Over provision of similar licenced premises within a small area-there are 6 other similar type premises within 150 meters of these premises.
3. Noise-there have already been complaints from my tenants at [REDACTED] Bridge Street to the relevant Council Department about noise from people who are congregating outside the building late night and the granting of this licence will add further problems for the tenants and the Council department.
4. Litter-this type of late night establishment will only add to the litter problem in this area.

Please confirm receipt of my letter and I look forward to hearing from you further

Yours faithfully

[REDACTED]

William F Miller

[REDACTED]

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**Kate Johnstone**

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**From:** Alexander Critchley [REDACTED]  
**Sent:** 13 May 2016 23:27  
**To:** Licensing  
**Subject:** Objection to proposed kebab shop at 10 Bridge Street, Aberdeen

Dear Sirs

I understand that the owner / tenant at [REDACTED] Aberdeen, has applied for a late hours catering licence and that a kebab shop is proposed.

I consider that another fast food takeaway on the street would do little to improve the amenity of the area. The kebab shop would be in very close proximity to the licensed premises at 18 Bridge Street. My view is that it would be a recipe for further trouble to have a takeaway so close to the door of the club. From my experience, there is already a fair amount of trouble on the street at night and it will only get worse with a further takeaway.

There are numerous other kebab shops in the area and the public are well served in this respect already.

Please take this e-mail as my formal objection to the application.

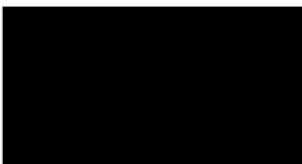
Yours faithfully

Alexander Critchley  
[REDACTED]

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Licensing Team, Legal & Democratic Services, Corporate Governance  
Business Hub 6 L1S, Marischal College  
Aberdeen  
AB10 1AQ

Liam Brown



Date: Monday 16<sup>th</sup> May 2016

Subject: Objection to late night opening of 10 Bridge Street Aberdeen AB11 6JJ

Contents: Page 1 Letter of Objection, Page 2 List of Food Outlets, Page 3 Map of Food Outlets

To whom It may concern;

I am Liam Brown and I live in the property above the 24-hour shop as well as a bar/club next door. I wish to object to the late night food licence for 10 Bridge Street Aberdeen AB11 6JJ.

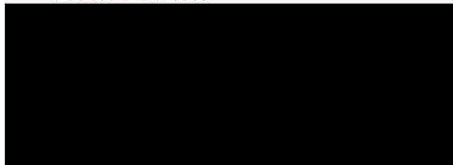
There is an increase in fast food smell from the street, more noise & we already have 12 fast food outlets within 200m from my front door, 7 of which are licenced to 4am. It seems only damaging to the area to be adding more of these fast food restaurants such short distances apart on the same street.

The smell, noise and increase in people has an impact on my living conditions within the property already, if the wind is blowing in the direction of my flat the smell enters through the windows and they need to be closed immediately.

In my opinion this should be treated as a bad development and refused as it is not adding anything to the area or the street.

Best Regards

Liam Brown

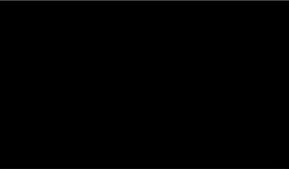


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Licensing Team, Legal & Democratic Services, Corporate Governance  
Business Hub 6 L1S, Marischal College  
Aberdeen  
AB10 1AQ



Eric McMillan



Date: Friday 13<sup>th</sup> May 2016

Subject: Objection to late night opening of 10 Bridge Street Aberdeen AB11 6JJ

Contents: Page 1 Letter of Objection, Page 2 List of Food Outlets, Page 3 Map of Food Outlets

To whom It may concern;

I am Eric McMillan and I own property directly above and below this shop as well as an adjacent bar/club. I wish to object to the late night food licence for 10 Bridge Street Aberdeen AB11 6JJ.

While I understand that the committee can only uphold certain reasons for objections I hope you can bear in mind the we already have 12 food outlets within 150m of our site 7 of which are licenced to 4am. \*\* As shown on the map attached with this letter. Like everything else that's licenced there comes a time that overprovision should be an issue in any one area.

The premises have planning approval for a restaurant/café and at that time was deemed unsuitable for a carryout by planning at that time (October 2013) because of the flats above.

This application is attempting to use a loophole which allows restaurants to do some carryout's knowing full well that it is impossible to monitor the % this allows them to operate as a fully-fledged fast food outlet by default. There are already a number of these restaurants/carryout's operating in town using this method.

While I would acknowledge the owner has attempted to stop the cooking smell escaping by installing a triple filter system I can assure you that the smell still comes out and affects my adjacent property depending on the wind direction, the vibration from his ventilation fan can also be felt on the floor above as they appear to have fixed it directly to the ceiling.

In my opinion this should be treated as a bad neighbourhood development and refused as it is not adding anything to the residential amenities of the area.

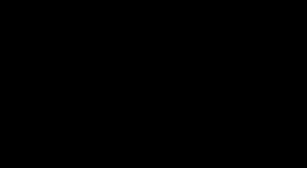
Best Regards



Eric McMillan

Licensing Team, Legal & Democratic Services, Corporate Governance  
Business Hub 6 L1S, Marischal College  
Aberdeen  
AB10 1AQ

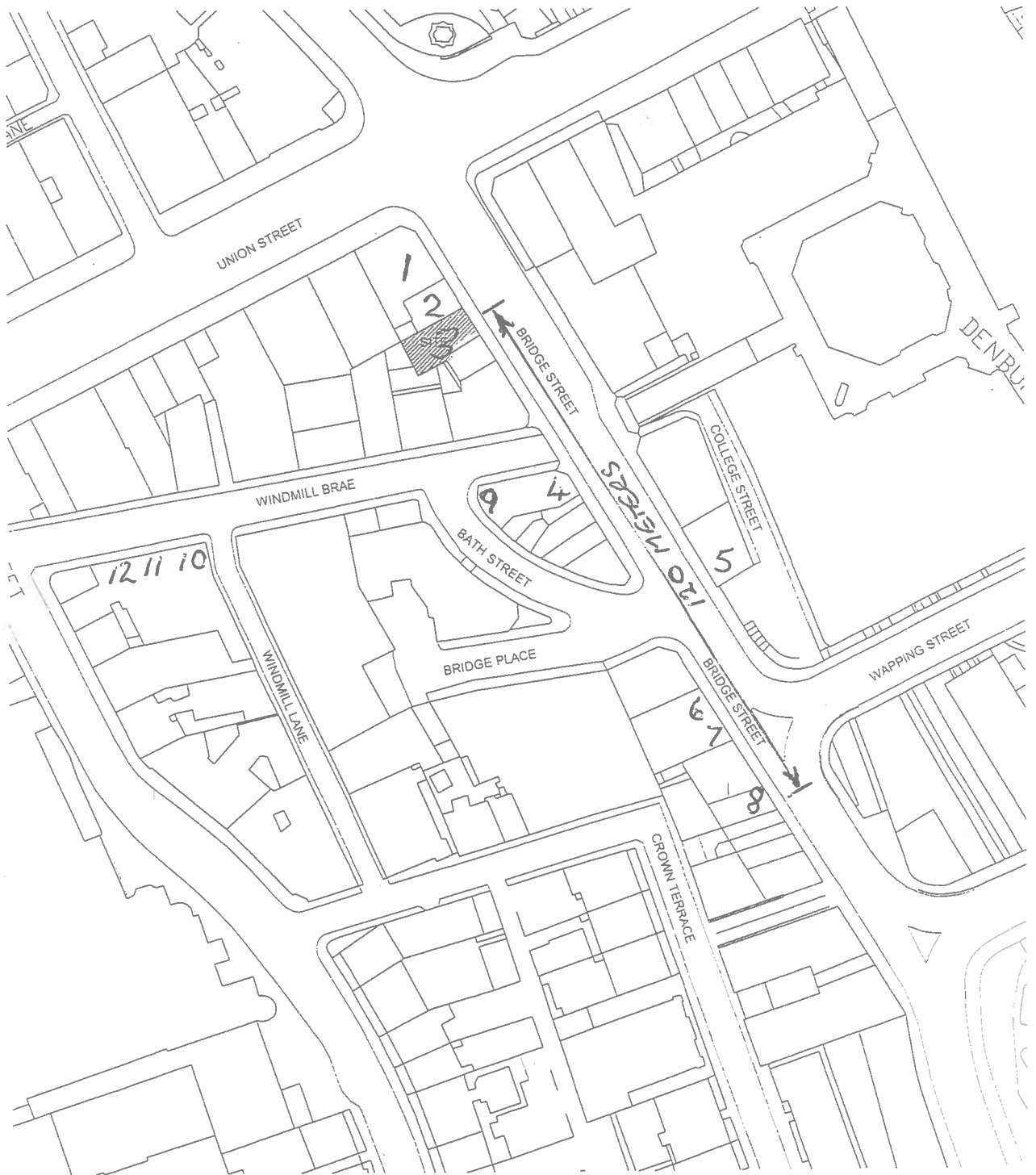
Eric McMillan



Subject: Objection to late night opening of 10 Bridge Street Aberdeen AB11 6JJ  
REF: Food Outlet Site Map

1. Yangtze River Restaurant 8 Bridge Street Aberdeen 11pm
2. Ambal's Indian Restaurant 4 Bridge Street Aberdeen 11pm
3. **Richi's Café Kebab & Pizza 10 Bridge Street Aberdeen 4am Proposed**
4. Monsoona Indian Restaurant 20 Bridge Street Aberdeen 11pm
5. Golden Garden Chinese 25 Bridge Street 4am
6. An-Noor Kebab & Pizza 32 Bridge Street 4am
7. Lionel's Kebab & Pizza 36 Bridge Street 4am
8. Fuse Box Kebab & Pizza 44 Bridge Street 4am
9. To-Go Kebab & Pizza 6 Bath Street 4am
10. Café Boheme French Restaurant 21 Windmill brae 11pm
11. Pasha Kebab & Pizza 25 Windmill Brae 4am
12. Sizzlers Kebab & Burger 27 Windmill Brae 4am





 PROPOSED SITE  
 EXISTING SITE OWNED BY APPLICANT

This drawing is the copyright of Dab Den Ltd. It may not be reproduced in whole or part without the written consent of the company. All dimensions to be checked on site before work commences. Do not scale from this drawing.

dab architecture llp T: 01330 833 861  
 Treehouse North Lurg, Midmar, Inverurie AB51 7NB

PROPOSED CHANGE OF USE AT  
 10 BRIDGE STREET, GROUND FLOOR ABERDEEN, AB11 6JJ  
 for Mr Eric McMillan (Korova Ltd)

DRAWING NAME: LOCATION PLAN 1:1250 A4

JOB NO	DWG NO	REV	DATE
109	LP 001		11.07.13

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## Arlene Dunbar

---

**From:** Kevin Davidson [REDACTED]  
**Sent:** 26 May 2016 10:57  
**To:** Arlene Dunbar  
**Subject:** 10 Bridge Street, Aberdeen

Good morning Arlene,

I refer to our tel. con last week in connection with the objection I made to the late licence application at 10 Bridge Street by Mohammed

I would like to withdraw one of my objections relating to the extraction system within the property as I have now seen this for myself and am satisfied that the extraction system which has been installed is sufficient to deal with any smells

Thanks

Kevin WA Davidson  
{

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## ABERDEEN CITY COUNCIL

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COMMITTEE	Licensing Committee
DATE	14 June 2016
DIRECTOR	Richard Ellis (Interim Director)
TITLE OF REPORT	Safety of Sports Grounds Act 1975 as amended – General Safety Certificate Pittodrie Certificate
REPORT NUMBER	CG/16/079
CHECKLIST COMPLETED	Yes

---

### 1. PURPOSE OF REPORT

To request that the Licensing Committee agree to the adoption of the General Safety Certificate issued to Aberdeen Football Club annexed as Appendix 2 to this report and as set out in paragraph 5 below.

