

Public Document Pack



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

Town House,
ABERDEEN 30 January 2017

LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 7 FEBRUARY 2017 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 AND COMMITTEE BUSINESS STATEMENT

- 2.1 Minute of Previous Meeting of 13 December 2016 - for approval (Pages 5 - 22)
- 2.2 Minutes of the Meetings of the Licensing Urgent Business Sub Committee of 22 December 2016, 11 and 26 January 2017 - for approval (Pages 23 - 32)
- 2.3 Committee Business Statement (Pages 33 - 38)

APPLICATIONS FOR LICENCES - INCLUDING LIST OF APPLICATIONS

- 3.1 Grant of a Licence for a House in Multiple Occupation - 56C Walker Road, Aberdeen (Pages 41 - 44)

- 3.2 Renewal of a Licence for a House in Multiple Occupation - 56 Bedford Place, Aberdeen (Pages 45 - 48)
- 3.3 Grant of a Licence for a House in Multiple Occupation - 29C Jute Street, Aberdeen (Pages 49 - 52)
- 3.4 Renewal of a Licence for a House in Multiple Occupation - 152 Clifton Road, Aberdeen (Pages 53 - 62)
- 3.5 Renewal of a Licence for a House in Multiple Occupation - 35 St.Machar Drive, Aberdeen (Pages 63 - 68)
- 3.6 Application for the Renewal of a Street Trader's Licence - Maureen Ross (Pages 69 - 82)
- 3.7 Application for the Renewal of a Taxi Operator's Licence - S Heeps (Pages 83 - 86)
- 3.8 Application for the Grant of a Taxi Driver's Licence - Peter Fraser (Pages 87 - 88)
- 3.9 Application for the Renewal of a Taxi Driver's Licence - Gail Forrest (Pages 89 - 90)

COMMITTEE REPORTS

- 4.1 No reports under this heading

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

- 5.1 Landlord Registration (Pages 93 - 98)
- 5.2 Application for the Grant of a Window Cleaner's Licence (Pages 99 - 102)
- 5.3 Application for the Grant of a Late Hours Catering Licence (Pages 103 - 106)
- 5.4 Application for the Grant of a Skin Piercing and Tattooing Licence (Pages 107 - 110)
- 5.5 Application for the Renewal of a Taxi Driver's Licence (Pages 111 - 112)

- 5.6 Application for the Renewal of a Taxi Driver's Licence (Pages 113 - 114)
- 5.7 Application for the Grant of a Taxi Driver's Licence (Pages 115 - 116)
- 5.8 Application for the Renewal of a Taxi Driver's Licence (Pages 117 - 118)
- 5.9 Application for the Grant of a Taxi Driver's Licence (Pages 119 - 122)
- 5.10 Application for the Grant of a Taxi Driver's Licence (Pages 123 - 126)
- 5.11 Application for the Grant of a Taxi Driver's Licence (Pages 127 - 132)
- 5.12 Application for the Renewal of a Taxi Driver's Licence (Pages 133 - 138)
- 5.13 Application for the Grant of a Private Hire Driver's Licence (Pages 139 - 140)
- 5.14 Application for the Grant of a Private Hire Driver's Licence (Pages 141 - 144)
- 5.15 Application for the Grant of a Private Hire Driver's Licence (Pages 145 - 150)
- 5.16 Application for the Grant of a Private Hire Driver's Licence (Pages 151 - 156)
- 5.17 Application for the Grant of a Private Hire Driver's Licence (Pages 157 - 160)
- 5.18 Application for the Grant of a Private Hire Driver's Licence (Pages 161 - 166)

Website Address: www.aberdeencity.gov.uk

To access the Information Bulletins for this Committee please use the following link:

<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

This page is intentionally left blank

LICENSING COMMITTEE

ABERDEEN, 13 December 2016. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Boulton, Convener; and Councillors Allan, Copland, Crockett (from article 6 of Appendix B onwards), Delaney, Finlayson (as substitute for Councillor Reynolds), Graham, Hutchison, MacGregor, Malik, Malone, Milne (as substitute for Councillor Carle), Nicoll and Townson.

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MIId=3896&Ver=4>

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

REQUEST FOR DEPUTATION

1. The Committee had before it four requests for deputation from Mr Mark Cullen, Mr Chris Douglas, Mr Gavin Johnston and Mr Graeme McColl in relation to item 4.2 (Knowledge Testing for Private Hire Drivers). Mr Graeme McColl also requested a deputation in relation to item 4.3 (Taxi Fare Review). Members noted that the request from Mr McColl was received out with the timescales stated in Standing Order 10(1).

The Committee resolved:-

- (i) to agree to hear the deputations from Mr Cullen, Mr Douglas and Mr Johnston immediately prior to consideration of the reports; and
- (ii) to suspend Standing Order 10(1) and thereby to agree to hear the deputation from Mr McColl, also immediately prior to consideration of the reports.

MINUTE OF PREVIOUS MEETING OF 25 OCTOBER 2016

2. The Committee had before it the minute of its previous meeting of 25 October 2016.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE BUSINESS STATEMENT

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

LICENSING COMMITTEE

13 December 2016

The Committee resolved:-

- (i) in relation to item 2 (Training for Taxi Drivers) and item 3(a) (Private Hire Driver Training), to note that a combined report would be submitted to the Committee meeting on 18 April 2017;
- (ii) in relation to item 3(b) (Street Knowledge Testing for Private Hire Drivers), to remove this item from the statement as the report was contained on the agenda for consideration;
- (iii) in relation to item 5 (Review of Accessible Vehicles Policy), to note that a letter would be issued imminently to the Chief Executive of Dundee City Council and that an update would be provided at its next meeting on 7 February 2017; and
- (iv) in relation to item 6 (Taxi Fare Review), to note that officers were still to explore ways in which any future increase in airport access charges could be mitigated by the Council in a timely manner.

APPLICATION FOR LICENCES

4. 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.

IMMIGRATION ACT 2016 – IMPLICATIONS FOR TAXI AND PRIVATE HIRE CAR DRIVERS – CG/16/154

5. The Committee had before it a report by the Interim Director of Corporate Governance which outlined the implications of the Immigration Act 2016 in relation to the Taxi and Private Hire Car Licensing regime.

The report recommended:-

that the Committee –

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

The Committee resolved:-

to approve the recommendations.

KNOWLEDGE TESTING FOR PRIVATE HIRE DRIVERS - CG/16/153

6. (A) In terms of Standing Order 10(1), the Committee received deputations from:-

LICENSING COMMITTEE

13 December 2016

(1) Mr Mark Cullen who advised (a) that he had undertaken a canvassing exercise of taxi driver opinion in person and also through two social media websites devoted to the trade in the city and it revealed that 100% were in favour of the current knowledge test being applied to all private hire drivers; (b) there were several hundred private hire drivers on the circuit who have not undertaken any formal training or passed the Council's street knowledge test; and (c) that the taxi driver trade universally welcomes this development and supports the recommendations of the report.

The Committee asked a number of questions of Mr Cullen.

(2) The Committee then received a deputation from Mr Chris Douglas who advised (a) that taxi and private hire drivers were two completely different functions within the licensing regime that serve a wide range of functions within the hire and reward industry and if we start to treat them the same, we will start to create significant issues for business, drivers and the public alike; (b) that the present two tier licensing system works very well and is designed to allow an operator to carry out their business safely and legally within a framework that mutually benefits and safeguards both the public and the licence holder; (c) that the root cause of most of the problems that exist within the industry is the fact that the same knowledge test was applied to both taxi and private hire drivers which alienated a huge part of what should now be a very well established and evolved industry in the city but comparatively we are very much behind; (d) that the industry has a shocking reputation with the public, faith in our industry's services is at an all-time low and people are desperate for other options; (e) that there is a need for a full transparent survey into unmet pre-booked demand in the city; and (f) that the way forward is to establish a test and framework that truly works in the city for the people and businesses of Aberdeen and not just for the market leaders who have continually lobbied to create a monopoly in the market place that benefits only them and a minority of drivers.

The Committee asked a number of questions of Mr Douglas.

(3) The Committee then received a deputation from Mr Gavin Johnston who advised (a) that the Committee should defer consideration of imposing the knowledge test for private hire drivers until a proper survey is conducted which will take into consideration the people of Aberdeen and to undertake a consultation with Taxi and Private Hire Operators taking into consideration all modern reasons and technology used; (b) that since the Council abolished the test for private hire drivers, there has been a great improvement in the reliability of service provided to the public and the positive feedback from the people of Aberdeen; (c) that there has been no negative feedback on the service provided or complaints received from the public; (d) that the knowledge test for private hire drivers is no longer needed and the Council must listen to the needs of the public and the people of Aberdeen; (e) that, his company had invested heavily in technology that gives the customer what they want providing quotes to pay up front and also sending a picture of the driver and details of the car so the customer can track the car once it is booked; and (f) if a knowledge test is imposed by the Council, then it should only relate to emergency procedures or places such as hospitals, police stations, rail station, bus station, hotels etc. and be easily accessed by new entrants.

LICENSING COMMITTEE

13 December 2016

The Committee asked a number of questions of Mr Johnston.

(4) The Committee then received a deputation from Mr McColl, Aberdeen Taxi Centre, who advised (a) that there would be difficulties for drivers not tested if technology (SatNav) was to fail; and (b) that if the test is adopted for everyone then there would be a consistency with the service provided by the trade, therefore providing a better experience for customers.

The Committee asked a number of questions of Mr McColl.

(B) The Committee had before it a report by the Interim Director of Corporate Governance which provided information in relation to Section 64 of the Air Weapons and Licensing (Scotland) Act 2015 which came into force on 1 November 2016. The Act gave the Licensing Authority the ability to require applicants for a private hire car licence to take a knowledge test prior to the grant or renewal of the licence and to extend the current knowledge test to private hire drivers.

The report recommended:-

that the Committee –

- (a) approve the introduction of a knowledge test for private hire car drivers applicable to any application lodged on or after 1 November 2016; and
- (b) agree to extend the current knowledge test to private hire drivers.

Councillor Malone, seconded by the Convener moved:-

that the Committee approve recommendation (a) above and instruct officers to review the current street knowledge test for taxi and private hire drivers, consulting with both groups and report back to the Committee at its meeting on 18th April 2017.

