

# Public Document Pack



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

Town House,  
ABERDEEN Date Not Specified

## LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 23 AUGUST 2016 at 10.00 am.**

FRASER BELL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

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

#### **REQUESTS FOR DEPUTATION**

- 1.1 None received at this stage

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

- 2.1 Minute of Previous Meeting of 14 June 2016 (Pages 5 - 26)
- 2.2 Minutes of Meetings of the Licensing Evidential Hearings Sub Committee of 27 June and 1 July 2016 - for approval (Pages 27 - 30)
- 2.3 Minutes of Meetings of the Licensing Urgent Business Sub Committee of 27 June, 1 July, 14 July and 4 August 2016 - for approval (Pages 31 - 44)
- 2.4 Minute of the Meeting of the Taxi Consultation Group of 9 June 2016 (Pages 45 - 52)
- 2.5 Committee Business Statement (Pages 53 - 56)

## **FILM CLASSIFICATIONS**

- 3.1 Film Classifications - Aberdeen Film Festival (Pages 57 - 74)

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

- 4.1 Application for the Renewal of a House in Multiple Occupation - 61 Skene Square, Aberdeen (Pages 79 - 82)
- 4.2 Application for the Renewal of a House in Multiple Occupation - 96 Broomhill Road, Aberdeen (Pages 83 - 86)
- 4.3 Application for the Grant of a House in Multiple Occupation - Flat 6, 456A Great Western Road, Aberdeen (Pages 87 - 92)
- 4.4 Application for the Grant of a House in Multiple Occupation - 6 Tanfield Avenue, Aberdeen (Pages 93 - 98)
- 4.5 Application for the Grant of a House in Multiple Occupation - 2 Hawthorn Terrace, Aberdeen (Pages 99 - 106)
- 4.6 Application for the Renewal of a House in Multiple Occupation - 382B King Street, Aberdeen (Pages 107 - 112)
- 4.7 Application for the Grant of a House in Multiple Occupation - 25 Springbank Terrace, Aberdeen (Pages 113 - 118)
- 4.8 Application for the Grant of a House in Multiple Occupation - 103 Clifton Road, Aberdeen (Pages 119 - 124)
- 4.9 Application for the Renewal of a House in Multiple Occupation - 107 Clifton Road, Aberdeen (Pages 125 - 130)
- 4.10 Application for the Grant of a House in Multiple Occupation - 53 Bannermill Place, Aberdeen (Pages 131 - 132)
- 4.11 Application for the Grant of a Late Hours Catering Licence - D.P.K Foods Ltd (Pages 133 - 134)
- 4.12 Application for the Renewal of a Street Trader's Licence - Allan Moule (Pages 135 - 136)

- 4.13 Application for the Renewal of a Street Trader's Licence - Carol Annetta Heslop (Pages 137 - 138)
- 4.14 Application for the Renewal of a Street Trader's Licence - Shona Lyn Singer (Pages 139 - 140)
- 4.15 Application for the Grant of a Private Hire Car Driver's Licence - Przemyslaw Kwapis (Pages 141 - 142)

### **COMMITTEE REPORTS**

- 5.1 No reports under this heading

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

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

6.14 Application for the Grant of a Private Hire Car Driver's Licence

7 Application for the Grant of a Private Hire Car Driver's Licence

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

## LICENSING COMMITTEE

ABERDEEN, 14 June 2016. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Carle, Convener; and Councillors Copland, Corall (as substitute for Councillor Nicoll), Delaney, Donnelly (as substitute for Councillor Boulton), Graham, Hutchison, MacGregor, Lawrence (as substitute for Councillor Lesley Dunbar), Malik, Samarai, Taylor (as substitute for Councillor Allan), Townson, Young (as substitute for Councillor Crockett) and Yuill (as substitute for Councillor Malone).

The agenda and reports associated with this minute can be found at:-  
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=3908&Ver=4>

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

### MINUTE OF PREVIOUS MEETING OF 26 APRIL 2016

1. The Committee had before it the minute of its meeting of 26 April 2016.

**The Committee resolved:-**

to approve the minute as a correct record.

### MINUTES OF MEETINGS OF THE LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE OF 29 APRIL, 12 MAY AND 26 MAY 2016

2. The Committee had before it the minutes of the meetings of the Licensing Evidential Hearings Sub Committee of 29 April, 12 May and 26 May 2016.

**The Committee resolved:-**

to approve the minutes as a correct record.

### MINUTES OF MEETINGS OF THE LICENSING URGENT BUSINESS SUB COMMITTEE OF 29 APRIL, 12 MAY AND 26 MAY 2016

3. The Committee had before it the minutes of the meetings of the Licensing Urgent Business Sub Committee of 29 April, 12 May and 26 May 2016.

**The Committee resolved:-**

to approve the minutes as a correct record.

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**COMMITTEE BUSINESS STATEMENT**

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

**The Committee resolved:-**

- (i) in respect of item 1 (Survey on Unmet Taxi Demand – Collation of Data and Consultation with Trade), to note the update and to agree the revised report due date of 23 August 2016;
- (ii) in respect of item 2 (Training for Taxi Drivers), to note the update and to agree the revised report due date of 25 October 2016;
- (iii) in respect of item 3 (Private Hire Driver Training), to note the update and to agree the revised report due date of 25 October 2016; and
- (iv) to otherwise note the updates contained therein.

**MOTIONS LIST**

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

**The Committee resolved:-**

to remove the motion by Councillor Hutchison.

**FILM CLASSIFICATIONS - BELMONT FILMHOUSE**

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

- (i) The Glass Cell – suggested rating 15
- (ii) Enough Rope – suggested rating 12A
- (iii) Ghosts of Darkness – suggested rating 15
- (iv) Marty Goes to Hollywood – suggested rating 15
- (v) Who Killed Nelson Nutmeg – suggested rating PG
- (vi) The Sweet Sickness – suggested rating 15
- (vii) Bodypoppin Pixilation Animation – suggested rating U
- (viii) Own – suggested rating U
- (ix) Whisky Galore – suggested rating 12A

**The Committee resolved:-**

to approve the film classification certificates as listed above.

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**SAFETY OF SPORTS GROUNDS ACT 1975 AS AMENDED - GENERAL SAFETY CERTIFICATE PITTODRIE CERTIFICATE - CG/16/079**

7. The Committee had before it a report by the Interim Director of Corporate Governance which sought approval of the General Safety Certificate to be issued to Aberdeen Football Club annexed as Appendix 2 to the report.

**The report recommended:**

that the Committee approve the General Safety Certificate June 2016 and that it be issued to Aberdeen Football Club.

**The Committee resolved:**

to approve the recommendation.

**APPLICATION FOR LICENCES**

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

**The Committee resolved:-**

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

**EXEMPT INFORMATION**

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

**APPLICATION FOR LICENCES**

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

**The Committee resolved:-**

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

**- COUNCILLOR SCOTT CARLE, Convener.**

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**APPENDIX A**

**1 GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Reference Number – 4/01**  
**Premises – 39 Aboyne Road, Aberdeen**

The Committee was advised that the application had been withdrawn.

**2 GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Reference Number – 4/02**  
**Premises – 568 Holburn Street, Aberdeen**

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

The Committee heard from the respondent, Mrs Paterson.

The Committee then heard from the applicant's agent, Mr Minchin 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 GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Reference Number – 4/03**  
**Premises – 53 Bannermill Place, Aberdeen**

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

The Committee heard from the respondent, Miss Thomson. The Committee asked questions of the respondent.

The Committee then heard from the applicant's agent, Mr Lamb, in support of the application. Mr Renton, the applicant's property maintenance manager, was also in attendance in support of the application.

The Committee asked questions of Mr Lamb and Mr Renton.

The Convener, seconded by Councillor Graham moved:-



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that the Committee defer consideration of the application until (a) the works were completed, and (b) Mr Lamb had been approved as a registered landlord, after which time the Private Sector Housing Manager could grant the application for a one year period under delegated powers if appropriate with the condition that quarterly maintenance checks of the property were undertaken.

Councillor Delaney, seconded by Councillor Townson moved as an amendment:-

that the Committee refuse the application on the grounds that the applicant was not a fit and proper person.

On a division, there voted:- for the motion (5) – the Convener and Councillors Donnelly, Graham, Malik and Young; for the amendment (10) – Councillors Copland, Corall, Delaney, Hutchison, Lawrence, MacGregor, Samarai, Taylor, Townson and Yuill.

**The Committee resolved:**

to adopt the amendment.

#### 4 **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**

**Application Reference Number – 4/04**

**Premises – 58 Camperdown Road, Aberdeen**

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

The Committee heard from two of the respondents, Miss Jackson and Mrs Mackie. The other three respondents, namely: Mr and Mrs Low, Mr and Mrs Nieman and Mr and Mrs Moir were not present or represented. The Committee asked questions of the respondents.

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

**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.

#### **DECLARATION OF INTEREST**

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

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### 5 **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**

**Application Reference Number – 4/05**

**Premises – 44A Belgrave Terrace, Aberdeen**

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

The Committee heard from the respondent Mr Jones.

The Committee then heard from the applicant, Mr Gauld, and his agent, Mrs Megginson, in support of the application. The Committee asked questions of the Mr Gauld and Mrs Megginson.

**The Committee resolved:-**

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

### 6 **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**

**Application Reference Number – 4/06**

**Premises – 6 Tanfield Avenue, Aberdeen**

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

Mr Thain advised that one further letter of representation had been received in respect of the application beyond the statutory time period within which such letters must be received (21-day period). He further advised that the Committee might consider late representations if it was satisfied that it was reasonable for the respondents to make the representation after the deadline.

The timely respondent Mr Dempster was present, as was the late respondent.

The applicant was not in attendance.

**The Committee resolved:-**

to defer consideration of the application to the next meeting of the Committee on 23 August 2016 to provide the applicant with another opportunity to be present.

### 7 **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**

**Application Reference Number – 4/07**

**Premises – 23F Froghall Avenue, Aberdeen**

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

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**8 GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Reference Number – 4/08**  
**Premises – 3 Hilton Street, Aberdeen**

The Committee noted that the application had been withdrawn.

**9 GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Reference Number – 4/09**  
**Premises – 1 Loanhead Place, Aberdeen**

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

**10 RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Reference Number – 4/10**  
**Premises – Top Floor Flat, 21 Justice Street, Aberdeen**

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

**11 GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Reference Number – 4/11**  
**Premises – 14 Pitmedden Road, Aberdeen**

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

**12 APPLICATION FOR A PUBLIC CHARITABLE COLLECTION - ABF THE**  
**SOLDIERS' CHARITY AND CATHERINE ROSS, MBE**  
**Locations - Union Street, Schoolhill Area, Outside Union Square**

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

The information note advised that this item had been placed on the agenda because the applicant was seeking to hold a public charitable collection, on Saturday 25 June 2016 in the city centre (Union Street, Schoolhill area, outside Union Square). Permission had already been granted for a street collection for that date in the City Centre and Committee only permits one collection in a locality at a time.

The applicant was not in attendance.

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

**13 RENEWAL OF A STREET TRADER'S LICENCE – TOMPEA IBOLYA-EMESE**  
**Application Reference Number – 4/13**  
**Location – Crawpeel Road, Aberdeen**  
**Operating Hours – Monday to Friday, 7am to 2pm**

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

The information note advised that this item had been placed on the agenda because it required to be determined by 11 August 2016 and to date the applicant had not provided a food safety certificate. In this regard, section 39 of the Civic Government (Scotland) Act 1982 stated that the Committee must refuse the application unless there was produced to them a certificate by the food authority (for the purposes of section 5 of the Food Safety Act 1990) stating that the vehicle, kiosk or moveable stall complied with the requirements of any relevant regulations made under that Act.

The applicant was not present.

The Committee heard from Andrew Gilchrist, Environmental Health, who provided an update on the application.

**The Committee resolved:-**

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

**14 GRANT OF STREET TRADER'S LICENCE – KANG SOO**  
**Application Reference Number – 4/14**  
**Locations – (1) Hill Place – Southside – 140m east of Dyce Drive; (2) Hareness Road – Southside – 40m east of Hareness Circle, Western Spur; (3) Southern Road – Southside – 160m east of Crawpeel Road; (4) Craigshaw Drive – Southside – 160m west of Wellington Road; (5) Moss Road, Westside – 120m south of Gateway Drive; (6) Stoneywood Park North-West Side – 40m north of Stoneywood Park; (7) Tern Place Northside – 90m west of Denmore Road; and (8) Exploration Drive – Westside – 90m north of Exploration Drive – Eastern Spur**  
**Operating Hours – Monday to Sunday, 7am to 7pm**

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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) two letters of representation, one from C&L Catering and one from Total.

The information note advised that this item had been placed on the agenda because it required to be determined by 14 August 2016 and to date the applicant had not provided a food safety certificate. In this regard, section 39 of the Civic Government (Scotland) Act 1982 stated that the Committee must refuse the application unless there was produced to them a certificate by the food authority (for the purposes of section 5 of the Food Safety Act 1990) stating that the vehicle, kiosk or moveable stall complied with the requirements of any relevant regulations made under that Act.

One of the respondents, Mr Davidson, C&L Catering was present and addressed the Committee regarding his objection in respect of site 5, Moss Road, Westside -120m South of Gateway Drive only. The other respondent, Total, was not present.

The applicant was present, and spoke in support of the application, during which he advised that wished to withdraw the application for site 5, Moss Road, Westside -120m South of Gateway Drive.

Mrs O'Hare, Legal Advisor, advised that both letters of representation had been in respect of site 5, Moss Road, Westside -120m South of Gateway Drive only. No representation on the other sites had been received.

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

- (i) to note that the applicant had withdrawn the application in respect of Moss Road, Westside – 120m south of Gateway Drive; and
- (ii) to defer consideration of the revised application to enable a food safety certificate to be received, after which time the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise refer it to the Licensing Urgent Business Sub Committee for consideration.

**15 RENEWAL OF A STREET TRADER'S LICENCE – RICHARD LEONARD TOWLER**  
**Application Reference Number – 4/15**  
**Location – South Esplanade West**  
**Operating Hours – Monday to Friday, 7am to 3pm and Saturday 7.30am to 2pm**

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

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The information note advised that this item had been placed on the agenda because it required to be determined by 14 August 2016 and to date the applicant had not provided a food safety certificate. In this regard, section 39 of the Civic Government (Scotland) Act 1982 stated that the Committee must refuse the application unless there was produced to them a certificate by the food authority (for the purposes of section 5 of the Food Safety Act 1990) stating that the vehicle, kiosk or moveable stall complied with the requirements of any relevant regulations made under that Act.

The applicant was not present.

**The Committee resolved:-**

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

**16 RENEWAL OF A PUBLIC ENTERTAINMENT LICENCE – MASTRICK COMMUNITY CENTRE VOLUNTARY MANAGEMENT COMMITTEE**  
**Application Reference Number – 4/16**  
**Premises – Mastrick Community Centre, Greenfern Road, Aberdeen**

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

The information note advised that this item had been placed on the agenda because it required to be determined by 20 July 2016 and to date the applicant had not provided a certificate stating that they had complied with the requirement contained in paragraph 2 of Schedule 1 to the Civic Government (Scotland) Act 1982 to display a notice at or near the premises for a period of 21 days beginning with the date on which the application was submitted to the licensing authority. In addition a clear report from Building Standards had not been received.

The Committee heard from Mrs O'Hare, Legal Advisor, who advised that a certificate had now been received and Building Standards had confirmed it was content with the works proposed.

**The Committee resolved:-**

to grant the application.

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### DECLARATION OF INTEREST

Prior to consideration of the following item, Councillor Young declared an interest in the following article by virtue of knowing the respondents, and withdrew from the meeting prior to consideration of the item.

17 **RENEWAL OF A LATE HOURS CATERING LICENCE – MUHAMMAD SAJID**  
**Application Reference Number – 4/17**  
**Premises – Richi’s Café, 10 Bridge Street, Aberdeen**

The Committee had before it 8 letters of representation in respect of the above application.

The Committee was advised that the representations from Ms Miller, Mr Miller and Mr Davison had been withdrawn.

Mrs Janet Hood was in attendance, representing the remaining five representations from Mr Willox, Mr McGivney, Mr Critchley, Mr Brown and Mr McMillan.

The applicant was in attendance, along with his representative, Mrs Jennifer Wilson.

Mrs Hood raised a preliminary point regarding the competency of the required site notice as it did not specify what the application was for and advised that if the application was solely for a restaurant and no takeaway then the representations would be withdrawn.

Mrs Wilson, responded to the preliminary point raised, wherein she advised that site notice complied with the requirements and that it was an application for a restaurant with a takeaway.

**The Committee resolved:-**

to agree that the site notice was valid and complied with the requirements of the Civic Government (Scotland) Act 1982.

The Committee heard from Mrs Hood on behalf of the respondents. The Committee asked a number of questions of the respondents.

The Committee heard from Mrs Wilson, in support of the application. The Committee asked questions of the applicant.

The Convener, seconded by Councillor Hutchison moved:-

that the Committee grant the application for a one year period on the basis that the applicant work with Police Scotland and nearby premises on the existing dispersal plan for that area.