### 2. RECOMMENDATION(S)

That the Committee:

Approves the General Safety Certificate June 2016 to be issued to Aberdeen Football Club.

### 3. FINANCIAL IMPLICATIONS

N/A

### 4. OTHER IMPLICATIONS

There may be legal and health and safety implications if the Licensing Committee does not approve and issue the Safety Certificate. The practical effect would be that Aberdeen Football Club would be unable to carry out their specified activities including Association Football, Rugby Union and other sporting event(s) attended by more than 500 spectators

## 5. BACKGROUND/MAIN ISSUES

In terms of the Safety of Sports Grounds Act 1975 (as amended) any sports stadium which has accommodation for more than 10,000 spectators shall require a Safety Certificate.

The Act defines a sports ground as: 'A place where sports or other competitive activities take place in the open air, and where accommodation has been provided for spectators, consisting of artificial structures or of natural structures artificially modified for the purpose.'

The only sports ground which currently meets the relevant statutory requirements in Aberdeen City is Pittodrie Stadium.

The certificate is renewed on an annual basis and a number of inspections are carried out at the stadium during the year.

The certificate requires to be in place before the commencement of each new football season.

The amendments to the Safety Certificate have been highlighted in the Certificate and in particular the following amendments have been made:

1. Appendix 2 has been updated and replaced
2. Appendix 5 has been updated
3. Appendix 6 has been updated and replaced
4. Appendix 7 has been updated and replaced.

Due to the technical nature of the work involved, the Sports Ground Advisory Group has established a working group made up of officers to deal with relevant matters arising and in particular to prepare the Safety Certificate for renewal each year. The officers on the working group have no objections to the proposed amendments and recommend that the draft Certificate can be approved.

The Safety Certificate is before the Licensing Committee for their approval.

## 6. IMPACT

### **Public –**

The Safety Certificate is likely to be of interest to the public as it outlines the safety standards which must be adopted by Aberdeen Football Club for the benefit of those who attend the Stadium.

The Safety Certificate seeks to promote the general equality duty in terms of disability by promoting accessibility and accommodation for disabled supporters. The proposal has a neutral impact on groups with protected characteristics and an impact assessment is therefore not required. (See Appendix 1)

7. MANAGEMENT OF RISK

If the Safety Certificate is not approved by the Committee Aberdeen Football Club would be unable to carry out their specified activities including Association Football, Rugby Union and other sporting event(s) attended by more than 500 spectators

8. BACKGROUND PAPERS

None

9. REPORT AUTHOR DETAILS

Arlene Dunbar, Registered Paralegal, [ardunbar@aberdeencity.gov.uk](mailto:ardunbar@aberdeencity.gov.uk)  
Ext 3411

<b>7- EHRIA Summary and Action Planning</b>				
<b>Report Title</b>				
<b>Assessment not required</b>	<p><b>Evidence</b></p> <p>The Safety Certificate helps to advance equality of opportunity for people with the following protected characteristics: age and disability by taking account of disabled people’s requirements and removing or minimising disadvantage. The Certificate holder shall ensure that s/he and all relevant stadium personnel take reasonable steps to ensure compliance, so far as reasonably practicable, with the Equality Act 2010.</p>			
<b>Assessment completed</b>	<p><b>As a result of completing this assessment, what actions are proposed to remove or reduce any risks of adverse outcomes which were identified.</b></p>			
<b>Identified Risk and to whom:</b>	<b>Recommended Actions:</b>	<b>Responsible Lead:</b>	<b>Completion Date:</b>	<b>Review Date:</b>



8: Sign off	
<b>Completed by (Names and Services) :</b>	Arlene Dunbar, Legal & Democratic Services.
<b>Signed off by (Head of Service) :</b>	
<p>Only sections 7 and 8 will be attached to the committee report</p> <p>The full EHRIA will be published on Aberdeen City Council's website under <a href="http://www.aberdeencity.gov.uk/xeq_EHRIA_Search.asp">http://www.aberdeencity.gov.uk/xeq_EHRIA_Search.asp</a></p> <p>Please send an electronic format of the full EHRIA without signature to <a href="mailto:SHoward@aberdeencity.gov.uk">SHoward@aberdeencity.gov.uk</a></p>	



Appendix 2

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**Safety of Sports Grounds Act 1975 as amended**

**General Safety Certificate**

**Issued to Aberdeen Football Club Plc**

**In respect of Pittodrie Stadium, Aberdeen**

**July ~~June~~ 2015 2016**

## **Contents**

Clauses 1 to 37	Terms and conditions of the General Safety Certificate
Appendix 1	Specified Activities
Appendix 2	Attendance Limits
Appendix 3	Table of Inspecting, Testing and Recording of the Stadium
Appendix 4	Location of entrance and exit gates
Appendix 5	List of Deviations
Appendix 6	Calculation of P&S Factors
Appendix 7	Layout of Stadium

In exercise of the powers conferred by the Safety of Sports Grounds Act 1975 as amended, Aberdeen City Council, hereby issues to Aberdeen Football Club plc ('the Holder'), this General Safety Certificate in respect of Pittodrie Stadium, Pittodrie Street, Aberdeen, ('the stadium'), being a sports stadium so designated by the Secretary of State under The Safety of Sports Grounds (Designation) (Scotland) Order 1998/1601 as requiring a Safety Certificate.

1. This Certificate includes the Appendices and annexed Plan(s).
2. This Certificate shall be interpreted in accordance with relevant statutory provisions and the following:

<i>the Act</i>	means the Safety of Sports Grounds Act 1975 as amended
<i>Authorised Person</i>	means a person authorised in accordance with Section 11 of the Act to enter a sports ground and make inspection and enquiries relating to it as he considers necessary for the purposes of the Act
<i>Environmental Health Service</i>	means the Environmental Health Authority of Aberdeen City Council, Marischal College, Broad Street, Aberdeen AB10 1AB
<i>The Chief Constable</i>	means the Chief Constable of Police Service of Scotland or his/her authorised representative
<i>The designated Officer of the Council</i>	means the Head of Legal and Democratic Services, Aberdeen City Council, <del>Town House</del> <a href="#">Marischal College</a> , Broad Street, Aberdeen AB10 <del>1AQ-1AB</del> or his/her authorised representative, contactable through the <del>Litigation and Licensing Team</del> <a href="#">Legal Services</a> , Aberdeen City Council, Marischal College Broad Street, Aberdeen AB10 1AB or <a href="mailto:Licensing@aberdeencity.gov.uk">Licensing@aberdeencity.gov.uk</a>
<i>the Chief Fire Officer</i>	means the Chief Fire Officer of The Scottish Fire and Rescue Service or his/ her authorised representative
<i>The Fire Authority</i>	means The Scottish Fire and Rescue Service.
<i>The General Manager</i>	means the General Manager for North Division of the Scottish Ambulance Service
<i>the Guide</i>	means the 'Guide to Safety at Sports Grounds' fifth edition, published 2008 with the permission of the Department for Culture, Media and Sport on behalf of the Controller of Her Majesty's Stationery Office
<i>the Holder</i>	means the applicant for, and the person to whom this Certificate is issued, being a qualified person for the purposes of the Act

*the Plan* means the drawing(s) of the stadium attached to this Certificate dated April 2015 in terms of Section 2(4) of the Act.

*P and S factors* means the mathematical formula by which both the physical condition of the stadium ('P factor') and the quality of the safety management of the stadium ('S factor') are assessed as per Clause 11

*specified activity* means any one or more of the activities listed in Appendix 1 herein

3. **Terms and Conditions of Issue of General Safety Certificate**

- (1) This Certificate is issued under the following terms and conditions. No variation to said terms and/or conditions shall be permitted without the designated Officer of the Council's prior written approval.
- (2) The Holder shall comply with the terms and conditions of this Certificate, so far as reasonably practicable, whilst the stadium is in use for a specified activity as noted in Appendix 1 herein.
- (3) The Holder shall comply with the recommendations contained in the Guide, so far as reasonably practicable, insofar as the said recommendations are not substituted, amended, modified, extended or otherwise altered by all or any of the terms and/or conditions contained in this Certificate. The Holder shall ensure that all elements of the stadium comply with the recommendations noted in the Guide, so far as reasonably practicable.

4. **Deviations**

- (1) In the event of non-compliance with the terms of clause(s) 3(2) and/or 3(3) above, the Holder must provide a list of current deviations. The list must comprise the following:
  - (a) the expected standard to be provided in accordance with the Guide ('the required standard');
  - (b) the specific chapter(s) of the Guide to which the required standard relates;
  - (c) reason(s) why the required standard cannot be maintained ('deviations') and
  - (d) any recommended upgrading works that may require to be undertaken, so far as reasonably practicable, in relation to the deviations.
- (2) Said deviations shall only be acceptable to the designated Officer of the Council if s/he considers them, with reference to the specific circumstances of each case, to be both necessary and reasonable. Any deviations shall also require the written consent and approval of the

designated Officer of the Council. The current list of deviations forms Appendix 5 of this document.

- (3) In the event that there are any subsequent substitutions, amendments, modifications, extensions or otherwise to any deviations, the Holder shall notify the designated Officer of the Council in writing as soon as possible from the date of occurrence.

5. **Operational Control**

The Holder shall be solely responsible for, and retain operational control of, the whole and each part of the stadium including any installations and/or buildings and shall take all necessary precautions for the safety of spectators admitted to the stadium. Whilst the presence of the police may be required to maintain public order, police officers shall not be present to overcome inadequacies in safety management. Responsibility for the safety of spectators at the ground shall remain at all times with the Holder.

6. **Statement of Intent**

- (1) Following discussion(s) with the Holder, the Chief Constable must have in place, a document ('Statement of Intent') which shall clearly include details of the following:
  - (a) the demarcation of responsibility(ies) and function(s) between the police and the Holder in relation to the safety management of the stadium;
  - (b) whether particular posts are to be staffed by stewards and/or by police officers and identification of those specific posts;
  - (c) which individual(s) will assume certain responsibilities in particular circumstances and what those responsibilities and circumstances are and
  - (d) at what point operational control of the stadium shall be wholly handed over to the police.
- (2) Said Statement of Intent shall not at any time be construed as constituting an implied or explicit request for police services and shall not at any time be held to be legally binding upon any party.
- (3) In the event that any amendment(s) are made to the Statement of Intent, then the Chief Constable should, within a reasonable timeframe of the making of said amendment(s), forward to the designated Officer of the Council a copy of those updated amendment(s).

7. **Police Officer and Steward numbers**

The Chief Constable shall, in agreement with the Holder, make the final determination with regards to the total number of police officers and stewards required to ensure the safety of, and lawful and orderly conduct of, persons in attendance during a specified activity. The expense of said police officers and stewards shall be met wholly by the Holder.

The final determination regarding the total number of stewards required for each specified activity will remain with the Chief Constable. However, the Holder, following consultation with Police Service of Scotland may determine that specific football fixtures at the stadium are categorised as 'Category CS - Club Security Only', or completely 'Police Free', with no Police Officers or Police Staff deployed within the football stadium in respect of that activity. In that event, it will be the responsibility of the Holder to determine the total number of stewards required.