Councillor Nicoll, seconded by Councillor Copland moved as an amendment:-

That the Committee (1) defer any decision to introduce a street knowledge test until the review of the current testing regime is reported to the Licensing Committee at its meeting on 18 April 2017; and (2) instruct officers to consult with representatives of the taxi trade and private hire sector to report back to the Committee at its meeting on 18 April 2017.

On a division, there voted:- for the motion (8) – the Convener and Councillors Delaney, Graham, MacGregor, Malik, Malone, Milne and Finlayson; for the amendment (5) – Councillors Allan, Copland, Hutchison, Nicoll and Townson.

The Committee resolved:-

to adopt the motion.

LICENSING COMMITTEE

13 December 2016

MATTER OF URGENCY

The Convener intimated that she had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following item be considered as a matter of urgency as the date for altering the taxi meters to reflect the increase on the Airport charges has been provisionally booked for 23/24 January 2017. If the report is not heard until 07 February 2017 Committee, these dates will have to be changed and re-advertised.

TAXI FARE REVIEW – CG/16/156

7. (A) In terms of Standing Order 10(1), the Committee received a deputation from Mr Graeme McColl who wished to thank officers for the work undertaken for the preparation of the report and its recommendations for the taxi fares which mirrored those calculated by the taxi trade.

(B) With reference to article 9 of the minute of its previous meeting of 25 October 2016, the Committee had before it a report by the Interim Director of Corporate Governance which provided information in relation to the requirement to review and fix scales for fares and any other charges.

The report recommended:-

that the Committee –

- (a) note the content of the report;
- (b) confirm its decision to fix fares at the existing level;
- (c) confirm its decision to fix the surcharge for non-airport zoned taxis dropping passengers at the inner forecourt at £2;
- (d) approve the Tariff Card attached at appendix 1 of the report; and
- (e) agree that the tariff will take effect from 23 January 2017, provided no appeal is lodged with the Traffic Commissioner.

The Committee resolved:-

to approve the recommendations.

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.

LICENSING COMMITTEE
13 December 2016

APPLICATION FOR LICENCES

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

The Committee resolved:

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

- COUNCILLOR MARIE BOULTON, Convener.

LICENSING COMMITTEE
13 December 2016

APPENDIX A

1. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 3/01
Premises – 91 Bedford Road, Aberdeen

The Committee were advised that this application had been granted under delegated powers.

2. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION
Application Reference Number – 3/02
Premises – 4 Devonshire Road, Aberdeen

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

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

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.

3. APPLICATION FOR THE GRANT OF A STREET TRADER'S LICENCE –
CLAIRE SUTHERLAND
Application Reference Number – 3/03
Location – Zones 1, 2 and 5

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application which advised that the applicant had not provided a food safety certificate.

The applicant was not in attendance.

The Committee resolved:-

to refuse the application.

4. APPLICATION FOR THE RENEWAL OF A STREET TRADER'S LICENCE –
GARY ZUCINSKI
Application Reference Number – 3/04
Location – Zones 1 to 8

LICENSING COMMITTEE

13 December 2016

The Committee were advised that this application had been granted under delegated powers.

5. APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE – SEATON COMMUNITY PROJECT AND HUT
Application Reference Number – 3/05

The Committee were advised that this application had been granted under delegated powers.

6. APPLICATION FOR THE RENEWAL OF A STREET TRADER'S LICENCE – ELIZABETH USHER MACDONALD
Application Reference Number – 3/06
Location – Souterhead Road, Altens Industrial Estate

The Committee was advised that the application had been withdrawn.

7. APPLICATION FOR THE RENEWAL OF A PUBLIC ENTERTAINMENT LICENCE – WAREHOUSE HEALTH CLUB
Application Reference Number – 3/07

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

The information note advised that the application had been placed on the agenda as it required to be determined by 7 February 2017, and to date the applicant had not provided a certificate stating that they have complied with the requirement contained in paragraph 2 of Schedule 1 to the Civic Government (Scotland) Act 1982 to display a notice at or near the premises for a period of 21 days beginning with the date on which the application was submitted to the licensing authority.

The applicant was not in attendance.

The Committee resolved:-

to defer consideration of the application to enable the applicant to provide a certificate stating that the applicant has complied with the requirement contained in paragraph 2 of Schedule 1 to the Civic Government (Scotland) Act 1982 to display a notice at or near the premises for a period of 21 days, after which time the head of Legal and Democratic Services could grant the application under delegated powers.

LICENSING COMMITTEE

13 December 2016

8. REQUEST FOR REVOCATION OF A LATE HOURS CATERING LICENCE – 3-5 Rose Street, Aberdeen
Application Reference Number – 3/08

The Committee had before it correspondence from the applicants agent in relation to the revocation of a Late Hours Catering Licence to allow a new application to be submitted and processed.

The Committee heard from the applicant's agent Jennifer Hunter in support of the request.

The Committee resolved:-

to defer consideration of the application to the Licensing Urgent Business Sub Committee for further information to be received and to invite the current licence holder to the meeting.

MATTER OF URGENCY

The Convener intimated that she had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following items be considered as a matter of urgency as the applications relating to previous licences were not renewed in error by the licence holder.

9. REQUEST FOR EXEMPTION TO WHEELCHAIR ACCESSIBLE VEHICLE POLICY – ALEXANDER INGRAM (T260)
Application Reference Number – 3/09

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application which advised (a) that the licence in question had expired on 31 May 2016 and was not renewed in error by the licence holder; (b) that a Grant of a Taxi Licence was submitted in December 2016 for the same applicant and vehicle; (c) that the Licence related to a saloon car and the current policy is that all new Grant applications must relate to an accessible vehicle; and (d) that the applicant is requesting that he be permitted to use the previously licensed saloon car in relation to this application.

The applicant was not in attendance.

The Committee resolved:-

to approve the request by the applicant to retain his previously licensed saloon car until 6 June 2018.

10. REQUEST FOR EXEMPTION TO WHEELCHAIR ACCESSIBLE VEHICLE POLICY – ARTHUR MILNE (T469)

LICENSING COMMITTEE
13 December 2016

Application Reference Number – 3/10

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application which advised (a) that the licence in question had expired on 31 May 2016 and was not renewed in error by the licence holder; (b) that a Grant of a Taxi Licence was submitted in December 2016 for the same applicant and vehicle; (c) that the Licence related to a saloon car and the current policy is that all new Grant applications must relate to an accessible vehicle; and (d) that the applicant is requesting that he be permitted to use the previously licensed saloon car in relation to this application.

The Committee heard the applicant speak in support of his request.

The Committee resolved:-

to approve the request by the applicant to retain his previously licensed saloon car until 6 June 2018.

11. REQUEST FOR EXEMPTION TO WHEELCHAIR ACCESSIBLE VEHICLE POLICY – DOUGLAS ROBERTSON (T725)
Application Reference Number – 3/11

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application which advised (a) that the licence in question had expired on 31 May 2016 and was not renewed in error by the licence holder; (b) that a Grant of a Taxi Licence was submitted in December 2016 for the same applicant and vehicle; (c) that the Licence related to a saloon car and the current policy is that all new Grant applications must relate to an accessible vehicle; and (d) that the applicant is requesting that he be permitted to use the previously licensed saloon car in relation to this application.

The Committee heard the applicant's agent Fiona Mitchell speak in support of his request.

The Committee resolved:-

to approve the request by the applicant to retain his previously licensed saloon car until 6 June 2018.

12. REQUEST FOR EXEMPTION TO WHEELCHAIR ACCESSIBLE VEHICLE POLICY – GORDON JAMES BURKE (T257)
Application Reference Number – 3/12

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application which advised (a) that the licence in question had expired on 31 May 2016 and was not renewed in error by the licence holder; (b) that a Grant of a Taxi Licence was submitted in December

LICENSING COMMITTEE

13 December 2016

2016 for the same applicant and vehicle; (c) that the Licence related to a saloon car and the current policy is that all new Grant applications must relate to an accessible vehicle; and (d) that the applicant is requesting that he be permitted to use the previously licensed saloon car in relation to this application.

The Committee heard the applicant's agent Fiona Mitchell speak in support of his request.

The Committee resolved:-

to approve the request by the applicant to retain his previously licensed saloon car until 6 June 2018.

13. REQUEST FOR EXEMPTION TO WHEELCHAIR ACCESSIBLE VEHICLE POLICY – WILLIAM BENZIE CRAWFORD (T284)**Application Reference Number – 3/12**

The Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application which advised (a) that the licence in question had expired on 31 May 2016 and was not renewed in error by the licence holder; (b) that a Grant of a Taxi Licence was submitted in December 2016 for the same applicant and vehicle; (c) that the Licence related to a saloon car and the current policy is that all new Grant applications must relate to an accessible vehicle; and (d) that the applicant is requesting that he be permitted to use the previously licensed saloon car in relation to this application.

The applicant was not in attendance.

The Committee resolved:-

to approve the request by the applicant to retain his previously licensed saloon car until 6 June 2018.

LICENSING COMMITTEE
13 December 2016

APPENDIX B

1. LANDLORD REGISTRATION
Application Reference Number - 5/01

The Committee had before it (1) a report by the Private Sector Housing Manager; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 1 November 2016 and Sergeant Flett was in attendance to speak in support of the letter.

The applicant was not in attendance, however he was represented by his Mother, who spoke in support of the application. The Committee asked questions of the applicant's representative.

The Committee resolved:

to approve the Landlord Registration application.

2. LANDLORD REGISTRATION
Application Reference Number - 5/02

The Committee had before it (1) a report by the Private Sector Housing Manager; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 14 November 2016 and Sergeant Flett was in attendance to speak in support of the letter.

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

The Committee resolved:

to approve the Landlord Registration application.

3. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE
Application Reference Number - 5/03

The Committee had before it (1) an information note prepared by the Head of Legal and Democratic Services in respect of the application; and (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 10 November 2016 and Sergeant Flett was in attendance to speak in support of the letter.

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

The Committee resolved:

LICENSING COMMITTEE

13 December 2016

- (i) to refuse the application; and
- (ii) that officers advise the applicant to submit a new application when there is a change in the applicant's status.

4. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE

Application Reference Number - 5/04

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

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

The Committee resolved:-

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub Committee, to provide the applicant with an opportunity to submit information on whether he has a right to work in the UK.

5. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE

Application Reference Number - 5/05

The Committee had before it (1) an information note prepared by the Head of Legal and Democratic Services in respect of the application; (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 22 November 2016 and Sergeant Flett was in attendance to speak in support of the letter; and (3) correspondence from the applicant's agent which had attached, three marriage references and three character references in support of the applicant.

The Committee heard the applicant's agent Kevin Anderson speak in support of the application.

The Committee resolved:-

to refuse the application.

6. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE

Application Reference Number - 5/06

The Committee had before it (1) an information note prepared by the Head of Legal and Democratic Services in respect of the application; (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 14 November 2016 and Sergeant Flett was in attendance to speak in support of the letter

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

LICENSING COMMITTEE
13 December 2016

The Committee resolved:-
to grant the application.

7. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE
Application Reference Number - 5/07

The Committee had before it (1) an information note prepared by the Head of Legal and Democratic Services in respect of the application; (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 17 October 2016 and Sergeant Flett was in attendance to speak in support of the letter

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

The Committee resolved:-
to grant the application.

8. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE
Application Reference Number - 5/08

The Committee had before it (1) an information note prepared by the Head of Legal and Democratic Services in respect of the application; (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 3 November 2016 and Sergeant Flett was in attendance to speak in support of the letter.

The applicant was not in attendance.

The Committee resolved:-
to defer consideration of the application to the next meeting of the Committee on 7 February 2017, to provide the applicant with another opportunity to be present.

9. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE
Application Reference Number - 5/09

The Committee had before it (1) an information note prepared by the Head of Legal and Democratic Services in respect of the application; (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 23 November 2016 and Sergeant Flett was in attendance to speak in support of the letter.

LICENSING COMMITTEE

13 December 2016

The Committee heard the applicant's agent Fiona Mitchell speak in support of application.

The Committee resolved:-

to grant the application.

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

Application Reference Number - 5/10

The Committee had before it (1) an information note prepared by the Head of Legal and Democratic Services in respect of the application; (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 25 November 2016 and Sergeant Flett was in attendance to speak in support of the letter.

The Committee heard the applicant's agent Fiona Mitchell speak in support of application.

The Committee resolved:-

to grant the application.

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

Application Reference Number - 5/11

The Committee had before it (1) an information note prepared by the Head of Legal and Democratic Services in respect of the application; (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 25 November 2016 and Sergeant Flett was in attendance to speak in support of the letter.

The applicant was not in attendance.

The Committee resolved:-

to defer the application until the next meeting of the Committee on 7 February 2017, to provide the applicant with another opportunity to be present.

12. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

Application Reference Number - 5/12

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

LICENSING COMMITTEE
13 December 2016

The applicant was in attendance.

The Committee resolved:-

to defer consideration of the application to the next meeting of the Committee on 7 February 2017, to provide the applicant with an opportunity to submit a report from the Occupational Health Assistant.

13. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 5/13

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

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

The Committee resolved:-

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub Committee, to provide the applicant with an opportunity to submit a report from the Occupational Health Assistant.

14. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 5/14

The Committee were advised that this application had been granted under delegated powers.

15. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference Number - 5/15

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

The applicant was in attendance.

The Committee resolved:-

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub Committee, to provide the applicant with an opportunity to submit a report from the Occupational Health Assistant.

LICENSING COMMITTEE

This page is intentionally left blank

LICENSING URGENT BUSINESS SUB COMMITTEE

ABERDEEN, 22 December 2016. Minute of meeting of the LICENSING URGENT BUSINESS SUB COMMITTEE. Present: Councillor Boulton, Convener; and Councillors Crockett, Nicoll and Townson.

The agenda and reports associated with this minute can be found at:

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=502&MId=5552&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 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.

IMPLEMENTATION OF STREET KNOWLEDGE TESTING FOR PRIVATE HIRE DRIVERS

2. With reference to article 6 of the minute of meeting of the Licensing Committee of 13 December 2016, the Sub Committee had before it a report by the Interim Director of Corporate Governance which sought agreement to amend the date from which the requirement for knowledge testing for private hire drivers should be applied to applications for the grant and renewal of private hire driver licences.

The report recommended:

That the Sub Committee -

- (a) Suspend Standing Orders in order to amend the implementation date of knowledge testing for private hire drivers agreed at item 4.2 of the Licensing Committee meeting of 13 December 2016; and
- (b) Approve an amended implementation date for the application of the knowledge test for private hire car drivers to any new application lodged on or after 2 January 2017 and to any renewal applications falling due on or after 2 January 2017, and received after 1 January 2017 where the applicant has not already passed the knowledge test.

LICENSING URGENT BUSINESS SUB COMMITTEE
22 December 2016

Members asked various questions in relation to the change in implementation date and the impact it would have on applicants.

The Sub Committee resolved:-

- (i) to suspend Standing Order 22(2) to revoke the decision made by the Licensing Committee on 13 December 2016 to approve the Introduction of a knowledge test for private hire car drivers applicable to any application lodged on or after 1 November 2016; and
- (ii) to approve an amended implementation date for the application of the knowledge test for private hire car drivers to any new application lodged after 5pm on 23 December 2016 and to any renewal application received after 5pm on 23 December 2016 where the applicant has not already passed the knowledge test.

- **MARIE BOULTON, Convener**

LICENSING URGENT BUSINESS SUB COMMITTEE

This page is intentionally left blank

LICENSING URGENT BUSINESS SUB COMMITTEE

ABERDEEN, 11 January 2017. Minute of Meeting of the LICENSING URGENT BUSINESS SUB COMMITTEE. Present:- Councillor Boulton, Convener; and Councillors Corall (as a substitute for Councillor Nicoll), Crockett and Townson.

The agenda and reports associated with this minute can be found at:

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=502&MIId=5555&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.

REQUEST FOR THE REVOCATION OF A LATE HOURS CATERING LICENCE – 3-5 ROSE STREET, ABERDEEN

2. The Sub Committee had before it a request by the owners of 3-5 Rose Street, Aberdeen for the revocation of a late hours catering licence at these premises.

The property owner was represented by Mr Tony Dawson, J and G Collie LLP, Solicitors and Estate Agents, who was accompanied by the owner's daughter Ms Iridag.

The licence holder was not in attendance.

The Sub Committee heard from the owner's representative, Mr Tony Dawson, in support of the request. The Sub Committee asked questions of Mr Dawson.

The Sub Committee resolved:-

to revoke the current late hours catering licence for 3-5 Rose Street, Aberdeen on the grounds that the licence holder was no longer a fit and proper person to hold the licence.

LICENSING URGENT BUSINESS SUB COMMITTEE

11 January 2017

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

APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

3. With reference to article 13 or appendix B of the minute of the Licensing Committee meeting of 13 December 2016, the Sub Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the application which advised that a report from the Council's occupational health provider (OH Assist) was still awaited.

The applicant was present.

The Sub Committee resolved:

to defer consideration of the application to allow a report from OH Assist to be received 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 a further meeting of the Licensing Urgent Business Sub Committee prior to 28 January 2017.

APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

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

- COUNCILLOR MARIE BOULTON, Convener

LICENSING URGENT BUSINESS SUB COMMITTEE

This page is intentionally left blank

LICENSING URGENT BUSINESS SUB COMMITTEE

ABERDEEN, 26 January 2017. Minute of Meeting of the LICENSING URGENT BUSINESS SUB COMMITTEE. Present:- Councillor Boulton, Convener; and Councillors Carle, 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&MIId=5582&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 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 ITEMS.

APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

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

APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE

3. 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) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 3 August 2016, and Sergeant Flett was in attendance and spoke in support of the letter of representation.

The applicant was not in attendance.

The Sub Committee resolved:

to grant the application.

- COUNCILLOR

MARIE

BOULTON,

Convener

LICENSING URGENT BUSINESS SUB COMMITTEE

LICENSING

COMMITTEE BUSINESS

7 FEBRUARY 2017

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.

Page 33	<u>Minute Reference</u>	<u>Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
1.	Licensing Committee 27.01.15 (Article 6)	<u>Survey On Unmet Taxi Demand – Collation Of Data And Consultation With Trade</u> At its meeting on 17 March 2015, the Committee agreed to instruct the Head of Legal and Democratic Services to report to the Licensing Committee in early 2016 with an analysis of taxi marshal data over a twelve month period in accordance with the terms of the report.	A verbal update was received at its meeting on 23 August 2016 and the Committee agreed that a report be submitted in six months' time.	Head of Legal and Democratic Services	18.4.17

Agenda Item 2.3

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

4.	Licensing Committee 08.03.16 (article 3 appendix A)	<p><u>Age Policy For Private Hire And Taxi Vehicles</u></p> <p>The Committee resolved to request officers to review the age policy for private hire and taxi vehicles and submit a report on this matter to a future meeting of the Committee.</p>	<p>A report was on the agenda for the Licensing Committee meeting on 6 April at which time it was agreed to refer the report simpliciter to full Council. The report will be considered by full Council on 11 May 2016.</p> <p>Council on 11 May resolved, amongst other things, to instruct the Head of Legal and Democratic Services to review the policy on Age of Vehicles following the implementation of the accessible vehicle policy on 6 June 2018 and report back to the Licensing Committee with recommendations as appropriate twelve months after the accessible vehicle policy has been implemented.</p>	Head of Legal and Democratic Services	June 2019
5.	Council 11.05.16	<p><u>Review of Accessible Vehicles Policy</u></p> <p>Council on 11 May resolved, amongst other things:</p> <p>(i) to instruct the Head of Legal and Democratic Services to write to the UK Transport Minister in order to seek further clarity on any proposed implementation date for the remaining provisions of part 12 of the Equality Act 2010; and</p> <p>(ii) to instruct the Head of Legal and Democratic Services to write to the Chief Executive of Dundee City Council seeking clarity in and around their mixed fleet policy and report back to the Licensing Committee with their response.</p>	<p>At its meeting on 25 October 2016, the Committee requested the Licensing Team Leader to follow up the letter to the Chief Executive of Dundee City Council seeking clarity in and around their mixed fleet policy and report to the next meeting of the Committee in this regard.</p> <p>At its meeting on 13 December 2016 the Committee noted that a letter would be issued imminently to the Chief Executive of Dundee City Council and that an update would be provided at its next meeting on 7 February 2017.</p>	Head of Legal and Democratic Services	Dependent on response being received from the Chief Executive of Dundee City Council