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

that the Committee grant the application for a three year period.

On a division, there voted:- for the motion (6) – the Convener and Councillors Delaney, Lesley Dunbar, Graham, Hutchison and Yuill; for the amendment (7) – Councillors Copland, Corall, Donnelly, MacGregor, Malik, Samarai and Townson.

**The Committee resolved:**

to adopt the amendment.

**18 RENEWAL OF A SECOND HAND DEALER'S LICENCE – MARTIN JAMES WOOD****Application Reference Number – 4/18****Premises – Aberdeen Market, 8-10 Market Street, Aberdeen**

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

The information note advised that this item had been placed on the agenda because it required to be determined by 5 July 2016 and to date the applicant had not provided a certificate stating that they had complied with the requirement contained in paragraph 2 of Schedule 1 to the Civic Government (S) Act 1982 to display a notice at or near the premises for a period of 21 days beginning with the date on which the application was submitted to the licensing authority.

The applicant was not in attendance.

The Committee heard from Mrs Ruth O'Hare, Legal Advisor, who advised that the applicant was no longer trading.

**The Committee resolved:-**

to refuse the application.

**19 GRANT OF A TAXI AND PRIVATE HIRE BOOKING OFFICE – ABERDEEN TAXIS LIMITED****Application Reference Number – 4/19****Premises – Aberdeen Taxis, 5 Crown Street, Aberdeen**

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



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**20 RENEWAL OF AN INDOOR SPORTS LICENCE – TRANSITION EXTREME SPORTS LIMITED**

**Application Reference Number – 4/20**

**Premises – Transition Extreme Sports Centre, Links Road, Aberdeen**

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

**21 GRANT OF A WINDOW CLEANER'S LICENCE – ALI SIMPSON**

**Application Reference Number – 4/21**

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

The information note advised that this item had been placed on the agenda because it required to be determined by 22 June 2016 and the applicant had not provided a copy of his public liability insurance.

The applicant was not in attendance.

**The Committee resolved:-**

to refuse the application.

**22 RENEWAL OF A TAXI OPERATOR'S LICENCE – DAVID BRUCE (T490)**

**Application Reference Number – 4/22**

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

**23 RENEWAL OF A TAXI OPERATOR'S LICENCE – RAINBOW CARS LIMITED (T813)**

**Application Reference Number – 4/23**

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

**24 RENEWAL OF A TAXI OPERATOR'S LICENCE – JAMES ROBERT MILNE (T526)**

**Application Reference Number – 4/24**

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

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**25 RENEWAL OF A PRIVATE HIRE CAR OPERATOR'S LICENCE – GRAHAM SMITH (PH124)  
Application Reference Number – 4/25**

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

**26 GRANT OF A TAXI DRIVER'S LICENCE – MOHAMMAD KHAN  
Application Reference Number – 4/26**

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

The information note advised that the application was on the agenda as it required to be determined by 21 June 2016 and to date the applicant had not passed the required street knowledge test.

The applicant was not in attendance.

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

**27 GRANT OF A TAXI DRIVER'S LICENCE – RATTIKORN GOUWEELEEUW  
Application Reference Number – 4/27**

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

The information note advised that the application was on the agenda as it required to be determined by 7 July 2016 and to date the applicant had not passed the required street knowledge test.

The applicant was not in attendance.

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

**28 REQUEST FOR REVIEW OF TAXI TEST DECISION  
Application Reference Number – 4/28**

The Committee noted that the request had been withdrawn.

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**APPENDIX B****1 LANDLORD REGISTRATION**  
**Application Reference Number – 6/01**

With reference to article 2 of appendix B of the minute of the meeting of the Licensing Committee of 26 April 2016, the Committee had before (1) a report by Mr Ally Thain, Private Sector Housing Manager; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division and Sergeant Gillian Flett was in attendance.

The applicant was not in attendance, however Mr Thain advised the Committee that the applicant had requested that the application be deferred again to enable him to have legal representation.

**The Committee resolved:-**

to defer consideration of the landlord registration application to the next meeting of the Committee on 23 August 2016 to provide the applicant with a further opportunity to be present.

**2 GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Reference Number – 6/02**

The Committee noted that the application had been withdrawn.

**DECLARATION OF INTEREST**

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

**3 GRANT OF A LATE HOURS CATERING LICENCE**  
**Application Reference Number – 6/03**

The Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 9 May 2016, and Sergeant Gillian Flett was in attendance to speak in its support.

The applicant was present, along with his representative and spoke in support of the application.

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**The Committee resolved:-**

to grant the application.

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

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

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

The Committee heard from the applicant's representative who did not object to the letter of representation being considered.

**The Committee resolved:-**

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

The Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 8 March 2016, and Sergeant Gillian Flett was in attendance to speak in its support.

The applicant was present, along with his representative.

Councillor Townson, seconded by the Convener, moved:  
that the Committee grant the application for a one year period.

Councillor Delaney moved:-  
that the Committee defer the application to the next meeting of the Committee.

Councillor Delaney's amendment failed to attract a seconder and was therefore not put to the meeting.

**The Committee further resolved:-**

to adopt the motion.

**LICENSING COMMITTEE**

14 June 2016

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

The Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 20 April 2016, and Sergeant Gillian Flett was in attendance.

The applicant was not present.

**The Committee resolved:-**

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub Committee to provide the applicant with a further opportunity to be present.

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

The Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 4 May 2016, and Sergeant Gillian Flett was in attendance.

The applicant was not present.

**The Committee resolved:-**

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub Committee to provide the applicant with a further opportunity to be present.

**7 GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE  
Application Reference Number – 6/07**

With reference to article 9 of appendix B of the minute of the meeting of the Licensing Committee of 26 April 2016, the Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 4 February 2016, and Sergeant Gillian Flett was in attendance to speak in its support.

The applicant was not present.

The Committee heard from Mrs Ruth O'Hare, Legal Advisor, who provided an update on the status of the case from the Procurator Fiscal.

**The Committee resolved:-**

to grant the application.

**LICENSING COMMITTEE**

14 June 2016

**8 GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE  
Application Reference Number – 6/08**

The Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 28 January 2016, and Sergeant Gillian Flett was in attendance to speak in its support.

The applicant was not present.

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

**DECLARATION OF INTEREST**

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

**9 GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE  
Application Reference Number – 6/09**

Mrs Ruth O'Hare, Legal Advisor, advised that the applicant wished to lodge an additional submission in respect of the application.

The Committee heard from Sergeant Gillian Flett, Police Scotland who did not object to the additional document being considered.

**The Committee resolved:-**  
that the additional document from the applicant be introduced to the proceedings.

The Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 15 February 2016, and Sergeant Gillian Flett was in attendance to speak in its support.

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

Sergeant Flett advised that Police Scotland would withdraw its representation on the basis of the information provided.

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

**LICENSING COMMITTEE**

14 June 2016

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

The Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 20 April 2016, and Sergeant Gillian Flett was in attendance.

The applicant was not present.

**The Committee resolved:-**

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub Committee to provide the applicant with a further opportunity to be present.

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

The Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 1 April 2016, and Sergeant Gillian Flett was in attendance.

The applicant was not present.

**The Committee resolved:-**

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub Committee to provide the applicant with a further opportunity to be present.

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

The Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 19 April 2016, and Sergeant Gillian Flett was in attendance.

The applicant was not present.

**The Committee resolved:-**

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub Committee to provide the applicant with a further opportunity to be present.

**LICENSING COMMITTEE**

14 June 2016

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

The Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 13 May 2016, and Sergeant Gillian Flett was in attendance.

The applicant was not present.

**The Committee resolved:-**

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub Committee to provide the applicant with a further opportunity to be present.

**DECLARATION OF INTEREST**

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

**14 GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE  
Application Reference Number – 4/14**

The Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 15 April 2016, and Sergeant Gillian Flett was in attendance.

The applicant was present, along with five witnesses.

**The Committee resolved:-**

to defer consideration of the application to a meeting of the Licensing Evidential Hearings Sub Committee.

**15 GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE  
Application Reference Number – 4/15**

The Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 19 April 2016, and Sergeant Gillian Flett was in attendance.

The applicant was not present.



**LICENSING COMMITTEE**

14 June 2016

**The Committee resolved:-**

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub Committee to provide the applicant with a further opportunity to be present.

**16 GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE  
Application Reference Number – 4/16**

The Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 2 May 2016, and Sergeant Gillian Flett was in attendance to speak in its support.

The applicant was not present.

**The Committee resolved:-**

to refuse the application.

**17 GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE  
Application Reference Number – 4/17**

The Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 29 April 2016, and Sergeant Gillian Flett was in attendance.

The applicant was not present.

**The Committee resolved:-**

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub Committee to provide the applicant with a further opportunity to be present.

**18 GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE  
Application Reference Number – 4/18**

The Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 19 April 2016, and Sergeant Gillian Flett was in attendance to speak in its support.

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

**The Committee resolved:-**

to grant the application.

**LICENSING COMMITTEE**

14 June 2016

**19 GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE  
Application Reference Number – 4/19**

The Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 4 May 2016, and Sergeant Gillian Flett was in attendance.

The applicant was not present.

**The Committee resolved:-**

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub Committee to provide the applicant with a further opportunity to be present.

**20 GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE  
Application Reference Number – 4/20**

The Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 11 May 2016, and Sergeant Gillian Flett was in attendance to speak in its support.

The applicant was present, along with his representative.

**The Committee resolved:-**

to grant the application.

**21 REQUEST FOR REMOVAL OF SUSPENSION OF A TAXI DRIVER  
Application Reference Number – 4/21**

The Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 31 May 2016, and Sergeant Gillian Flett was in attendance.

The applicant was not present.

**The Committee resolved:-**

to defer consideration of the application to a meeting of the Licensing Urgent Business Sub Committee to provide the applicant with a further opportunity to be present.

## LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE

ABERDEEN, 27 June 2016. Minute of Meeting of the LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE. Present:- Councillor Carle, Convener; and Councillors Nicoll and Townson.

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

**<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=547&MId=4286&Ver=4>**

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

### MINUTE OF PREVIOUS MEETING OF 26 MAY 2016

1. The Sub Committee had before it the minute of its previous meeting of 26 May 2016.

**The Sub Committee resolved:**

to approve the minute as an accurate record.

### EXEMPT INFORMATION

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

### DECLARATION OF INTEREST

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

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

2. With reference to article 2 of the minute of the meeting of Licensing Evidential Hearings Sub Committee of 26 May 2016, the Sub Committee had before it a letter dated 25 April 2016 from the Chief Constable, Police Scotland, c/o Aberdeen City Division, which in terms of sections 12 and 11 of the Civic Government (Scotland) Act 1982, requested the suspension a taxi driver's licence and a taxi licence.

The licence holder was not in attendance. The Sub Committee heard from Mrs Ruth O'Hare who advised that the licence holder had confirmed that he had no objection to the Sub Committee continuing to consider the matter in his absence.

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

**LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE**

27 June 2016

Mrs Ruth O'Hare, Legal Advisor, advised that Police Scotland wished to lodge a supplementary letter in respect of the suspension requests. She advised that the Sub Committee might consider further representations if it was satisfied there was a sufficient reason why it was not made in the time required.

The Sub Committee heard from Sergeant Gillian Flett, Police Scotland who explained why the supplementary letter was late and should be considered today, during which she confirmed that the licence holder had received a copy.

**The Sub Committee resolved:-**

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

Sergeant Gillian Flett spoke in support of both the letter from Police Scotland's which requested the suspension of the licence holder's taxi driver's licence and taxi licence.

**The Sub Committee resolved:**

- (i) to agree to suspend the taxi driver's licence with immediate effect for its unexpired portion in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982; and
  - (ii) to agree not to suspend the taxi licence.
- **SCOTT CARLE, Convener**

## LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE

ABERDEEN, 1 July 2016. Minute of Meeting of the LICENSING EVIDENTIAL HEARINGS SUB COMMITTEE. Present:- Councillor Carle, Convener; and Councillors Nicoll and Samarai (as a substitute for Councillor Townson).

**The agenda and reports associated with this minute can be found at:-**  
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=547&MId=4295&Ver=4>

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

### EXEMPT INFORMATION

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

### APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR LICENCE

1. With reference to article 14 of appendix B of the minute of the meeting of Licensing Committee of 14 June 2016, the Sub Committee had before it (1) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 15 April 2016, and Sergeant Gillian Flett was in attendance; and (2) various documents submitted by the applicant in support of the application.

The applicant was present, along with four witnesses.

Sergeant Flett spoke in support of the letter of representation from Police Scotland.

The Committee asked questions of Sergeant Flett.

The Sub Committee heard from the applicant and the four witnesses in support of the application.

The Committee asked questions of the applicant and his witnesses.

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

to grant the application for a six month period with the condition that the licence holder work through a licensed booking office.

- **SCOTT CARLE, Convener**

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## LICENSING URGENT BUSINESS SUB COMMITTEE

ABERDEEN, 27 June 2016. Minute of Meeting of the LICENSING URGENT BUSINESS SUB COMMITTEE. Present:- Councillor Carle, Convener; and Councillors Townson and Nicoll.

The agenda and reports associated with this minute can be found at:  
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=502&MIId=4287&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.

### PUBLIC CHARITABLE COLLECTION

2. The Sub Committee heard from Mrs Ruth O'Hare, Legal Advisor, who advised that a notification in respect of a proposed public charitable collection to be held in the city centre on 30 June 2016 by Interpal had been submitted. She explained that the notification had originally been for 23 June 2016, however due to an administrative error regarding the first notification, a revised submission had been received, however this did not comply with the statutory 28 day notice period.

She intimated that the Sub Committee if it so wished, could decide to waive the period of notice and accept the late notification.

The applicant was not in attendance.

**The Sub Committee resolved:**

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

### 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 URGENT BUSINESS SUB COMMITTEE**  
27 June 2016

**APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE**

3. The Sub Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 4 February 2016, and Sergeant Gillian Flett was in attendance to speak in its support.

The applicant was not present.

The Sub Committee heard from Mrs Ruth O'Hare, Legal Advisor, who advised that she had spoken to the applicant who had advised of his right to work in the United Kingdom and this position had also been confirmed by the Home Office.

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

**- COUNCILLOR SCOTT CARLE, Convener**



## LICENSING URGENT BUSINESS SUB COMMITTEE

ABERDEEN, 1 July 2016. Minute of Meeting of the LICENSING URGENT BUSINESS SUB COMMITTEE. Present:- Councillor Carle, Convener; and Councillors Nicoll, Samarai (as a substitute for Councillor Townson from article 5 onwards) and Townson (for articles 1 to 4).

**The agenda and reports associated with this minute can be found at:**  
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=502&MIId=4296&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.

### **AGENDA ORDER**

2. Further to a request from the licence holder at item 11 on the agenda, the Convener proposed that item 11 (Request for Removal of Suspension of a Taxi Driver's Licence) on today's agenda be considered first.

**The Sub Committee resolved:**

to concur with the Convener's proposal and thereby consider item 11 as the first item of business.

### **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 URGENT BUSINESS SUB COMMITTEE**

1 July 2016

**REQUEST FOR REMOVAL OF SUSPENSION OF A TAXI DRIVER'S LICENCE**

3. With reference to article 21 of appendix B of the minute of the meeting of the Licensing Committee of 14 June 2016, the Sub Committee had before it a letters of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 4 November 2015 and 31 May 2016, and Sergeant Gillian Flett was in attendance on behalf of Police Scotland.

The licence holder was present, accompanied by a witness.

The licence holder advised that he wished to lodge character references for consideration by the Sub Committee.

Sergeant Gillian Flett, Police Scotland had no objection to the documents being considered.

**The Sub Committee resolved:-**

that the character references lodged by the applicant be introduced to the proceedings.

The Sub Committee heard from the licence holder and his witness in support of the request for the removal of the suspension of his taxi driver's licence.

The Sub Committee heard from Sergeant Gill Flett on behalf of Police Scotland.

**The Sub Committee resolved:**

to take no action and thereby the suspension of the taxi driver's licence remained.

**RENEWAL OF A TAXI DRIVER'S LICENCE**

4. With reference to article 5 of appendix B of the minute of the meeting of the Licensing Committee of 14 June 2016, the Sub Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 20 April 2016, and Sergeant Gillian Flett was in attendance and spoke in support of the letter.

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

**The Sub Committee resolved:**

to grant the application.

**LICENSING URGENT BUSINESS SUB COMMITTEE**

1 July 2016

**RENEWAL OF A TAXI DRIVER'S LICENCE**

5. With reference to article 6 of appendix B of the minute of the meeting of the Licensing Committee of 14 June 2016, the Sub Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 4 May 2016, and Sergeant Gillian Flett was in attendance and spoke in support of the letter.

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

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

**GRANT OF A PRIVATE HIRE DRIVER'S LICENCE**

6. With reference to article 10 of appendix B of the minute of the meeting of the Licensing Committee of 14 June 2016, the Sub Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 20 April 2016, and Sergeant Gillian Flett was in attendance and spoke in support of the letter.

The applicant was not present.

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

**GRANT OF A PRIVATE HIRE DRIVER'S LICENCE**

7. With reference to article 11 of appendix B of the minute of the meeting of the Licensing Committee of 14 June 2016, the Sub Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 1 April 2016, and Sergeant Gillian Flett was in attendance and spoke in support of the letter.