8. **Spectator numbers**

The Holder shall ensure that the maximum number of spectators who may be admitted at any one time to the stadium and to each part thereof shall not exceed the attendance limits as specified in Appendix 2. The maximum capacity figures detailed in Appendix 2 may be reduced by the designated Officer of the Council following receipt by and consideration by him/her of the following reports, namely, the:

- (a) deviation report as per Clause 4 of this Certificate;
- (b) the fire risk assessment as per Clause 16;
- (c) the P & S Factor report as per Clause 11 (3) and
- (d) the structural report as per Appendix 3(d) of this Certificate.

The Holder shall also retain written records of the total number of spectators admitted to each part of and to the whole of the stadium for a period of no less than five years. Said records shall also be made available for inspection to an authorised person upon his/her request.

9. **Record Keeping**

- (1) Responsibility for the keeping of comprehensive and accurate records shall at all times remain with the Holder. In addition to the record keeping obligations as detailed in Appendix 3 herein, records shall also be kept of the following:
  - (a) details of all first aid and/or medical treatment provided to persons either attending an event at the stadium or persons employed by the Holder both prior to and during any specified activity. This obligation shall include details of any onward destination of the person(s) post treatment at the stadium. Said duty shall be without prejudice to any need to maintain medical confidentiality of the person(s) being treated.



- (b) details of the total number and posts of first aiders, crowd doctor(s) and any other medical personnel in attendance during a specified activity;
  - (c) details of all pre-event briefing of stewards;
  - (d) details of all emergency drills and/or evacuation exercises plus any incident that may test the implementation of the contingency plan;
  - (e) details of any non-routine openings of an exit door, barrier or gate;
  - (f) details of all fire alarm activations and of all fires. This obligation shall be without prejudice to fire safety duties as specified in Clause 16 below;
  - (g) reports of any significant motion of the structure in accordance with Chapter 5.5 of the Guide;
  - (h) details of all defects identified during barrier tests and the action taken to rectify said defects as per Clause 31 below. This duty shall be in addition to the Chapter 11.20 barrier testing obligation in the Guide;
  - (i) details of any inspections and tests undertaken prior to, during, and post an event and the outcome of those inspections and tests;
  - (j) details of the names of both the Safety Officer and Deputy Safety Officer as per Clause 12 below including the dates both said Officers were appointed;
- (2) The foregoing records shall be kept for a period of no less than five years.

10. **Risk assessments**

The Holder shall ensure that pre-event, site specific risk assessments as are deemed necessary for the protection and promotion of public safety shall be carried out by competent persons with the appropriate skills and experience for all specified activities. Said risk assessments shall include but not necessarily be limited to those risk assessments as detailed in the Guide and shall follow those steps listed in Chapter 3.3(e) of the Guide. Records of said risk assessments shall be kept for a period of no less than five years and the Holder shall, upon request from the designated Officer of the Council, submit to the designated Officer of the Council seven copies of the same risk assessment(s) so requested by him/her.

11. **P and S Factors**

- (1) The Holder shall ensure that the 'P' and 'S' factors are reassessed annually and shall ensure that said factors consider any risk assessments that are undertaken in accordance with Clause 10 above.

- (2) The Holder shall also ensure that the 'P' and 'S' factors are additionally reassessed upon the occurrence of one or more of the following, namely:
  - (a) any physical alteration to the stadium;
  - (b) any change in the nature of the event;
  - (c) any change in the nature of safety management structure and
  - (d) any change in the nature of personnel.
- (3) Any reassessment(s) of the 'P' and 'S' factors shall be undertaken in accordance with the general provisions of the Guide. The designated Officer of the Council shall be notified immediately of a requirement to reassess in the event of the occurrence of one or more of (a) to (d) above. Details of how the P & S factors have been calculated forms Appendix 6 of this document.

12. **Safety Officer and Deputy Safety Officer**

The Holder shall appoint an occupationally competent Safety Officer and Deputy Safety Officer in accordance with Chapters 3.11 and 3.13 of the Guide. In order to discharge properly their functions, both said Officers shall meet the requirements as detailed in Chapter 3.12 of the Guide. The Holder shall also have in place a written Spectator Safety Policy Document ('Policy Document') as noted in Chapter 3.8 of the Guide. Said Policy Document shall clearly indicate those provisions listed in Chapter 3.9 of the Guide and shall include the duties of both the Safety Officer and Deputy Safety Officer. The Policy Document and/or any subsequent revision(s) to it shall be signed and dated by the Holder or his representative and five copies shall be submitted to the designated Officer of the Council within fourteen days of execution for his/her approval.

13. **Chain of command**

- (1) To ensure the implementation of the Policy Document as detailed in Clause 12 above, the Holder shall ensure that said document clearly outlines a personnel chain of command which identifies the structure of personnel within the stadium including details of one's immediate superior in that chain of command.
- (2) The substantive of the Policy Document shall also ensure that each and every member of stadium personnel have a clear understanding of the following non exhaustive list:
  - (a) his/her respective role(s) and function(s) within the chain of command;
  - (b) a clear understanding of the overall decision making process in relation to safety matters and
  - (c) the role of ground management in relation to ground managements' control and supervision over safety issues.
- (3) Ground management shall also ensure that identification of the said chain of command shall facilitate and be conducive to the following:
  - (a) the speedy and accurate monitoring of spectator safety issues;

- (b) the coordination of any follow up action on structural and/or safety management issues that may require to be taken and
- (c) communication(s) with external agencies to ensure that safety procedures are being followed effectively.

14. **Stewarding**

- (1) Whilst the stadium is in use for a specified activity, the Holder shall take all reasonable steps to ensure that, where applicable, the provisions of the Private Security Industry Act 2001 are satisfied with regards to stewarding.
- (2) In particular, the Holder shall ensure that all stewards:
  - (a) carry out their duties as specified in Chapter 4.7 of the Guide in addition to any other specified duties that may be so required of him/her;
  - (b) are able to understand and communicate verbal and written instructions in English;
  - (c) fully meet the training requirements in accordance with Chapter 4.8 of the guide in addition to any other training requirements that may be so required;
  - (d) are issued with a safety handbook which shall detail in full the duties and responsibilities that a steward may be required to undertake pre-event, during an event and post event. Said duties and responsibilities shall be summarised on a check list card which shall be carried by all stewards at all times during a specified activity. Said documentation shall be available for inspection by an authorised person upon his/her request.
- (3) The Holder shall also ensure that any contract or agreement with an external body(ies) for the supply of stewards shall include those specifications as detailed in Chapter 4.9 of the Guide.
- (4) When members of the public are admitted to the stadium for the sale of tickets only and for no other specified activity, the Holder shall ensure the attendance of sufficient Stewards throughout the period of sale to ensure the orderly behaviour of those members of the public.

(5) **Stewarding Management**

Security service provider will be monitored throughout season for performance by club and in particular match day safety officers.

Security service provider to be provided with stewarding deployment plans pre-season by Aberdeen FC.

Security service provider to adhere to starting times for all stewards at every match, if stewards are late they must be fully briefed by a Supervisor.

Security service provider administration duties must be carried out prior to match or after match not during working hours when stewards should be familiarising themselves with the stadium and performing security checks.

Aberdeen FC to provide adequate and suitable portable public address system for Police Scotland and Security service provider briefing on match days. These important briefings must be audible at all times.

Experienced and well-informed Supervisors allocated to each stand at every match.

Experienced and well-informed Supervisors must complete a thorough safety briefing at each match.

All stewards must have knowledge and be informed at all times of Aberdeen FC stand representatives' positions, location of fire extinguishers, fire exits, evacuation plans, potential safety hazards, first aid and any other issues for the event.

Steward's objectives are to maintain clear escape routes at all times, if additional stewards are available to assist with catering queues then, and only then, are they to assist with catering queuing.

If a steward becomes aware of any incident within their stand it is often not possible for them to contact a supervisor. If their supervisor is not immediately available they must make contact with the Aberdeen FC stand representative that is based permanently in their stand. These representatives have direct contact with control room and the Security service provider management at all times.

At all games the Security service provider must provide 4 fully trained and informed stewards who are trained in the use of the combat flare kits.

~~This season Richard Donald Stand upper is closed to the public and the Richard Donald Stand gate stewards must be vigilant and assist with the management of this area and stairways. The top level deck will be closed off to the public and inaccessible with seating areas and any other doors on this level which will all be locked except the Fire doors at the top level which will be closed off with fire safety wraps. Security personnel should monitor this area at frequent intervals. Should any fire wraps be found broken then the Supervisor must report this to control room and investigate.~~

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~~(6) Richard Donald Stand Upper Management~~

~~It is Aberdeen football club's intention to close the Richard Donald Stand Upper deck seated area.~~

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~~The upper deck will remain closed throughout the season with the exception of:~~

~~Any all ticket games where crowds are expected to be over 15,000 including away support, the Richard Donald Stand upper deck will then open to home support. (i.e. Celtic, Rangers & International games)~~

~~Where any other match is expected to be more than 15,000 supporters including away fans, the Richard Donald Stand upper deck will be open to home support.~~

~~The decision to open the Richard Donald stand upper deck will be made 48hrs prior to any match at the Pre Ops meeting and will be based on the ticket sales information to date, expected away support details from visiting team Safety Officer, Police Scotland Match Commander and Aberdeen Football club Events Safety Officer.~~

~~Where the sales and expected crowd are less than 15,000 support including away fans, the Richard Donald Stand upper will remain closed.~~

15. **Contingency Plan**

- (1) The Holder shall ensure that a contingency plan is drawn up and put in place in accordance with the general guidance in Chapters 3.17 – 3.19 (inclusive) of the Guide. Said contingency plan shall include, *inter alia*, measures designed to counter terrorism which may include but not necessarily be limited to the searching of spectators more thoroughly than usual prior to entry and the deployment of additional resources on the approach to entry points. It is recommended that spectators who may be affected by such measures are given advance notification, if possible, of any potential delays.
  - (a) The contingency plan shall also specify the procedure in place for the evacuation of disabled spectators in the event of an emergency. Said procedure should consider the possible need for disabled spectators to be carried by safety personnel or otherwise to a point of safety should it be impracticable or otherwise for those disabled spectators to reach a point of safety in their wheelchairs.
  - (b) The contingency plan shall be reviewed annually and after any incident or significant threat of an incident. Seven copies of said plan shall be submitted to the designated Officer of the Council within a reasonable timeframe of any annual or subsequent review.
  - (c) Exercises to test the effectiveness of aspects of the contingency plan shall also be staged at least once a year in consultation with the designated Officer of the Council and relevant emergency services

- (d) The contingency plan shall be consistent at all times with any emergency plan(s) prepared by any of the emergency services.
- (2) An exercise to test the effectiveness of an evacuation of all persons within the stadium in the event of an incident occurring shall be carried out on a minimum six monthly basis by the Holder and/or his/her authorised representative. In relation to the carrying out of said exercise, the Holder shall retain records of the following:
  - (a) the total duration of the exercise;
  - (b) detail(s) of specific instruction(s) given prior to and throughout the exercise;
  - (c) the name(s) of instructing personnel involved in the testing of the exercise;
  - (d) the outcome of the exercise and
  - (e) recommendations (if any) that require to be made to ensure the safety of all persons within the stadium in the event of a future incident occurring.
- (3) The Holder shall also give no less than fourteen days prior notice in writing of the intention to hold an exercise as per Clause 15 (2) above both to the designated Officer of the Council and to the Fire Authority.