<p>6. Licensing Committee 25.10.16 articles and 9</p>	<p>5</p>	<p><u>Taxi Fare Review</u></p> <p>The Committee resolved to:</p> <ul style="list-style-type: none"> (i) request the Licensing Team Leader, as part of the current taxi fare review, to explore ways in which any future increase in airport access charges could be mitigated by the Council in a timely manner; (ii) instruct the Licensing Team Leader to undertake a review of the existing taxi fare formula, including surcharges, following the completion of the current taxi fare review; (iii) to instruct officers to meet with trade representatives to explore the restructure of tariff charges and report back to the Committee thereafter; (iv) to instruct the Head of Legal and Democratic Services to undertake a review of the taxi fare formula and report back to the Committee the findings; and (v) to note that discussions with Aberdeen International Airport regarding the recent increased fee for non airport taxis dropping passengers off at the airport concourse were ongoing and to request that the Committee be updated on these discussions as appropriate. 	<p>At its meeting on 13 December, the Committee noted that officers were still to explore ways in which any future increase in airport access charges could be mitigated by the Council in a timely manner.</p>	<p>Head of Legal and Democratic Services</p>	<p>13.12.16</p> <p>13.6.17</p> <p>13.6.17</p> <p>13.6.17</p> <p>13.6.17</p>
---	----------	---	---	--	---

7.	Licensing Committee 25.10.16 article 5	<u>Taxi Ranks</u> The Committee resolved to instruct the Licensing Team Leader to undertake a full review of taxi rank provision and location within the city, in consultation with the Roads Infrastructure Manager and all appropriate parties, to identify where suitable additional taxi ranks could be provided if appropriate and to report back on the outcome of the review to a future meeting of the Committee for consideration of the findings.		Head of Legal and Democratic Services	13.6.17
8.	Licensing Committee 13.12.16 article 6	<u>Knowledge Testing for Private Hire Drivers</u> The Committee resolved to instruct officers to review the current street knowledge test for taxi and private hire drivers, consulting with both groups and report back to the Committee at its meeting on 18 April 2017.		Head of Legal and Democratic Services	18.4.17

This page is intentionally left blank

**LICENSING COMMITTEE
07 FEBRUARY 2017
LIST OF APPLICATIONS**

	Application Type	Name and Address of Applicant(s)	Premises, Vehicle or Area to which Application Refers	Objections or Representations Received From	Date by which Application to be Determine (If Applicable)	Pages
1.	HMO Application (Grant)	Linda E.D.Kreft	56C Walker Road, Aberdeen	C, H & I	17 February 2017	41 - 44
2.	HMO Application (Renewal)	Niall M.Reid	56 Bedford Place, Aberdeen	C, H & I	21 February 2017	45 - 48
3.	HMO Application (Grant)	Saud Aslam	29C Jute Street, Aberdeen	C, H & I	15 March 2017	49 - 52
4.	HMO Application (Renewal)	Sheena Morris + Lynn Wood	152 Clifton Road, Aberdeen	1 Objection	10 November 2017	53 - 62
5.	HMO Application (Renewal)	Jane Frith & Beth Frith + Contempo Property Aberdeen	35 St.Machar Drive, Aberdeen	1 Objection	27 November 2017	63 - 68
6.	Street Trader (Renewal)	Maureen Ross	Exploration Drive, East Side 25m North of Claymore Drive.		21 June 2017	69 - 82
7.	Taxi Operator (Renewal) A126	S Heeps	SF61 GPU	LD	28 February 2017	83 - 86
8.	Taxi Driver (Grant)	Peter Fraser	N/A	LD	6 March 2017	87 - 88
9.	Taxi Driver (Renewal) 0136	Gail Forrest	N/A	LD	24 April 2017	89 - 90

ABREVIATIONS:

LD Legal and Democratic Services
CH&I Communities, Housing and Infrastructure

This page is intentionally left blank



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	allyt@aberdeencity.gov.uk	Date	26 January 2017
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.56C Walker Road, Aberdeen

Applicant/s: Linda E.D.Kreft

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 7 February 2017 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 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 18 February 2016.

HMO upgrading works and certification:

The HMO Officer carried out a joint initial inspection of the property with an Officer from Scottish Fire & Rescue Service on 29 February 2016, 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 property.
4. Carbon Monoxide detectors to be installed in every room containing a gas appliance.
5. All portable heaters to be permanently removed from the property.
6. 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.
7. 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.
8. All self-closing doors must be adjusted to ensure that they fully close against their door-stops.
9. All windows to be adjusted to ensure that they open and close properly.
10. The kitchen worktop to be sealed where it adjoins the tiled walls.
11. The general housekeeping must be improved.
12. A chest of drawers must be installed each letting bedroom.
13. The bathroom to be upgraded as discussed with the HMO Officer.
14. 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 only item outstanding is the submission of the PAT certificate.

Scottish Fire & Rescue Service (SFRS):

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

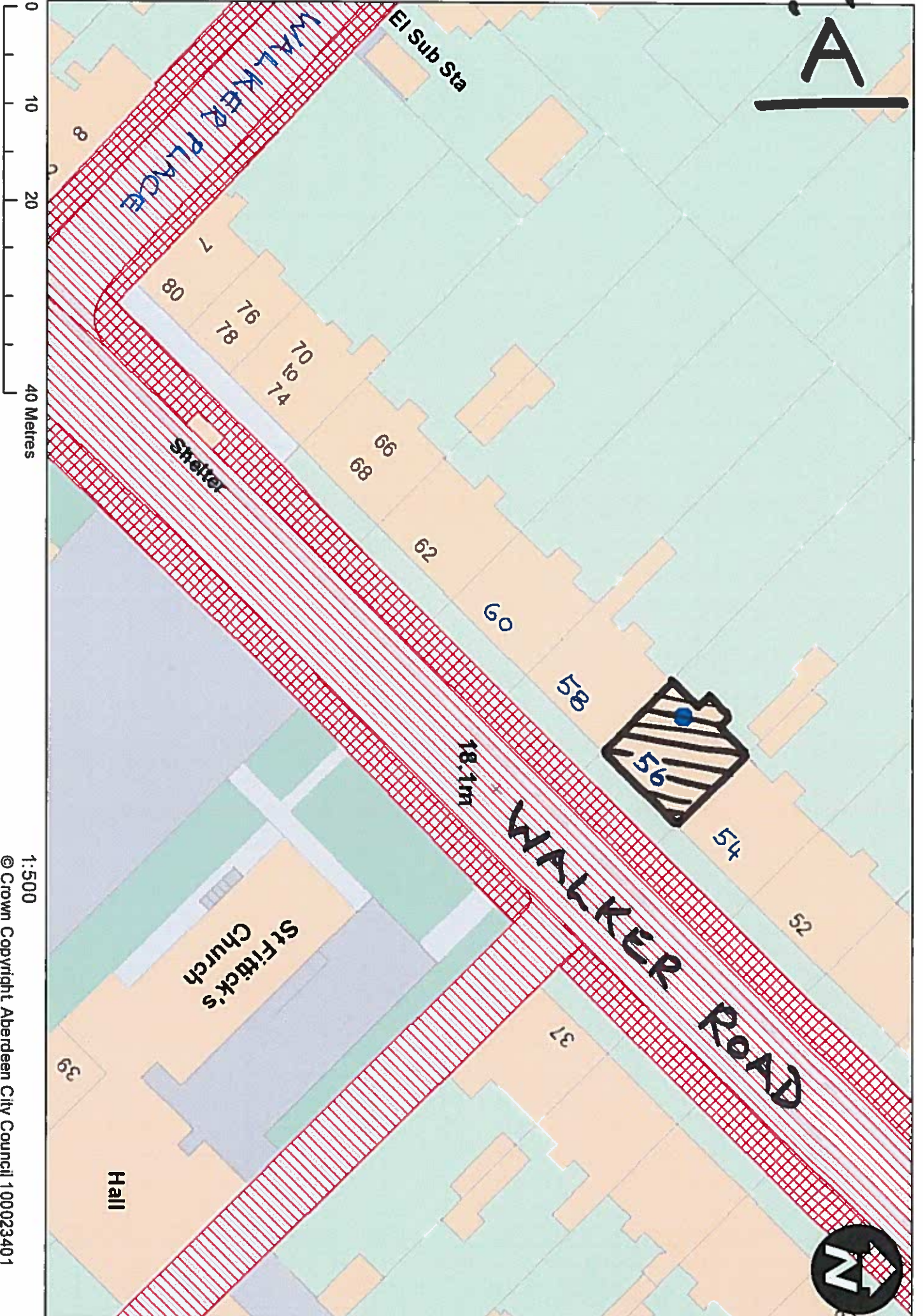
Other considerations:

- 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.56C Walker Road, Aberdeen.

- The applicant is currently registered with the Landlord Registration database, but has not registered No.56C Walker Road, Aberdeen. It will be necessary for her to register the property before letting it..
- The applicant has requested an occupancy of 3 tenants which is acceptable to the HMO Unit in terms of space and layout.
- The HMO licence application under consideration is a 'first-time' application.
- The meeting of the Licensing Committee on 7 February 2017 is the last meeting before the one-year deadline therefore if the above-mentioned PAT certificate has not been submitted by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 7 February 2017. I will advise the Committee of the up-to-date position at the meeting.

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
© Crown Copyright Aberdeen City Council 100023401



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	allyt@aberdeencity.gov.uk	Date	26 January 2017
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.56 Bedford Place, Aberdeen

Applicant/s: Niall M.Reid

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 7 February 2017 for the reason that the HMO upgrading work 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 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 22 February 2016.