The applicant was not present.

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

**LICENSING URGENT BUSINESS SUB COMMITTEE**

1 July 2016

**DECLARATION OF INTEREST**

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

**GRANT OF A PRIVATE HIRE DRIVER'S LICENCE**

8. With reference to article 12 of appendix B of the minute of the meeting of the Licensing Committee of 14 June 2016, the Sub Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 19 April 2016, and Sergeant Gillian Flett was in attendance and spoke in support of the letter.

The applicant was not present.

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

**GRANT OF A PRIVATE HIRE DRIVER'S LICENCE**

9. With reference to article 13 of appendix B of the minute of the meeting of the Licensing Committee of 14 June 2016, the Sub Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 13 May 2016, and Sergeant Gillian Flett was in attendance and spoke in support of the letter.

The applicant was not present.

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

**GRANT OF A PRIVATE HIRE DRIVER'S LICENCE**

10. With reference to article 15 of appendix B of the minute of the meeting of the Licensing Committee of 14 June 2016, the Sub Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 19 April 2016, and Sergeant Gillian Flett was in attendance and spoke in support of the letter.

**LICENSING URGENT BUSINESS SUB COMMITTEE**

1 July 2016

The applicant was not present.

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

**GRANT OF A PRIVATE HIRE DRIVER'S LICENCE**

11. With reference to article 10 of appendix B of the minute of the meeting of the Licensing Committee of 14 June 2016, the Sub Committee had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 20 April 2016, and Sergeant Gillian Flett was in attendance and spoke in support of the letter.

The applicant was present, along with his son, and spoke in support of his application.

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

**GRANT OF A PRIVATE HIRE DRIVER'S LICENCE**

12. With reference to article 17 of appendix B of the minute of the meeting of the Licensing Committee of 14 June 2016, the Sub Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 29 April 2016, and Sergeant Gillian Flett was in attendance and spoke in support of the letter.

The applicant was not present.

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

- **COUNCILLOR CARLE, Convener**

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## LICENSING URGENT BUSINESS SUB COMMITTEE

ABERDEEN, 14 July 2016. Minute of Meeting of the LICENSING URGENT BUSINESS SUB COMMITTEE. Present:- Councillor Boulton, Convener; and Councillors 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=4305&Ver=4>

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

### CONVENER

1. In the absence of the Convener, Councillor Boulton took the chair.

### DETERMINATION OF URGENT BUSINESS

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

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

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

### APPLICATION FOR A TEMPORARY PUBLIC ENTERTAINMENT 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; (2) the event plan; and (3) an email of objection.

The information note advised that the item was on the agenda as an objection had been received in connection with the application. In addition a clear report from Building Standards had not yet been received.

The objector, Councillor Reynolds, was not in attendance.

The applicant Mr Wilson was present, along with his solicitor, Ms Paul, and spoke in support of the application.

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

to agree that the Head of Legal and Democratic Services grant the application under delegated powers subject to a clear report from Building Standards being received.

- **COUNCILLOR BOULTON, Convener**

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## LICENSING URGENT BUSINESS SUB COMMITTEE

ABERDEEN, 4 August 2016. Minute of Meeting of the LICENSING URGENT BUSINESS SUB COMMITTEE. Present:- Councillor Carle, Convener; and Councillors Boulton, Nicoll and Townson.

The agenda and reports associated with this minute can be found at:  
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=502&MI d=4316&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.

### FILM CLASSIFICATIONS

2. The Sub Committee had before it the following request film classification for from Cineworld, Queens Link, Aberdeen:

The Revolution of Juche – suggested rating 15

**The Sub Committee resolved:**

to approve the film classification certificate as detailed above.

### GRANT OF A STREET TRADER'S LICENCE - KANG SOO

3. Locations – (1) Hill Place – Southside – 140m east of Dyce Drive; (2) Hareness Road – Southside – 40m east of Hareness Circle, Western Spur; (3) Southern Road – Southside – 160m east of Crawpeel Road; (4) Craigshaw Drive – Southside – 160m west of Wellington Road; (6) Stoneywood Park North-West Side – 40m north of Stoneywood Park; (7) Tern Place Northside – 90m west of Denmore Road; and (8) Exploration Drive – Westside – 90m north of Exploration Drive – Eastern Spur  
Operating Hours – Monday to Sunday, 7am to 7pm

**LICENSING URGENT BUSINESS SUB COMMITTEE**

4 August 2016

With reference to article 14 of appendix A of the minute of the meeting of the Licensing Committee of 14 June 2016, the Sub Committee had before it an information note prepared by the Head of Legal and Democratic Services in respect of the above application.

The information note advised that the Licensing Committee on 14 June 2016 had agreed to defer consideration of the revised application to enable a food safety certificate to be received, after which time the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise refer it to the Licensing Urgent Business Sub Committee for consideration.

The note also advised that the application required to be determined by 14 August 2016 and to date the applicant had not provided a food safety certificate. In this regard, Section 39 of the Civic Government (Scotland) Act 1982 stated that the Committee must refuse the application unless there was produced to them a certificate by the food authority (for the purposes of section 5 of the Food Safety Act 1990) stating that the vehicle, kiosk or moveable stall complied with the requirements of any relevant regulations made under that Act.

The applicant was not present.

The Sub Committee heard from Mrs O'Hare, Legal Advisor, who advised that the applicant had intimated that he did not have a hot goods vehicle at this time.

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

**APPLICATION FOR A PUBLIC CHARITABLE COLLECTION**

4. The Sub Committee had before it an information note by the Head of Legal and Democratic Services in respect of the application for a public charitable collection by Hannah Graham to be held on Sunday 28 August 2016 at the Aberdeen Beach.

The information note advised that in terms of the Licensing Committee's current policy, street collections were permitted every Monday, Thursday and Saturday and every day in December except Sundays and Public Holidays.

The applicant was not in attendance.

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

**LICENSING URGENT BUSINESS SUB COMMITTEE**

4 August 2016

**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.**

**APPLICATIONS FOR THE TEMPORARY GRANT AND GRANT OF A STREET TRADER'S LICENCE**

5. The Sub Committee had before it a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 13 July 2016, and Sergeant Kenny McGeough was in attendance to speak in its support.

The applicant was present, accompanied by her father in law, and both spoke in support of the applications.

The Sub Committee asked questions of both Sergeant McGeough and the applicant.

**The Sub Committee resolved:-**

to grant the application for a street trader's licence.

**- COUNCILLOR SCOTT CARLE, Convener**

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## TAXI CONSULTATION GROUP

ABERDEEN, 9 June 2016. Minute of Meeting of the TAXI CONSULTATION GROUP. Present:- Councillor Carle, Convener; Councillor Hutchison (as substitute for Councillor MacGregor); and Peter Campbell (Unite the Union), Stewart Duncan (Airport Drivers) and Graeme McColl (Aberdeen Taxi Group).

In attendance:- Russell McLeod (Rainbow City Taxis), Sergeant Gillian Flett (Police Scotland), Paul Dixon (Finance), Izy Deans, Karen Gatherum, David McKane and Ruth O'Hare (Litigation and Licensing, Legal and Democratic Services), Gary Hughes and Barry Pallister (Fleet Services) and Kate Lines and Martyn Orchard (Democratic Services).

**The agenda and reports associated with this minute can be located at the following link:**

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=398&MIId=4043&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.**

### ORDER OF AGENDA

1. The Convener proposed that items 4 (Taxi Testing Requirements) and 12 (Finance Report) be considered as the first two items of business.

#### **The Consultation Group resolved:**

to accept the proposal.

### TAXI TESTING REQUIREMENTS

2. Ruth O'Hare introduced Russell McLeod from Rainbow City Taxis, who had raised some issues regarding taxi testing requirements and explained that the Taxi Consultation Group was the appropriate forum to consider them.

Mr McLeod advised the Group that he had submitted a vehicle for testing on 24 May 2016 which had received a 14 day re-test certificate for minor paintwork damage. On inspection there was some peeling of the top lacquer, however Mr McLeod raised concerns that whilst the paintwork needed attention the testing process was cumbersome. He explained that there was no route of appeal other than to go to the Licensing Committee which would potentially cause a loss of earnings for drivers for minor issues. Mr McLeod felt that there should be an easy route to appeal such cases and asked whether any costs associated were incurred by drivers or the taxi testing service.

Mr McLeod further advised of an instance where a vehicle had been issued with a 14 day re-test certificate for a two minute discrepancy on its meter clock when compared to the clock within the vehicle testing workshop. Mr McLeod stated that a two minute

TAXI CONSULTATION GROUP  
9 June 2016

discrepancy had no impact on the service provided. He advised that neither vehicle had been taken off the road however he requested that the taxi testing criteria be reviewed.

David McKane advised that the route to appeal was to firstly ask the tester to re-test the vehicle or to escalate the matter to Gary Hughes (Workshop Manager) who would inspect the vehicle himself. He added that Mr Hughes had upheld appeals in the past. The final stage of appeal was to request that the Licensing Committee consider the case. There was no charge incurred in the issuing of a 14 or 28 day re-test, however a taxi operator did incur additional costs in the event of a vehicle failing the inspection test.

Mr McKane addressed the situation regarding taxi meters and advised that all meters needed to be accurate in terms of the Council's policy - the workshop clock was checked to match with the computer in the inspection centre, therefore every taxi meter was set to the same time upon leaving the workshop.

Graeme McColl advised that he had met with Mr Hughes to discuss some of these issues and felt that there was merit in the Council revisiting its testing manual, and appeals process, as it had been some time since it had been reviewed, having originally been developed from the manual used by Moray Council. Mr McColl explained that he had to reset meters on a daily basis as a meter agent, as the time was prone to drift, however they could be reset via a smartphone app and did not need to be manually adjusted. He emphasised that there needed to be consistency in testing - for example some vehicles were being failed for being dirty, which was then overruled by Mr Hughes.

The Group welcomed the suggestion to review the testing manual and the appeals process, and discussed the possibility of a small working group being established to undertake this task.

**The Consultation Group resolved:**

**to recommend to the Licensing Committee that a small working group be established to review the taxi testing manual and the appeals process.**

**REPORT BY HEAD OF FINANCE REGARDING PRIOR YEARS' SURPLUSES**

3. With reference to Article 4 of the minute of its meeting of 28 October 2015, the Group had before it a report by the Head of Finance which provided a summary of estimated income and expenditure relating to taxi licences since 2012/13, as well as budgeted income and expenditure for 2016/17.

Paul Dixon, Accounting Manager, spoke to the report and advised that the Council had a legal duty to cover the costs of administering taxi licensing within the scale of fees. He further advised that within each financial year there would be a fluctuation of income and expenditure and highlighted legal costs incurred during 2015/16 which had resulted

TAXI CONSULTATION GROUP  
9 June 2016

in a deficit. Mr Dixon emphasised that there was no requirement for the Council to produce separate accounts for the administration of taxi licensing, therefore what had been produced, retrospectively from 2012/13, represented the best estimate based on the information that was available.

Graeme McColl asked a number of questions in connection with the accounts which Mr Dixon responded to. In response to a query regarding work contracted out, the Group was advised that this related to items such as the unmet demand survey every two years and a proportion of the costs relating to equipment replacement within the workshop which was used within the taxi licensing service. Concerns were raised about the taxi trade potentially paying for equipment used to service other vehicles. Mr Dixon advised that he did not have specific details but would ask for a list of the replacement equipment from Fleet Services. With regard to premises costs at Kittybrewster, Mr Dixon explained that these were an estimation of shared services on a proportionate rate with the two taxi ramps occupying 5% of the workshop area.

Mr McColl queried the use of a contingency fund in 2016/17 as it was the first time it had been included. Mr Dixon advised that this would previously have been seen as a surplus but would now be retained for unforeseen costs or reductions in income. In response to a further query with regard to previous surplus income, Mr Dixon advised that Council policy was to hold surplus funds within the General Fund. Current legislation did not require a carry forward of funds from the taxi trade and the Council would need to decide whether to carry forward funds specifically for the taxi trade.

In response to a query about providing more a detailed breakdown of specific budget headings, Mr Dixon reiterated that the figures represented a best estimate in terms of previous years however more specific income and expenditure would be available moving forward.

The Convener thanked Mr Dixon and his team for preparing the report and the estimated accounts and commented that they were a lot further forward than had been the case in the past.

**The Consultation Group resolved:**

- (i) to note the report; and
- (ii) to note that members of the Group would provide further feedback to Mr Dixon on an individual basis and that the matter be considered again at the next meeting.

**APOLOGIES**

4. Apologies were received on behalf of Councillors Graham, MacGregor and Reynolds; and Tommy Campbell (Unite).

TAXI CONSULTATION GROUP  
9 June 2016

**MINUTE OF PREVIOUS MEETING**

5. The Consultation Group had before it the minute of the previous meeting of 1 March 2016.

**The Consultation Group resolved:**  
to approve the minute.

**TAXI AND PRIVATE HIRE CAR LICENSING - CONSULTATION ON THE IMPACT OF MODERN TECHNOLOGY**

6. The Group had before it the Scottish Government's consultation paper on Taxi and Private Hire Car Licensing - Consultation on the Impact of Modern Technology. Ruth O'Hare advised that the item had been included on the agenda for general discussion, and that the Council was preparing its own response.

Mr McColl suggested that it would be preferable for all taxis operating within the city boundary to be fitted with a meter, and to use the meter fare, as currently vehicles did not need a meter to pass the private hire test. Mr McKane advised that non metered cars had to agree the fare in advance of the journey commencing. The use of 'apps' was discussed, including current legislation covering the use of mobile phones by drivers; whether an 'app' constituted a booking office and also what the minimum number of cars taking bookings from a single contact point would be to constitute a booking office. Mr McKane confirmed that an app did not constitute a meter and that where multiple cars were being booked through the same app there would be a preference for this to be by way of a registered booking office although it was hard to enforce. Ms O'Hare advised that there was no desire to burden the taxi trade with more restrictions and that a booking office requirement should not be imposed on less than the three vehicles currently in place, however the use of apps as a 'virtual hail' needed to be investigated - officers believed that the use of Facebook, apps and email all constituted a pre-booking.

**The Consultation Group resolved:**  
to note the consultation paper.

**It was agreed to consider agenda items 3 (Enforcement Officer Report) and 6 (Number of New Private Hire Applications) together at this juncture as the number of new applications was contained within the report from the Enforcement Officer.**



TAXI CONSULTATION GROUP  
9 June 2016

**ENFORCEMENT OFFICER REPORT AND NUMBER OF NEW LICENCE APPLICATIONS - SUBMITTED BY UNITE THE UNION**

7. The Group had before it a report by the Enforcement Officer which provided an update on licensing issues previously highlighted by the taxi trade, and a note of new issues raised and the action being taken by the appropriate authorities.

David McKane spoke to his report, highlighting the main issues as below.

(A) Aberdeen Airport

The Group was advised that difficulties encountered by drivers at the terminals at Bond Helicopters appeared to be resolved.

(B) Bridge Street

With reference to the illegal formation of a taxi rank at Bridge Street, all signage implying the rank was still active had been removed as well as the markings on the road. Police Scotland advised that officers had been patrolling the area which had reduced the unauthorised use in the early hours of the morning, however consistent penalty enforcement was difficult as details of individual vehicles were often not supplied at the time of a complaint being made.

Graeme McColl advised that funding for rank closed signs was available via the City Centre Partnership, recollected that this was being progressed and undertook to check the minutes of previous meetings.

(C) Private Hire Car Driver and Vehicle Licence Applications

The Group had before it an update on licence applications received between 1 January and 1 June 2016.

In regard to checking applications, Police Scotland advised that only information regarding criminal activity could be passed to a Licensing Authority. From 1 May 2016, applicants had to submit a copy of their current driving licence with a DVLA check code to enable the authority to verify their entitlement to drive in line with the requirements of the legislation. Application forms were being amended to reflect this change.

(D) Aberdeen Royal Infirmary - Illegal Use of Bus Stops

Complaints had been received that taxi drivers had been using the bus stops at the hospital to drop off and collect passengers and this was preventing access to the bus stops. Mr McKane confirmed that use of the bus stops by vehicles other than buses was not permitted. Complaints had also been received from the hospital that taxi drivers were parking in ambulance bays and also in the bus only terminus at the main entrance. Mr McKane emphasised that such practices must cease and any driver

TAXI CONSULTATION GROUP  
9 June 2016

identified doing this in the future would be reported to the Licensing Committee with a recommendation that their licence be suspended.

(E) Back Wynd

Councillor Hutchison raised concerns that access to Back Wynd was often difficult due to high numbers of taxi drivers using the rank and parking beyond the rank limits. Mr McKane advised that Back Wynd was monitored and drivers had been moved on, however he would revisit the matter if it kept happening.

(F) Recruitment

Ruth O'Hare highlighted that the licensing team was recruiting new staff, and introduced Izy Deans who joined the Council as a second Enforcement Officer in March 2016.

**The Consultation Group resolved:**

- (i) to note that the provision of rank closed signs for Bridge Street was potentially being progressed via the City Centre Partnership, and if it was not that this be taken forward; and
- (ii) to otherwise note the updates.