16. **Fire Safety**

- (1) A fire safety risk assessment shall require to be carried out for the stadium at least once a year by a competent person. The outcome of the fire safety risk assessment shall be recorded in an easily retrievable manner and available for inspection by the Fire Authority and the designated Officer of the Council at all reasonable times.
  - (a) The process of risk assessment will be ongoing and hereafter where there is reason to suspect that the current fire risk assessment is:
    - (i) no longer valid, or
    - (ii) if there has been a significant change in the matters to which it relates,then the assessment should be reviewed and any required changes must be made to ensure continued compliance with the Fire (Scotland) Act 2005 and the Fire Safety (Scotland) Regulations 2006 No 456
  - (b) The Holder is obliged to provide a copy of the current Fire Risk Assessment to the designated officer of the Council. In the event that the Fire Risk Assessment is amended the Holder must provide a copy of the updated version to the designated officer of the Council within 7 days of the amendment having been made."

(2) Emergency Fire Action Plan

- (a) There should be a written emergency fire action plan which sets out the action that staff and other people in the premises should take in the event of a fire. It should be kept on the premises, be available in a format understood by all, as well as being known by staff and forming the basis of the training and instruction which is provided. The plan will be available for inspection by the Fire Authority and designated Officer of the Council upon request by either or both of said parties.
- (b) The purpose of the plan is:
  - (i) to ensure that the people on the premises know what to do if there is a fire and
  - (ii) to ensure that appropriate action is taken in the event of fire and that the premises can be safely evacuated.
- (c) The plan should set out details of the procedures to be followed by staff in the event of fire and by any other persons present. It should be specific to the premises and should include:
  - (i) how people will be warned if there is a fire;
  - (ii) what staff should do if they discover a fire;
  - (iii) what staff should do in the event of a fire;
  - (iv) the arrangements for calling the Fire Authority;
  - (v) the specific action to be taken by the person in charge when the fire alarm activates or a fire is discovered;
  - (vi) the procedure to be followed to evacuate the premises, taking into account any personal emergency egress plans;
  - (vii) where persons ought to assemble or be taken after they have left the premises and procedures for checking whether the premises have been evacuated;
  - (viii) arrangements for fighting fire by staff trained in the use of portable fire extinguishers;
  - (ix) processes, machines or power supplies that need to be stopped or isolated if there is a fire;
  - (x) procedures for meeting the Fire Authority on its arrival and notifying it of the circumstances of the incident, whether all persons are accounted for and the presence of any special dangers.

(3) Information and Training

- (a) A sufficient number of competent persons should be employed at all times to enable the safe and effective evacuation of the premises. The premises' fire safety risk assessment must be reviewed, in respect of staff numbers required for evacuation of the premises, in the event of the fire.
- (b) All staff (including stewards, volunteers, performers, visiting contractors, temporary and agency staff) and other relevant

persons should be given information, training and instruction on the fire safety measures to be taken or observed on the premises, including the action to be taken in case of fire. The specific fire safety training needs of any young persons employed should be considered. Training of each member of staff should take place as soon as possible after they are appointed and regularly, at predetermined intervals after that, to ensure that they remain familiar with procedures. Information should be given to staff and to other relevant persons whenever there is a change in the risk from fire, where changes have been made to the emergency fire action plan or other fire safety measures, or where working practices or individuals' responsibilities have changed.

- (c) Staff or other relevant persons who have a supervisory role (including stewards) should be given details of the findings of the fire safety risk assessments and should receive additional training which will enable them to discharge their specific responsibility.
  - (d) Such training may include the use of fire fighting equipment, basic search procedures and evacuation procedures including disabled evacuation plans/personal emergency egress plan.
  - (e) All training should support the fire safety strategy and emergency fire action plan, be verifiable and be supported by management records as evidence that adequate training has been given.
- (4) Maintenance and Testing
- (a) There should be recorded details of the following maintenance and testing regime. This should be carried out to the appropriate standard:-
    - (i) the emergency lighting system;
    - (ii) the automatic fire detection system;
    - (iii) staff training - routine in case of fire;
    - (iv) fire fighting equipment;
    - (v) the fire warning system and
    - (vi) fire fighting facilities – suppression, dry risers, smoke extraction etc.

## 17. Plans

- (1) The Holder shall have in place an up to date plan(s) to the satisfaction of the designated Officer of the Council. Said plan(s) shall be of a suitable scale and shall clearly include, but may not necessarily be limited to, delineation and identification of the following:
  - (a) the boundary of the stadium;
  - (b) the location and capacity of both entrance and exit gates as specified in Appendix 4 herein;
  - (c) the location and capacity of parking facilities and
  - (d) the location and capacity of buildings in the stadium.



- (2) The Holder shall ensure that on any occasion where there may be subsequent alteration(s) to the capacity and/or layout of any part of the stadium, one original and 6 hard copy revised colour plans or one electronic copy shall be submitted to the designated Officer of the Council within a reasonable timeframe of said alteration(s).

18. **Right to Inspect**

The designated Officer of the Council reserves the right, upon reasonable request by him/her, to inspect the whole of the stadium or any part thereof for any reason it so determines. This right is without prejudice to section 11 of the Act. The Holder shall comply with said request so far as reasonably practicable, and shall submit to the designated Officer of the Council, within fourteen clear days of said request, any relevant records held by him/her as specified and requested by the designated Officer of the Council.

19. **Media**

- (1) The Holder shall ensure that media companies provide him/her with risk assessment method statements and design calculations for any installations that may be in place during a specified activity in accordance with Chapter 19 of the Guide.
- (2) All media provision at the stadium will meet, so far as reasonably practicable, the required standards detailed in Chapter 19 of the Guide.
- (3) The Holder will have in place a site specific risk assessment in relation to both temporary and permanent media provision ('media risk assessment') which shall be undertaken in accordance with Chapter 19 of the Guide. Said media risk assessment shall include a layout plan detailing clearly, where applicable, the following:
  - (i) the location of parking spaces allocated for vehicles that are operated/used by media personnel;
  - (ii) the location(s) where media cable runs will be placed and those location(s) where it is anticipated that cable runs may be placed;
  - (iii) the positioning of camera gantries both temporary and permanent;
  - (iv) the positioning of temporary advertising boards;
  - (v) the location of temporary scaffolding that is intended for use in relation to media provision and
  - (vi) the location of temporary barriers that may be in use to protect, for example, various media installations.
- (4) The Holder must submit to the designated Officer of the Council the media risk assessment including layout plan as per sub clause 3 above no later than 31 July each year.

- (5) If the designated Officer of the Council requires further clarification and/or detail in respect of the media risk assessment and/or the layout plan therein, then the Holder will require to submit that information within a reasonable timeframe to the designated Officer of the Council upon reasonable request by him/her.
- (6) Any proposed alterations or extensions to any media installations that are likely to affect the safety of persons at the stadium must be notified to the designated Officer of the Council prior to the carrying out of those proposals. Also see Clause 32 of this Certificate in relation to alterations or additions to be made to any part of the stadium, its buildings, structures and/or installations.
- (7) Any proposed alterations to the layout plan as per sub clause 3 above must be notified to the Council prior to the carrying out of those alterations.
- (8) Media structures and/or equipment shall not be permitted at any time to cause any obstruction to the police or emergency services during the performance of their usual duties. The positioning of said structures and/or equipment shall not at any time compromise spectator safety.
- (9) All media personnel shall be equipped with a uniform, high visibility tabard which shall be worn at all times when spectators are admitted to and remain within the stadium. Said tabard shall clearly distinguish media personnel from stewards, the police, emergency services and any other safety personnel that may be present within the stadium during a specified activity.

20. **Equality Act 2010**

The Holder shall ensure that s/he and all relevant stadium personnel take reasonable steps to ensure compliance, so far as reasonably practicable, with the Equality Act 2010. Said steps shall include, so far as reasonably practicable, the provision of suitable accommodation for disabled spectators to a satisfactory standard acceptable to the designated Officer of the Council. The Holder shall ensure that said accommodation is designed to required safety standards and properly managed. Any alteration(s) which may require to be made to any part of the stadium should not reduce the provision of facilities for disabled spectators and shall require the prior written consent of the designated Officer of the Council.

21. **Auxiliary Power System**

- (1) The Holder shall provide an alternative electricity supply ('auxiliary power system') which shall function for a minimum period of three hours in the event of failure of the normal supply to the following installations: emergency lighting; escape lighting; emergency telephone; fire alarm; CCTV system; turnstile monitoring system; public address system; mechanical ventilation system; control room(s); evacuation lift(s) and the First Aid rooms.
- (2) The Holder shall also have in place a report specifying in full the functioning of the auxiliary power system and how it operates in relation to the failure of normal power supply. In particular, said report shall include

the circumstance(s) in which the system becomes operative and the duration of said system in the event of power failure. Any amendments made to this report subsequent to the execution of this Certificate must be notified to the designated Officer of the Council within a reasonable timeframe of the making of said amendments. In the event that the designated Officer of the Council may not be satisfied with the contents of said report, s/he reserves the right to make any recommendations to the Holder to improve the functioning or otherwise of the auxiliary system and the Holder shall, so far as reasonably practicable, implement those recommendations within a reasonable timeframe.

**22. Control Room and Secondary Control Room**

- (1) The Holder shall provide and maintain at his own expense, and so far as reasonably practicable, the following accommodation and facilities for use by Police Officers on duty:
  - (a) a Control Room which commands a clear view of the whole stadium, pitch and environs. Said Control Room shall be of a sufficient size to enable the Chief Constable and his/her Police Officers (the required number of which shall be determined by the Chief Constable) to operate any equipment as the police may require to enable them to discharge their functions. It is desirable that the Control Room also contain capacity for any other relevant persons who may be in attendance and
  - (b) physically separate from the Control Room, suitably heated, clean accommodation with toilet facilities for the detention and interviewing of persons; an adequate refreshment room for the use of Police Officers on duty and any other accommodation that may be so required by the Chief Constable.
  - (c) in the event that the Control Room as per Clause 22(1)(a) above becomes unusable and/or ceases to be fit for purpose for any reason, management shall provide a Secondary Control Room which shall meet the criteria detailed in Clause 22(1)(a) above so far as reasonably practicable. The location of the Secondary Control Room shall be agreed between the Chief Constable and the Holder and the designated Officer of the Council shall be the ultimate arbiter in the event of any dispute with regards to the determination of said location. The Holder shall also ensure that the Control Room team are able to discharge their required functions to full effect whilst utilising the facilities in the Secondary Control Room. Whilst the Secondary Control Room is in use for its purpose, the Holder shall ensure that at all times the safety and well being of all persons within the stadium shall not be compromised or threaten to become compromised in any way by said use.

23. **Tickets**

The Holder shall ensure that all tickets for admission to a specified activity shall not be available for sale at any place within a two hour period in the event of an all ticket activity. The number of tickets issued for each part of the stadium shall also not exceed the permitted capacities as specified in Appendix 2 herein. Every ticket shall clearly specify the turnstile or entrance gate by which the ticket holder may enter the stadium. A simple understandable plan of the stadium clearly indicating the position of turnstiles and/or entrance gates shall also be displayed on the reverse of all tickets. It is also recommended that the Holder has in place effective anti-counterfeiting features to ensure the validity of a ticket.