HMO upgrading works and certification:

The HMO Officer carried out an initial inspection of the property on 17 March 2016, then he wrote to the applicant listing the following requirements to bring the property up to the current HMO standard:-

1. All portable heaters to be permanently removed from the property..
2. All self-closing doors must be adjusted to ensure that they fully close against their door-stops.
3. All windows to be adjusted to ensure that they open and close properly.
4. The area of damp/mould growth around the rear exit to be treated with anti-fungicidal paint, then redecorated.
5. The Notice of HMO Application to be redisplayed.
6. The Certificate of Compliance, Gas Safe Certificate & PAT certificate to be submitted to the HMO Unit.

At the date of this report, the final inspection of the property has not been carried out although it has been scheduled.

Scottish Fire & Rescue Service (SFRS):

At the date of this report, SFRS have yet to confirm that they are satisfied with the fire safety arrangements within the property, however an SFRS Officer will attend the above-mentioned final inspection of the property.

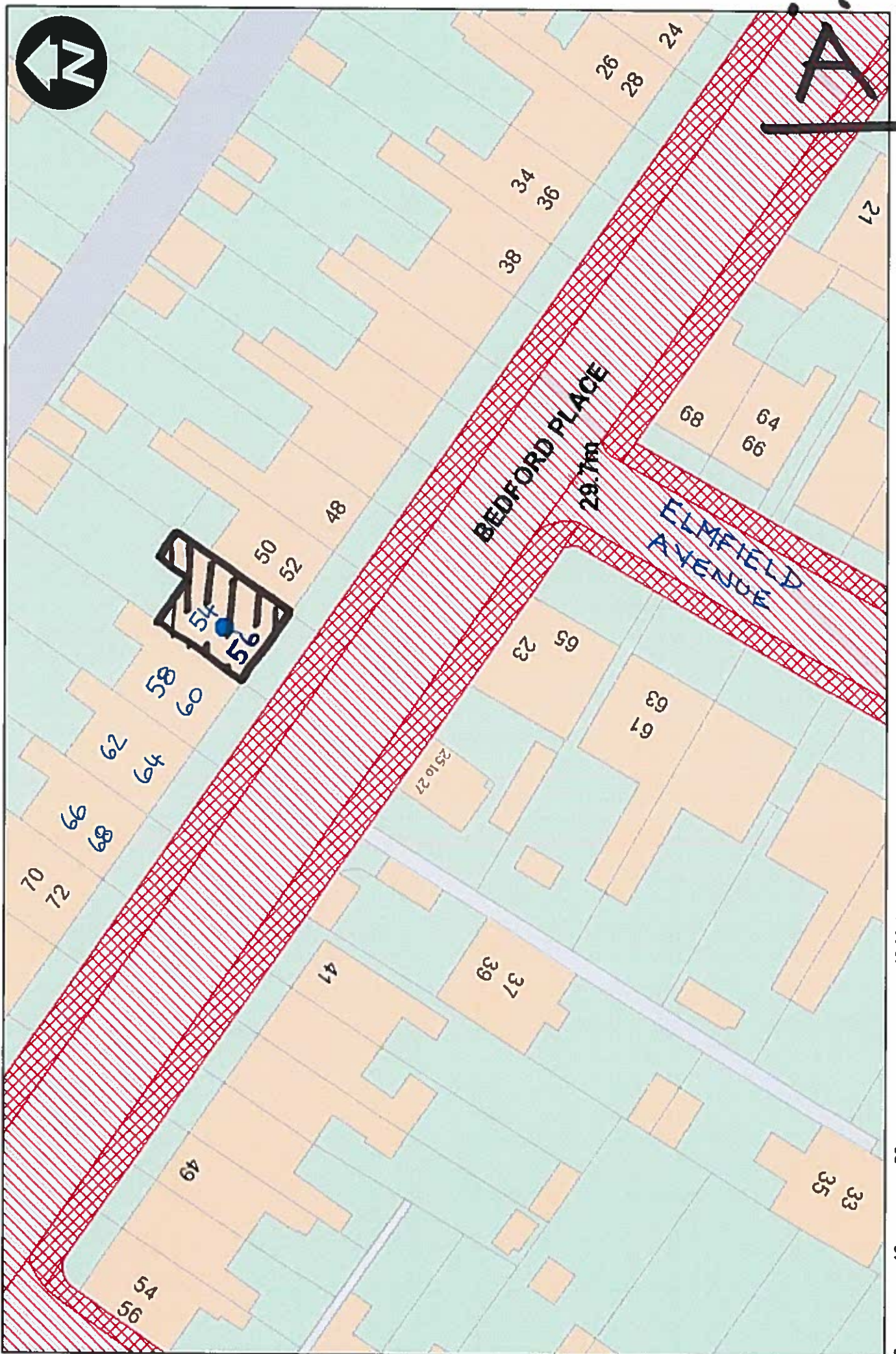
Other considerations:

- 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.56 Bedford Place, Aberdeen.
- The applicant and his 4 rental properties, including No.56 Bedford Place, Aberdeen, are currently 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 to renew an existing HMO licence.

- The meeting of the Licensing Committee on 7 February 2017, is the last meeting before the one-year deadline therefore if the above-mentioned HMO & SFRS 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 7 February 2017. I will advise the Committee whether or not all 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
 © Crown Copyright. Aberdeen City Council 100023401



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	allyt@aberdeencity.gov.uk	Date	26 January 2017
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.29C Jute Street, Aberdeen

Applicant/s: Saud Aslam

Agent: Contempo Property

I refer to the above HMO licence application, which is due to be considered by the Licensing Committee at its meeting on 7 February 2017 for the reason that the HMO upgrading work 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 3 letting bedrooms, one kitchen/diner & 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 16 March 2016.

HMO upgrading works and certification:

The HMO Officer carried out a joint initial inspection of the property with an Officer from Scottish Fire & Rescue Service on 28 April 2016, 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 property.
4. 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.
5. 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.
6. All self-closing doors must be adjusted to ensure that they fully close against their door-stops.
7. All windows to be adjusted to ensure that they open and close properly.
8. All rooms must be fitted with fixed controllable space heating appliances.
9. All strip lights to be fitted with diffuser covers.
10. A fresh Notice of HMO Application to be displayed for a statutory 21-day period.
11. The Certificate of Compliance, 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, several of the above works & certification requirements have yet to be completed.

Scottish Fire & Rescue Service (SFRS):

SFRS have 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 corroborated complaints of anti-social behaviour at No.29C Jute 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 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 7 February 2017 is the last meeting before the one-year deadline therefore if the above-mentioned HMO & SFRS 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 7 February 2017. I will advise the Committee whether or not all 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



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	allyt@aberdeencity.gov.uk	Date	26 January 2017
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.152 Clifton Road, Aberdeen

Applicant/s: Sheena Morris

Agent: Lynn Wood

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 7 February 2017 for the reason that one letter of representation was received by the HMO Unit.

I can advise you as follows:

The HMO legislation

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

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

The premises:

The property at No.152 Clifton Road, Aberdeen, is a two-storey mid-terraced 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 11 November 2016 and was received by the HMO Unit on 11 November 2016.

Certificate of Compliance – Notice of HMO Application:

The Certificate of Compliance submitted by the agent declares that the public Notice of HMO Application was on display outside the property for the statutory 21-day period between 23 November 2016 – 16 December 2016.

Letters of representation:

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

Letter from licence-applicant:

The licence-applicant was provided with copy of the letter of representation, and her agent submitted a written response, which 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 corroborated anti-social behaviour at No.152 Clifton Road, Aberdeen.
- At the date of this report, the applicant, her agent and her property are registered with Landlord Registration.
- 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 to renew an existing HMO licence. The applicant was first granted an HMO licence for the property in 2007.
- The plan attached to Appendix 'A' shows the location of the HMO-licensed properties in the immediate area.
- All HMO upgrading work has been satisfactorily completed. Accordingly, if the Committee is minded to grant the HMO licence, it may do so at the meeting on 7 February 2017.

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

Mr Derek Gibson

B

12/12/16

We write to you to object to the application made regarding a licence for an HMO at 152 Clifton Road, Aberdeen, AB24 4RB .

We were not the owners of _____ at the time of previous application so this is the first time we have been in a position to do so, over the past 3 years since we bought our house there have been several tenants with various issues which has caused a lot of stress and unhappiness to my wife and myself which is unacceptable and not helped by a landlord who we cannot bring issues to based on previous experience when she just wanted to defend or make excuses for the tenants at the time instead of dealing with issues raised also who leaves all garden maintenance until overgrown instead of on a regular basis which results in the front mutual hedge for example being overgrown on 152s side and leaving our maintained side look very untidy. Apart from this we have had numerous noise issues, issues regarding household waste overflowing from wheelie bins or left at side of bins due to no room left in bins therefore health hazard , used condom and cigarette butts found in our rear garden , parties going on in antisocial hours , cars parking across our driveway, also when front hedge does get cut cuttings end up over our garden and we land up clearing them up.

We bought this house as a place that we could enjoy and see our days out in without having to move again however has not worked out as we had hoped due to issues stated above which I find unacceptable given the fact that we paid a lot of money for our house yet currently have to live next to a property that we don't know what kind of tenants we will be living next to as various ones come and go with no respect for their neighbours since they are only renting property for a short period in their lives .

I look forward to hearing back from you regarding this application and our very strong objection to the continuation of this HMO and the issues that comes with it that have caused continual stress and unhappiness to my wife and myself.

Regards

Derek Gibson



Community Housing & Infrastructure
Private Sector Housing unit
Aberdeen City Council
Business Hub 1
Lower Ground Floor West
Marischal College
Aberdeen
AB10 1AB

Aberdeen City Council
Housing & Environment
DATE RECEIVED 11 JAN 2017
Private Sector Housing Unit

9th January 2017

Dear Mr Thain,

Thank you for your letter dated 20 December 2016.

With reference to the objections that has been made in writing dated 12/12/2016, I would like to make the following comments/observations.

During my time managing this property there has been three concerns raised by the objector's partner

1/ During tenancy; 01 July 2013 – 30 June 2014:- Noise slamming doors and recycling at the front door.

2/ During tenancy; 14 July 2014 – 13 July 2015:- Noise people arriving and leaving, a party was being held.