**TAXI FARE SCHEDULE - ADDITION OF £2 AIRPORT CHARGE - SUBMITTED BY UNITE THE UNION**

8. The Group had before it a request from Unite that the £2 airport charge be added to the taxi fare schedule and that the Licensing Committee consider agreeing a mechanism that should the airport increase the charge again that the increased charge be automatically passed on to the passenger without waiting for the Council to approve it.

The Convener acknowledged the concerns within the trade and stated that he was also concerned at the potential for the charge to be increased by the airport on a regular basis.

Ruth O'Hare explained that the taxi fare schedule was subject to a statutory 18 month review and the next review was due by December 2016. She added that the only way the airport charge could be added to the taxi fare was via the review process - a report was due to be considered by the Licensing Committee in August, which would then go out to consultation and advertisement prior to a decision by the Committee in December.

TAXI CONSULTATION GROUP  
9 June 2016

**The Consultation Group resolved:**

- (i) to note that a report on the review of the taxi fare schedule was to be considered by the Licensing Committee in August, prior to decision in December, and that this matter would be considered as part of the review;
- (ii) to request officers to investigate methods utilised by other licensing authorities in dealing with such additional charges; and
- (iii) to note the concerns expressed.

**BRIDGE STREET SIGNAGE - SUBMITTED BY UNITE THE UNION**

9. Further to the discussion under Article 7 of this minute, the Group had before it a request from Unite for the installation of signs on Bridge Street and outside or near the Station Hotel to clarify that these areas were not taxi pick up points.

Peter Campbell emphasised that enforcement needed to take place over a 24 hour period - there was distinct apathy in the trade as a result of drivers getting away with things that they should not be doing. He added that the night time taxi rank lights often caused confusion and that the one at the Castlegate was switched on outwith the hours it was supposed to, although this was due to be fixed.

Sergeant Flett advised that Police Scotland worked in partnership with the Enforcement Officer and that patrols moved illegally parked taxis on, however they did not take enforcement action. It was noted that the weekend briefings issued to the taxi trade by Police Scotland covered these issues.

**The Consultation Group resolved:**

- (i) to note the additional information; and
- (ii) to note that signage was being progressed via the City Centre Partnership.

**REVIEW OF OPERATION OF AIRPORT DRIVERS WITHIN THE CITY CENTRE - SUBMITTED BY UNITE THE UNION**

10. Peter Campbell advised that he was receiving an increasing number of complaints about airport zoned drivers taking trade from city zoned drivers following the downturn in business at the airport.

Ruth O'Hare stated that a report was awaited from the taxi marshals with data from the last 12 months which would feed into any review in terms of the taxi demand survey, and that this was a matter for the Licensing Committee to determine.

Some members of the Group expressed caution about potentially changing the decision to allow airport drivers to operate in the city centre as circumstances could change at any point. It was suggested that the main issue was airport drivers working both

TAXI CONSULTATION GROUP  
9 June 2016

weekend nights and that they needed to be advised of the operating regulations for airport taxis within the city zones.

**The Consultation Group resolved:**

- (i) to note that a report was awaited with data from the last 12 months which would feed into any review in terms of the taxi demand survey; and
- (ii) to otherwise note the position meantime.

**AOCB**

**11. (A) Correspondence - Accessible Vehicle Deadline**

Graeme McColl advised that letters had recently been issued by the Council which made reference to the deadline for accessible vehicles being June 2017, which was incorrect as the Council had agreed to delay implementation until June 2018, and requested that steps be taken to ensure all correspondence was accurate in the future.

**The Consultation Group resolved:**

to request that such correspondence be amended to ensure accuracy in the future.

**(B) Online Application System**

Ruth O'Hare advised that the Council was looking to extend its online capability to enable taxi licences to be applied for and renewed via the Council website, as well as other related services. The Taxi Consultation Group broadly welcomed this potential development.

**The Consultation Group resolved:**

to request that officers continue to pursue an online application system.

**DATE OF NEXT MEETING**

**12.** The Consultation Group noted that its next meeting was to be held on 5 October 2016 at 10.00am.

- **Councillor Scott Carle, Convener.**

LICENSING

COMMITTEE BUSINESS

23 AUGUST 2016

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

Reports which are overdue are shaded.

	<u>Minute Reference</u>	<u>Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
1.	Licensing Committee 27.01.15 (Article 6)	<u>Survey On Unmet Taxi Demand – Collation Of Data And Consultation With Trade</u>  At its meeting on 17 March 2015, the Committee agreed to instruct the Head of Legal and Democratic Services to report to the Licensing Committee in early 2016 with an analysis of taxi marshal data over a twelve month period in accordance with the terms of the report.	An analysis of the data is awaited and a report should be submitted to the Committee at its meeting on 23 <sup>rd</sup> August 2016.  <b>A verbal update will be provided at the meeting.</b>	Head of Legal and Democratic Services	23.08.16

2.	Licensing Committee 01.09.15 (Article 7)	<u>Training for Taxi Drivers</u>  At its meeting on 1 September 2015, the Committee resolved, amongst other things, to: (a) instruct officers from Legal and Democratic Services to carry out further investigations into the requirements for taxi driver training and undertake consultation with the trade; and (b) instruct officers from Legal and Democratic Service to report back to Committee on the outcome of (a).		Head of Legal and Democratic Services	25.10.16
3.	Licensing Committee 19.01.16 (article 8(D))	<u>Private Hire Driver Training</u> The Committee resolved, amongst other things, to: (a) instruct officers from Legal and Democratic Services to include training for private hire driver licences as part of the current consultation on taxi driver training instructed by the Committee at its meeting on 1 September 2015 and to advise future private hire driver applicants of the opportunity to voluntarily undertake the street knowledge test; and (b) instruct officers to report to Committee with proposals for street knowledge testing for private hire drivers once section 64 of the Air Weapons and Licensing (Scotland) Act 2015 was in force or if earlier when guidance on the Act was made available.		Head of Legal and Democratic Services	25.10.16  Dependent on Act being enforced or guidance being available

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

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ABERDEEN FILM FESTIVAL  
AGE CLASSIFICATION REQUEST

OCTOBER 17-20 2016

*ACT Aberdeen*

COLT 13 (13 MINUTES)

## SYNOPSIS

A former sports phenomenon looks to settle a score with the man he believes is responsible for destroying his life - his brother.

## SUGGESTED RATING UTILISING BBFC GUIDELINES

18

## DISCRIMINATION

None

## DRUGS

No References to Illegal drugs or drug use.

## HORROR

Infrequent mild violence.

## IMITABLE BEHAVIOUR

Heavy drinking.

## LANGUAGE

Frequent use of strong language

## NUDITY

None

## SEX

None

## THEME

Drama

## VIOLENCE

Infrequent mild violence.

RED SKY ON THE BLACK ISLE (12 MINUTES)

**SYNOPSIS**

In 2014, 22 birds of prey including 16 red kites were found dead on the Black Isle. One year on, the locals are making sure that this tragedy is not forgotten.

SUGGESTED RATING UTILISING BBFC GUIDELINES

PG

DISCRIMINATION

None

DRUGS

No References to Illegal drugs or drug use.

HORROR

One image of a dead kite that some younger viewers may find distressing.

IMITABLE BEHAVIOUR

None.

LANGUAGE

Single use of bad language.

NUDITY

None

SEX

None

THEME

Documentary

VIOLENCE

One image of a dead kite.

KITTIWAKES (13 MINUTES)

## SYNOPSIS

Under cover of dark, an out of work trawlerman attempts to plunder scrap metal from a derelict sea fort, enlisting the help of a young welder, but isolated and out at sea, the stakes are much higher than either of them could realise...

### SUGGESTED RATING UTILISING BBFC GUIDELINES

12A

### DISCRIMINATION

None

### DRUGS

No References to Illegal drugs or drug use.

### HORROR

Mild peril.

### IMITABLE BEHAVIOUR

None.

### LANGUAGE

Infrequent.

### NUDITY

None

### SEX

None

### THEME

Drama

### VIOLENCE

Infrequent and mild.

PANDORA (12 MINUTES)

## SYNOPSIS

A young women finds images that prove infidelity in there marriage, with the hurt and worry she decides to takes things into her own hands, but things are not exactly what they seem at first and its only a matter of time before the truth really comes out.

### SUGGESTED RATING UTILISING BBFC GUIDELINES

15

### DISCRIMINATION

None

### DRUGS

No References to Illegal drugs or drug use.

### HORROR

Psychological horror.

### IMITABLE BEHAVIOUR

None.

### LANGUAGE

Infrequent.

### NUDITY

None

### SEX

None

### THEME

Horror

### VIOLENCE

Infrequent and mild.

THE DARK TAPES (99 MINUTES)

## SYNOPSIS

A genre-defying mixture of horror, sci-fi, myth, mystery and thrills told as four interlocking tales in one intelligent, original anthology.

### SUGGESTED RATING UTILISING BBFC GUIDELINES

18

### DISCRIMINATION

None

### DRUGS

Infrequent references.

### HORROR

Frequent and bloody at times.

### IMITABLE BEHAVIOUR

None.

### LANGUAGE

Infrequent.

### NUDITY

Infrequent.

### SEX

None

### THEME

Horror

### VIOLENCE

Frequent and bloody.

## SYNOPSIS

This is an adventure fantasy of Mimi and the seven gods in search of her grandmother's myna bird, Hakushi. The search takes place during the summer and ranges all over the city of Tokyo. The film depicts many aspects of modern Japanese history, sometimes in the realm of fantasy and sometimes realistically through the eyes of 17 year old Mimi.

### SUGGESTED RATING UTILISING BBFC GUIDELINES

PG

### DISCRIMINATION

None

### DRUGS

None

### HORROR

None

### IMITABLE BEHAVIOUR

None.

### LANGUAGE

None

### NUDITY

None

### SEX

None

### THEME

Fantasy adventure

### VIOLENCE

None

LIVING WITH THE DEAD (94 MINUTES)

## SYNOPSIS

A runaway girl, Max McLean, adventures into the forest with a young man named Ish while struggling to understand her boyfriend's suicide.

### SUGGESTED RATING UTILISING BBFC GUIDELINES

15

### DISCRIMINATION

None

### DRUGS

Prescription - depicted overdose.

### HORROR

Some scenes that viewers may find disturbing.

### IMITABLE BEHAVIOUR

Implied suicide.

### LANGUAGE

Infrequent.

### NUDITY

None

### SEX

Implied.

### THEME

Drama

### VIOLENCE

Infrequent



TITO VS TITO (2 MINUTES)

## SYNOPSIS

A man fights against himself.

SUGGESTED RATING UTILISING BBFC GUIDELINES

PG

DISCRIMINATION

None

DRUGS

None

HORROR

None

IMITABLE BEHAVIOUR

Fighting between two individuals.

LANGUAGE

None.

NUDITY

None

SEX

None.

THEME

Comedy

VIOLENCE

Mild, comical.

FAILED (3 MINUTES)

## SYNOPSIS

A driver recklessly races to the finish line.

### SUGGESTED RATING UTILISING BBFC GUIDELINES

PG

### DISCRIMINATION

None

### DRUGS

None

### HORROR

None

### IMITABLE BEHAVIOUR

Reckless driving.

### LANGUAGE

None.

### NUDITY

None.

### SEX

None.

### THEME

Comedy

### VIOLENCE

Mild, comical.

SOTTOTERRA (14 MINUTES)

## SYNOPSIS

A little girl, Lisa, finds a deep and frightening hole dug in a path among the trees. She is attracted by the hole, wants to go down it, but her mother stops her. Lisa, convinced that the hole hides a monstrous secret, obliges a friend, Michele, to go down it. Michele comes out of the hole with his face altered by terror. Lisa urges him to tell her what he saw, but he is shocked and cannot speak. Lisa goes back to the path to discover the truth.

### SUGGESTED RATING UTILISING BBFC GUIDELINES

PG

### DISCRIMINATION

None

### DRUGS

None

### HORROR

Mild, implied.

### IMITABLE BEHAVIOUR

None.

### LANGUAGE

None.

### NUDITY

None.

### SEX

None.

### THEME

Fantasy

### VIOLENCE

None.

COMING TO TERMS (12 MINUTES)

## SYNOPSIS

Having to face the death of their father, Eddie and Sally try to do their best in understanding the concept of death. At their tender age of 8 and 10, they fully rely on their religious father's teachings. When life in Heaven seems ideal, they make a decision that nobody could have expected.

### SUGGESTED RATING UTILISING BBFC GUIDELINES

12A

### DISCRIMINATION

None

### DRUGS

None

### HORROR

Implied.

### IMITABLE BEHAVIOUR

Implied suicide.

### LANGUAGE

None.

### NUDITY

None.

### SEX

None.

### THEME

Drama

### VIOLENCE

None.

TOURBILLON (83 MINUTES)

## SYNOPSIS

A woman who lives forever is reluctantly connected to a clandestine group that she calls her family. Struggling with this alienating condition, she now faces the decisive days of her endless life.

### SUGGESTED RATING UTILISING BBFC GUIDELINES

15

### DISCRIMINATION

None

### DRUGS

Infrequent references.

### HORROR

Mild.

### IMITABLE BEHAVIOUR

None.

### LANGUAGE

Infrequent.

### NUDITY

None.

### SEX

Implied.

### THEME

Drama

### VIOLENCE

Infrequent, mild.

THE 48 HOUR FILM PROJECT (90 MINUTES)

**SYNOPSIS**

Various short films created as part of a short film contest.

SUGGESTED RATING UTILISING BBFC GUIDELINES

18

DISCRIMINATION

None

DRUGS

Infrequent references.

HORROR

Infrequent.

IMITABLE BEHAVIOUR

None.

LANGUAGE

Infrequent.

NUDITY

None.

SEX

Implied.

THEME

Various themes.

VIOLENCE

Infrequent.

ABERDEEN FILM FESTIVAL  
AGE CLASSIFICATION REQUEST

OCTOBER 17-20 2016

*ACT Aberdeen*

SCOTTISH KIDS ARE HAUNTED (13 MINUTES)

## SYNOPSIS

In rural Scotland, Mac searches for the devil with his wee camera.

### SUGGESTED RATING UTILISING BBFC GUIDELINES

15

### DISCRIMINATION

None

### DRUGS

No References to Illegal drugs or drug use.

### HORROR

Infrequent psychological horror.

### IMITABLE BEHAVIOUR

None.

### LANGUAGE

None.

### NUDITY

None

### SEX

None

### THEME

Horror

### VIOLENCE

Infrequent displays of blood.



BIGGER THAN THE SHINING (86 MINUTES)

## SYNOPSIS

What if one film could be the premonition of another? This provocative new work from director Mark Cousins plays with the idea of premonition in movie history, and also looks at male rage.

### SUGGESTED RATING UTILISING BBFC GUIDELINES

18

### DISCRIMINATION

None

### DRUGS

No References to Illegal drugs or drug use.

### HORROR

Frequent psychological horror and scenes of blood.

### IMITABLE BEHAVIOUR

None.

### LANGUAGE

Infrequent.

### NUDITY

None

### SEX

None

### THEME

Drama

### VIOLENCE

Infrequent/mild

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**LICENSING COMMITTEE**  
**23 August 2016**  
**LIST OF APPLICATIONS**

	<b>Application Type</b>	<b>Name and Address of Applicant(s)</b>	<b>Premises, Vehicle or Area to which Application Refers</b>	<b>Objections or Representations Received From</b>	<b>Date by which Application to be Determine (If Applicable)</b>	<b>Pages</b>
1.	HMO Application (Renewal)	Megan V.McLachlan	61 Skene Square, Aberdeen	C, H & I	23 September 2016	75 - 78
2.	HMO Application (Renewal)	Martin Buchan + Andrew Buchan	96 Broomhill Road, Aberdeen	C, H & I	19 October 2016	79 - 82
3.	HMO Application (Grant)	Douglas Farquhar + J.V.Carroll	Flat 6, 456A Great Western Road, Aberdeen	Two 'late' representations	11 April 2017	83 - 88
4.	HMO Application (Grant)	John Craig & Carole A.Craig + Easthaven Property Management	6 Tanfield Avenue, Aberdeen	One representation & one 'late' representation	26 April 2017	89 - 94
5.	HMO Application (Grant)	Jon Cruickshank & Lori Cruickshank + Geraghty-Gibb Property Management	2 Hawthorn Terrace, Aberdeen	Two representations	5 May 2017	95 - 102
6.	HMO Application (Renewal)	Victoria Lee Clegg + Ian Thompson	382B King Street, Aberdeen	One representation	5 May 2017	103 - 108
7.	HMO Application (Grant)	Kevin C.Atkinson & Susan Y.Atkinson + Babs Buglass Leasing	25 Springbank Terrace, Aberdeen	One representation	5 June 2017	109 - 114
8.	HMO Application (Grant)	Neeta Ewart	103 Clifton Road, Aberdeen	One representation	5 June 2017	115 - 120
9.	HMO Application (Renewal)	Raymond G.Pontin & Sheila C.Pontin	107 Clifton Road, Aberdeen	One representation	15 June 2017	121 - 126

10.	HMO Application (Grant)	Keith Lamb + J & G Collie, Solicitors	53 Bannermill Place, Aberdeen	C, H & I & One representation	13 July 2017	127 - 128
11.	Late Hours Catering (Grant)	D.P.K. Foods Ltd	Dominos Pizza Units 6&7 Kittybrewster Centre Clifton Road Aberdeen	LD	26 October 2016	129 - 130
12.	Street Trader (Renewal)	Allan Moule	Whitemyers Avenue Mastrick Industrial Estate Trading Hours: Monday – Friday 08:00-14:00	LD	30 September 2016	131 - 132
13.	Street Trader (Renewal)	Carol Annetta Heslop	1) Hazlehead Football Pitches Monday – Sunday 10:00-22:00 2) Sheddockley Football Pitches, Springhill Road Monday – Sunday 09:00-21:00 3) Outside Farm Services, Kirkhill Drive, Dyce Monday – Sunday 07:00-17:00 4) Crawpeel Road, Outside Total, Opposite Franks Monday-Sunday 07:00-19:00	LD	30 September 2016	133 - 134
14.	Street Trader (Renewal)	Shona Lyn Singer	Howemoss Avenue – West Side – 30 M South of Howemoss Place Trading Hours: Monday-Sunday 07:00-17:00	LD	26 October 2016	135 - 136
15.	Private Hire Car Driver (Grant)	Przemyslaw Kwapis	N/A	LD	8 October 2016	137 - 138

**ABBREVIATIONS:**

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

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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Doug Yeats, Senior Private Sector Housing Officer		
Email	<a href="mailto:dyeats@aberdeencity.gov.uk">dyeats@aberdeencity.gov.uk</a>	Date	11 August 2016
Tel.	522531	Our Ref.	
Fax.		Your Ref.	