24. **Turnstiles/Entrance gates**

The Holder shall close all turnstiles or entrance gates to any part of the stadium when the attendance limit for that part is reached. The Holder and/or his/her authorised representative(s) shall also open and/or close any turnstile and/or entrance gate immediately upon instruction from the Chief Constable.

25. **Drink containers**

Whilst the stadium is in use for a specified activity, all containers in which permitted drinks are consumed shall be made of soft plastic or other similar material and shall be of such a construction that, if they were thrown at or propelled against any person, they would not be capable of causing any injury to that person. The Chief Constable reserves the right to determine the suitability or otherwise of said material and to direct the Holder to alter the type of material and/or the construction of the container should he be so minded. This requirement shall only apply to a relevant area as defined in section 23 Criminal Law (Consolidation) (Scotland) Act 1995.

26. **Communication systems**

The Holder shall provide effective communication systems both in accordance with Chapter 16 of the Guide and to the satisfaction of the designated Officer of the Council. In particular, the Holder shall ensure that said system provides clear communications between the police, the safety management team (in particular both the Safety Officer and Deputy Safety Officer), stewards and other safety personnel, first aid attendants, the crowd doctor, spectators both inside and outside the stadium and any other relevant person(s) that may be so determined by the Chief Constable. The Holder shall also ensure that, so far as reasonably practicable, the public address system meets the requirements of Chapter 16.14 of the Guide. CCTV facilities shall also meet the operational requirements as determined by the Chief Constable for the policing of specified activities.

27. **Maintenance**

The Holder shall comply with the requirements of Appendix 3 herein. The Holder shall also ensure that all buildings, structures, means of ingress and egress, installations including electrical, mechanical and heating are at all times kept free from any obstruction and are maintained in such repair so that they do not at any time compromise spectator safety. Said obligation may be subject to an approved deviation as detailed in Clause 4 above.

28. **Ingress and Egress**

All entry and exit points at the stadium shall be clearly marked on the plan(s) annexed to this Certificate. Means of ingress and egress shall be compliant with Chapters 7 and 10 in the Guide, so far as reasonably practicable. Advertising boards shall not at any time impede entry and/or exit onto the pitch.

29. **Identifiable Hazards**

In the event that any adverse weather conditions or otherwise give rise to a reasonable concern that any surface, whether within and/or outwith the stadium, may pose a danger to those spectators who may have reasonable cause to pass, then the Holder shall ensure that any identifiable hazard(s) are fully cleared without delay to enable the safe passage of spectators over said surface.

30. **Pre-activity notice for admission**

The Holder shall ensure that, not less than three hours before each specified activity, the Safety Officer or his authorised representative shall confirm in writing to the Chief Constable that spectators may be safely admitted to, and remain within, the stadium for the duration of that specified activity.

On any occasion when it has been determined that an activity is to be "Category CS" – Club security only or "police free" the Holder shall ensure that no later than three hours prior to the stadium being opened for the admission of spectators, the Safety Officer or his authorised representative shall confirm in writing to the Designated Officer of the Council that spectators may be safely admitted to, and remain within, the stadium for the duration of that specified activity. In this section confirmation in writing may be effected by e-mail and addressed to the Litigation and Licensing team, Aberdeen City Council. For the avoidance of doubt, the responsibility for the safety of the spectators remains solely with the Holder.

31. **Barriers**

In addition to the undertaking of the barrier risk assessment and testing obligations as specified in Appendix 3, the Holder shall ensure that a suitably qualified person re-inspect the functioning of all barriers as he may deem necessary ('spot checks'), as part of the general maintenance and safety checking of the stadium. Upon identification of any deterioration and/or change(s) in the functioning of said barriers following spot checks, the Holder shall ensure that any defect(s) are rectified immediately. The Holder shall also

submit a written report plus two copies without delay to the designated Officer of the Council detailing in full said defect(s) and any action that he proposes to take and will take to rectify those defects.

32. **Alterations**

No alteration or addition shall be made to any part of the stadium, its buildings, structures and/or installations, whether permanent or temporary, which is likely to affect the safety of persons at the stadium, without the prior written consent of the designated Officer of the Council. Execution of any work for which consent has been granted shall require to be carried out to the reasonable satisfaction of the designated Officer of the Council.

33. **First Aid and Medical Facilities**

- (1) The Holder shall provide and maintain within the stadium, to the reasonable satisfaction of the Environmental Health Service, suitably equipped First Aid and medical facilities. There shall be a minimum of one suitably trained first aider for every one thousand spectators and a minimum of two suitably trained first aiders in attendance at each event. The Holder shall ensure that a suitably trained first aider is one who holds the certificate of first aid issued under the Health and Safety (First Aid) Regulations 1981. The role of first aiders shall include those specifications listed in Chapter 18.11 of the Guide.
- (2) The Holder shall ensure that a medical risk assessment from a competent person or organisation is undertaken in accordance with Chapters 18.1 and 18.2 of the Guide. A written medical plan shall also be produced by the Holder in accordance with Chapter 18.3 of the Guide. A copy of said medical plan shall be kept in the First Aid room(s) and shall be available for inspection by an authorised person and/or the designated Officer of the Council upon request.
- (3) When the number of spectators is expected to exceed the sum of 2,000, the Holder shall ensure the presence of at least one doctor who is qualified and experienced in pre-hospital immediate care ('the crowd doctor'). The crowd doctor should be present at the ground prior to the turnstiles/entry gates being opened, and remain until such time as all spectators have vacated the ground. The whereabouts of the crowd doctor should be known to all first aid and ambulance staff and s/he ought to be positioned at an easily identifiable site where s/he is readily accessible to first aiders and where s/he can move with ease to any part of the stadium. In the event that there are two or more crowd doctors present in the stadium, it is desirable that they are not located together but stationed at strategic points within the ground. The crowd doctor shall at all times be readily identifiable by means of a high visibility tabard with 'DOCTOR' on both the front and back. The Holder shall be responsible for supplying communications equipment to the crowd doctor to enable him/her to be immediately contacted should it be so required. The Holder shall ensure that the crowd doctor has full working knowledge of all the following:
  - (a) the layout of the stadium and location of exit and entry gates;
  - (b) the location and staffing arrangements of the First Aid room;

- (c) details of ambulance cover;
- (d) the equipment that is available for treating medical cases and the location of that equipment;
- (e) the local emergency plans prepared by emergency services for dealing with major incidents and how these relate to contingency plans for the ground and
- (f) the general pattern of crowd movement during an event.

34. **Ambulance**

- (1) Subject to the written approval of the general manager of the Scottish Ambulance Service, the Holder shall ensure the provision and attendance of at least one fully equipped ambulance staffed at paramedic level at all events with an anticipated attendance of 5000 or more. The Holder shall also ensure, so far as reasonably practicable, the attendance of the ambulance(s) at the stadium prior to the admission of spectators. The role of the ambulance(s) shall also be clearly identified in the written medical plan.
- (2) The attendance of first aid, ambulance and any other type of medical personnel shall not be necessary when members of the public are admitted to the stadium for the sale of tickets only.

35. **Legislation**

Management shall take all reasonable steps to ensure that they are aware of the general impact of the following, non exhaustive list of legislation:

- (a) Building (Scotland) Act 2003;
- (b) Civil Contingencies Act 2004;
- (c) Criminal Law (Consolidation) (Scotland) Act 1995;
- (d) Equality Act 2010;
- (e) Fire Safety (Scotland) Regulations 2006;
- (f) Fire (Scotland) Act 2005;
- (g) Health and Safety at Work etc. Act 1974;
- (h) Licensing (Scotland) Act 2005
- (i) Safety of Sports Grounds Act 1975 as amended and
- (j) Any other relevant legislation that may have safety implications for spectators and relevant personnel at the stadium both pre and during a specified activity.

- 36. This Certificate is issued without prejudice to any legislation that may place any statutory obligation(s) upon the Holder.
  
- 37. This Certificate is a live document and may be amended at any time by the designated Officer of the Council. This Certificate shall expire on 6 July 2015.

Signed: \_\_\_\_\_

Designation: \_\_\_\_\_

Place of Signing: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

Designation: \_\_\_\_\_



**SPECIFIED ACTIVITIES**

1. Specified activities:

- (a) Association Football;
- (b) Rugby Union;
- (c) Gatherings to celebrate the winning of any honours by the Holder's football team and
- (d) Other sporting event(s) attended by more than 500 spectators.

Subject to the terms and conditions of this Certificate and to any statutory requirements, the stadium may also be used for the following activities ancillary to the specified activities above:

- (e) the playing of music or singing;
- (f) the provision of news or comment relative to the primary activities;
- (g) the sale of tickets for forthcoming activities and the sale of programmes, news sheets and souvenirs;
- (h) the sale and consumption of refreshments;
- (i) public collections of any nature; and
- (j) any other ancillary activity for which the Holder must obtain prior written approval from the designated Officer of the Council no less than 14 clear days prior to the holding of said ancillary activity.

The activities covered by this Certificate shall not include practice or training sessions for the specified activities to which not more than 500 non-paying spectators are admitted.