3/ During Tenancy; 01 August 2015 to present (currently expires 31 July 2017):- Report of wheelie bins overflowing and rubbish lying around garden, see photographic evidence attached which was sent to the HMO department at the time showing offending bag of rubbish and the condition of the front garden. Attended and removed the offending bag.

Both were responded to within 24 hours, a full investigation was carried out including contact with the other neighbours, the concerns were addressed and noted with the tenants and the complainant.

- Measures taken regarding the recycling, if there is recycling tenants are now instructed not to leave out side in between collections.
- A second wheelie bin was purchased and put in place
- If there is any excess rubbish tenants know that they have to dispose by themselves at the local recycling centre or to call me to collect if they have no means of getting there.

- Aberdeen City Council literature of Anti-Social Behaviour was provided for information to tenants on both occasions and one remains within the property, with a short brief of "Being Conscious of Neighbour"

There is a gardener instructed David Vass, who attends to garden maintenance on a regular basis between the months of Mar – Oct. Attends approx. every 4 weeks weather dependant. There is two boundary hedges to the front, one hedge to the rear and a boundary fence. There is gravel chips to the front drive and paving stones to the rear there is no grass.

I am not aware of any instances of tenants parking across the driveways.

I am not aware of any hedge cuttings being left behind.

I am not aware of any cigarette butts or condoms being in the landlords garden and neighbouring properties.

When seeking tenants, applications forms are completed, references sought and when necessary guarantors. This is to ensure that appropriate tenants are found.

Sheena Morris is currently residing in Abu Dubai and will be returning home to the UK in March 2017. I am the currently the appointed contact/agent for Sheena's property. Neighbours and other agents are aware that I am currently the first point of contact and I have made my mobile number and email address readily available. I also note that Sheena is contactable on email and telephone, subject to time differences.

To my knowledge and the landlords knowledge there has been no previous concerns/complaints during the HMO licences that have been held in this property prior to July 2013.

I shall be attending on the 7th February 2017 to the Licencing Committee meeting.

I also enclose the certificate of compliance for your records.

Kind Regards,

Lynn Wood

SWES Ashgrove

From: Lynn Wood <>
Sent: 10 January 2017 13:22
To:
Subject: Fwd: 152 Clifton road

Sent from my iPhone

Begin forwarded message:

From: Lynn Wood
Date: 26 April 2016 at 11:38:15 BST
To: dyeats@aberdeencity.gov.uk
Subject: 152 Clifton road

Photos for your records









Sent from my iPhone



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	allyt@aberdeencity.gov.uk	Date	26 January 2017
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.35 St.Machar Drive, Aberdeen

Applicant/s: Jane Frith & Beth Frith

Agent: Contempo Property Aberdeen

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 7 February 2017 for the reason that one written 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)

The premises:

The property at No.35 St.Machar Drive, Aberdeen, is a semi-detached house providing accommodation of four letting bedrooms, one kitchen & two bathrooms. The plan attached as Appendix 'A' shows the position of the premises.

The HMO licence application:

The HMO licence application is dated 22 November 2016 and was received by the HMO Unit on 28 November 2016.

Certificate of Compliance – Notice of HMO Application:

The Certificate of Compliance submitted by the agent declares that the public Notice of HMO Application was on display outside the property for the statutory 21-day period between 12 December 2016 – 2 January 2017.

Letters of representation:

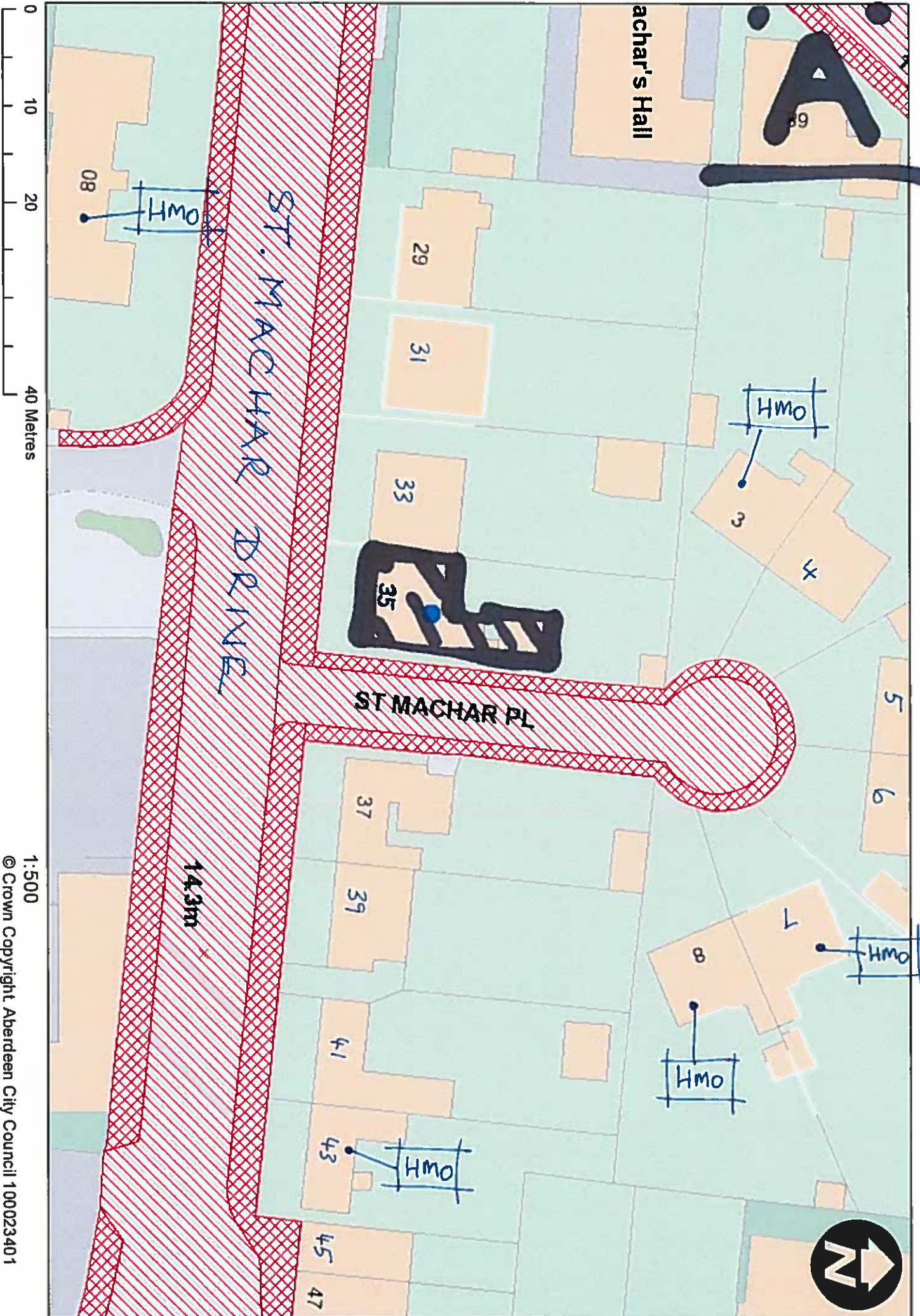
One written representation was received by the HMO Unit on 14 December 2016, within the above-mentioned 21-day statutory period, and must therefore be considered by the Committee. The representation is attached as Appendix 'B'.

Other Considerations:

- Police Scotland has been consulted in respect of the applicants' suitability as 'fit & proper' persons, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- At the date of this report, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of corroborated anti-social behaviour at No.35 St.Machar Drive, Aberdeen.
- At the date of this report, the applicants, their agent and the HMO property are registered with Landlord Registration.
- 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 to renew an existing HMO licence.
- The written representation mentions that No.35 St.Machar Drive "*has been operating as an HMO for many years now.*" An HMO licence for the property was first granted in November 2013.
- The written representation refers to car parking difficulties, however car parking is not a consideration of HMO licensing.
- The written representation mentions the amount of HMO properties in the immediate area, which perhaps infers 'HMO Overprovision', which is a ground of refusal under the above-mentioned legislation. However, the Council has not introduced a policy on HMO Overprovision, therefore this ground of refusal is not available to the Committee at this time. The HMO-licensed properties in the immediate area are shown on the map attached as Appendix 'A'.
- At the date of this report, the HMO upgrading works have not been completed. I'll advise the Committee on 7 February 2017 of the up-to-date position.

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



achar's Hall

A

ST. MACHAR DRIVE

ST MACHAR PL

14.3m

0 10 20 40 Metres

1:500
© Crown Copyright Aberdeen City Council 100023401



Ally Thain

From: StephnBrian Brock
Sent: 13 December 2016 13:10
To: HMOUnit
Subject: Planning application for HMO license at 35 St Machar Drive

B

Hello,

I want to make an objection to a planning application for HMO license at the above address. I can't seem to find how to do it online so I thought I'd start here.

I live with my family at _____, and we have a parking permit to park on St Machar Place. I have just seen a notice regarding this application for HMO at 35 St Machar Drive, and wish to formally object to the application on the following grounds:

1. The house in question has, to all neighbourly appearances, been operating as an HMO for many years now. There have been several students living at this premises for more than two years, so I object on the grounds that the owner is just now applying for permission to operate as an HMO when in fact they should have done so long ago.
2. There are currently three other houses on St Machar Place operating as HMO residences. With those many students have also come many more cars, and it is increasingly difficult for those in "normal" residence like myself to find a place to park. I have three children, one of whom is disabled, and many times I've had to park much further away than is reasonable. Not to mention that many of these students are parking their cars illegally, making it difficult to navigate the small cul-de-sac. There are currently five parking spaces on St Machar Place, in addition to the few driveways. This is not enough to support the HMO residences we currently have, let alone add another.
3. In my experience in the last 5 years at my current address, with these HMO residences come a lot of people in and out of the neighbourhood who don't live here, making it difficult to know when something is not right. For instance, I saw someone lurking at one of the houses a couple of weeks ago whom I'd never seen before. I could not tell if he lived there as the students revolve every year, and I did not feel comfortable approaching him as again I don't know any of the students well enough.
4. The students in these HMO residences continue to have parties every year that last late into the night. I've had the students whose garden adjoins my garden holding bonfires of hazardous proportions and throwing bottles into this fire in the past. The state of that garden and house were shocking, making the area look and feel less appealing. The noise aside, often I find residual litter and bottles outside of the houses, which recently happened with the property in question around Halloween time.