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

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No. Skene Square School Lodge, 61 Skene square, Aberdeen**

**Applicant/s: Megan V McLachlan**

I refer to the above HMO licence application, which is due to be considered by the Licensing Committee at its meeting on 23 August 2016 for the reason that the upgrading work instructed by the HMO Unit has not been completed.

I can advise you as follows:

### **The HMO legislation**

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

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

### **The premises:**

The premises to which this HMO licence application relates is a house providing accommodation comprising 4 letting bedrooms, one kitchen/dining/living-room & 2 bathroom. The location of the premises is shown on the plan attached as Appendix 'A'

**The HMO application:-**

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

**HMO upgrading works and certification:**

The HMO Officer carried out a joint initial inspection of the property with an Officer from Scottish Fire & Rescue Service on 21 January 2015, then he wrote to the applicant listing the following requirements to bring the property up to the current HMO standard:-

1. The cause and effect of the rain water ingress affecting certain parts of the premises must be resolved.
2. The damage to the kitchen wall at skirting board level must be repaired.
3. A new handle must be provided on the ground floor bedroom door.
4. The ground floor toilet down lights must be safely reaffixed.
5. All portable heaters must be permanently removed from the premises.
6. Carbon Monoxide detectors to be installed in every room containing a gas appliance.
7. The Certificate of Compliance, Gas Safe Certificate, Electrical Installation Condition Report & PAT certificate to be submitted to the HMO Unit.

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

**Other considerations:**

- Police Scotland, as a statutory consultee, was initially consulted in respect of the applicant's suitability as a 'fit & proper' person, and made no adverse comment or objection.
- Scottish Fire & Rescue Service, as a statutory consultee, was initially consulted in respect of the suitability of the premises as an HMO, and made no comment or objection.
- At the date of this memo, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any corroborated complaints of anti-social behaviour at Skene Square School Lodge, 61 Skene Square, Aberdeen.
- The applicant, his property & his agent are registered with the Landlord Registration database.
- The applicant has requested an occupancy of 5 tenants which is acceptable to the HMO Unit in terms of space and layout.
- The HMO licence application under consideration is a 'renewal' application.



- The meeting of the Licensing Committee on 23 August 2016, is the last meeting before the one-year deadline therefore if the above-mentioned HMO requirements have not been completed by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 23 August 2016. I will advise the Committee whether or not all our requirements have been completed.

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

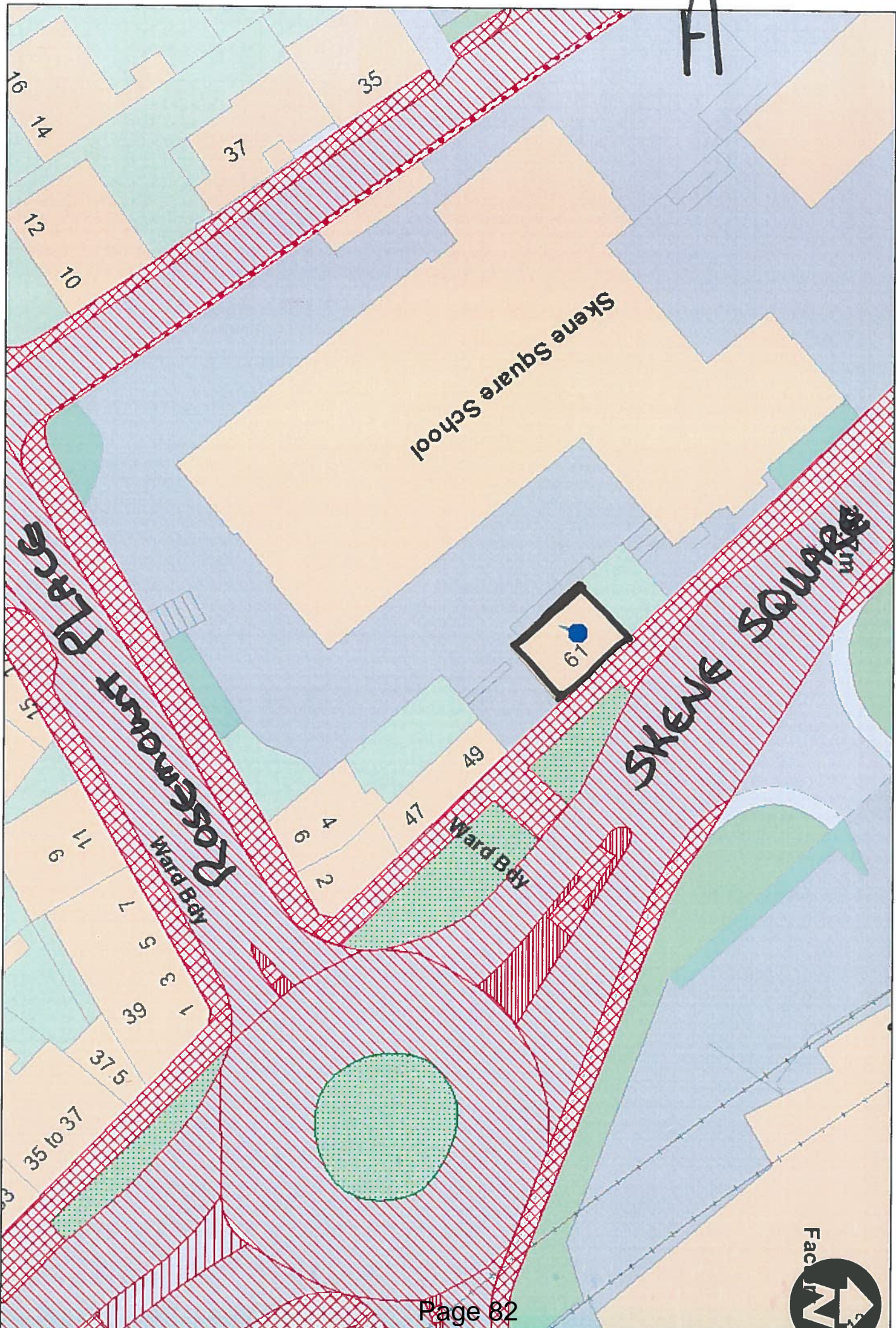
**Doug Yeats**  
Senior Private Sector Housing Officer

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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services	Date	11 August 2016
From	Doug Yeats, Senior Private Sector Housing Officer	Our Ref.	
Email	<a href="mailto:dyeats@aberdeencity.gov.uk">dyeats@aberdeencity.gov.uk</a>	Your Ref.	
Tel.	522531		
Fax.			

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

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No. 96 Broomhill Road, Aberdeen**

**Applicant/s: Martin Buchan**

**Agent: Andrew Buchan**

I refer to the above HMO licence application, which is due to be considered by the Licensing Committee at its meeting on 23 August 2016 for the reason that the upgrading work instructed by the HMO Unit has not been completed.

I can advise you as follows:

### **The HMO legislation**

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

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

### **The premises:**

The premises to which this HMO licence application relates is an upper floor maisonette flat providing accommodation comprising 7 letting bedrooms, one kitchen/dining/living-room & 3 bathrooms. The location of the premises is shown on the plan attached as Appendix 'A'

**The HMO application:-**

The HMO licence application was received by the HMO Unit on 20 October 2015.

**HMO upgrading works and certification:**

The HMO Officer carried out a joint initial inspection of the property with an Officer from Scottish Fire & Rescue Service on 3 November 2015, then he wrote to the applicant listing the following requirements to bring the property up to the current HMO standard:-

1. The housekeeping throughout the whole of the premises must be significantly and permanently improved.
2. The second floor shower room is badly affected by mildew. The must be removed and the whole room re-decorated.
3. The first floor shower room cistern flush button must be repaired or replaced.
4. The kitchen ceiling must be re-decorated.
5. The door leading from the kitchen to the ground floor must have it's hinges replaced.
6. The protruding water pipes in the ground floor bedroom must be removed and the wall area plastered and decorated.
7. The first floor shower room door glazing must be replace with safety glazing.
8. All faulty/missing light bulbs must be immediately replaced.
9. All portable heaters must be permanently removed from the premises.
10. Carbon Monoxide detectors to be installed in every room containing a gas appliance.
11. The Certificate of Compliance, Gas Safe Certificate and PAT certificate to be submitted to the HMO Unit.

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

**Other considerations:**

- Police Scotland, as a statutory consultee, was initially consulted in respect of the applicant's suitability as a 'fit & proper' person, and made no adverse comment or objection.
- Scottish Fire & Rescue Service, as a statutory consultee, was initially consulted in respect of the suitability of the premises as an HMO, and made no comment or objection.
- At the date of this memo, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any corroborated complaints of anti-social behaviour at No.96 Broomhill Road, Aberdeen.
- The applicant, his property & his agent are registered with the Landlord Registration database.
- The applicant has requested an occupancy of 7 tenants which is acceptable to the HMO Unit in terms of space and layout.

- The HMO licence application under consideration is a 'renewal' application.
- The meeting of the Licensing Committee on 23 August 2016, is the last meeting before the one-year deadline therefore if the above-mentioned HMO requirements have not been completed by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 23 August 2016. I will advise the Committee whether or not all our requirements have been completed.

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

Doug Yeats  
Senior Private Sector Housing Officer

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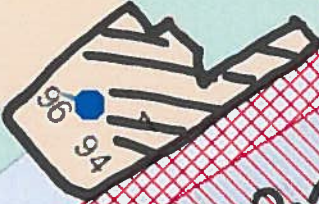
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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	11 August 2016
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

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

**Application for a Licence to operate a House in Multiple Occupation (HMO) at Flat 6, 456A Great Western Road, Aberdeen**

**Applicant/s: Douglas Farquhar**

**Agent: Ardoe Properties**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 23 August 2016 for the reason that two 'late' letters of representation were received by the HMO Unit.

I can advise you as follows:

### **The HMO legislation**

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

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

### **The premises:**

The property at Flat 6, 456A Great Western Road, Aberdeen, is a top-floor flat providing accommodation of 3 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 April 2016 and was received by the HMO Unit on 12 April 2016.

**Notice of HMO Application:**

Schedule 4 of Housing (Scotland) Act 2006 specifies the procedures to be followed in relation to HMO licensing, including the public notification process. The following sections of Schedule 4 are relevant to the public notice:

2(2)

*The applicant must cause a notice of HMO application to be displayed on or near to the living accommodation concerned for 21 days from the date on which the application is made.*

2(3)

*The applicant must ensure that the notice of HMO application is designed and displayed so that it can be conveniently read by the public.*

Two notices were displayed in the positions shown on the plan attached as Appendix 'B, and these positions were selected by the agent for the reason that they are in a public place as required by the legislation. For clarification, the access road between Great Western Road and the block of flats at No.456A Great Western Road is in private ownership.

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

The Certificate of Compliance submitted by the applicant declares that the public Notices of HMO Application were on display near the property between 11 April 2016 – 3 May 2016.

**Letters of Representation:**

One letter of representation was received by the HMO Unit on 18 July 2016, and a second letter of representation was received on 26 July 2016. Both letters are more than 2 months outwith the statutory 21-day period. The legislation, however, allows the local authority to consider a late letter if it considers that it was reasonable for the respondent to submit the letter after the deadline for doing so. Accordingly, if the Committee decides to consider the letter or letters, copies will be circulated to Members at the meeting.

**Letter from licence-applicant:**

The licence-applicant and his agent submitted letters in response to the letters of representation. If the Committee decides to consider the late letter/s of representation, copies of the licence-applicant's letter and his agent's letter will also be circulated to Members.

**Other Considerations:**

- Police Scotland has been consulted in respect of the licence-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.



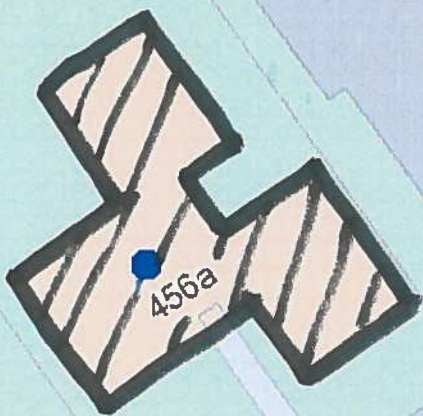
- At the date of this report, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour at Flat 6, 456A Great Western Road, Aberdeen.
- The applicant, his property and his agent are registered with the Landlord Registration database.
- The applicant has requested an occupancy of 3 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is a 'first-time' application.
- The application under consideration is the first recorded HMO licence application for any flat within No.456A Great Western Road.
- All HMO upgrading works & fire-safety works have been completed, therefore if the Committee is minded to grant the HMO licence, it may do so at the meeting on 23 August 2016.

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

**Ally Thain**  
Private Sector Housing Manager



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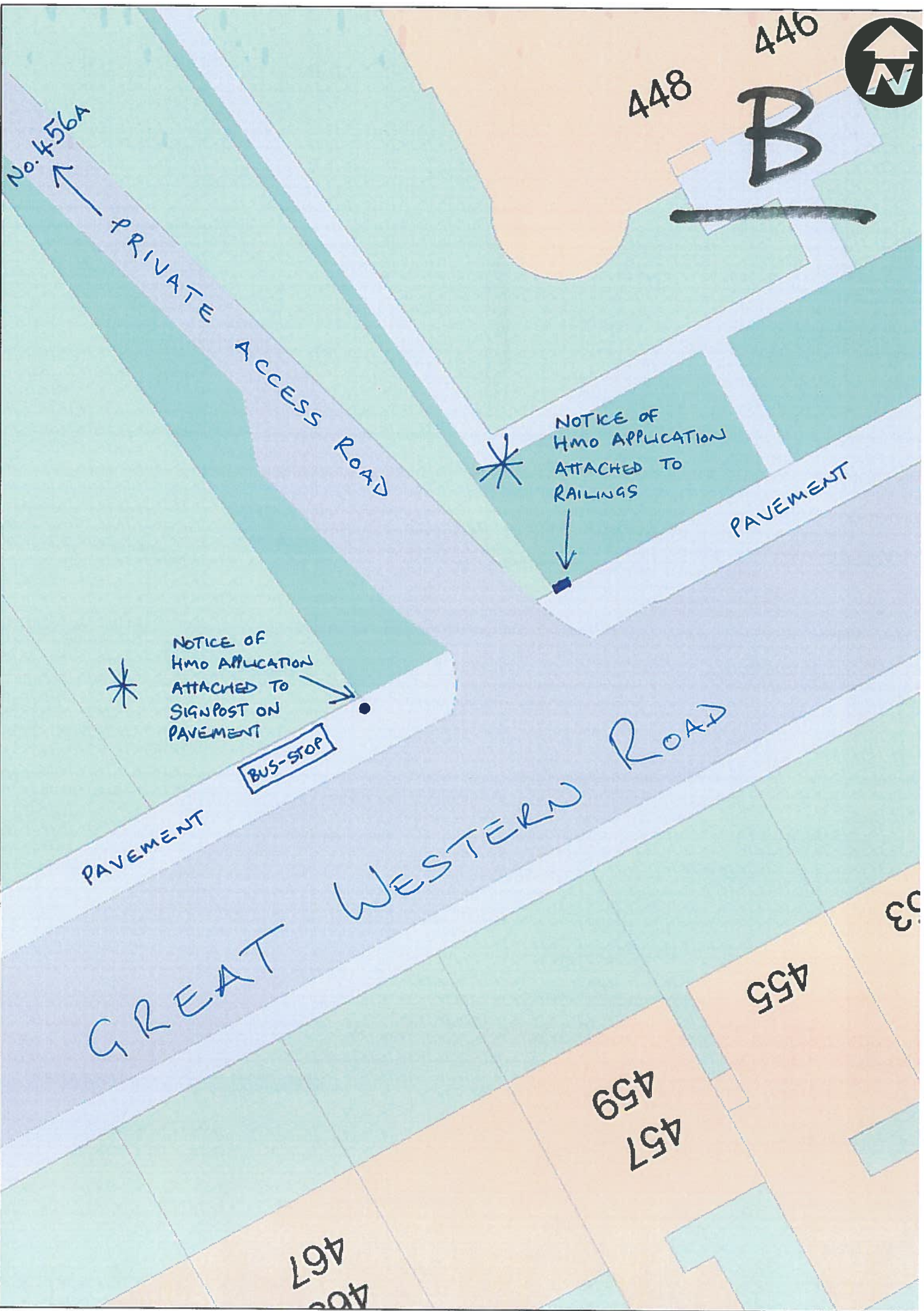
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GREAT WESTERN ROAD

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# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	11 August 2016
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

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

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

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

**Agent: Easthaven Property Management**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 23 August 2016 for the reason that one letter of representation, and one 'late' letter of representation were received by the HMO Unit.