This page forms Appendix 1 referred to in the foregoing Safety Certificate

Signed: \_\_\_\_\_ Witness: \_\_\_\_\_

Date \_\_\_\_\_

MAINSTAND	SEATING CAPACITY	SERIOUSLY RESTRICTED VIEW	SERIOUSLY RESTRICTED VIEW ACTUAL SEAT NUMBERS	USEABLE SEATING CAPACITY	P&S FACTOR	TOTAL HOLDING CAPACITY	P&S TOTAL TO REMOVE	ACTUAL REMOVED
A	300	2	A1; B1	298	0	269	29	34
B	783	10	A46; A47; B46; B47; A36; A37; A38; B36; B37; B38	773	0	698	75	49
C	593	4	A11; B11; C11; D11	589	0	532	57	46
DIRECTORS	117	3	A21; B21; C21	114	0	103	11	0
D	473	6	A24; A25; B24; B25; C24; C25	467	0	422	45	17
E	694	12	A13; A14; A15; A42; A43; A44; B13; B14; B15; B42; B43; B44;	682	0	616	66	102
F	640	6	A29; A30; A31; B29; B30; B31	634	0	573	61	109
AFC	109			109	0	98	11	0
EXEC BOXES	192			192	0	173	19	19
<b>TOTAL STAND CAPACITY</b>	<b>3901</b>	<b>43</b>	<b>[We must remove these seats before P&amp;S factor is applied]</b>	<b>3858</b>	<b>0.903</b>	<b>3483</b>	<b>374</b>	<b>376</b>
MERKLAND	SEATING CAPACITY	SERIOUSLY RESTRICTED VIEW	SERIOUSLY RESTRICTED VIEW ACTUAL SEAT NUMBERS	USEABLE SEATING CAPACITY	P&S FACTOR	TOTAL HOLDING CAPACITY	P&S TOTAL TO REMOVE	ACTUAL REMOVED
GENERAL	3532	95	ROW 'H' SEATS 48 - 52 AND SEATS 100 - 104 INCLUSIVE	3437	0	3368	69	69
WHEELCHAIR	6		ROW 'I' SEATS 48 - 52 AND SEATS 100 - 104 INCLUSIVE	6	0	6	0	0
			ROW 'J' SEATS 47 - 51 AND SEATS 100 - 104 INCLUSIVE					
			ROW 'K' SEATS 46 - 51 AND SEATS 100 - 104 INCLUSIVE					
			ROW 'L' SEATS 43 - 51 AND SEATS 100 - 104 INCLUSIVE					
			ROW 'M' SEATS 43 - 50 AND SEATS 101 - 104 INCLUSIVE					
			ROW 'N' SEATS 42 - 50 AND SEATS 101 - 104 INCLUSIVE					
			ROW 'O' SEATS 41 - 50 AND SEATS 103 - 104 INCLUSIVE					
			ROW 'P' SEATS 49 - 50 INCLUSIVE					
<b>TOTAL STAND CAPACITY</b>	<b>3538</b>	<b>95</b>	<b>[We must remove these seats before P&amp;S factor is applied]</b>	<b>3443</b>	<b>0.98</b>	<b>3374</b>	<b>69</b>	<b>69</b>
SOUTH STAND SCENARIO #1	SEATING CAPACITY	SERIOUSLY RESTRICTED VIEW	ALL AWAY SUPPORT OCCUPYING SOUTH STAND UPTO AND INCLUDING SECTION R	USEABLE SEATING CAPACITY	P&S FACTOR	TOTAL HOLDING CAPACITY	P&S TOTAL TO REMOVE	ACTUAL REMOVED
P	656	0		656	0	633	23	79
Q	783	84	x 84 Removed due to disabled seating new roof in front of section	699	0	675	24	0
WHEELCHAIR	13	0		13	0	13	0	0
R	795	0		795	0	767	28	0
S	862	0		862	0	832	30	0
T	958	0		958	0	924	34	0
V	832	0		832	0	803	29	0
W	956	0		956	0	923	33	0
X	1193	0		1193	0	1151	42	0
Y	1107	0		1107	0	1068	39	224
<b>TOTAL STAND CAPACITY</b>	<b>8155</b>	<b>84</b>		<b>8071</b>	<b>0.965</b>	<b>7789</b>	<b>282</b>	<b>303</b>
SOUTH STAND SCENARIO #2	SEATING CAPACITY	SERIOUSLY RESTRICTED VIEW	HOME FANS ONLY OCCUPYING WHOLE OF SOUTH STAND	USEABLE SEATING CAPACITY	P&S FACTOR	TOTAL HOLDING CAPACITY	P&S TOTAL TO REMOVE	ACTUAL REMOVED
P	656	0		656	0	633	23	306
Q	783	84	x 84 Removed due to disabled seating new roof in front of section	699	0	675	24	0
WHEELCHAIR	13	0		13	0	13	0	0
R	795	0		795	0	767	28	0
S	862	0		862	0	832	30	0
T	958	0		958	0	924	34	0
V	832	0		832	0	803	29	0
W	956	0		956	0	923	33	0
X	1193	0		1193	0	1151	42	0
Y	1107	0		1107	0	1068	39	0
<b>TOTAL STAND CAPACITY</b>	<b>8155</b>	<b>84</b>		<b>8071</b>	<b>0.965</b>	<b>7789</b>	<b>282</b>	<b>306</b>
RICHARD DONALD STAND	SEATING CAPACITY	SERIOUSLY RESTRICTED VIEW	NO SERIOUSLY RESTRICTED VIEWS	USEABLE SEATING CAPACITY	P&S FACTOR	TOTAL HOLDING CAPACITY	P&S TOTAL TO REMOVE	ACTUAL REMOVED
FRONT	1700	0		1700	0	1700	0	
REAR	1216	0		1216	0	1216	0	
UPPER DECK	3164	0		3164	0	3164	0	
DISABLED	20	0		20	0	20	0	
EXEC BOXES	120	0		120	0	120	0	
<b>TOTAL STAND CAPACITY</b>	<b>6220</b>	<b>0</b>		<b>6220</b>	<b>1</b>	<b>6220</b>	<b>0</b>	
PITTDRIE STADIUM	SEATING CAPACITY	SERIOUSLY RESTRICTED VIEW		USEABLE SEATING CAPACITY	P&S FACTOR	TOTAL HOLDING CAPACITY	P&S TOTAL TO REMOVE	ACTUAL REMOVED
<b>TOTAL STADIUM CAPACITY</b>	<b>21,814</b>	<b>222</b>	<b>REMOVE SERIOUSLY RESTRICTED TO GET USEABLE CAPACITY</b>	<b>21,592</b>	<b>APPLIED FOR HOLDING</b>	<b>20,866</b>	<b>725</b>	<b>748</b>

MERKLAND STAND				MAINSTAND					MAINSTAND					MAINSTAND					MAINSTAND					MAINSTAND					MAINSTAND				
ROW	FROM	TO	COMPLETED	SECTION A					SECTION B					SECTION C					SECTION D					SECTION E					SECTION F				
J	106	105	seats held	A	1	5	5	seats held	A	46	47	2	seats held	A	11	13	3	seats held	A	24	25	2	seats held	A	11	15	5	seats held	A	23	31	9	seats held
K	106	108	seats held	B	1	8	8	seats held	B	46	47	2	seats held	A	36	40	5	seats held	B	24	25	2	seats held	A	40	44	5	seats held	B	21	31	11	seats held
L	107	110	seats held	C	8	11	4	seats held	C	46	47	2	seats held	B	11	14	4	seats held	C	1		1	seats held	B	8	16	9	seats held	C	21	31	11	seats held
M	109	112	seats held	D	11	15	5	seats held	D	1	2	2	seats held	B	35	42	8	seats held	C	19	20	2	seats held	B	39	45	7	seats held	D	30	31	2	seats held
N	110	112	seats held	E	14	17	4	seats held	D	17		1	seats held	C	11		1	seats held	C	24	25	2	seats held	C	4	17	14	seats held	E	31	32	2	seats held
O	112	113	seats held	F	17	20	4	seats held	D	31		1	seats held	C	15	16	2	seats held	D	1	2	2	seats held	C	35	45	11	seats held	E	42	44	3	seats held
O	114	115	seats held	G	17	20	4	seats held	D	46	47	2	seats held	C	33	45	13	seats held	D	17	19	3	seats held	D	1	4	4	seats held	F	31	32	2	seats held
P	114	118	seats held				34	seats held	E	1	5	5	seats held	D	11		1	seats held	E	3		1	seats held	D	32	34	3	seats held	F	39	41	3	seats held
Q	114	118	seats held						E	16		1	seats held	D	16	17	2	seats held	F	4	5	2	seats held	E	1	3	3	seats held	G	3	11	9	seats held
R	114	121	seats held						E	31	34	4	seats held	D	32	33	2	seats held				17		K	1	45	41	seats held	H	3	11	9	seats held
S	114	121	seats held						E	45	47	3	seats held	E	31	32	2	seats held									102		J	3	11	9	seats held
T	114	121	seats held						F	4	6	3	seats held	F	30	31	2	seats held											J	16	18	3	seats held
V	114	121	seats held						F	16		1	seats held	G	30		1	seats held											K	3	12	10	seats held
W	119	121	seats held						F	35	38	4	seats held				46												K	16	18	3	seats held
X	119	121	seats held						F	45	46	2	seats held	*****All seats removed from sale - hold codes applied*****															L	3	12	10	seats held
									G	7	10	4	seats held																M	3	12	10	seats held
									G	15		1	seats held																M	16	18	3	seats held
									G	39	40	2	seats held																				
									G	45	46	2	seats held																				
									H	41	45	5	seats held																				
												49																					

SOUTH STAND				SOUTH STAND				SOUTH STAND				SOUTH STAND			
SECTION P (ALL GAMES)				SECTION Q (ALL GAMES)				SECTION Y (ALL GAMES)				SECTION P (EURO GAMES & CONCERTS)			
ROW	FROM	TO	COMPLETED	ROW	FROM	TO	COMPLETED	ROW	FROM	TO	COMPLETED	ROW	FROM	TO	COMPLETED
E	29	12	seats held	E	32	59	seats held	A	280	296	seats held	E	12	18	seats held
F	29	12	seats held	F	32	59	seats held	B	279	297	seats held	F	12	18	seats held
G	29	11	seats held	G	32	59	seats held	C	278	298	seats held	G	11	18	seats held
H	29	11	seats held					D	278	299	seats held	H	11	18	seats held
HH	3	7	seats held					E	277	300	seats held	I	11	18	seats held
								F	276	301	seats held	J	10	18	seats held
								G	276	302	seats held	K	10	18	seats held
								H	275	304	seats held	L	10	18	seats held
								J	274	304	seats held	M	9	18	seats held
								K	302	305	seats held	N	9	18	seats held
								PP	277	285	seats held	O	8	18	seats held
												P	8	18	seats held
												Q	8	18	seats held
												R	7	18	seats held
												S	7	18	seats held
												T	6	18	seats held
												V	6	18	seats held
												W	5	18	seats held
												X	5	18	seats held
												Y	4	18	seats held
												Z	4	18	seats held
												AA	3	18	seats held
												BB	3	18	seats held
												CC	3	18	seats held
												DD	2	18	seats held
												EE	2	18	seats held
												FF	1	18	seats held
												GG	1	18	seats held
												HH	3	18	seats held
74				84				228							

This page and the three preceding pages form Appendix 2 referred to in the foregoing Safety Certificate

Signed: \_\_\_\_\_

Witness: \_\_\_\_\_

Date \_\_\_\_\_

## Appendix 3

### TABLE OF INSPECTING, TESTING, AND KEEPING OF RECORDS FOR THE STADIUM

The Holder shall ensure that all necessary maintenance, inspections and tests are carried out in accordance with the Guide's recommendations, current British Standards and manufacturer's instructions.

Records of said maintenance, inspections and tests should be kept in a specified place at the ground or in the management's office for a minimum period of five years or longer if so required by British Standards or manufacturer's instruction. Said records shall also be kept in accordance with Chapter 5.15 of the Guide. It is also recommended that a back-up copy of these records be kept securely off site.

Notwithstanding the record keeping obligations incumbent upon the Holder as per this Appendix 3, the Holder will require to submit within a reasonable timeframe to the designated Officer of the Council, upon reasonable request by him/her, a report(s) detailing the outcome of any one or more of the inspections detailed in 'a' to 'p' below.