I do hope that as a long-term resident with a young family my concerns will be taken into account. Should you wish to have any further information I am happy to correspond further or speak by phone.

Many thanks in advance,
Stephanie Brock



This page is intentionally left blank

LICENSING COMMITTEE INFORMATION SHEET

TYPE OF APPLICATION: APPLICATION FOR RENEWAL OF A STREET TRADER'S LICENCE

APPLICANT: MAUREEN ROSS

PREMISES: N/A

DESCRIPTION

- The application requires to be determined by 21 June 2017

OBJECTIONS/REPRESENTATIONS

- Aberdeen Energy Park Ltd
- Mary McArthur

COMMITTEE GUIDELINES/POLICY

N/A

GROUNDS FOR REFUSAL

A licensing authority shall refuse an application to grant or renew a licence if, in their opinion—

(a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—

(i) for the time being disqualified from holding a licence, or

(ii) not a fit and proper person to be the holder of the licence;

(b) the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

(c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

(i) the location, character or condition of the premises or the character or condition of

the vehicle or vessel;

(ii)the nature and extent of the proposed activity;

(iii)the kind of persons likely to be in the premises, vehicle or vessel;

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

(d)there is other good reason for refusing the application;

and otherwise shall grant the application.

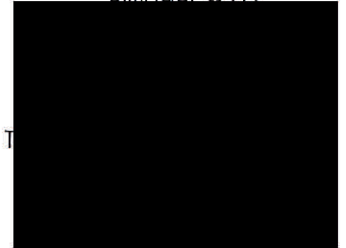


Our Ref:CP/AR
Your Ref:

10th November 2016

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

Bilfinger GVA



**ABERDEEN ENERGY PARK LIMITED
EXPLORATION DRIVE, EAST SIDE – 29 METRES NORTH OF THE JUNCTION WHERE
EXPLORATION DRIVE MEETS CLAYMORE DRIVE, ABERDEEN ENERGY PARK, ABERDEEN
STREET TRADERS LICENCE
MAUREEN ROSS
OBJECTION TO RENEWAL OF LICENCE**

We act on behalf of Aberdeen Energy Park Limited ("AEPL"), who are tenants under a ground lease by Aberdeen City Council of the affected premises known as Aberdeen Energy Park. The extent of AEPL's ground lease title is shown on the plan attached as Appendix 1.

We understand that a Street Trader's Licence was granted to a Maureen Ross permitting her to operate a snack van as a Street Trader on the east side of Exploration Drive (29 metres north of the junction where Exploration Drive meets Claymore Drive), all in terms of the Civic Government (Scotland) Act 1982. The location of the snack van is shown on the plan attached as Appendix 1. Photographs of the snack van are also attached as Appendix 2. The snack van is located on a loop road within the boundaries of AEPL's ground lease title (known as the "Energy Park"). The loop road's main purpose is to facilitate access and egress to the Energy Park and surrounding areas and is publicly adopted.

The snack van has been in situ since August 2016. The Licence is due to expire on 27th November 2016. We understand from direct contact with David McKane your Licensing Enforcement Officer that the operator has not yet submitted an application for renewal but on the assumption that an application is forthcoming, on behalf of AEPL, we object to the renewal of the Licence on the following grounds:



- The premises are not suitable or convenient for the conduct of the activity having regard to the location, character or condition of the premises, vehicle or vessel; the nature and extent of the proposed activity; and the possibility of undue public nuisance, public order or public safety; and
- there is other good reason for refusing the application.

The specific grounds of AEPL's objection are as follows:-

- 1 In terms of the ground lease, AEPL are under an obligation to maintain a high class business environment for all sub-tenants, occupiers and third party users of the Energy Park. Aside from the adopted loop road (and associated footpath and verges) which are publicly maintained, AEPL manage all adjacent ground as a high quality landscaped environment. AEPL have invested substantially in the landscaping, signage, public realm and re-generation of buildings on the Energy Park in order to achieve this and will continue to do so. The presence of the snack van is considered to be detrimental to and at odds with the overall environment and character of the Energy Park, resulting in a negative image and adversely impacting on its wider use, amenity and the ability to attract high calibre occupants. The introduction of the snack bar is already causing problems with litter control in the area – we are charged with maintaining all the common landscaped areas including litter picking and this is adding to our estate maintenance costs.
- 2 AEPL have also invested heavily in the provision of high standard catering facilities at the Energy Park known as The Grub café to serve the sub-tenants, occupiers and third party users. The snack van is located close to The Grub café and is negatively affecting trade. In the event that the operators of The Grub café considered that it was no longer viable this would have a very significant and detrimental impact on the amenity and marketability of the Energy Park to potential occupants.
- 3 Since the granting of the Licence, the detrimental impacts on the Energy Park include increased volume of traffic, increased congestion and parking on the loop road by vehicles (including cars and large trucks and lorries) which previously had no cause to enter the Energy Park premises. The attached photos in Appendix 2 show a fairly typical daily occurrence of lorries parking illegally on the double yellow located on the access road. These were only recently installed by the Council to address a previously noted problem of congestion and parking of vehicles too close to this road junction. The location of the snack bar and the attending vehicles has now exacerbated this problem.



- 4 Under the ground lease by the Council, AEPL and their sub-tenants / occupiers are subject to strict use conditions, as follows:
- (i) purposes falling within use classes 4 and 5 of the Schedule to the Town & Country Planning (Uses Classes) (Scotland) Order 1997 ("the Order") where such businesses are significantly engaged in research and research and development of products and processes; and
 - (ii) uses falling within use classes 1, 2, 3, 6, 10 and 11 of the Order where such uses are ancillary to the main uses carried on under the ground lease (as above).

Accordingly, AEPL would be prohibited by the terms of their ground lease from permitting a Street Trader or snack van of this nature to occupy and use the Energy Park. It is therefore not appropriate for the snack van to be located on the road within the Energy Park; the Council have provided for restrictive uses within the terms of the ground lease which AEPL must comply with but are then permitting, for all practical purposes within the Energy Park, an activity and use which would breach those lease terms if carried out or allowed by AEPL. We do not consider that this is appropriate or in the spirit of the ground lease agreement between the Council and AEPL.

We understand that the Licence was issued subject to standard conditions applicable to a Street Trader's Licence under the Civic Government (Scotland) Act 1982. Standard Condition 11. requires that the Licence holder provides a bin or receptacle in close proximity to the van and we can see no evidence that this is being provided.

For the reasons stated above, it is not appropriate for street trading activities to take place at this location and the Licence should not be renewed upon expiry on 27th November 2016.

We look forward to hearing from you in early course.