The HMO licence application was scheduled to be considered at the Licensing Committee meeting on 14 June 2016, however the licence-applicants did not attend the meeting, nor were they represented, and the Committee resolved "*to defer consideration of the application to the next meeting of the Committee on 23 August 2016 to provide the applicant with another opportunity to be present.*"

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.6 Tanfield Avenue, Aberdeen, is a two-storey semi-detached house providing accommodation of 4 letting bedrooms, one public room, one kitchen & 3 bathrooms. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

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

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

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

**Letter of representation:**

One letter of representation was received by the HMO Unit on 12 May 2016, within the statutory 21-day Notice period, and must therefore be considered by the Committee. The letter is attached as Appendix 'B'.

**'Late' letter of representation:**

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

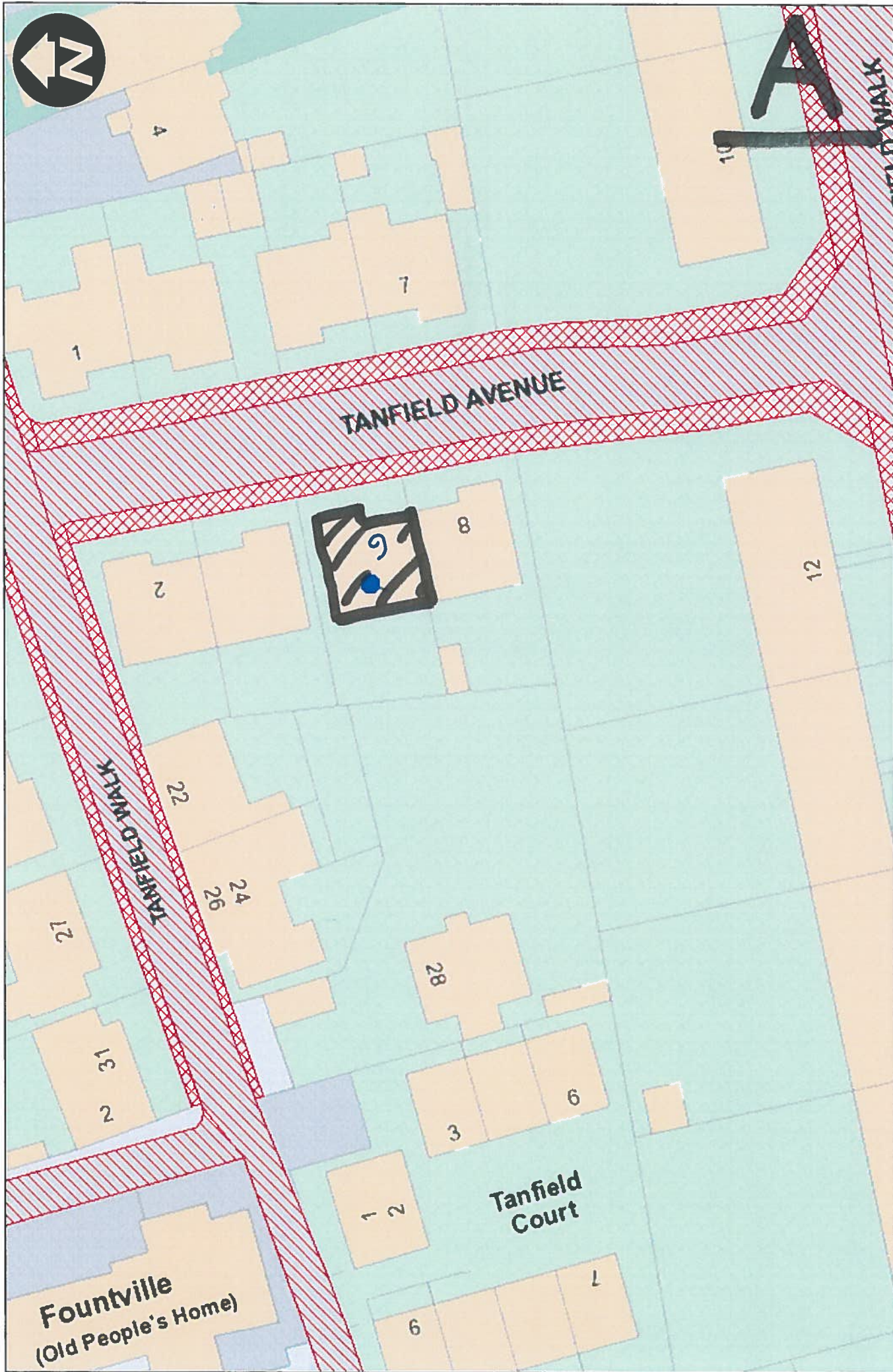
**Other considerations:**

- Police Scotland has been consulted in respect of the applicants' suitability as 'fit & proper' persons, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- At the date of this report, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of anti-social behaviour at No.6 Tanfield Avenue, Aberdeen.
- The applicants, their agent and their property are registered with the Landlord Registration database
- The applicants have requested an occupancy of 4 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is a 'first-time' HMO licence application.
- There are no HMO-licenced properties in Tanfield Avenue.

- The letter of representation mentions a lack of a car parking space at No.6 Tanfield Avenue, however car parking is not a consideration of HMO licensing.
- The initial inspection of the property has been carried out, which identified work & certification requirements to bring the property up to the current HMO standard. At the date of this report these requirements have not been met, therefore I will advise the Committee of the up-to-date position at the meeting on 23 August 2016.

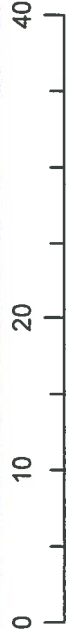
I trust the above explains the position. Please contact me on x2870 should you have any queries regarding the above.

**Ally Thain**  
Private Sector Housing Manager



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© Crown Copyright. Aberdeen City Council 100023401



**B**

Mr Brian J. Dempster

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

10/05/2016

To Whom It May Concern.

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

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

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

Yours Sincerely

Brian J Dempster

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

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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	11 August 2016
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

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

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.2 Hawthorn Terrace, Aberdeen**

**Applicant/s: Jon A.Cruickshank & Lori S.Cruickshank**

**Agent: Geraghty-Gibb Property Management**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 23 August 2016 for the reason that two letters of representation were received by the HMO Unit.

I can advise you as follows:

### **The HMO legislation**

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

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

### **The premises:**

The property at No.2 Hawthorn Terrace, Aberdeen, is a three-storey 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 6 May 2016 and was received by the HMO Unit on 6 May 2016.

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

The Certificate of Compliance submitted by the applicants declares that the public Notice of HMO Application was on display outside the property for the statutory 21-day period between 6 May 2016 – 27 May 2016.

**Letters of representation:**

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

- Letter from Ms S.Ingram, received on 26 May 2016 (attached as Appendix 'B')
- Letter from Mr & Dr MacPhee, received on 27 May 2016 (attached as Appendix 'C')

**Letter from licence-applicant:**

Following receipt of the 2 letters of representation by the HMO Unit, copies of same were sent to the licence-applicants. Their agent then wrote to the respondents and the letters are attached as Appendix 'D'.

**Other Considerations:**

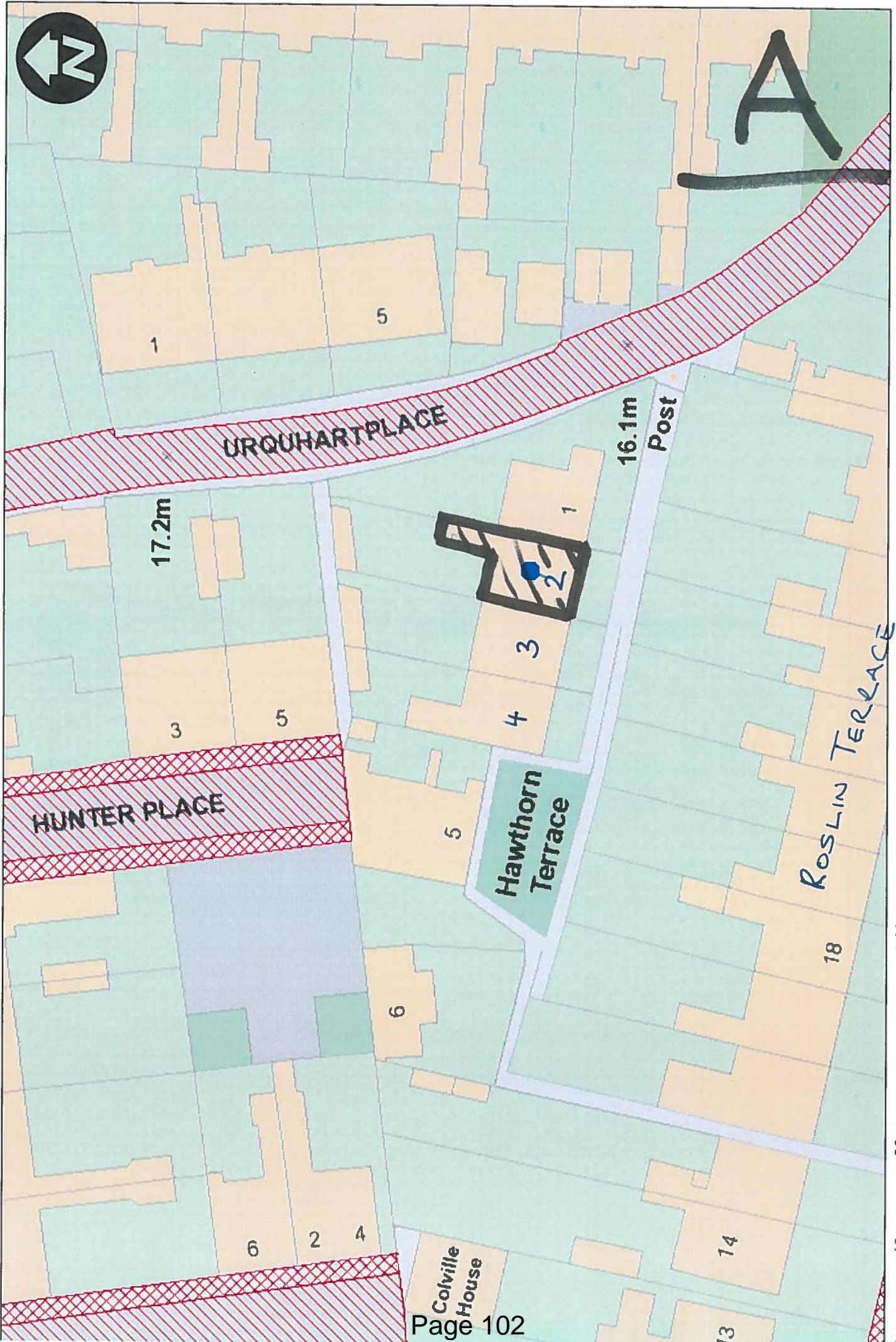
- Police Scotland has been consulted in respect of the applicants' suitability as 'fit & proper' persons, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- At the date of this report, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of anti-social behaviour at No.2 Hawthorn Terrace, Aberdeen.
- At the date of this report, the applicants & their property are not registered with the Landlord Registration database, therefore it will be necessary for them to do so prior to letting the property.
- The applicants have requested an occupancy of 4 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is a 'first-time' HMO licence application.
- The application under consideration is the first recorded HMO licence application for any premises in Hawthorn Terrace, although there are numerous HMO-licensed premises in nearby Urquhart Road and Roslin Terrace.
- At the date of this report, the initial inspection has not been carried out. I will advise the Committee of the up-to-date position at the meeting on 23 August 2016.

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

**Ally Thain**  
Private Sector Housing Manager



A



17.2m

16.1m  
Post

HUNTER PLACE

Hawthorn  
Terrace

ROSLIN TERRACE

1:500

40 Metres

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Colville  
House  
Page 102

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Ms S Ingram

24 June 2016

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

**B**

Dear Sirs

In response to reading a Notice of Application for a Licence for a House in Multiple Occupation at 2 Hawthorn Terrace, Aberdeen, AB24 5NP. I, as a neighbouring resident at the above address am somewhat concerned that if a licence was granted to change the use of this private dwelling house to a commercial leasing property would be unsuitable for this quiet residential area. Especially as the present owner would not be in residence to oversee and supervise such a property.

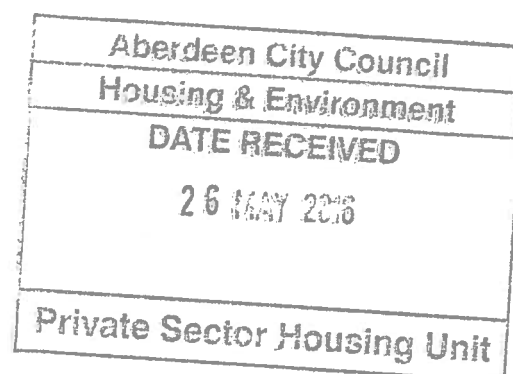
In the past, from neighbouring streets of rented properties we have experience drug dealing and the occasional house break-ins which at present seems to have been resolved and as I am a female living alone, I feel such a request would put me in a vulnerable situation.

I hope you will take my views into account seriously and think carefully before granting such a licence as I do not think this property or area is a suitable option for such a request.

I also feel that someone is trying to capitalise at the cost of my privacy and security.

Yours faithfully

Ms S Ingram





23<sup>rd</sup> May 2016

Dear Sir/Madam,

We are writing in response to a Notice of Application for a House in Multiple Occupation at 2 Hawthorn Terrace, Aberdeen, AB24 5NP. As neighbouring residents, we are concerned at a potential change from a private dwelling house to commercially leased premises.

Currently, Hawthorn Terrace is a quiet residential pedestrian road, occupied primarily by professionals and families. However, there are a large number of rented properties in the surrounding area, often houses in multiple occupation, particularly for students. There have been several incidences of anti-social behaviour in the area, along with more serious incidents such as drug dealing. We are concerned that allowing the conversion of 2 Hawthorn Terrace to a house in multiple occupation would potentially cause these incidents to become a regular occurrence in what has been, for the 13 years we have lived here, a mainly quiet street.

We are also concerned at any possible disruption to services that may be required in order to convert the property, especially if major renovations or building work are required.

We would ask that you seriously consider whether this is a suitable location for a house in multiple occupation, before granting this request.

Yours faithfully

Mr Andrew and Dr Jennie MacPhee

Aberdeen City Council
Housing & Environment
DATE RECEIVED 27 MAY 2016
Private Sector Housing Unit





2

Our Ref:

Your Ref:

Date: 01 June 2016

43 Union Terrace  
Aberdeen AB10 1NP  
T 01224 637000

Ms S Ingram

Dear Ms Ingram

**Lori and Jon Cruickshank  
2 Hawthorn Terrace, Aberdeen  
HMO Licence Objection**

I refer to your letter of objection dated 24<sup>th</sup> June 2016 addressed to Aberdeen City Council in which you expressed some concerns over the property changing from a residential property to a commercial leased property if an HMO licence were to be granted.

I am writing as the property leasing agent on behalf of the landlords to assure you that we take your concerns very seriously and to ask if it is possible for me to visit you and discuss further. The granting of an HMO licence does not mean that use of the property will change into a commercial unit but will stay very much a residential property for use by maximum 4 occupants on a 12 monthly cycle. Often tenants shall stay in the property for the duration of their University course which can be up to four years.

I would also like to assure you that we take every step possible to ensure that any occupants of the neighbouring properties are not disrupted or disturbed in any way whatsoever and the property is inspected regularly throughout the duration of the lease. The lease also contains an anti-social behaviour clause and the neighbouring properties are issued with details of our 24 hour out of office emergency number should they have any concerns. I fully understand your concerns regarding the previous problems experienced in the area but can assure you that we have never experienced any of these issues with regard to HMO properties in our care.

I would be very much obliged if you could contact me on receipt of this letter to arrange a visit or perhaps you would prefer to come into our office at 43 Union Terrace, Aberdeen. In the first instance my phone number is 01224 637000

Yours sincerely

Marlene Leiper  
Director  
Geraghty-Gibb Property Management Limited

► Residential Leasing ► Property Management ► HMO Licensing & Management ► Fire Risk Assessments ► Buy to Let Advice  
► Statutory Compliance

Registered Address: As above. Registered No 123456



D  
1

Our Ref: .

Your Ref:

Date: 01 June 2016

43 Union Terrace  
Aberdeen AB10 1NP  
T 01224 637000

Mr Andrew and Dr. Jennie MacPhee

Dear Mr and Dr. MacPhee

**Lori and Jon Cruickshank  
2 Hawthorn Terrace, Aberdeen  
HMO Licence Objection**

I refer to your letter of objection dated 23<sup>rd</sup> May 2016 addressed to Aberdeen City Council in which you expressed some concerns over the property at 2 Hawthorn Terrace, Aberdeen being granted an HMO licence.

I am writing as the property leasing agent on behalf of the landlords to assure you that we take your concerns very seriously and to ask if it is possible for me to visit you and discuss further.

I would like to assure you that we take every step possible to ensure that any occupants of the neighbouring properties are not disrupted or disturbed in any way whatsoever and the property is inspected regularly throughout the duration of the lease. The lease also contains an anti-social behaviour clause and the neighbouring properties are issued with details of our 24 hour out of office emergency number prior to the tenants taking occupation. I fully understand your concerns regarding the previous problems experienced in the area but can assure you that we have never experienced any of these issues with regard to HMO properties in our care.

I would also like to assure you that there are no major renovations required to the property and therefore there would be no disruption of services to any of the neighbouring properties.

I would be very much obliged if you could contact me on receipt of this letter to arrange a visit or perhaps you would prefer to come into our office at 43 Union Terrace, Aberdeen. In the first instance my phone number is 01224 637000

Yours sincerely

Marlene Leiper  
Director  
Geraghty-Gibb Property Management Limited

► Residential Leasing ► Property Management ► HMO Licensing & Management ► Fire Risk Assessments ► Buy to Let Advice  
► Statutory Compliance

Registered Address: As above. Registered No 123456



# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	11 August 2016
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

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

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.382B King Street, Aberdeen**

**Applicant/s: Victoria L.Clegg**

**Agent: Ian Thomson**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 23 August 2016 for the reason that one letter of representation was received by the HMO Unit.

I can advise you as follows:

**The HMO legislation**

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

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

**The premises:**

The property at No.382B King Street, Aberdeen, is a ground-floor flat providing accommodation of 3 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 5 April 2016 and was received by the HMO Unit on 6 May 2016.

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

The applicant mistakenly displayed the Certificate of Compliance outside the property, and this was brought to the HMO Officer's attention. He instructed the applicant to display the correct document, which was duly done. The Certificate of Compliance submitted by the applicant declares that the public Notice of HMO Application was on display outside the property between 26 May 2016 – 4 August 2016, although only the first 21 days are statutory.

**Letter of representation:**

One letter of representation was received by the HMO Unit on 30 May 2016, within the statutory 21-day Notice period, and must therefore be considered by the Committee. The letter is attached as Appendix 'B'.

**Other Considerations:**

- Police Scotland has been consulted in respect of the applicant's suitability as a 'fit & proper' person, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- At the date of this report, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of anti-social behaviour at No.382B King Street, Aberdeen.
- The applicant & her property are registered with the Landlord Registration database. The agent is not registered, therefore it will be necessary for the agent to do so.
- The applicant has requested an occupancy of 3 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The applicant has held an HMO licence for No.382B King Street, since May 2013, and the application under consideration is to renew the licence.
- The letter of representation refers to the HMO at No382C King Street. In this regard, the HMO licence renewal application was approved in July 2016.
- There are numerous HMO-licensed premises in King Street, Aberdeen
- An initial inspection has been carried out which identified some work & certification requirements to bring the property up to the current HMO standard. I will advise the Committee of the up-to-date position at the meeting on 23 August 2016.

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

**Ally Thain**  
Private Sector Housing Manager



13 to 16

34

32

384

382

380

37

ERROLL STREET

19.1m

KING STREET

18.4m

Ward Body

BUS DEPOT

1:500

40 Metres

20

10

0

<b>Aberdeen City Council</b>
<b>Housing &amp; Environment</b>
<b>DATE RECEIVED</b> 30 MAY 2016
<b>Private Sector Housing Unit</b>

**B**  
**1**

30 May 2016

Dear Sir / Madam

Hello **382 B KING STREET, ABERDEEN - AT.**

I want to make a representation (objection) as the owner of  
My elderly in-laws live at this address and have done so for 36 years.

The 3 points to highlight are against the current and new application by this landlord and are:

1. Unkempt gardens and litter dumped at back door. I have attached a picture taken yesterday.
2. Filthy Windows. Picture attached.
3. Current tenants under the existing HMO are abusing the terms of occupancy. There are many more people staying overnight at this address than are normal for a 3 bedroom flat.

I do not believe that the landlord is adhering to the terms of his current HMO terms on this property.

Please can you acknowledge receipt of this letter as a valid representation against this HMO application. I believe that if an HMO is re-awarded, these points need to be addressed as a minimum obligation. The landlord should be obligated on these points.

My in-laws have another HMO property above them at 382c King Street. Aberdeen City Council needs to consider the impact of these on elderly residents in this block.

Regards

Calum and Karen McRae

**B**  
**1**







# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	11 August 2016
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

**Part 5 of Housing (Scotland) Act 2006**
**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.25 Springbank Terrace, Aberdeen**
**Applicant/s: Kelvin C. Atkinson & Susan Y. Atkinson**
**Agent: Babs Buglass Leasing**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 23 August 2016 for the reason that one letter of representation was received by the HMO Unit.

I can advise you as follows:

**The HMO legislation**

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

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

**The premises:**

The property at No.25 Springbank Terrace, Aberdeen, is a three-storey terraced house providing accommodation of 5 letting bedrooms, one public room, 2 kitchens & 3 bathrooms. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

The HMO licence application is dated 30 May 2016 and was received by the HMO Unit on 6 June 2016.

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

The Certificate of Compliance submitted by the applicants declares that the public Notice of HMO Application was on display outside the property for the statutory 21-day period between 30 May 2016 – 24 June 2016.

**Letter of representation:**

One letter of representation was received by the HMO Unit on 16 June 2016, within the statutory 21-day Notice period, and must therefore be considered by the Committee. The letter is attached as Appendix 'B'.

**Letter from licence-applicant:**

The applicants submitted a letter in response to the letter of representation. The letter is attached as Appendix 'C'.

**Other Considerations:**

- Police Scotland has been consulted in respect of the applicants' suitability as 'fit & proper' persons, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- At the date of this report, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of anti-social behaviour at No.25 Springbank Terrace, Aberdeen.
- The applicants, their agent and their property are registered with the Landlord Registration database. .
- The applicants have requested an occupancy of 5 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is a 'first-time' HMO licence application.
- The properties at Nos.9, 23, 34, 47 & 51 Springbank Terrace, are HMO-licensed.
- The initial inspection has been carried out which identified some work and certification requirements to upgrade the property to the current HMO standard. At the date of this report these requirements have not been met therefore I'll advise the Committee of the up-to-date position at the meeting on 23 August 2016.

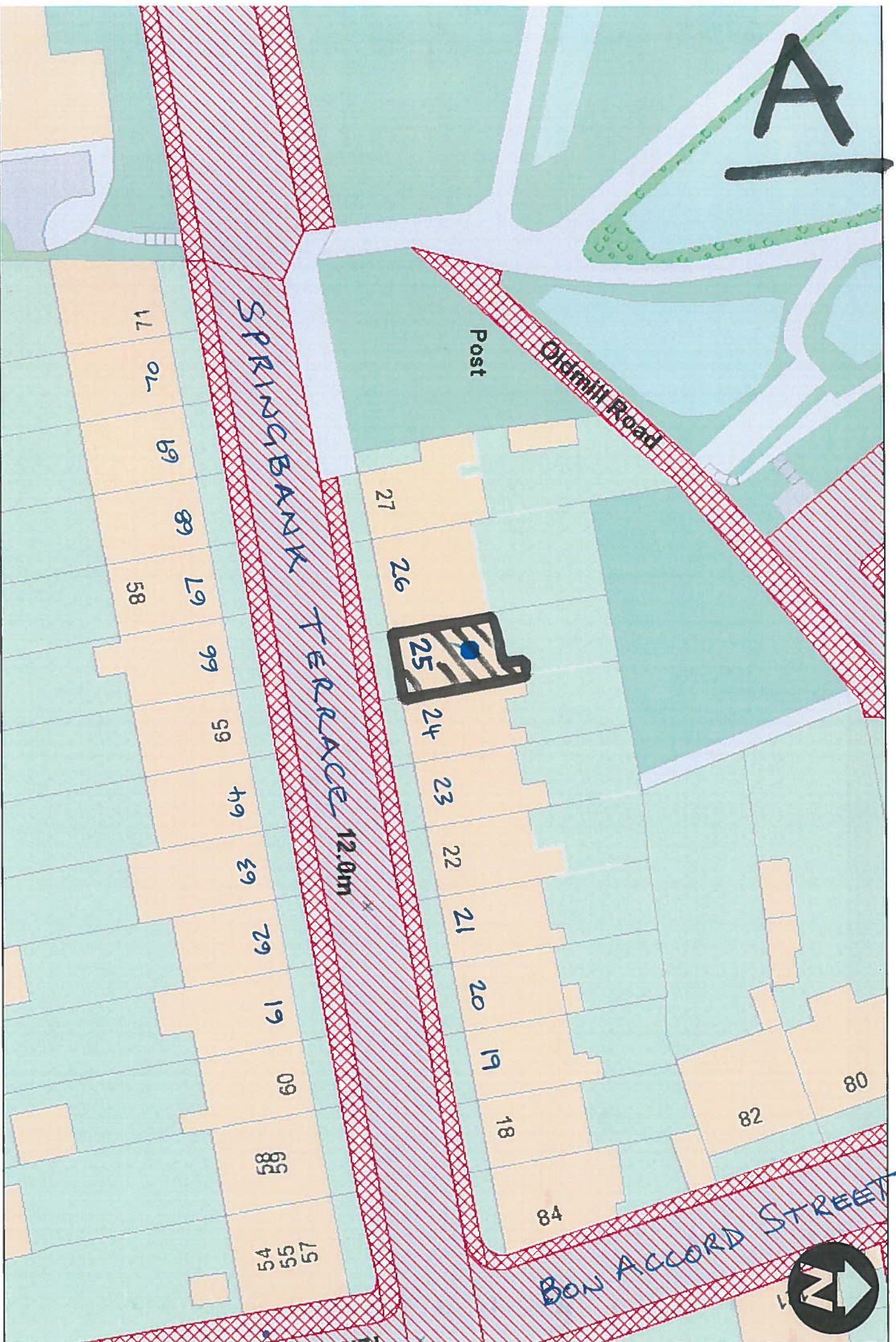
I trust the above explains the position. Please contact me on x2870 should you have any queries regarding the above.

**Ally Thain**  
Private Sector Housing Manager

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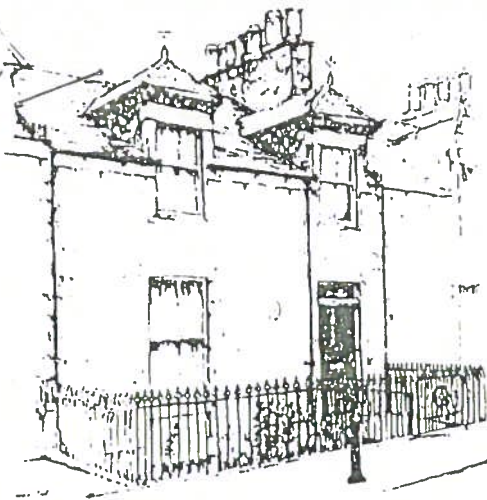
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**B**

13.6.16



PLANNING DEPT  
ABERDEEN CITY COUNCIL

DEAR SIR/MADAM,

25 SPRINGBANK TCE  
HOUSE OF MULTIPLE OCCUPATION  
APPLICANT - KEVIN CHARLES ATKINSON

WE STRONGLY OBJECT TO THE ABOVE PROPOSAL.  
WE HAVE BEEN SO OFTEN THAT PROPERTIES, CONVERTED TO HOUSES  
OF MULTIPLE OCCUPATION DEGRADATE WHEN PERMISSION IS GIVEN  
BY ABERDEEN CITY COUNCIL.

THE PROPERTIES BECOME NEGLECTED, GARDENS BECOME  
OVERGROWN AND THE NOISE COMING FROM SUCH PREMISES  
ARE UNBEARABLE.

WE INSIST THAT KEVIN CHARLES ATKINSON / B. BURGESS (AGENT)  
LIVE IN THE PROPERTY PROPOSED THEMSELVES AS MANAGERS, OR  
EMPLOY SOMEONE WHO WILL TAKE RESPONSIBILITY FOR THE  
PROPERTY / OCCUPANTS - IF PERMISSION IS GRANTED.

OTHERWISE ABERDEEN CITY COUNCIL / OUR LOCAL POLICE  
WILL BE INUNDATED WITH CORRESPONDENCE / CALLS -  
WE HOPE THE APPLICATION WILL BE REFUSED.

YOURS FAITHFULLY

CONNIE KEITH NBE

CHARLES KEITH

cc COUNCILLOR ALAN DONNELLY

Aberdeen City Council
Housing & Environment
DATE RECEIVED
16 JUN 2016



**Kelvin and Sue Atkinson**

▶ **Mr Ally Thain**

allyt@aberdeencity.gov.uk  
Phone: +441224522870

---

**Dear Mr Thain**

**APPLICATION FOR LICENCE FOR HMO STATUS - 26 SPRINGBANK TERRACE, ABERDEEN**

I note with regret the objection to our application for HMO status for our house at 25 Springbank Terrace, Ferryhill, Aberdeen as received by your office on 18<sup>TH</sup> June 2016. As we are currently resident in Malaysia it will be very difficult for us to attend the Licensing Committee Meeting on the 23<sup>rd</sup> August 2016 so I offer this letter as our response to the objection and as some explanation to our application.

25 Springbank is our primary residence in the UK. Fortunately, in these difficult times in the oil and gas industry, we have been able to maintain our position as expats working in same industry in Malaysia. That position could change at any time and, as such, our intention is to maintain the property in a good condition so that we can reoccupy it should we choose, or be forced, to return to the UK. The plans to convert the property to a HMO is not an indication that we are going to allow the property to deteriorate in any way and, in fact, our intention is to continue to maintain it and indeed improve it as we have done over the past 10 years of ownership. All original features, such as doors, fireplaces etc., that have to be altered to comply with the HMO regulations will be protected in their original condition or stored for replacement. Appropriate maintenance agreements will either be continued or put in place for the general maintenance and upkeep of the property including the gardens.

With regards to the selection of tenants for the property our agent, Babs Buglass of Bab Buglass Leasing, has a good reputation for keeping close contact with anyone leasing the properties she manages and she fully intends to continue her management style during any HMO letting.

In closing, I feel that the objections raised by Mr & Mrs Ellis do not take into account our thoughts, plans, and commitments as owners of the property. We are not big real estate magnates, we do not own multiple properties that we try and maximize revenue from, we are merely trying to keep our property occupied and maintained while we are working overseas. With the downturn in the industry and now "Brexit" we feel the best option to achieve this is to convert the property to HMO and seek, through our agent, the right tenants to occupy it. Hopefully the council will recognize our intent and approve our application for HMO status while recognizing our plans to mitigate the concerns raised in the objection received. We also note that several other properties in the area already have HMO status, most notably No23 and No 62 Springbank Terrace

With Best Regards

---

**Kelvin and Sue Atkinson**

6/30/2016

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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	11 August 2016
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

## Part 5 of Housing (Scotland) Act 2006

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.103 Clifton Road, Aberdeen**

**Applicant/s: Neeta Ewart**

**Agent: None stated**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 23 August 2016 for the reason that one letter of representation was received by the HMO Unit.

I can advise you as follows:

### The HMO legislation

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

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

### The premises:

The property at No.103 Clifton Road, Aberdeen, is an upper floor maisonette flat providing accommodation of 4 letting bedrooms, one public room, one kitchen & 2 bathrooms. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

The HMO licence application is dated 31 May 2016 and was received by the HMO Unit on 6 June 2016.

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

The Certificate of Compliance submitted by the applicant declares that the public Notice of HMO Application was on display outside the property between 2 June 2016 – 8 July 2016, although only the first 21 days are statutory.

**Letter of representation:**

One letter of representation was received by the HMO Unit on 20 June 2016, within the statutory 21-day Notice period, and must therefore be considered by the Committee. The letter is attached as Appendix 'B'.

**Letter from licence-applicant:**

The applicant submitted a letter in response to the letter of representation. Their letter is attached as Appendix 'C'.

**Other Considerations:**

- Police Scotland has been consulted in respect of the applicant's suitability as a 'fit & proper' person, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- At the date of this report, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of anti-social behaviour at No.103 Clifton Road, Aberdeen.
- The applicant & her property are registered with the Landlord Registration database.
- The applicant has requested an occupancy of 4 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is a 'first-time' HMO licence application, however the previous owner of No.103 Clifton Road, held an HMO licence between September 2008 – May 2014, following which time the property was sold to the current licence-applicant.
- The following properties in Clifton Road are currently HMO-licenced:  
Nos.28, 56, 60, 71, 88, 100, 118, 134, 141, 148, 152, 169, 176C, 176D, 187, 197, 237, 261, 271, 277, 281, 292, 294, 353, 397, 415A, 437 & 495.  
The following properties in Clifton Road are the subjects of pending HMO licence applications:  
Nos.103, 106, 107, 108, 164A, 211A & 217.



- The letter of representation refers to the existing HMOs in the area and the difficulties should more HMO licences be granted. This 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 letter of representation mentions difficulties associated with car parking, however car ownership/car parking is not a consideration of HMO licensing.
- All work & certification requirements to bring the property up to the current HMO standard have been carried out, therefore if the Committee is minded to grant the HMO licence, it may do so at its meeting on 23 August 2016.

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

**Ally Thain**  
Private Sector Housing Manager

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40 Metres

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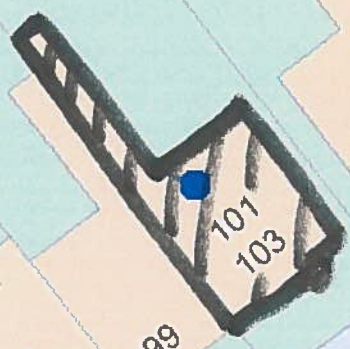
A



HILTON STREET  
P Const Bdy

CLIFTON ROAD

LESLIE ROAD



48.6m

45.7m



**B**

To the HMO Unit, Aberdeen City Council

I want to object to the HMO license application for 103 Clifton Road, AB24 4RL.

The reason is that I feel there are already a number of flats with multiple occupancy in the immediate area. Adding even more would affect the sense of community and therefore also sense of safety among neighbours. In our building, our house is currently the only owner-occupied out of five houses/flats, and our area needs more residents with a long-term commitment and care for the neighbourhood. Granting an HMO license to our neighbours is likely to result in a permanently non-owner occupied flat with residents whose commitment, for understandable reasons, is very limited.

In addition to this, it is already very hard to find a parking space in the street during term-time, and were any of the multiple occupants at 103 Clifton Road to own a car or have visitors with a car, they will of course also have the right to park in the street, thus increasing the difficulty for everyone to find parking spaces.

There have been several incidents with keyed cars and cars with smashed side-mirrors in this part of the street of late. Having a larger proportion of established adults living long-term in the area, who would naturally watch out and also notice any suspicious passers-by, would possibly counteract random vandalism and increase the feeling of stability in the immediate community.

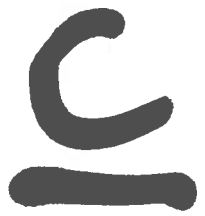
Aberdeen 17 June 2016

Anna Bokedal

Aberdeen City Council
Housing & Environment
DATE RECEIVED 20 JUN 2016
Private Sector Housing Unit

To HMO Unit, Aberdeen City Council

18th July, 2016



**Application for Licence for a House in Multiple Occupancy (HMO)**  
**Premises: 103 Clifton Road, Aberdeen, AB24 4RL**

This letter is to support application for an HMO Licence for 103 Clifton Road, Aberdeen, AB24 4RL.

The property had an HMO Licence with the previous owner from September 2008 to 2011 and was renewed May 2012 to 2015. I purchased the property in May 2014 (advertised as fully HMO compliant) for my daughter who is a medical student at Aberdeen University. My intention was to purchase the property in her name with a guarantor mortgage as she is the permanent resident. However at that time the mortgage rules were changing and all Banks withdrew the guarantor mortgage therefore the property was purchased in my name.

My daughter has been living at this address since August 2014 and this is her permanent residence until she qualifies as a Doctor and completes her junior doctorate. She has just commenced 4<sup>th</sup> year therefore will be there for the next 2-4 years. My daughter does not get the standard university holidays and this year only has 2 weeks in July as medical degrees do not operate within term times. The flat is therefore in effect fully owner-occupied. My daughter has a long-term commitment and care for the neighbourhood and is a caring person which is proven through her career choice, working in hospitals and her voluntary work in Childline for the last 2 years.

With regards to parking she has had a car since she moved into the premises and has not found it difficult to find parking or parks in a side street. The argument around parking is unsubstantiated as if a family of four lived in the flat they could have 2-4 cars (if adult children).

My daughter has been the victim of the incidents in Clifton Road with keyed cars and smashed side mirrors. Her car has been damaged in the street (both keyed and smashed wing mirrors). As she is an established resident in Clifton Road she keeps a watch out for suspicious behaviours and random vandalism and has increased this as she has been the victim.

The reason for the application for HMO licence is to enable my daughter to share costs of the flat. She currently shares the flat with a friend and the intention is to get another 1-2 tenants. All applicants will be interviewed by my daughter and I. Only if suitable will they be offered tenancy. There is a 4 week termination clause in the contract and this will be initiated if the tenant proves to be unreliable, display non-social behaviour or is disruptive. Of utmost importance to me is the security of my daughter and I will not have tenants that cause any harm or unrest. Finally, there is an assumption from the objection that the property will be let out to students however we will consider young professionals also.

I hope you find this letter supports my application for an HMO Licence.

Many thanks,

Neeta Ewart

Aberdeen City Council
Housing & Environment
DATE RECEIVED
20 JUL 2016



**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	11 August 2016
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

## Part 5 of Housing (Scotland) Act 2006

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.107 Clifton Road, Aberdeen**

**Applicant/s: Raymond G.Pontin & Sheila C.Pontin**

**Agent: Aberdeen Property Leasing**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 23 August 2016 for the reason that one letter of representation was received by the HMO Unit.

I can advise you as follows:

### The HMO legislation

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

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

### The premises:

The property at No.107 Clifton Road, Aberdeen, is a ground-floor flat providing accommodation of 3 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 10 June 2016 and was received by the HMO Unit on 16 June 2016.

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

The Certificate of Compliance submitted by the applicants declares that the public Notice of HMO Application was on display outside the property between 10 June 2016 – 7 July 2016, although on the first 21 days are statutory..

**Letter of representation:**

One letter of representation was received by the HMO Unit on 20 June 2016, within the statutory 21-day Notice period, and must therefore be considered by the Committee. The letter is attached as Appendix 'B'.

**Letter from licence-applicant:**

The applicants submitted a letter in response to the letter of representation. Their letter is attached as Appendix 'C'.

**Other Considerations:**

- Police Scotland has been consulted in respect of the applicants' suitability as 'fit & proper' persons, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- At the date of this report, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of anti-social behaviour at No.107 Clifton Road, Aberdeen.
- The applicants, their property and their agent are registered with the Landlord Registration database.
- The applicants have requested an occupancy of 3 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The applicants have held an HMO licence for No.107 Clifton Road, since October 2003. The application under consideration is to renew their HMO licence.
- The following properties in Clifton Road are currently HMO-licenced:  
Nos.28, 56, 60, 71, 88, 100, 118, 134, 141, 148, 152, 169, 176C, 176D, 187, 197, 237, 261, 271, 277, 281, 292, 294, 353, 397, 415A, 437 & 495.  
The following properties in Clifton Road are the subjects of pending HMO licence applications:  
Nos.103, 106, 107, 108, 164A, 211A & 217.

- The letter of representation refers to the existing HMOs in the area and the difficulties should more HMO licences be granted. This 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 letter of representation mentions difficulties associated with car parking, however car ownership/car parking is not a consideration of HMO licensing.
- An initial inspection of the property has been carried out which identified certification requirements to bring the property up to the current HMO standard. I will advise the Committee of the up-to-date position at the meeting on 23 August 2016.

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

**Ally Thain**  
Private Sector Housing Manager

0  
10  
20  
40 Metres

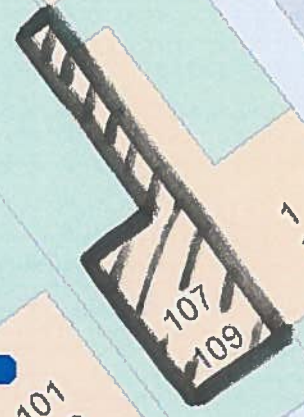
1:500



HILTON STREET  
P Const Bdy

CLIFTON ROAD

LESLIE ROAD



x  
48.6m

x  
45.7m

10  
12

8

6  
4

1  
9

2

113

115

117

119

7  
3

107

109

101

103

95

96

98

100  
102

106

82

80

78

76

74

9  
4

8



**B**

To the HMO Unit, Aberdeen City Council

I want to object to the HMO license application for 107 Clifton Road, AB24 4RL.

The reason is that I feel there are already a number of flats with multiple occupancy in the immediate area. Adding even more would affect the sense of community and therefore also sense of safety among neighbours. In our building, our house is currently the only owner-occupied out of five houses/flats, and our area needs more residents with a long-term commitment and care for the neighbourhood. Granting an HMO license in the next building is likely to result in yet another non-owner occupied flat with residents whose commitment, for understandable reasons, is very limited.

In addition to this, it is already very hard to find a parking space in the street during term-time, and were any of the multiple occupants at 107 Clifton Road to own a car or have visitors with a car, they will of course also have the right to park in the street, thus increasing the difficulty for everyone to find parking spaces.

There have been several incidents with keyed cars and cars with smashed side-mirrors in this part of the street of late. Having a larger proportion of established adults living long-term in the area, who would naturally watch out and also notice any suspicious passers-by, would possibly counteract random vandalism and increase the feeling of stability in the immediate community.

Aberdeen 17 June 2016

Anna Bokedal

Aberdeen City Council
Housing & Environment
DATE RECEIVED 20 JUN 2016
Private Sector Housing Unit

14/07/2016

Dear Mr Thain,

Re. HMO Licence Application for 107 Clifton Road

Further to your letter of 20<sup>th</sup> June and our telephone conversation earlier on today, I would like to register the following points in response to Ms. Bokedal's letter.

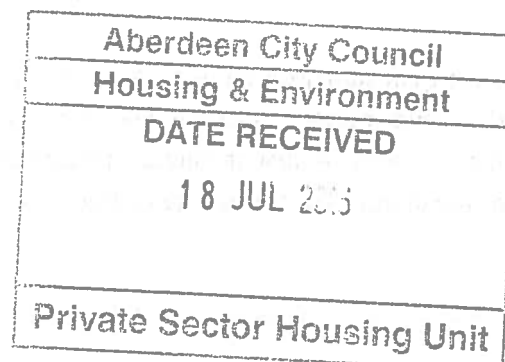
Firstly, and most importantly, this is not a new application, an HMO Licence having been in force at the address for the past 10 years.

Secondly, with regard to security we have always been on amicable terms with the owner-occupier family who have the flat above us. They have our contact details, as well as those of our letting agents and we are in regular contact with them. They are very security-conscious and keep an eye on the comings and goings at the property for us. There have been no problems with the tenants, mainly Aberdeen University students, during this time.

Lastly, none of the students as far as I am aware has ever had a car and the parking problem, such as it is, would not be improved were the students to be replaced by an owner-occupier who would be much more likely to have a car.

Yours sincerely,

Geoff Pontin





**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	11 August 2016
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

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

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

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

**Agent: J.&G.Collie LLP, Solicitors & Estate Agents**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 23 August 2016 for the reason that it was received within one year of refusal of the previous HMO licence application.

I can advise you as follows:

### **The HMO legislation**

This HMO licence application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Section 32 states:

- (1) *Where a local authority refuses to grant an HMO licence, the local authority may not consider a further application for an HMO licence by the same applicant-*
  - (a) *In relation to the living accommodation concerned, or*
  - (b) *Where the application was refused because of section 130(1)(b), in relation to any living accommodation,*

*within one year of the date on which notice of the refusal is given to the applicant under section 158.*
- (2) *This section does not prevent the local authority from considering a further application for an HMO licence where it is satisfied that there has been a material change of circumstances.*

**Previous HMO licence application:**

The licence-applicant held an HMO licence for No.53 Bannermill Place, Aberdeen, between April 2013 – April 2016. Prior to expiry of the licence, an application to renew the licence was submitted to the Council, which attracted one letter of representation. As a result of this letter, the licence application was considered by the Licensing Committee at its meeting on 14 June 2016, in the presence of the licence-applicant's agent and the respondent. Following a vote, the Committee resolved to refuse the licence application on the grounds that the licence-applicant was not a 'fit & proper' person to hold an HMO licence. I wrote to the licence-applicant on 14 June 2016, confirming the Committee's decision.

**Current HMO licence application:**

The HMO licence application is dated 14 July 2016 and was received by the HMO Unit on 14 July 2016. The licence-applicant (Keith F.Lamb) has not changed, however the day-to-day manager is now stated to be James & George Collie LLP, Solicitors & Estate Agents.

**Licensing Committee procedure:**

Given that the current HMO licence application was received within one year of the previously refused HMO licence application, the Committee must decide whether, in its opinion, there has been a 'material change of circumstances'. In this regard, the licence-applicant has been invited to attend the meeting on 23 August 2016, where he/his agent will be asked to explain the material change of circumstances between the previously refused licence application and the fresh licence application.

- If the Committee decides that there is no material change of circumstances, the matter will end there and there is no right of appeal.
- If, however, the Committee is satisfied that there is a material change of circumstances, the Committee must then proceed to consider the fresh licence application.

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

**Ally Thain**

Private Sector Housing Manager

## **INFORMATION NOTE FOR MEMBERS**

### **LATE HOURS CATERING (GRANT)**

**APPLICANT: D.P.K FOODS LTD**

**PREMISES: DOMINOS PIZZA, UNITS 6 & 7, KITTYBREWSTER CENTRE,  
CLIFTON ROAD,**

This item has been placed on the agenda because the applicant is seeking hours which are outwith the guidelines hours.

The applicant is seeking to trade from 23:00 to 03:00 hrs Monday to Sunday.

Premises outwith the city centre or beach area have a maximum terminal hour of midnight Monday to Sunday.

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## **INFORMATION NOTE FOR MEMBERS**

### **STREET TRADER LICENCE (RENEWAL) (HOT FOOD)**

**APPLICANT: ALLAN MOULE**

**SITE: WHITEMYERS AVENUE, MASTRICK INDUSTRIAL ESTATE**

**TIMES: MONDAY TO FRIDAY 08:00 TO 14:00**

This item has been placed on the agenda because it requires to be determined by 30 September 2016 and the applicant has not provided a food safety certificate. Members should therefore note the terms of Section 39 of the Civic Government (S) Act 1982 which states that the committee must refuse the application unless there is produced to them a certificate by the food authority (for the purposes of section 5 of the Food Safety Act 1990) stating that the vehicle, kiosk or moveable stall complies with the requirements of any relevant regulations made under that Act.

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## **INFORMATION NOTE FOR MEMBERS**

### **STREET TRADER LICENCE (RENEWAL) (HOT FOOD)**

**APPLICANT: CAROL ANNETTA HESLOP**

**SITE: 1) HAZLEHEAD FOOTBALL PITCHES, MONDAY TO SUNDAY 10:00 – 22:00**

**2) SHEDDOCKLEY FOOTBALL PITCHES, SPRINGHILL ROAD, MONDAY TO SUNDAY, 09:00 – 21:00**

**3) OUTSIDE FARM SERVICES, KIRKHILL DRIVE, DYCE, MONDAY TO SUNDAY, 07:00 – 17:00**

**4) CRAWPEEL ROAD, OUTSIDE TOTAL, OPPOSITE FRANKS, MONDAY TO SUNDAY, 07:00 TO 19:00**

This item has been placed on the agenda because it requires to be determined by 30 September 2016 and the applicant has not provided a food safety certificate. Members should therefore note the terms of Section 39 of the Civic Government (S) Act 1982 which states that the committee must refuse the application unless there is produced to them a certificate by the food authority (for the purposes of section 5 of the Food Safety Act 1990) stating that the vehicle, kiosk or moveable stall complies with the requirements of any relevant regulations made under that Act.

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## **INFORMATION NOTE FOR MEMBERS**

### **STREET TRADER LICENCE (RENEWAL) (HOT FOOD)**

**APPLICANT: SHONA LYN SINGER**

**SITE: HOWEMOSS AVENUE – WEST SIDE – 30M SOUTH OF HOWEMOSS PLACE**

**TIMES: MONDAY TO SUNDAY 07:00 TO 17:00**

This item has been placed on the agenda because it requires to be determined by 26 October 2016 and the applicant has not provided a food safety certificate. Members should therefore note the terms of Section 39 of the Civic Government (S) Act 1982 which states that the committee must refuse the application unless there is produced to them a certificate by the food authority (for the purposes of section 5 of the Food Safety Act 1990) stating that the vehicle, kiosk or moveable stall complies with the requirements of any relevant regulations made under that Act.

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## **INFORMATION NOTE FOR MEMBERS**

### **PRIVATE HIRE CAR DRIVER (GRANT) APPLICANT: PRZEMYSŁAW KWAPIS**

This item has been placed on the agenda because it requires to be determined by 08 October 2016 and the application has not provided a copy of his/her driving licence.

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