the Guide's Recommendations	Chapter of the Guide	Test Method	Frequency of testing	Form of Record kept
a) The operation of structures, installations and components should be inspected and tested by competent persons	5.9	Appraise as required to determine suitability for purpose	At least 24 hrs before an event	Log book signed by Safety Officer or Deputy Safety Officer at each event
b) The general condition of all facilities should be checked, and any details and/or shortfalls immediately rectified prior to public entrance	5.10	As required	Within 24 hrs prior to an event	Log book with remedial works dates signed by Safety Officer or Deputy Safety Officer at each event
c) Ground should be inspected to identify potentially dangerous damage that requires remedial action	5.12	Visual inspection	After an event	Maintenance records
d) Detailed inspection of all structures, installations and components should be carried out by competent persons with appropriate qualifications and experience. Materials	5.13 and 5.14	Appraise as required to determine suitability for purpose	every six months	Written report and manuals

defining key elements and components of the structure requiring regular inspection and maintenance of the structure should be provided. Structural dynamics for permanent structures should be appraised				
e) Ingress monitoring systems should be tested and turnstile flow rates reviewed in accordance with the Guide's recommendations	7.1 - 7.7 inclusive	Manufacturers' instructions	Annually	Computerised monitoring records
f) Highlighting of nosings to steps / stairs /change in level / gangways in a non-slip material, should be included in a continuous maintenance programme	8 .3 and 12.11	Visual inspection	As required	Maintenance records
g) Barriers should be risk assessed and tested in accordance with the newly revised procedure in the Guide	11	As specified by the Guide	Annually	Written report
h) Inspect and test fire alarm and detection systems	15	Fire alarm weekly; Maintenance every six months		Inspection certificate and log book
i) Inspect and test fire extinguishing systems	15	In accordance with the manufacturers' instructions		
j) All electrical and mechanical installations should be inspected and tested by competent persons	17.3	Manufacturers' instructions or relevant British Standard	Annually or as required by Manufacturer or British Standard	Inspection certificates and Log book
k) Inspect and test all	16.25,	BS 7671:2001	As required by	Log

auxiliary and back up power systems	17.11, 17.12, and 17.18	and any manufacturers' instructions	BS	book/maintenance records
l) (i) Inspect and test passenger lifts	17.14	BS 5655 Part 10.1986	As per chapter 12.4 of BS	Log book and periodic inspection and test certificates
(ii) Inspect and test public address system	16.14 and 16.15	24 hours prior to a specific event	24 hours prior to a specific event	Log book/maintenance records
(iii) Inspect and test CCTV system	16.16, 16.17 and 16.18	24 hours prior to a specific event	As required by designer/installer	Log book/maintenance records
m) Inspect and test ventilation, air conditioning and smoke control systems	17.18	Manufacturers' instructions or relevant British Standard	Annually	Log book/maintenance records
n) Necessary communication systems should be tested and maintained in accordance with British Standards or manufacturer's instructions.	16.1	Manufacturers' instructions or relevant British Standard	Annually	Log book/maintenance records
o) Risk assessment for media provision	19	Appraise as required to determine suitability	As required	Log book , risk assessments, structural certification
p) Assessment of capacity	2	As specified by the Guide	Annually and when there is a change as per chapter 2.4	Written report/risk assessment

This page and the two preceding pages form Appendix 3 referred to in the foregoing Safety Certificate

Signed: \_\_\_\_\_

Witness: \_\_\_\_\_

Date \_\_\_\_\_

**LOCATION OF ENTRANCE AND EXIT GATES**

(a) Location of entrance gates

<b>STADIUM STAND</b>	<b>REFERENCE NUMBER/LETTER ON PLAN</b>	<b>POINT WHICH ACCESS IS PROVIDED</b>	<b>FROM</b>	<b>TOTAL NUMBER OF TURNSTILES AT STAND</b>
Main Stand	23-31	Pittodrie Street		9*
Richard Donald Stand	32-43	Golf Road		12
Merkland Road Stand	9-22	Merkland Lane		14
South Stand	44-53	Park Road (via private road)		10
South Stand	1-8	Merkland Lane		8

(b) Location of exit gates

<b>STADIUM STAND</b>	<b>REFERENCE NUMBER ON PLAN</b>	<b>WIDTH OF EXIT GATE IN METRES</b>
South Stand	1	5.00
South Stand	2	4.90
South Stand	15	5.00
Merkland Road Stand	3	6.75
Merkland Road Stand	4	4.80
Main Stand	5	3.36
Main Stand	<i>Corp boxes**</i>	1.10
Main Stand	6	2.65
Main Stand	7	2.30
Richard Donald Stand	8-14	3.20

This page forms Appendix 4 referred to in the foregoing Safety Certificate

Signed: \_\_\_\_\_ Witness: \_\_\_\_\_

Date \_\_\_\_\_



**ABERDEEN FOOTBALL CLUB**  
**Further Deviations from (Fifth Edition) The Green Guide**

Clause	Standards Provided	Granted on the Basis that
7.8	Design and Management of Entrance and Exit Routes Automated turnstiles would appear to be a deviation	The turnstiles are continually monitored in the Control Room Turnstile Supervisors monitor a bank of turnstiles internally. They also monitor a lighting system which indicates if there is a fault on the entry system Stand Reps Steward and Turnstile Supervisors all carry over ride cards and have the authority to over ride the computerised system in the event of fault or emergency.
7.10	<u>Admission Policies</u> para g) The only section of the ground that unreserved seating is offered is the away section	<p>Posters with instructions of how the system works will be on display at the turnstile entrance or alternatively on the turnstile top. The AFC's, (in association with the Scottish Football Association) Ground Rules are displayed throughout the ground.</p> <p>With regards to unreserved seating, this is undertaken on a game to game basis based on intelligence from the visiting club as to number of expected supporters. Taking this into consideration and to minimise any confrontations, the visiting support are allocated specific sections of the away stand. The ticket indicates the section in the away stand that they can occupy <u>and shows row and seat number. For unallocated seating games tickets are clearly stamped unallocated and signage provided at turnstiles along with all details posted on both AFC and opposing team's websites. There is always procedures in place to open up other parts of the away section should the designated away section become full or overcrowded.</u></p> <p><u>If any part of the away section becomes full then another part of the away section would be open up.</u></p> <p><u>The Club maintain and hold off sale at all time's emergency</u></p>

		<p><del>seating areas along with the required seats along with the required seats taken off sale and identified by the P &amp; S factors annual audit, in any instance the club will retain 5 – 10% of the total capacity of the section. but does not give a seat number. There is always procedures in place to open up other parts of the away section should Section Q become full or overcrowded.</del></p> <p><del>Row 14 and the first 14 rows of Section R would be utilized. The Club would retain tickets for between 5 and 10% of the full allocated seats for the away section.</del></p> <p>This is controlled and monitored by the Stewards and Control Room Staff</p>
8.4	<p><u>U Flights of Stairways</u> Pittodrie Stadium is an existing situation. Compliance with 8.4 para. b) Cannot be fully achieved particularly in the Main Stand.</p>	<p>Due to the stadium's age and design the stairs in the South and Merkland Stands exceed 36 risers without any landings, and without any 30° change of direction. There are varying numbers of risers in the South Stand and in the Merkland Stand. The risers are clearly highlighted are variances in height of risers but all stairs are monitored by stewards during an event.</p> <p>Due to the stadium's age and design the risers in the interior and exterior stairs in the Main Stand have a variance in height. The risers are clearly highlighted and are monitored by stewards during an event for the smooth control and flow of the crowd. Stewards are strategically position on the stairways which are kept clear during the event. In addition, crowds should not be allowed to congregate in the walkways but should be managed and monitored by stewards.</p> <p>The Stairway width at Row A in the Main Stand in Sections D, E &amp; F is less than the recommended 1.1m but there is sufficient room for two persons to leave the exit at the same time and within the agreed evacuation time.</p>
8.5.d	<p><u>Dimensions of Stairways Landings</u> The going of each landing, at the foot of stairways should not</p>	<p>Management recognise this deviation and have adopted a stewarding strategy as follows:</p>

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	<p>be less than the width of the channel of the flight.</p> <p>Due to the addition of LED advertising boards along the Mainstand trackside compliance with 8.5 paragraph d cannot be fully achieved. The landings at the foot of the stairways of Gates 33 and 36 are restricted when the LED advertising boards are closed.</p>	<p><b>Continually stewarded before and after gates open to the stadium and before any member of the public enter the grounds.</b></p> <p><b>The gates have a minimum clear opening width of 1.5m</b></p>
8.9	<p><u>Controlling the Flow at the Head of Stairways</u></p> <p>Pittodrie Stadium is an existing situation. Compliance with 8.9 para b and d, cannot be fully achieved particularly in the Main Stand.</p>	<p><b>It is considered that the direction of barriers to control the flow at the head of the stairs would have a detrimental effect on the spectator circulation through the concourses. These particular areas are signed accordingly and monitored by appropriately trained and qualified stewards who do not allow persons to congregate there and who control capacity and flow</b></p>
9.4	<p><u>Size of Concourses</u></p> <p>Pittodrie Stadium is an existing situation, and historically the concourses have been upgraded to provide spectator catering and welfare facilities. The width and spatial arrangements of the concourses vary from stand to stand and from level to level.</p>	<p><b>Management have mitigated against this by the provision of stewarding and CCTV coverage. in the direction identified</b></p>
9.5	<p><u>Circulation on Concourses</u></p> <p>Pittodrie Stadium is an existing situation and compliance with 9.5 para a) b) and c) cannot be fully achieved particularly in the Main, Merkland and South stands.</p>	<p><b>Management have mitigated against this by stewarding at particular flow problem areas within the concourses, and by delineating queuing areas for the catering and welfare facilities. Floor markings, directional arrows and the implementation of an educational policy, explaining to supporters the reason for queuing. A designated clearway for non catering personnel will be developed which will be stewarded and the spectator flow controlled.</b></p>
9.6	<p><u>Design of Concourses and Related Facilities</u></p> <p>Management has endeavoured to upgrade the specification of the concourses to achieve compliance.</p> <p>The Main and South Stands catering facilities have manual shutters which are removed prior to the kiosks opening.</p> <p>The Main Stand is protected by smoke alarms. Fire extinguishers are available - all kiosks.</p>	<p><b>In recent years sections of the first floor concourse in the Main Stand have been lined with plasterboard to enhance the fire resistance of the existing structure.</b></p> <p><b>Only slow cooking takes place with no deep fat frying, and staff are fire trained and stewards monitor the kiosks during activities</b></p> <p><b>The staff are fire trained and the kiosk is monitored by stewards. Fire extinguishers are provided.</b></p>

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	The Merkland Stand kiosk has a pair of manually operated shutter doors which isolate the catering unit.	<b>Only slow cooking takes place with no deep fat frying.</b>
10.2	<u>Basic Design Principles</u> We are aware of reservoir area within the timber structure of the Main Stand.	<b>At the specific narrowing of an exit route it must be preceded by an open space or reservoir area of the appropriate holding capacity otherwise this will be deemed to be a deviation. However the reservoir areas identified in the Main Stand are stewarded as the crowd exit for a steady smooth exit minimising delays. A steward to be placed at bottom of stairs to prevent any person going back up against the crowd flow.</b>
10.8	<u>Design and Management of Exit Systems</u> Persons queuing at the recess catering outlet in the Main Stand and Richard Donald obstruct free passage flow	<b>The recessed catering outlets in the Main Stand are monitored by stewards and stand representatives during an event, the introduction of physical barriers would impede the flow to the clearly marked exits. Signage at painted floor areas is to be implemented to encourage and educate persons to queue across the kiosk and not perpendicular to same.</b>
10.16	<u>Exit Doors and Gates</u>	<b>Exit Gate 5 in the Main Stand is of the sliding type and is staffed by a Steward at all times during an event. The Steward is authorised to open the gate at his discretion and without further instructions and is in radio contact with the Control Room should he request to be relieved at any time.</b>
10.17	<u>Electronic Security Systems</u> Gate 6, Main Stand has an electronic security operating system, and management have arranged for trained stewards to be positioned there, in compliance with para b).	<b>This gate is staffed by a Steward at all times during an event. The gate is capable of being de energized by the Steward. It is also connected to the Fire Alarm and is automatically de-energised when the Fire Alarm is actuated. The steward is authorized to open the gate at his discretion and without further instruction. The Steward is in radio contact with the Control Room should he request to be relieved at any time</b>
<del>12.8</del>	<del><u>Provision of Cover</u> There are seating areas to the East and West of the South Stand (Sections P&amp;Y) which are outwith the coverage of the existing stand canopy roof. Management recognise this deviation and have adopted stewarding strategies to control</del>	<del><b>Management recognise this deviation and have adopted stewarding strategies to control migration and avoid overcrowding within the</b></del>

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	<del>migration and avoid overcrowding within the covered areas.</del>	<del>covered area tickets sold for this area are clearly marked "Uncovered Seats"</del> <del>It is acknowledged that there is no opportunity for migration by disabled spectators. The persons occupying these areas are aware of this and dress accordingly.</del>
12.9	<u>Gangways in Seated Areas - General</u> Pittodrie Stadium is an existing situation and compliance with 12.9 paras a) b) and c) cannot be fully achieved particularly in the Main Stand.	Management have mitigated against this by appropriate stewarding at particular problem areas During evacuation exercises the egress time have been unaffected
12.11	<u>Radial Gangways in Seated Areas</u> Pittodrie Stadium is an existing situation and compliance with 12.11 a) and b) cannot be achieved in the Main, Merkland and South Stands.	Management have mitigated against this by stewarding of the gangways and by painting contrasting coloured nosings to the steps to highlight them.
12.16	<u>Number of Seats in a Row</u> There are seating rows within the Main Stand which do not comply with this clause.	Aberdeen Football Club is aware of this and monitor the situation. Spectators are familiar with the situation and they self - police this by choosing which way to exit. Stewards in attendance will control the flow of spectators. During evacuation exercises there has been no hold up and the egress time was unaffected
15.11	<u>Restriction of Fire Growth and Spread</u> The Richard Donald Stand, being relatively modern complies within the Guide in respect of Restricting Fire Growth and Spread.  The Main and South Stands catering facilities have manual shutters which are removed prior to the kiosks opening.  The Main Stand is protected by smoke alarms. Fire extinguishers are available.	Whilst having no spectator useable accommodation under the south and Merkland Stands, there are catering facilities which open onto the spectator areas and these are protected and isolated by 30 minute fire resisting shutters. The Main Stand is the least compliant. AFC in consultation with Building Control, and Scottish Fire and Rescue Service has endeavoured to mitigate this by the provision of 1 hour Fire resistant doors within the concourse areas. The Richard Donald and Main Stands are fully fitted with smoke/fire detection and alarm systems  Only slow cooking takes place with no deep fat frying, and staff are fire trained and stewards monitor the kiosks during activities  The staff are fire trained and the kiosk is monitored by stewards. Fire extinguishers are provided. Only slow cooking takes place

Appendix 5

	The Merkland Stand kiosk has a pair of manually operated shutter doors which isolate the catering unit.	with no deep fat frying.
15.12	<u>Fire Resistance in Existing Construction</u> Pittodrie Stadium is an existing situation, and the Main Stand presents particular problems	Management have recognised this and have carried out significant upgrading of the fire resistance elements of construction, particularly the fire lining of the underside of the upper tier of spectator accommodation, from within the first floor concourse. The deficiencies in the Main Stand are recognised and taken account of by <b>BMJ Architects</b> in the computation of the relevant 'P' factor. Management continually assess the fire resistance characteristics exit routes etc and the physical condition of the Main Stand, and do so in consultation with the Police and Fire Services
16.6 (f)	<u>Location of Control Point</u> Pittodrie Stadium is an existing situation and the control room has been located adjacent to the Main Stand.	This location was agreed by both Club and Emergency Services. The requirements of clause 16.6 have been met as far as practical on site. Police are content with the site.
19.0	<u>Media Provision</u>	Management will ensure that the non-combustibility of the gantry to the Richard Donald Stand has been provided in compliance with Building Standards Scotland Regulations Management will ensure that site specific risk assessment method statements and design calculations are provided by Media companies for all their temporary & permanent installations at Pittodrie Stadium Temporary scaffolding will be designed and erected in accordance with the recommendations of the Institute of Structural Engineers.

This page and the five preceding pages form Appendix 5 referred to in the foregoing Safety Certificate

Signed: \_\_\_\_\_

Witness: \_\_\_\_\_

Date \_\_\_\_\_



## DONALD COUTTS

### ARCHITECTURAL & PROJECT MANAGEMENT CONSULTANCY LTD

Attention of Paul Hendry  
Aberdeen Football Club  
Pittodrie Street  
Aberdeen

10/05/2016

Dear Paul

Aberdeen Football Club  
Safety Certificate for Pittodrie Stadium, Aberdeen  
Final Capacity Computation

Having carried out an observational survey of the spectator stands and facilities, ( which was reported to you on 2<sup>ND</sup> February 2015 ), I consider that there has been a modest but progressive deterioration of some elements of the Stadium building fabric. I am particularly aware that the South Stand is showing signs of progressive settlement, and this must be monitored by the Consulting Structural Engineers engaged by the Club. However, due to Aberdeen Football Club's pro-active maintenance programmes, I do not consider that the deterioration warrants a reduction in the 'P' factors at this point in time.

The Final Capacity of each Stand , and the entire Stadium, will therefore still be as follows;

#### 01. Richard Donald Stand.

The number of actual seats as confirmed by Aberdeen Football Club is 6220. This figure comprises 6100 seats in the open terracing which includes 20 disabled person seats in addition to 120 seats within the hospitality boxes.

There being no seriously restricted view seats , the number of useable seats is also 6220.

The P +S factors for this Stand both currently are at 1.0, as per letter of 20<sup>th</sup> May 2013.

The Holding Capacity is therefore 6220 x 1.0 equating to 6220.

#### 02. South Stand

I am advised by Aberdeen Football Club that the ticketing/seating allocation for visiting supporters, is to be reduced for the forthcoming Season, with a consequent increase in the home support seating. A Building Warrant application is currently being considered for the relocation of the segregation barriers between sections R and S , which will facilitate this new seating arrangement.

The number of actual seats as confirmed by Aberdeen Football Club will now be 8155

Number of seriously restricted seats due to disabled section canopy is 84

The number of useable seats is therefore 8071.



The P+S factors for this Stand currently are 0.965 and 1.0 respectively, as per letter of 20<sup>th</sup> May 2013.

The Holding Capacity is therefore  $8170 \times 0.965$  equating to 7789.

03. Merkland Road Stand.

The number of actual seats as confirmed by Aberdeen Football Club is 3538.

The number of seriously restricted view seats has been assessed on site as 95.

The number of useable seats is therefore 3443.

The P+S factors for this Stand currently are 0.98 and 1.0 respectively, as per letter of 20<sup>th</sup> May 2013.

The Holding Capacity is therefore  $3443 \times 0.98$  equating to 3374.

04. Main Stand.

The number of actual seats as confirmed by Aberdeen Football Club is 3901.

The number of seriously restricted view seats has been assessed on site as 43.

The number of useable seats is therefore 3858.

The P+S factors for this Stand currently are 0.903 and 1.0 respectively, as per letter of 20<sup>th</sup> May 2013.

The Holding Capacity is therefore  $3858 \times 0.903$  equating to 3483.

The Stadium Holding Capacity and Final Capacity based upon current P+S factors is therefore ;

Richard Donald Stand - 6220

South Stand - 7789

Merkland Road Stand - 3374

Main Stand - 3483

Stadium - 20866

I trust this re-assessment and computation will now be conveyed to Aberdeen City Council.

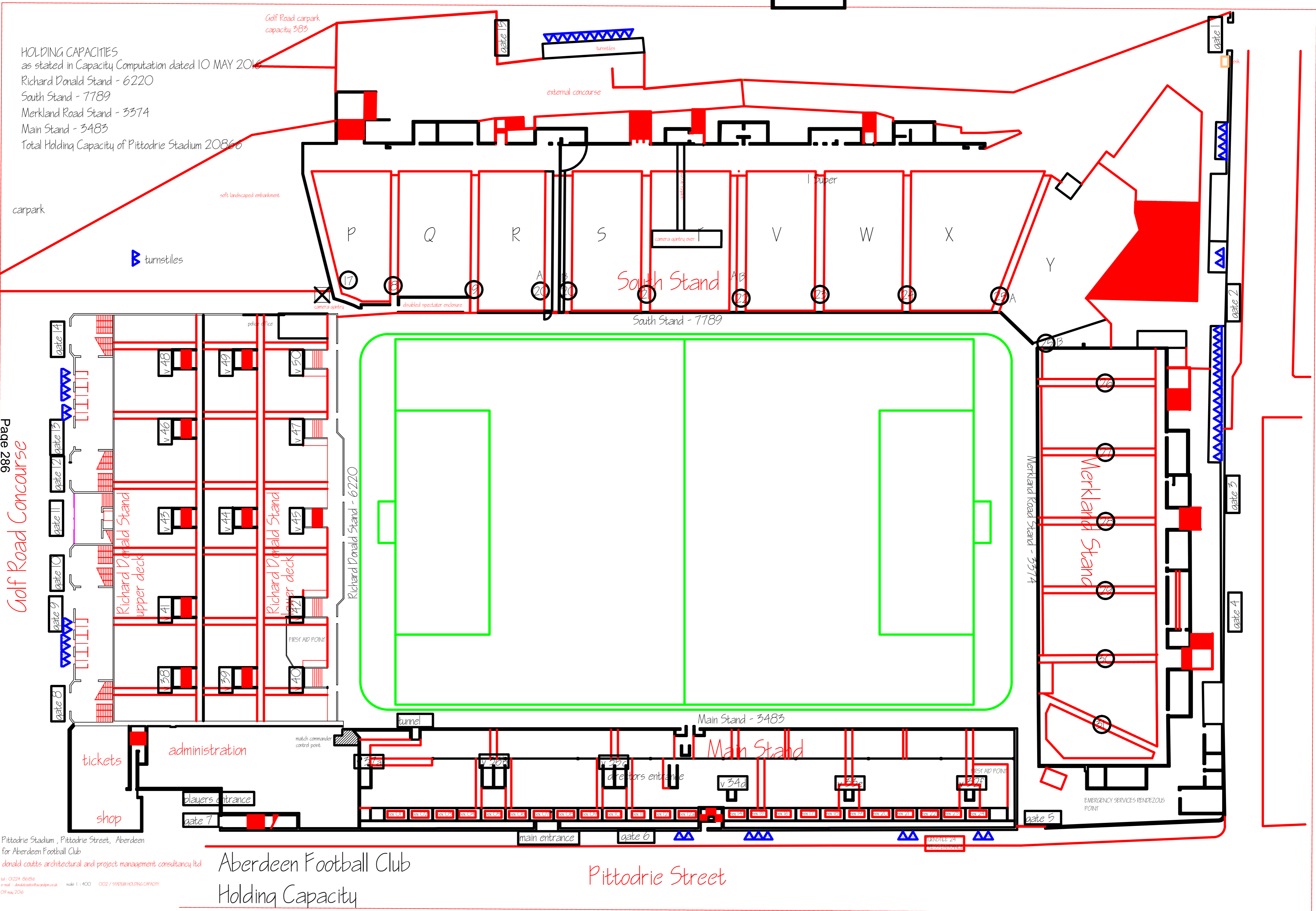
Yours Faithfully



Donald Coutts . Registered Architect

HOLDING CAPACITIES  
 as stated in Capacity Computation dated 10 MAY 2016  
 Richard Donald Stand - 6220  
 South Stand - 7789  
 Merkland Road Stand - 3374  
 Main Stand - 3483  
 Total Holding Capacity of Pittodrie Stadium 20866

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 Golf Road Concourse



Pittodrie Stadium, Pittodrie Street, Aberdeen  
 for Aberdeen Football Club  
 donald cutts architectural and project management consultancy ltd

Aberdeen Football Club  
 Holding Capacity

Pittodrie Street

Pittodrie Street carpark, capacity 420

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 e-mail: dcutts@cutts.com  
 09 MAY 2016