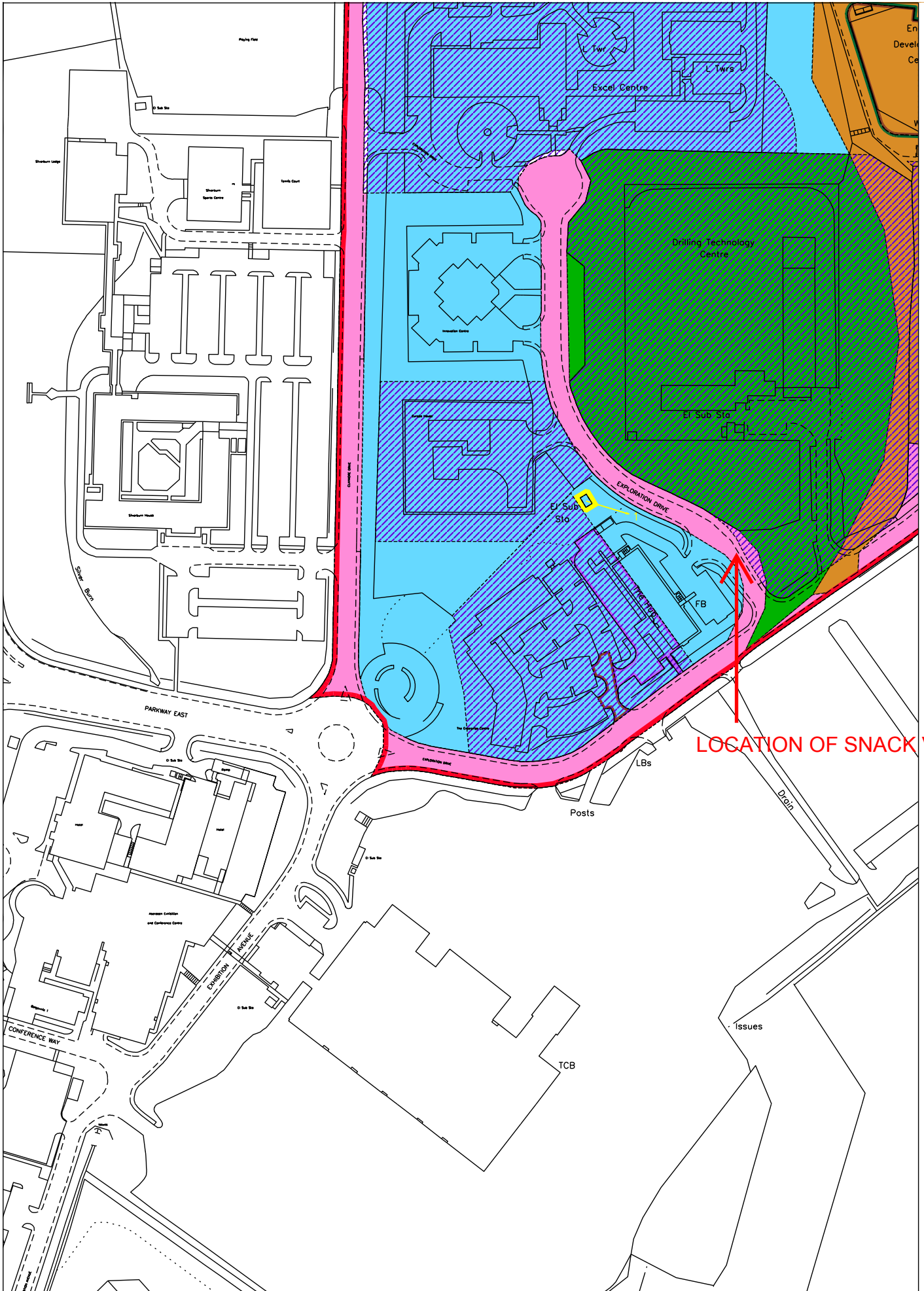
Yours faithfully





Alasdair Roy – Director

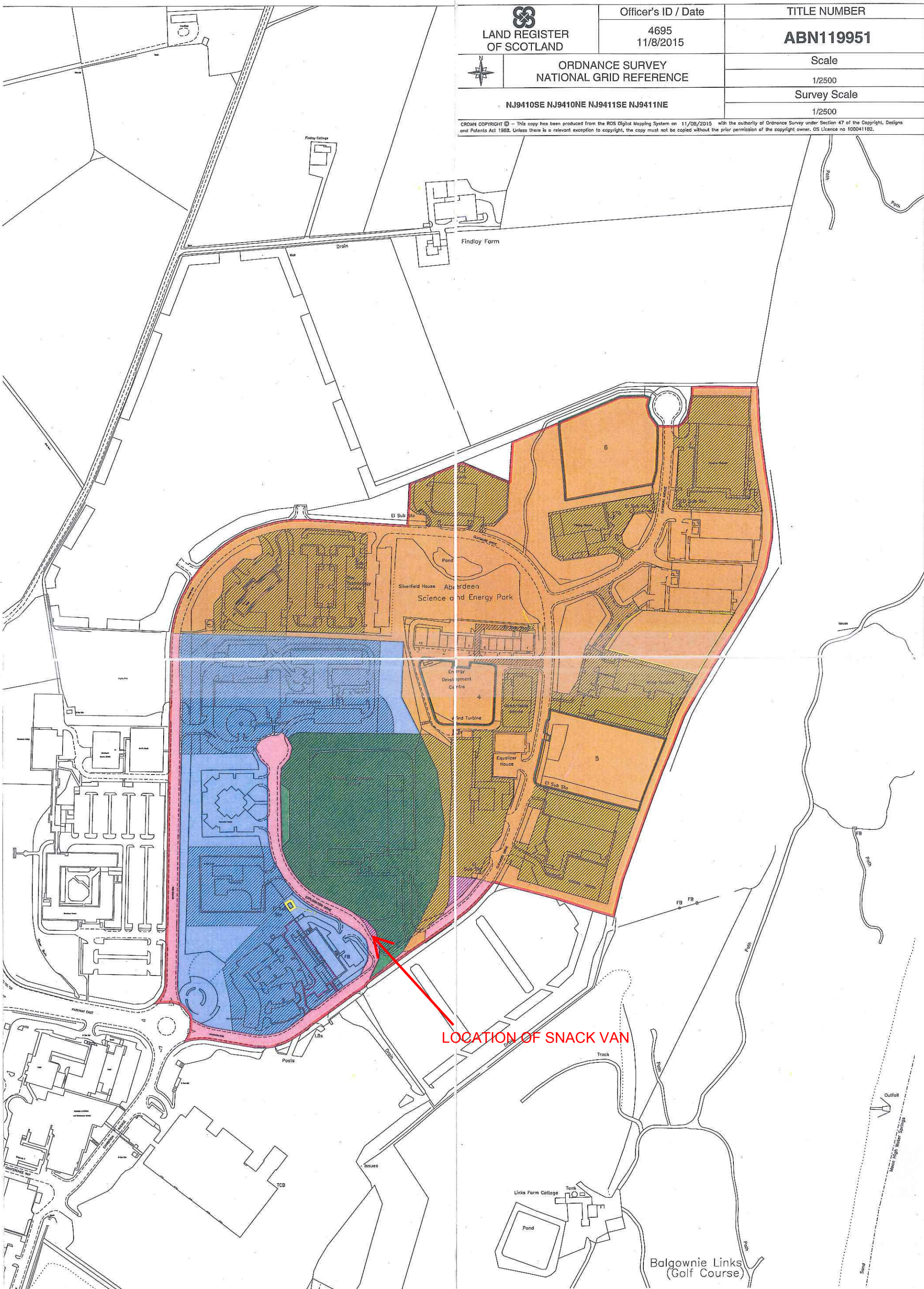
For and on behalf of GVA James Barr

This page is intentionally left blank



This page is intentionally left blank

 LAND REGISTER OF SCOTLAND	Officer's ID / Date	TITLE NUMBER
	4695 11/8/2015	ABN119951
 ORDNANCE SURVEY NATIONAL GRID REFERENCE	Scale	
	1/2500	
NJ9410SE NJ9410NE NJ9411SE NJ9411NE	Survey Scale	
	1/2500	
<small>CROWN COPYRIGHT © - This copy has been produced from the ROS Digital Mapping System on 11/08/2015 with the authority of Ordnance Survey under Section 47 of the Copyright, Designs and Patents Act 1988. Unless there is a relevant exception to copyright, the copy must not be copied without the prior permission of the copyright owner. OS Licence no 100041182.</small>		



LOCATION OF SNACK VAN

This page is intentionally left blank





Arlene Dunbar

From: [REDACTED]
Sent: [REDACTED]
To: Fraser Bell
Cc: Mark Holmes; Hugh Canham
Subject: Aberdeen Energy Park Limited - Objection to Renewal of Licence
Attachments: Aberdeen Energy Park Limited - Objection to Renewal Licence.pdf; Appendix 1 - Title plan close up with location of snack van.pdf; Appendix 1 - Title plan with location of snack van.pdf; Appendix 2 - Photographs of snack van.pdf

Good afternoon Fraser,

Please find attached a letter regarding Aberdeen Energy Park Limited and an Objection to Renewal Licence including appendices. A hard copy of the attached has been posted to you.

Please contact Mark Holmes, copied, if you require further information.

Kind regards,
Laura

Laura Mann
Moorfield Group



Follow us on Twitter and LinkedIn:



Registered in England No: 01766196
Registered Office: Moorfield Group Limited, Nightingale House, 65 Curzon Street, London, W1J 8PE
****Please consider the environment before printing this email*

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

This page is intentionally left blank

LICENSING COMMITTEE INFORMATION SHEET

TYPE OF APPLICATION: APPLICATION FOR RENEWAL OF A TAXI OPERATORS LICENCE

APPLICANT: S HEEPS

PREMISES: N/A

DESCRIPTION

- The application requires to be determined by 2 March 2017
- The applicant's vehicle has not passed the taxi test and therefore does not meet the mandatory requirements.

OBJECTIONS/REPRESENTATIONS

- Legal and Democratic Services

COMMITTEE GUIDELINES/POLICY

N/A

GROUNDINGS FOR REFUSAL

A licensing authority shall refuse an application to grant or renew a licence if, in their opinion—

(a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—

(i) for the time being disqualified from holding a licence, or

(ii) not a fit and proper person to be the holder of the licence;

(b) the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

(c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

(i)the location, character or condition of the premises or the character or condition of the vehicle or vessel;

(ii)the nature and extent of the proposed activity;

(iii)the kind of persons likely to be in the premises, vehicle or vessel;

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

(d)there is other good reason for refusing the application;

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

TYPE OF APPLICATION: APPLICATION FOR RENEWAL OF A TAXI OPERATORS LICENCE

APPLICANT: S HEEPS

PREMISES: N/A

DESCRIPTION

- The application requires to be determined by 2 March 2017
- The applicant's vehicle has not passed the taxi test and therefore does not meet the mandatory requirements.

OBJECTIONS/REPRESENTATIONS

- Legal and Democratic Services

COMMITTEE GUIDELINES/POLICY

N/A

GROUNDINGS FOR REFUSAL

A licensing authority shall refuse an application to grant or renew a licence if, in their opinion—

(a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—

(i) for the time being disqualified from holding a licence, or

(ii) not a fit and proper person to be the holder of the licence;

(b) the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

(c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

(i)the location, character or condition of the premises or the character or condition of the vehicle or vessel;

(ii)the nature and extent of the proposed activity;

(iii)the kind of persons likely to be in the premises, vehicle or vessel;

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

(d)there is other good reason for refusing the application;

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

TYPE OF APPLICATION: APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE

APPLICANT: PETER FRASER

PREMISES: N/A

DESCRIPTION

- The application requires to be determined by 6 March 2017
- The applicant has not passed the mandatory street knowledge test, the applicant has failed twice.
- The applicant has not provided a copy of his driving licence or DVLA code

OBJECTIONS/REPRESENTATIONS

- Legal and Democratic Services

COMMITTEE GUIDELINES/POLICY

Driver's must have passed the street knowledge test prior to the granting of a licence. Applicants are given 3 opportunities in which to pass the test.

GROUNDS FOR REFUSAL

A licensing authority shall refuse an application to grant or renew a licence if, in their opinion—

(a)the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—

(i)for the time being disqualified from holding a licence, or

(ii)not a fit and proper person to be the holder of the licence;

(b)the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

(c)where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

(i)the location, character or condition of the premises or the character or condition of the vehicle or vessel;

(ii)the nature and extent of the proposed activity;

(iii)the kind of persons likely to be in the premises, vehicle or vessel;

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

(d)there is other good reason for refusing the application;

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

TYPE OF APPLICATION: APPLICATION FOR GRANT OF A TAXI DRIVER'S LICENCE

APPLICANT: GAIL FORREST

PREMISES: N/A

DESCRIPTION

- The application requires to be determined by 24 April 2017
- The applicant has not provided a copy of his driving licence or DVLA code

OBJECTIONS/REPRESENTATIONS

- Legal and Democratic Services

COMMITTEE GUIDELINES/POLICY

N/A

GROUND FOR REFUSAL

A licensing authority shall refuse an application to grant or renew a licence if, in their opinion—

(a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—

(i) for the time being disqualified from holding a licence, or

(ii) not a fit and proper person to be the holder of the licence;

(b) the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

(c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

(i) the location, character or condition of the premises or the character or condition of the vehicle or vessel;

(ii)the nature and extent of the proposed activity;

(iii)the kind of persons likely to be in the premises, vehicle or vessel;

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

(d)there is other good reason for refusing the application;

and otherwise shall grant the application.

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank