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To: Councillor Reynolds, Convener; Councillor Malik, Vice Convener; and Councillors Allan, Bell, Delaney, Henrickson, Catriona Mackenzie, Sellar and Townson.

Town House,
ABERDEEN 3 December 2018

LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 11 DECEMBER 2018 at 10.00 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

B U S I N E S S

DETERMINATION OF URGENT BUSINESS

- 1.1 There are no items of urgent business at this time.

DETERMINATION OF EXEMPT BUSINESS

- 2.1 Members are requested to determine that any exempt business be considered with the press and public excluded.

CONFIDENTIAL BUSINESS

- 3.1 Items of confidential business are listed at item 7 on the agenda.

DECLARATIONS OF INTEREST

- 4.1 Members are requested to intimate any declarations of interest (Pages 5 - 6)

REQUESTS FOR DEPUTATION

- 5.1 None received at this stage

MINUTES AND COMMITTEE BUSINESS PLANNER

- 6.1 Minute of Previous Meeting of 30 October 2018 (Pages 7 - 22)
- 6.2 Committee Business Planner (Pages 23 - 26)

CONFIDENTIAL INFORMATION - APPLICATIONS, INCLUDING LIST OF APPLICATIONS, TO BE HEARD IN PRIVATE

Applications to be heard in private and treated as confidential information in terms of Section 50(A)(3)(b) of the Local Government (Scotland) Act 1973.

- 7.1 Request for the Suspension of a Taxi Driver's Licence (Pages 29 - 34)
- 7.2 Application for the Renewal of a Taxi Driver's Licence (Pages 35 - 38)
- 7.3 Application for the Renewal of a Taxi Driver's Licence (Pages 39 - 40)
- 7.4 Application for the Renewal of a Taxi Driver's Licence (Pages 41 - 42)

APPLICATIONS FOR LICENCES - INCLUDING LIST OF APPLICATIONS

- 8.1 Renewal of a Licence for a House in Multiple Occupation - Crathie Student Village, 515 - 519 Holburn Street, Aberdeen (Pages 47 - 50)
- 8.2 Renewal of a Licence for a House in Multiple Occupation - 51 Bedford Place, Aberdeen (Pages 51 - 54)
- 8.3 Renewal of a Licence for a House in Multiple Occupation - 71 Craigievar Crescent, Aberdeen (Pages 55 - 58)
- 8.4 Renewal of a Licence for a House in Multiple Occupation - 9 Elmfield Avenue, Aberdeen (Pages 59 - 62)
- 8.5 Renewal of a Licence for a House in Multiple Occupation - First Floor Flat, 52 Erskine Street, Aberdeen (Pages 63 - 66)
- 8.6 Renewal of a Licence for a House in Multiple Occupation - 52 Abbotswell Crescent, Aberdeen (Pages 67 - 70)
- 8.7 Renewal of a Licence for a House in Multiple Occupation - 139 Forest Avenue, Aberdeen (Pages 71 - 94)

- 8.8 Application for the Grant of a Late Hours Catering Licence - Starbucks, Wellington Road, Redmoss, Aberdeen (Pages 95 - 96)
- 8.9 Application for the Renewal of a Public Entertainment Licence - Inchgarth Community Centre, Aboyne Place, Garthdee, Aberdeen (Pages 97 - 98)
- 8.10 Application for the Renewal of a Cinema Licence - Robert Gordon University, Sir Ian Wood Building, Garthdee Road, Aberdeen (Pages 99 - 100)
- 8.11 Application for the Renewal of a Taxi Operator's Licence - John Douglas Cumming (Pages 101 - 102)
- 8.12 Application for the Renewal of a Taxi Operator's Licence - Graham James Hansley (Pages 103 - 104)
- 8.13 Application for the Renewal of a Taxi Operator's Licence - Colin Kerr (Pages 105 - 106)
- 8.14 Application for the Renewal of a Taxi Operator's Licence - Derek Sangster Lumsden (Pages 107 - 108)
- 8.15 Application for the Renewal of a Taxi Operator's Licence - William and Heather MacDonald (Pages 109 - 110)
- 8.16 Application for the Renewal of a Taxi Operator's Licence - Neil Alexander Robert Morrison (Pages 111 - 112)
- 8.17 Application for the Renewal of a Taxi Operator's Licence - John Henderson Noble (Pages 113 - 114)
- 8.18 Application for the Renewal of a Taxi Operator's Licence - Charles George Duncan Smith (Pages 115 - 116)
- 8.19 Application for the Renewal of a Taxi Operator's Licence - David George Kenneth Taylor (Pages 117 - 118)
- 8.20 Application for the Grant of a Taxi Operator's Licence - Brian K Marr and Brian Marr (Pages 119 - 120)
- 8.21 Application for the Renewal of a Private Hire Vehicle Licence - Aberdeen Taxis Ltd (PH014) (Pages 121 - 122)

- 8.22 Application for the Renewal of a Private Hire Vehicle Licence - Aberdeen Taxis Ltd (PH047) (Pages 123 - 124)
- 8.23 Application for the Renewal of a Private Hire Driver's Licence - Buhary Rimza (Pages 125 - 126)
- 8.24 Application for the Grant of a Taxi Driver's Licence - Arthur Webster (Pages 127 - 128)
- 8.25 Application for the Grant of a Taxi Driver's Licence - Jayke Martin (Pages 129 - 130)

COMMITTEE REPORTS

- 9.1 No reports under this heading

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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

Agenda Item 4.1

You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether reports for meetings raise any issue of declaration of interest. Your declaration of interest must be made under the standing item on the agenda, however if you do identify the need for a declaration of interest only when a particular matter is being discussed then you must declare the interest as soon as you realise it is necessary. The following wording may be helpful for you in making your declaration.

I declare an interest in item (x) for the following reasons

For example, I know the applicant / I am a member of the Board of X / I am employed by...
and I will therefore withdraw from the meeting room during any discussion and voting on that item.

OR

I have considered whether I require to declare an interest in item (x) for the following reasons however, having applied the objective test, I consider that my interest is so remote / insignificant that it does not require me to remove myself from consideration of the item.

OR

I declare an interest in item (x) for the following reasons however I consider that a specific exclusion applies as my interest is as a member of xxxx, which is

- (a) a devolved public body as defined in Schedule 3 to the Act;
- (b) a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme;
- (c) a body with whom there is in force an agreement which has been made in pursuance of Section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that body of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise; or
- (d) a body being a company:-
 - i. established wholly or mainly for the purpose of providing services to the Councillor's local authority; and
 - ii. which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority.

OR

I declare an interest in item (x) for the following reasons.....and although the body is covered by a specific exclusion, the matter before the Committee is one that is quasi-judicial / regulatory in nature where the body I am a member of:

- is applying for a licence, a consent or an approval
- is making an objection or representation
- has a material interest concerning a licence consent or approval
- is the subject of a statutory order of a regulatory nature made or proposed to be made by the local authority.... and I will therefore withdraw from the meeting room during any discussion and voting on that item.

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LICENSING COMMITTEE

ABERDEEN, 30 October 2018. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Reynolds, Convener; and Councillors Allan (article 1 to 8, appendix A and item 9 - 13 of Appendix B), Bell, Delaney, Henrickson, Catriona Mackenzie, Sellar and Townson.

The agenda and reports associated with this minute can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=6276&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.

CONFIDENTIAL BUSINESS

1. The Committee was advised that the applications/requests listed at item 7 on the agenda were to be heard in private and treated as confidential information in terms of Section 50(A)(3)(b) of the Local Government (Scotland) Act 1973

The Committee resolved:

to note that applications/requests to be heard in private and treated as confidential information in terms of Section 50(A)(3)(b) of the Local Government (Scotland) Act 1973 were listed at item 7 on the agenda.

DECLARATIONS OF INTEREST

2. The following declarations of interest were intimated at this time:
 1. Councillor Townson declared an interest in relation to item 7.5 (Request for the Consideration of a Taxi Driver's Licence and a Taxi Operator's Licence), by virtue of knowing the licence holder, and withdrew from the meeting prior to consideration of this item; and
 2. Councillor Malik declared an interest in relation to item 8.10 (Application for the Grant of a Late Hours Catering Licence - Marco's), by virtue of knowing the applicant, and withdrew from the meeting prior to consideration of this item.

MINUTE OF PREVIOUS MEETING OF 21 AUGUST 2018

3. The Committee had before it the minute of its meeting of 21 August 2018 for approval.

The Committee resolved:

to approve the minute as a correct record.

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MINUTE OF THE MEETING OF THE LICENSING SUB COMMITTEE OF 24 SEPTEMBER 2018

4. The Committee had before it the minute of the meeting of the Licensing Sub Committee of 24 September 2018, for approval.

The Committee resolved:

to approve the minute as a correct record.

MINUTE OF THE MEETING OF THE TAXI AND PRIVATE HIRE CONSULTATION GROUP OF 3 OCTOBER 2018

5. The Committee had before it the minute of the meeting of the Taxi and Private Hire Consultation Group of 3 October 2018.

The Committee resolved:

- (i) to note the minute; and
- (ii) in respect of article 5 of the minute (Report to Taxi and Private Hire Car Group on Taxi Demand Survey Suggestions), to note the Group's view that a new higher distance based tariff during the late night peak periods on Friday and Saturday nights should not be explored.

COMMITTEE BUSINESS PLANNER

6. The Committee had before it the committee business planner as prepared by the Chief Officer – Governance.

The Committee resolved:

to note the committee business planner.

CONFIDENTIAL INFORMATION

The press and public were excluded from the meeting for consideration of the applications listed in section 7 on the agenda and appendix A of the minute which contained confidential information in terms of Section 50A 3(b) of the Local Government (Scotland) Act 1973.

APPLICATIONS FOR LICENCES

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

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The Committee resolved:-

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

APPLICATIONS FOR LICENCES

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

The Committee resolved:-

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

- **Councillor John Reynolds, Convener.**

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APPENDIX A

1. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE
Application Reference 7/01

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 7 December 2018 and to date a medical report from the Council's Occupational Health provider confirming the applicant met the DVLA Group 2 standards had not been received.

Mr Munro, Legal Advisor, provided the Committee with a verbal update on the application.

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

The applicant did not take up the opportunity to sum up.

The Committee resolved:

to defer consideration of the application to allow a medical report from the Council's new Occupational Health Provider to be received and to agree that should the applicant meet the Group 2 DVLA medical criteria, the Chief Officer - Governance could grant the application under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Sub Committee for consideration.

2. REQUEST FOR THE SUSPENSION OF A TAXI DRIVER'S LICENCE
Application Reference 7/02

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the request which advised that in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982, Police Scotland had requested the consideration of the suspension or revocation of the licence holder's taxi driver's licence and a copy of the letter dated 26 September 2018 from the Chief Constable, Police Scotland, c/o Aberdeen City Division, was appended to the information note. A letter from the licence holder was dated 23 October 2018 was circulated.

The licence holder was in attendance.

Sergeant Flett was in attendance on behalf of Police Scotland and spoke in support of the request from Police Scotland.

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The Committee heard from the licence holder in support of his case.

The Committee asked questions of Sergeant Flett and the licence holder.

The licence holder summed up.

Sergeant Flett summed up.

The Committee resolved:

to take no action.

**3. REQUEST FOR THE SUSPENSION OF A TAXI DRIVER'S LICENCE
Application Reference 7/03**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the request which advised that in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982, Police Scotland had requested the consideration of the suspension or revocation of the licence holder's taxi driver's licence and a copy of the letter dated 17 October 2018 from the Chief Constable, Police Scotland, c/o Aberdeen City Division, was appended to the information note.

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

Sergeant Flett was in attendance on behalf of Police Scotland and spoke in support of the request from Police Scotland.

The Committee heard from the licence holder's solicitor in support of his case.

The Committee asked questions of Sergeant Flett and the licence holder.

The licence holder's solicitor summed up.

Sergeant Flett summed up.

The Committee resolved:

to take no action.

**4. REQUEST FOR THE CONSIDERATION OF A TAXI OPERATOR'S LICENCE
Application Reference 7/04**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the request for consideration of the licence holder's taxi operator licence in light of a complaint having been received.

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The licence holder was in attendance and spoke in support of his case during which he asked that a letter of support be considered by the Committee.

The Committee resolved:

to accept the letter into proceedings.

The Committee asked questions of the licence holder.

The licence holder summed up.

The Committee resolved:

- (i) to take no action; and
- (ii) to instruct the Chief Officer – Governance to issue a reminder to all taxi and private hire drivers of the condition of their licence to convey assistance dogs and passengers in wheelchairs and to be able operate all equipment within their vehicle.

DECLARATION OF INTEREST

In accordance with article 2 of this minute, Councillor Townson, left the meeting prior to consideration of the following item of business.

**5. REQUEST FOR THE CONSIDERATION OF A TAXI DRIVER'S LICENCE AND TAXI OPERATOR'S LICENCE
Application Reference 7/05**

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the request for consideration of the licence holder's taxi driver and taxi operator licences in light of a complaint having been received and a letter from the licence holder in response to the complaint.

The licence holder was in attendance, accompanied by their trade union representative, who spoke in support of the licence holder's case.

The Committee asked questions of the licence holder.

The licence holder's trade union representative summed up.

Councillor Allan, seconded by Councillor Catriona Mackenzie, moved:-
that the Committee –

- (a) take no action in respect of the licence holder's operator's licence; and
- (b) suspend the licence holder's driver's licence with immediate effect for a period of two months.

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Councillor Delaney, seconded by Councillor Bell, moved as an amendment:-
that the Committee -

- (1) take no action in respect of the licence holder's operator's licence;
and
- (2) revoke the licence on the grounds that the licence holder was not a fit and proper person.

On a division, there voted:- for the motion (6) – the Convener; the Vice Convener; and Councillors Allan, Henrickson, Catriona Mackenzie and Sellar; for the amendment (2) – Councillors Bell and Delaney.

The Committee resolved:

to adopt the motion.

6. REQUEST FOR THE CONSIDERATION OF A TAXI DRIVER'S LICENCE AND TAXI OPERATOR'S LICENCE
Application Reference 7/06

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the request for consideration of the licence holder's taxi driver and taxi operator licences in light of a complaint having been received and a letter from the licence holder in response to the complaint.

The licence holder was in attendance, accompanied by the Taxi Operator's manager, and spoke in support of her case.

The Committee asked questions of the licence holder.

The licence holder summed up.

The Committee resolved:

- (i) to take no action; and
- (ii) to note the action taken by the Taxi Operator to address operational failures.

7. REQUEST FOR THE CONSIDERATION OF A TAXI DRIVER'S LICENCE AND TAXI OPERATOR'S LICENCE
Application Reference 7/07

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the request for consideration of the licence holder's taxi driver and taxi operator licences in light of a complaint having been received and a letter from the licence holder in response to the complaint.

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The licence holder was in attendance, and was accompanied by his partner, who spoke in support of his case.

The Committee asked questions of the licence holder.

The licence holder's partner summed up.

The Committee resolved:
to take no action.

8. **REQUEST FOR THE CONSIDERATION OF A TAXI DRIVER'S LICENCE AND TAXI OPERATOR'S LICENCE**
Application Reference 7/08

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the request for consideration of the licence holder's taxi driver and taxi operator licences in light of a complaint having been received and a letter from the licence holder in response to the complaint.

The licence holder was in attendance, accompanied by the Taxi Operator's manager, and spoke in support of his case.

The Committee asked questions of the licence holder.

The licence holder summed up.

The Committee resolved:
to take no action.

9. **REQUEST FOR THE CONSIDERATION OF A TAXI DRIVER'S LICENCE AND TAXI OPERATOR'S LICENCE**
Application Reference 7/09

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the request for consideration of the licence holder's taxi driver and taxi operator licences in light of a complaint having been received and a letter from the licence holder in response to the complaint.

The licence holder was in attendance, accompanied by the Taxi Operator's manager, and spoke in support of her case.

The Committee asked questions of the licence holder.

The licence holder summed up.

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The Committee resolved:

- (i) to take no action; and
- (ii) to note the action taken by the Taxi Operator to address operational failures.

10. REQUEST FOR THE CONSIDERATION OF A TAXI DRIVER'S LICENCE AND TAXI OPERATOR'S LICENCE
Application Reference 7/10

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the request for consideration of the licence holder's taxi driver and taxi operator licences in light of a complaint having been received and a letter from the licence holder in response to the complaint.

The licence holder was in attendance, accompanied by his trade union representative, who spoke in support of the licence holder's case.

The Committee asked questions of the licence holder.

The licence holder's representative summed up.

The Committee resolved:

to take no action.

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APPENDIX B

1. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 95
BON ACCORD STREET, ABERDEEN**
Application Reference 8/01

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

2. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 48B
ELMBANK TERRACE, ABERDEEN**
Application Reference 8/02

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

3. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 1
ABOYNE GARDENS, ABERDEEN**
Application Reference 8/03

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

4. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 11
CONSTITUTION STREET, ABERDEEN**
Application Reference 8/04

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

5. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 176C
CLIFTON ROAD, ABERDEEN**
Application Reference 8/05

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

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6. GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 8 ORCHARD ROAD, ABERDEEN
Application Reference 8/06

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

7. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 70 ASHGROVE ROAD, ABERDEEN
Application Reference 8/07

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

The applicants, Mr Donald Paterson and Ms Yvonne Paterson, were in attendance and spoke in support of the application.

The respondents, Mr John and Ms Sheila Symons, were not in attendance, nor represented.

The Committee resolved:
to grant the licence.

8. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 225 UNION GROVE, ABERDEEN
Application Reference 8/08

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

The applicant, Mr Andrew Buchan, was not in attendance, nor represented.

Mr Thain, Senior Private Sector Housing Officer, advised that one letter of representation had been received from John and Sheila Symons 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 late respondents, John and Sheila Symons were present and explained why their letter of representation was late and why it should be considered today.

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The Committee resolved:-

that the letter of representation by John and Sheila Symons be introduced into the proceedings.

The respondents, John and Sheila Symons spoke in support of their letter of representation during which they referred to photographs which they believed provided evidence of anti-social behaviour at the property.

The Committee resolved:-

to accept the photos referred to by John and Sheila Symons into the proceedings.

The Committee asked questions of the respondents.

The respondents summed up.

The Convener, seconded by Councillor Bell, moved:-
that the Committee refuse the application.

Councillor Townson, seconded by Councillor Catriona Mackenzie, moved as an amendment,

that the Committee defer consideration of the application until the works were completed, after which time the Private Sector Housing Manager could grant the licence under delegated powers for a period of one year if appropriate.

On a division, there voted:- for the motion (3) – the Convener and Councillors Bell and Delaney; for the amendment (5) – the Vice Convener and Councillors Catriona Mackenzie, Hendrickson, Sellar and Townson.

The Committee resolved:

to adopt the amendment.

9. REQUEST FOR FILM CLASSIFICATIONS – BELMONT CINEMA **Application Reference 8/09**

The Committee had before it the following requests for film classification for screening at Belmont Cinema:-

- The Green Lie – suggested rating 12A
- Silvana – suggested rating 15
- Silas – suggested rating 12A
- The Island of Hungry – suggested rating 15
- Anote's Ark – suggested rating 12A
- The Lady in the Portrait – suggested rating 15

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- Sink or Swim – suggested rating 12A
- See You Up There – suggested rating 15
- Return of the Hero – suggested rating 15
- One Nation, One King – suggested rating 15
- Little Tickles – suggested rating 18
- Family is Family – suggested rating 12A
- What is Democracy – suggested rating 12A

Mr Colin Farquhar, Head of Cinema Operations, Belmont Cinema, was in attendance

The Committee asked questions of Mr Farquhar.

The Committee resolved:

to approve the suggested film classifications as detail above.

DECLARATION OF INTEREST

In accordance with article 2 of this minute, Councillor Malik, left the meeting prior to consideration of the following item of business.

10. **APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE - MARCO'S, BELMONT STREET**
Application Reference 8/10

With reference to article 15 of appendix B of the minute of the meeting of the Licensing Committee of 21 August 2018, the Committee it (1) an information sheet prepared by the Chief Officer - Governance in respect of the application which advised that the application had been placed on the agenda as it had been deferred from the previous meeting of the Committee to enable a report from Environmental Health to be received and required to be determined by 18 January 2019; and (2) a letter from Environmental Health dated 17 September 2018 in respect of the application premises.

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

Ms Alison Robertson, Environmental Health Officer, was in attendance and spoke to the letter submitted.

The Committee asked questions of Ms Robertson.

The applicant did not take up the opportunity to sum up.

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The Committee resolved:
to grant the application.

11. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE – JONEY JOEY THANABALASINGHAM
Application Reference 8/11

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

12. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE – COLIN DIGBY
Application Reference 8/12

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

13. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE – KIRKHILL AUTO SERVICES
Application Reference 8/13

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

LICENSING COMMITTEE

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	A	B	C	D	E	F	G	H	I
1	LICENSING COMMITTEE BUSINESS PLANNER The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.								
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate		Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
3	11 December 2018								
4	No reports								
5	19 February 2019								
6	Driver Training - Satellite navigation	Licensing Committee on 6/2/18 agreed to instruct the Licensing Team Leader to report on potential training required for drivers on satellite navigation systems to ensure public safety as part of the future report on driver training which was to be reported to the Committee in August 2018.	Licensing Committee in August 2018 noted that in light of the Committee's decision regarding the delayed implementation of the wheelchair accessible policy, officers require to review the content of any potential training. A report will be submitted to the Committee meeting in February 2019.	Alexander Munro	Governance	Governance	7		
7	Possible Methods of Delivery of Driver Training	Licensing Committee 12.9.17 article 12 - The Committee resolved to instruct the Head of Legal and Democratic Services to investigate possible methods of delivery of driver training and report back to Committee on 6 February 2018 with details of the options available	Delayed from the Licensing Committee on 6/2/18 due to the level of consultation required for this item and to ensure sufficient timescale for responses and consideration of those, this item will be reported to the Committee in August 2018. Licensing Committee in August 2018 agreed that in light of the Committee's decision regarding the delayed implementation of the wheelchair accessible policy, officers require to review the content of any potential training. A report will be submitted to the Committee meeting in February 2019.	Alexander Munro	Governance	Governance	7		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate		Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
8	Taxi Demand Survey – Taxi Rank Review	To advise the Committee of the results of the informal consultation with the Chief Constable, Police Scotland, the Taxi and Private Hire Consultation Group, the Council as Roads and Planning Authority and the Disability Equity Partnership on the suggestions for establishing new taxi ranks at Upperkirkgate and Guild Street and discussion on the under use of the ranks at St Andrews Street and Dee Street.		Lynn May	Governance	Governance	3		
9	23 April 2019								
10	Annual Committee Effectiveness Report	To present the annual effectiveness report for the Committee.			Governance	Governance	7		
11	May 2019 Onwards								
12	Taxi Fare Review	Licensing Committee 25.10.16 article 5 and 9 - The Committee resolved amongst other things to instruct the Licensing Team Leader to undertake a review of the existing taxi fare formula, including surcharges, following the completion of the current taxi fare review.	Will be reported in January 2020	Karen Gatherum/ Lynn May	Governance	Governance	3		
13	TBC								
14	Age Policy For Private Hire And Taxi Vehicles	Licensing Committee 08.03.16 (article 3 appendix A) - Council on 11 May 2016 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 had been implemented.	Report to be submitted 12 months after the implementation of the accessible vehicle policy.	Sandy Munro	Governance	Governance	7		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate		Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
15	Wheelchair Accessible Vehicle Policy	Licensing Committee 5.03.18 (article 12). The Committee resolved to recognise that in compliance with The Equality Act 2010 that all taxi user requirements should be considered and instructs the Chief Officer Governance: (1) to prepare a report with suitable mixed fleet policy options for the split which would address all customer needs whether they are a wheelchair user, visually impaired or have other mobility requirements or other relevant disability; (2) to submit the aforementioned options to the Licensing Committee meeting by June 2022 for consideration, noting that subject to the approval in principle of the options a full consultation as outlined in section 4.2 of the report would be undertaken and the outcome reported back to the Committee; and (iv) to further recognise that in 1994 when new applications for taxi licences were required to be wheelchair accessible vehicles an exemption was allowed for existing licence holders, at that time, to retain a non-accessible vehicle and even licence a further non-accessible vehicle on renewal of the licence or replacement of such vehicle and to agree that this exemption should remain meantime and instructs the Chief Officer Governance to incorporate this exemption as an option within the proposed mixed fleet policy options to be submitted to Committee by June 2022.		Sandy Munro	Governance	Governance	7		
16	Sexual Entertainment Licences	To present options for consideration in light of new legislation. The Licensing Committee in August 2018 noted that the Legislation has still not been enacted and that a report presenting the options for consideration will be submitted once the legislation has been published.	Report pending legislation.	Alexander Munro	Governance	Governance			
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**LICENSING COMMITTEE
11th DECEMBER 2018
LIST OF APPLICATIONS**

	Application Type	Name of Applicant(s)	Premises, Vehicle or Area to which Application Refers	Objections or Representations Received From	Date by which Application to be Determine (If Applicable)	Pages
1.	HMO Application (Renewal)	John Lewis Partnership Pensions Trust + Savills (UK) Limited	Crathie Student Village, 515 – 519 Holburn Street, Aberdeen	Operations & Protective Services	16 January 2019	47 - 50
2.	HMO Application (Renewal)	Martin J.M.Watson + Northwood Aberdeen	51 Bedford Place, Aberdeen	Operations & Protective Services	25 January 2019	51 - 54
3.	HMO Application (Renewal)	Eileen D.R.Thomson + Winchesters Lettings Limited	71 Craigievar Crescent, Aberdeen	Operations & Protective Services	31 January 2019	55 - 58
4.	HMO Application (Renewal)	Hugh Marshall + Parkhill Properties	9 Elmfield Avenue, Aberdeen	Operations & Protective Services	1 February 2019	59 - 62
5.	HMO Application (Renewal)	Robert Wilson	First Floor Flat, 52 Erskine Street, Aberdeen	Operations & Protective Services	8 February 2019	63 - 66
6.	HMO Application (Renewal)	Alex Mijares +Magnolia Property Services Limited	52 Abbotswell Crescent, Aberdeen	2 'late' objections	27 September 2019	67 - 70
7.	HMO Application (Renewal)	Moya Bothwell + Homeguard Leasing	139 Forest Avenue, Aberdeen	One objection	10 October 2018	71 - 94
8.	Late Hours Catering Grant	Starbucks	Wellington Road, Redmoss, Aberdeen	N/A	18 th Jan 2019	95 - 96
9.	Public Entertainment Renewal	Inchgarth Community Centre	Aboyne Place, Garthdee, Aberdeen	BS	16 th February 2019	97 - 98

10.	Cinema Renewal	Robert Gordon University	Sir Ian Wood Building, Garthdee Road, Aberdeen	BS	31 st January 2019	99 - 100
11.	Taxi Operator Renewal	John Douglas Cumming	T651 ST13 LCA	Legal	25 th January 2019	101 - 102
12.	Taxi Operator Renewal	Graham James Hansley	T883 MJ67 OEB	Legal	29 th January 2019	103 - 104
13.	Taxi Operator Renewal	Colin Kerr	T118 SF14 AAE	Legal	29 th January 2019	105 - 106
14.	Taxi Operator Renewal	Derek Sangster Lumsden	A092 L5 DEK	Legal	30 th January 2019	107 - 108
15.	Taxi Operator Renewal	William & Heather MacDonald	T320 MF15 XSB	Legal	30 th January 2019	109 - 110
16.	Taxi Operator Renewal	Neil Alexander Robert Morrison	T802 SL60 MPK	Legal	26 th January 2019	111 - 112
17.	Taxi Operator Renewal	John Henderson Noble	T059 MJ67 OEC	Legal	29 th January 2019	113 - 114
18.	Taxi Operator Renewal	Charles George Duncan Smith	T689 MD14 AOP	Legal	29 th January 2019	115 - 116
19.	Taxi Operator Renewal	David George Kenneth Taylor	T897 SF10 MVR	Legal	29 th January 2019	117 - 118
20.	Taxi Operator Grant	Brian K Marr & Brian Marr	T786	Legal (WAV)	14 th May 2019	119 - 120
21.	Private Hire Renewal	Aberdeen Taxis Ltd	PH014 YE15 WDM	Legal	30 th January 2019	121 - 122
22.	Private Hire Renewal	Aberdeen Taxis Ltd	PH047 SY15 SSV	Legal	30 th January 2019	123 - 124

23.	Private Hire Driver Renewal	Buhary Rimza	PHD126	Legal (SK)	8 th January 2019	125 - 126
24.	Taxi Driver Grant	Arthur Webster	0917	Legal (SK exemption)	N/A	127 - 128
25.	Taxi Driver Grant	Jayke Martin	1480	Legal (SK exemption)	N/A	129 - 130

ABBREVIATIONS:

L Legal
EH Environmental Health
SFRS Fire and Rescue Service
BS Building Standards
Roads

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ABERDEEN
CITY COUNCIL

MEMO

Private Sector Housing Unit
Operations & Protective Services

Lower Ground Floor West, Marischal College

To	Fraser Bell, Chief Officer – Governance		
From	Ally Thain, Private Sector Housing Manager, Operations & Protective Services		
Email	allyt@aberdeencity.gov.uk	Date	29 November 2018
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 Crathie Student Village, 515 – 519 Holburn Street, Aberdeen

Applicant/s: John Lewis Partnership Pensions Trust

Agent: Savills (UK) limited

I refer to the above HMO licence application, which is due to be considered by the Licensing Committee at its meeting on 11 December 2018 for the reason that the HMO upgrading work has not been completed.

I can advise you as follows:

The HMO legislation

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

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

The premises:

The premises to which this HMO licence application relates is a purpose-built student accommodation facility providing accommodation comprising a total of 97 en-suite letting bedrooms contained within a series of flats. In addition to the letting bedrooms, each flat includes a kitchen/living/dining area. 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 17 January 2018.

HMO upgrading works and certification:

The HMO Officer carried out an inspection of the property on 16 February 2018, then he wrote to the agent listing the following requirements to bring the property up to the current HMO standard:-

1. All faulty or missing lightbulbs to be replaced immediately.
2. The light fitting in kitchen B401 to be securely reattached to the ceiling.
3. A new Notice of HMO Application to be displayed in a public place outside the property for a statutory 21-day period.
4. The Notice of HMO Application - Certificate of Compliance, Gas Safe certificate, Portable Appliance Test (PAT) certificate, Electrical Installation Condition Report (EICR) & a copy of the Tenancy Agreement to be submitted to the HMO Unit.

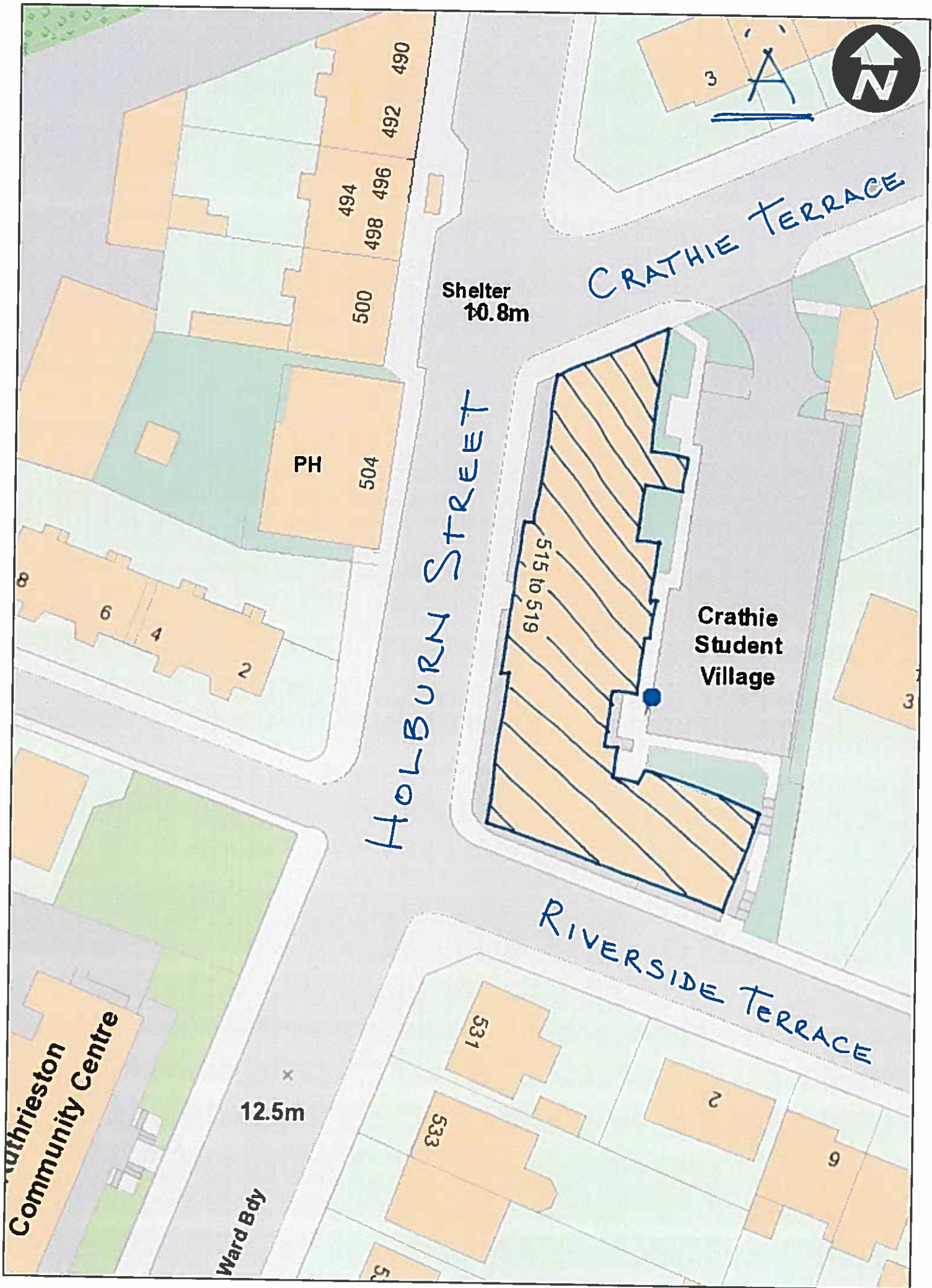
At the date of this report, the above requirements have not been completed.

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.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaint of anti-social behaviour in respect of Crathie Student Village, Holburn Street, Aberdeen.
- The applicant's registration as a landlord with this Council expired in 2017, therefore it must be renewed. The Landlord Registration team are currently dealing with this.
- The applicant has requested an occupancy of 97 tenants which is acceptable to the HMO Unit in terms of space and layout.
- The HMO licence application under consideration is to renew a current HMO licence. The property was first HMO-licensed in September 2012.
- The meeting of the Licensing Committee on 11 December 2018, is the last meeting before the one-year statutory deadline for determining this HMO licence application 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 11 December 2018. I will advise the Committee whether or not all requirements have been completed.

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

Ally Thain
Private Sector Housing Manager



1:500



ABERDEEN
CITY COUNCIL

MEMO

Private Sector Housing Unit
Operations & Protective Services

Lower Ground Floor West, Marischal College

To	Fraser Bell, Chief Officer – Governance		
From	Ally Thain, Private Sector Housing Manager, Operations & Protective Services		
Email	allyt@aberdeencity.gov.uk	Date	29 November 2018
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.51 Bedford Place, Aberdeen

Applicant/s: Martin J.M.Watson

Agent: Northwood Aberdeen

I refer to the above HMO licence application, which is due to be considered by the Licensing Committee at its meeting on 11 December 2018 for the reason that the HMO upgrading work has not been completed.

I can advise you as follows:

The HMO legislation

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

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

The premises:

The premises to which this HMO licence application relates is a terraced house on 2 floors providing accommodation comprising 4 letting bedrooms, one public room, one kitchen, one bathroom & one shower-room. 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 26 January 2018.

HMO upgrading works and certification:

The HMO Officer carried out an inspection of the property on 1 February 2018, then he wrote to the applicant listing the following requirements to bring the property up to the current HMO standard:-

1. All self-closing doors to be checked and adjusted where necessary to ensure that they fully close against their stops.
2. The damp/mould growth around the ground-floor bathroom window to be investigated, then the area treated with anti-fungicidal wash and redecorated.
3. The Notice of HMO Application - Certificate of Compliance, Gas Safe certificate & a copy of the Tenancy Agreement to be submitted to the HMO Unit.

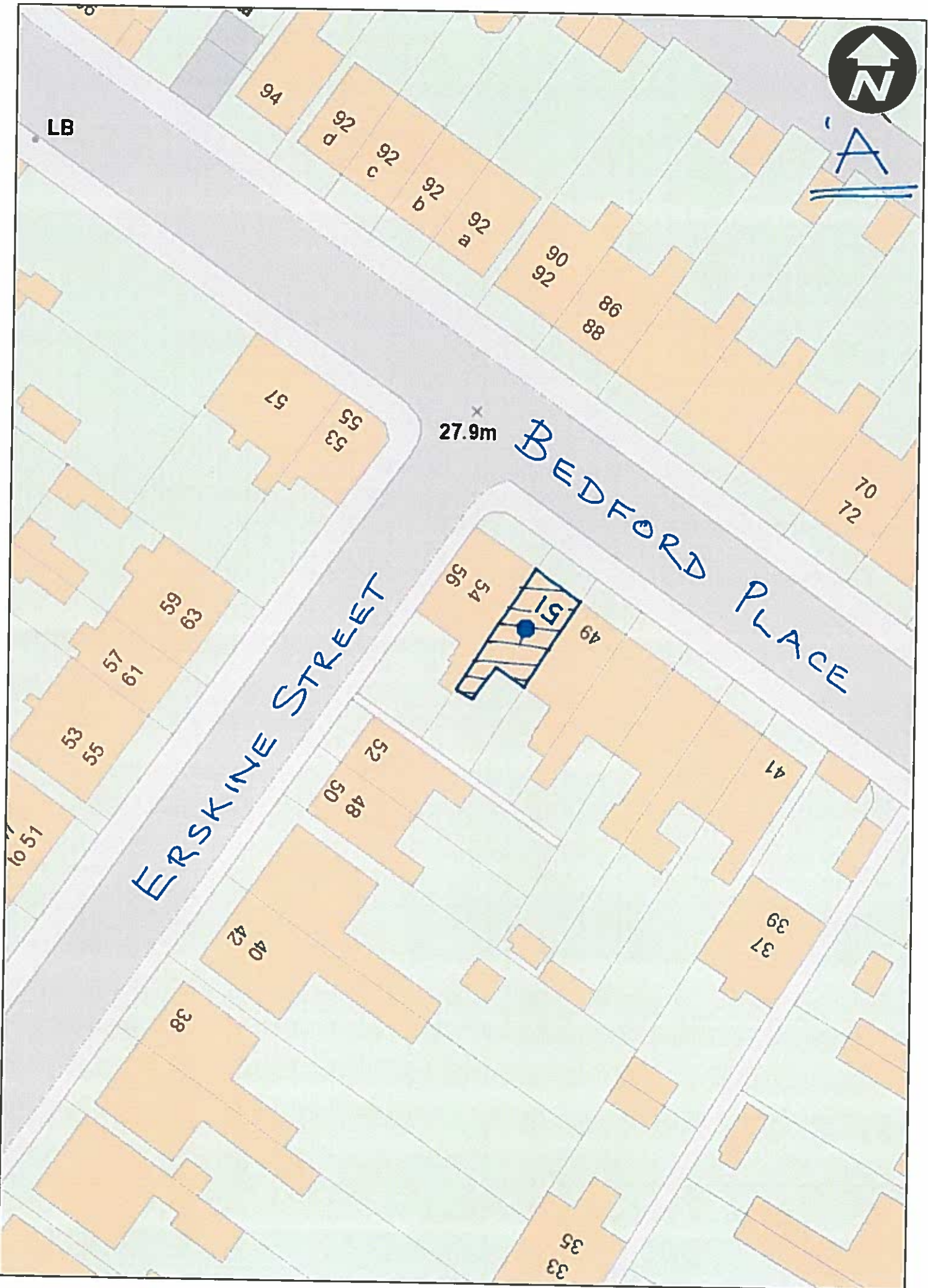
At the date of this report, the above requirements have not been completed.

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.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaint of anti-social behaviour in respect of No.51 Bedford Place, Aberdeen.
- The applicant, agent, and No.51 Bedford Place, Aberdeen, are currently registered with the Landlord Registration database.
- The applicant has requested an occupancy of 4 tenants which is acceptable to the HMO Unit in terms of space and layout.
- The HMO licence application under consideration is to renew a current HMO licence. The property was first HMO-licensed in October 2007.
- The meeting of the Licensing Committee on 11 December 2018, is the last meeting before the one-year statutory deadline for determining this HMO licence application 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 11 December 2018. I will advise the Committee whether or not all requirements have been completed.

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

Ally Thain
Private Sector Housing Manager



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ERSKINE STREET

BEDFORD PLACE

51

LB

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ABERDEEN
CITY COUNCIL

MEMO

Private Sector Housing Unit

Operations & Protective Services

Lower Ground Floor West, Marischal College

To	Fraser Bell, Chief Officer – Governance		
From	Ally Thain, Private Sector Housing Manager, Operations & Protective Services		
Email	allyt@aberdeencity.gov.uk	Date	29 November 2018
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.71 Craigievar Crescent, Aberdeen
Applicant/s: Eileen D.R.Thomson
Agent: Winchesters Lettings Limited

I refer to the above HMO licence application, which is due to be considered by the Licensing Committee at its meeting on 11 December 2018 for the reason that the HMO upgrading work has not been completed.

I can advise you as follows:

The HMO legislation

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

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

The premises:

The premises to which this HMO licence application relates is an upper-floor maisonette providing accommodation comprising 6 letting bedrooms, one public room, one kitchen, one bathroom & one shower-room. 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 1 February 2018.

HMO upgrading works and certification:

The HMO Officer carried out an inspection of the property on 13 February 2018, then he wrote to the agent listing the following requirements to bring the property up to the current HMO standard:-

1. All self-closing doors to be checked and adjusted where necessary to ensure that they fully close against their stops.
2. The door-closer on the door to bedroom No.4 to be reinstated immediately.
3. The door facing at bedroom No.4 to be reinstated.
4. The silicone seals around the bath and shower to be replaced.
5. The housekeeping in the kitchen and bedroom No.2 must improve.
6. The Notice of HMO Application - Certificate of Compliance, Gas Safe certificate, Portable Appliance Test (PAT) certificate & a copy of the Tenancy Agreement to be submitted to the HMO Unit.

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

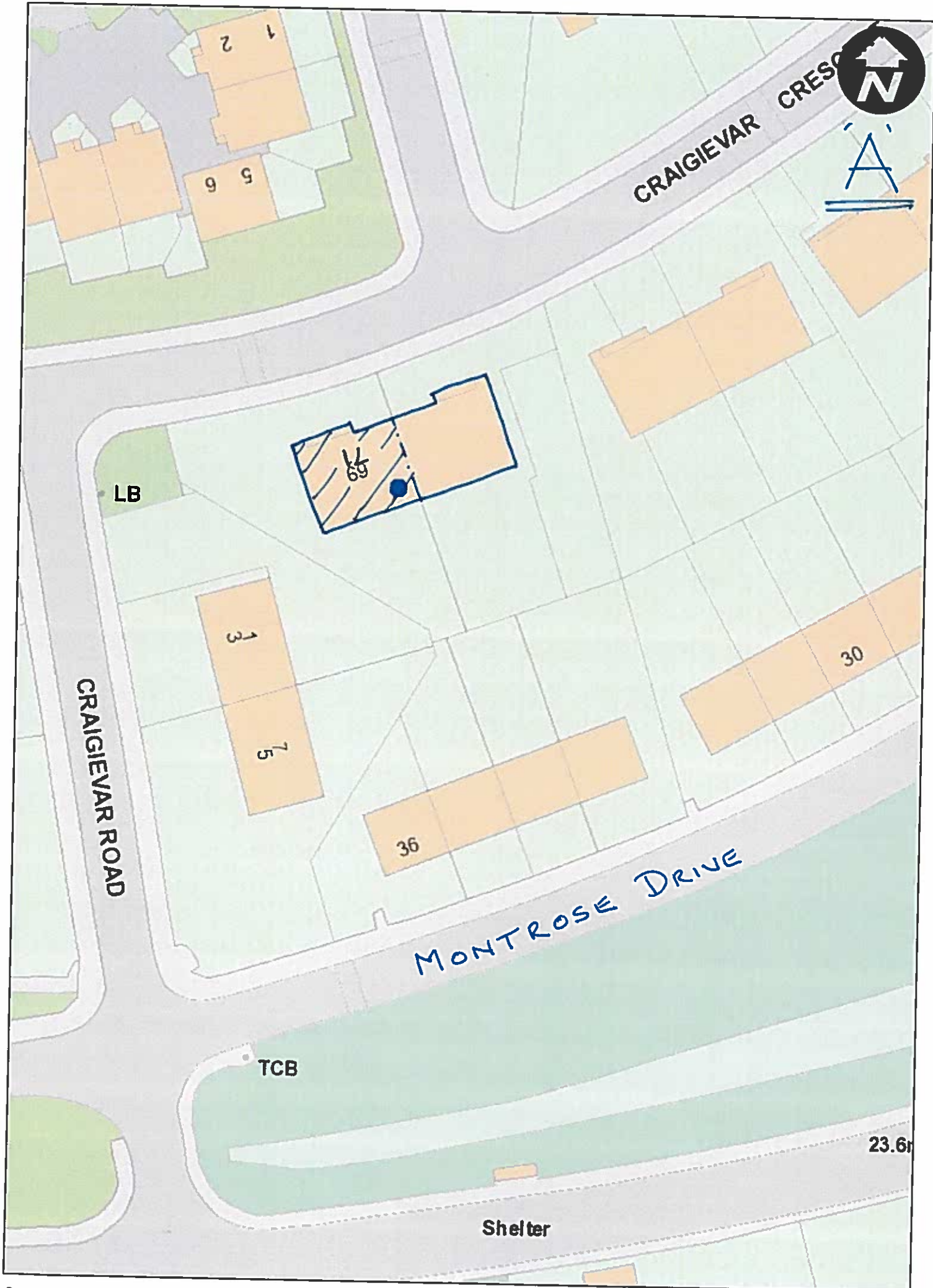
Other considerations:

- 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.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaint of anti-social behaviour in respect of No.71 Craigievar Crescent, Aberdeen.
- The applicant, agent, and No.71 Craigievar Crescent, are currently registered with the Landlord Registration database. In addition to No.71 Craigievar Crescent, the landlord has registered another 2 rental properties, both of which are currently HMO-licensed.
- The applicant has requested an occupancy of 6 tenants which is acceptable to the HMO Unit in terms of space and layout.
- The HMO licence application under consideration is to renew a current HMO licence. The property was first HMO-licensed in March 2015.

- The meeting of the Licensing Committee on 11 December 2018, is the last meeting before the one-year statutory deadline for determining this HMO licence application 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 11 December 2018. I will advise the Committee whether or not all requirements have been completed.

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

Ally Thain
Private Sector Housing Manager



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ABERDEEN
CITY COUNCIL

MEMO

Private Sector Housing Unit

Operations & Protective Services

Lower Ground Floor West, Marischal College

To	Fraser Bell, Chief Officer – Governance		
From	Ally Thain, Private Sector Housing Manager, Operations & Protective Services		
Email	allyt@aberdeencity.gov.uk	Date	29 November 2018
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.9 Elmfield Avenue, Aberdeen

Applicant/s: Hugh Marshall

Agent: Parkhill Properties (Aberdeen) Limited

I refer to the above HMO licence application, which is due to be considered by the Licensing Committee at its meeting on 11 December 2018 for the reason that the HMO upgrading work has not been completed.

I can advise you as follows:

The HMO legislation

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

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

The premises:

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

The HMO application:-

The HMO licence application was received by the HMO Unit on 2 February 2018.

HMO upgrading works and certification:

The HMO Officer carried out an inspection of the property on 28 March 2018, then he wrote to the applicant listing the following requirements to bring the property up to the current HMO standard:-

1. All faulty or missing lightbulbs to be replaced immediately.
2. Carbon Monoxide detectors to be installed in any room where there is a gas appliance.
3. All self-closing doors to be checked and adjusted where necessary to ensure that they fully close against their stops.
4. The damp/mould growth in the top-floor storage room and bathroom must be investigated, then the areas treated with fungicidal wash and redecorated.
5. A Portable Appliance Test (PAT) certificate to be submitted to the HMO Unit.

At the date of this report, the above 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.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaint of anti-social behaviour in respect of No.9 Elmfield Avenue, Aberdeen.
- The applicant, agent, and No.9 Elmfield Avenue, Aberdeen, are currently 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 to renew a current HMO licence. The property was first HMO-licensed in October 2011.
- The meeting of the Licensing Committee on 11 December 2018, is the last meeting before the one-year statutory deadline for determining this HMO licence application 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 11 December 2018. I will advise the Committee whether or not all requirements have been completed.

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

Ally Thain
Private Sector Housing Manager



1:500



ABERDEEN
CITY COUNCIL

MEMO

Private Sector Housing Unit

Operations & Protective Services

Lower Ground Floor West, Marischal College

To	Fraser Bell, Chief Officer – Governance		
From	Ally Thain, Private Sector Housing Manager, Operations & Protective Services		
Email	allyt@aberdeencity.gov.uk	Date	29 November 2018
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.52 Erskine Street, Aberdeen (First floor flat)

Applicant/s: Robert Wilson

Agent: Winchesters Lettings Limited

I refer to the above HMO licence application, which is due to be considered by the Licensing Committee at its meeting on 11 December 2018 for the reason that the HMO upgrading work has not been completed.

I can advise you as follows:

The HMO legislation

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

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

The premises:

The premises to which this HMO licence application relates is an upper-floor maisonette providing accommodation comprising 4 letting bedrooms, 2 public rooms, one kitchen & one bathroom.. The location of the premises is shown on the plan attached as Appendix 'A'.

The HMO application:-

The HMO licence application was received by the HMO Unit on 9 February 2018.

HMO upgrading works and certification:

The HMO Officer carried out an inspection of the property on 27 February 2018, then he wrote to the agent listing the following requirements to bring the property up to the current HMO standard:-

1. Carbon Monoxide detectors to be installed in any room where there is a gas appliance.
2. All portable (plug-in) heaters to be permanently removed from the property.
3. The mildew in the front bedroom to be eradicated and the room redecorated.
4. The mildew on the bathroom ceiling to be eradicated and the ceiling redecorated.
5. The openings in the boiler cupboard to be sealed.
6. The standard of housekeeping throughout the property must be improved.
7. The Notice of HMO Application - Certificate of Compliance, Gas Safe certificate & Portable Appliance Test (PAT) certificate to be submitted to the HMO Unit.

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

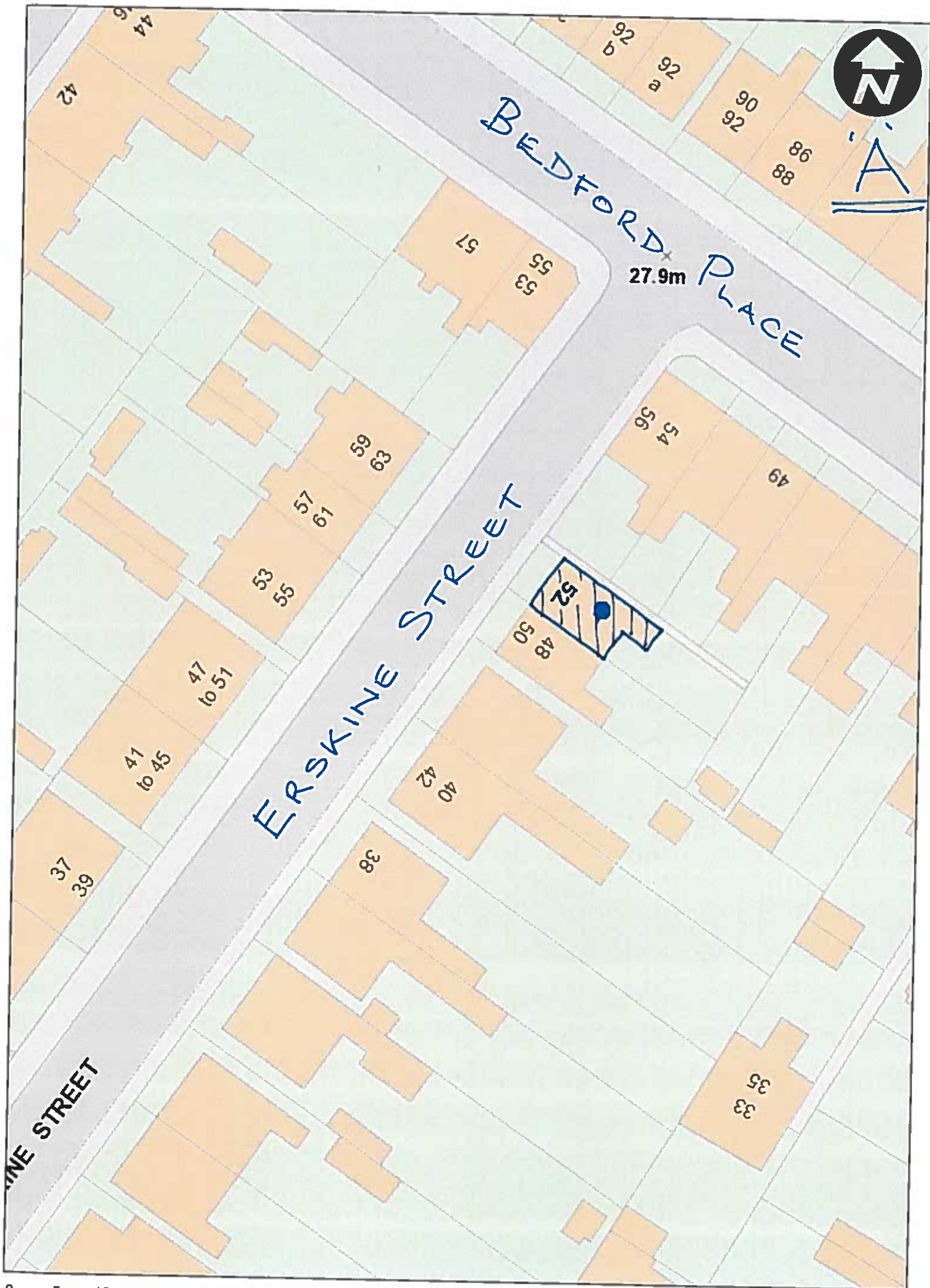
Other considerations:

- 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.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaint of anti-social behaviour in respect of No.52 Erskine Street, Aberdeen (First floor flat).
- The applicant, agent, and the first-floor flat, 52 Erskine Street, Aberdeen, are currently registered with the Landlord Registration database. The applicant has also registered the ground-floor flat in the same building.
- The applicant has requested an occupancy of 4 tenants which is acceptable to the HMO Unit in terms of space and layout.
- The HMO licence application under consideration is to renew a current HMO licence. The property was first HMO-licensed in February 2015.

- The meeting of the Licensing Committee on 11 December 2018, is the last meeting before the one-year statutory deadline for determining this HMO licence application 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 11 December 2018. I will advise the Committee whether or not all requirements have been completed.

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

Ally Thain
Private Sector Housing Manager



0 5 10 20 Metres

1:500



ABERDEEN
CITY COUNCIL

MEMO

Private Sector Housing Unit

Operations & Protective Services

Lower Ground Floor West, Marischal College

To	Fraser Bell, Chief Officer – Governance		
From	Ally Thain, Private Sector Housing Manager, Operations & Protective Services		
Email	allyt@aberdeencity.gov.uk	Date	29 November 2018
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.52 Abbotswell Crescent, Aberdeen

Applicant/s: Alex Mijares

Agent: Magnolia Property Services Limited

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 11 December 2018 for the reason that 2 'late' written representations 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.52 Abbotswell Crescent, Aberdeen, is an upper-floor maisonette flat providing accommodation of 6 letting bedrooms (4 en-suite), 2 shower-rooms & one kitchen/dining area. The plan attached as Appendix 'A' shows the position of the premises.

The HMO licence application:

The HMO licence application is dated 25 September 2018 and was received by the HMO Unit on 28 September 2018.

Certificate of Compliance – Notice of HMO Application:

The Certificate of Compliance, submitted by the applicant to the HMO Unit, declares that the public Notice of HMO Application was on display outside the property between 25 September 2018 – 18 October 2018. Only the first 21 days are statutory therefore the statutory period expired at midnight on 16 October 2018.

'Late' letters of representation:

- One letter of representation was received by the HMO Unit on 22 October 2018, some 6 days outwith the statutory 21-day period.
- A second letter of representation was received by the HMO Unit on 26 October 2018, some 10 days outwith the statutory 21-day period.

The above 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 one or both of the late letters, copies will be circulated to Members at the meeting.

Letter from applicant:

The applicant submitted a letter responding to the 2 'late' letters. Accordingly, if the Committee decides to consider one or both of the late letters, copies of the applicant's letter will be circulated to Members at the meeting.

Notice of HMO Application

Following submission of every HMO licence application, an HMO Officer visits the property to ensure that the Notice of HMO Application is 1) on display, and 2) in a public place where it can easily be read. In the case of the application under consideration, the HMO Officer visited the property on 2 October 2018 and noted that the Notice of HMO Application was attached to the lamppost on the pavement outside the property. In his opinion, the position of the Notice was acceptable and met the legislative requirements. The HMO Officer visited again on 12 October 2018 and the Notice of HMO Application was still attached to the lamppost. The plan attached as Appendix 'A' shows the position of the lamppost to which the Notice of HMO Application was attached.

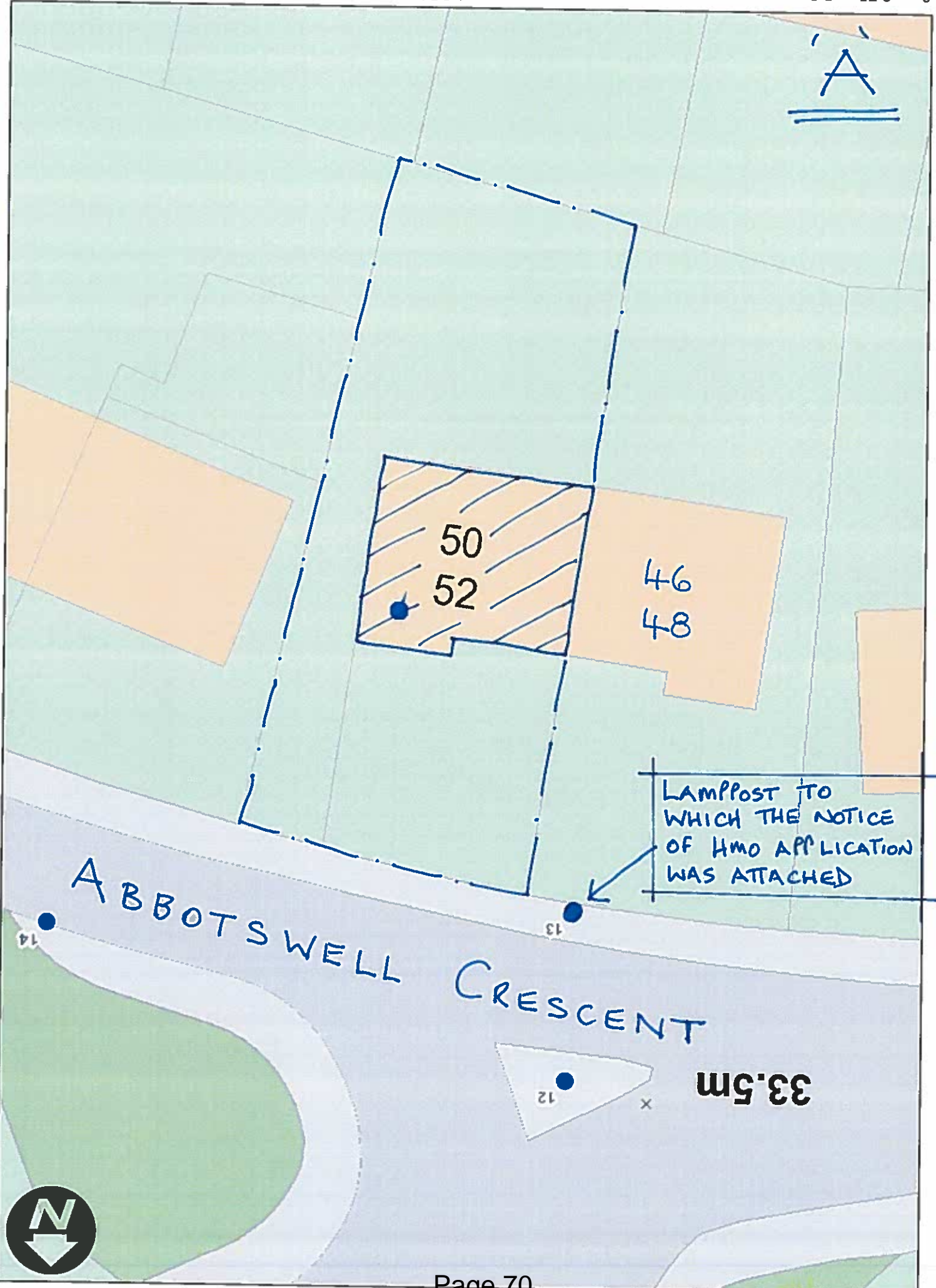
Other Considerations:

- 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.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has a record of 8 separate complaints of anti-social behaviour made against the tenants of No.52 Abbotswell Crescent, Aberdeen. The first complaint was lodged in May 2017 and the last complaint in December 2017. Of these 8 complaints, ASBIT staff witnessed anti-social behaviour by way of excessively loud music on only one occasion which resulted in a Warning Notice being served on the tenants.

- The applicant, agent and No.52 Abbotswell Crescent, are currently registered with the Landlord Registration database. In addition to No.52 Abbotswell Crescent, the applicant has registered another 7 rental properties of which 4 are currently HMO-licensed.
- The applicant has requested an occupancy of 6 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is to renew an existing HMO licence. The applicant was first granted an HMO licence for the property in October 2015.
- There are no other licensed HMOs in Abbotswell Crescent, Aberdeen.
- Following receipt of the application, the HMO Officer visited the property and carried out an initial inspection which identified some minor works and safety certificate requirements. These requirements have all been satisfactorily completed therefore if the Committee is minded to grant a new HMO licence, it may do so at the meeting on 11 December 2018.

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



LAMPPOST TO WHICH THE NOTICE OF HMO APPLICATION WAS ATTACHED

ABBOTSWELL CRESCENT

33.5m



ABERDEEN
CITY COUNCIL

MEMO

Private Sector Housing Unit

Operations & Protective Services

Lower Ground Floor West, Marischal College

To	Fraser Bell, Chief Officer - Governance		
From	Ally Thain, Private Sector Housing Manager, Operations & Protective Services		
Email	allyt@aberdeencity.gov.uk	Date	29 November 2018
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. 139 Forest Avenue, Aberdeen

Applicant/s: Moya Bothwell

Agent: Homeguard Leasing

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 11 December 2018 for the reason that one written representation was received by the HMO Unit.

I can advise you as follows:

The HMO legislation

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

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

The premises:

The property at No.139 Forest Avenue, Aberdeen, is an upper-floor maisonette flat providing accommodation of 4 letting bedrooms, 2 public rooms, 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 October 2018 and was received by the HMO Unit on 11 October 2018.

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 11 October 2018 – 3 November 2018. Only the first 21 days are statutory therefore the statutory period ended at midnight on 1 November 2018.

Letter of representation:

One written representation/objection was received by the HMO Unit on 1 November 2018, within the above-mentioned 21-day statutory period, and must therefore be considered by the Committee. The original letter included a series of e-mails between the objector and Homeguard Leasing, and also an insurance company. The objector was advised that these e-mails could only be included in this Committee report if consent from these 2 companies was given. The objector subsequently advised that Homeguard Leasing had refused to allow their e-mails to be released into the public domain, ie. Attached to this report, and the insurance company failed to respond. The firm of McKay Preservation consented to their quotation being released into the public domain. The objector's letter, minus the e-mail exchange, is attached as Appendix 'B'.

Letter from Applicant:

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

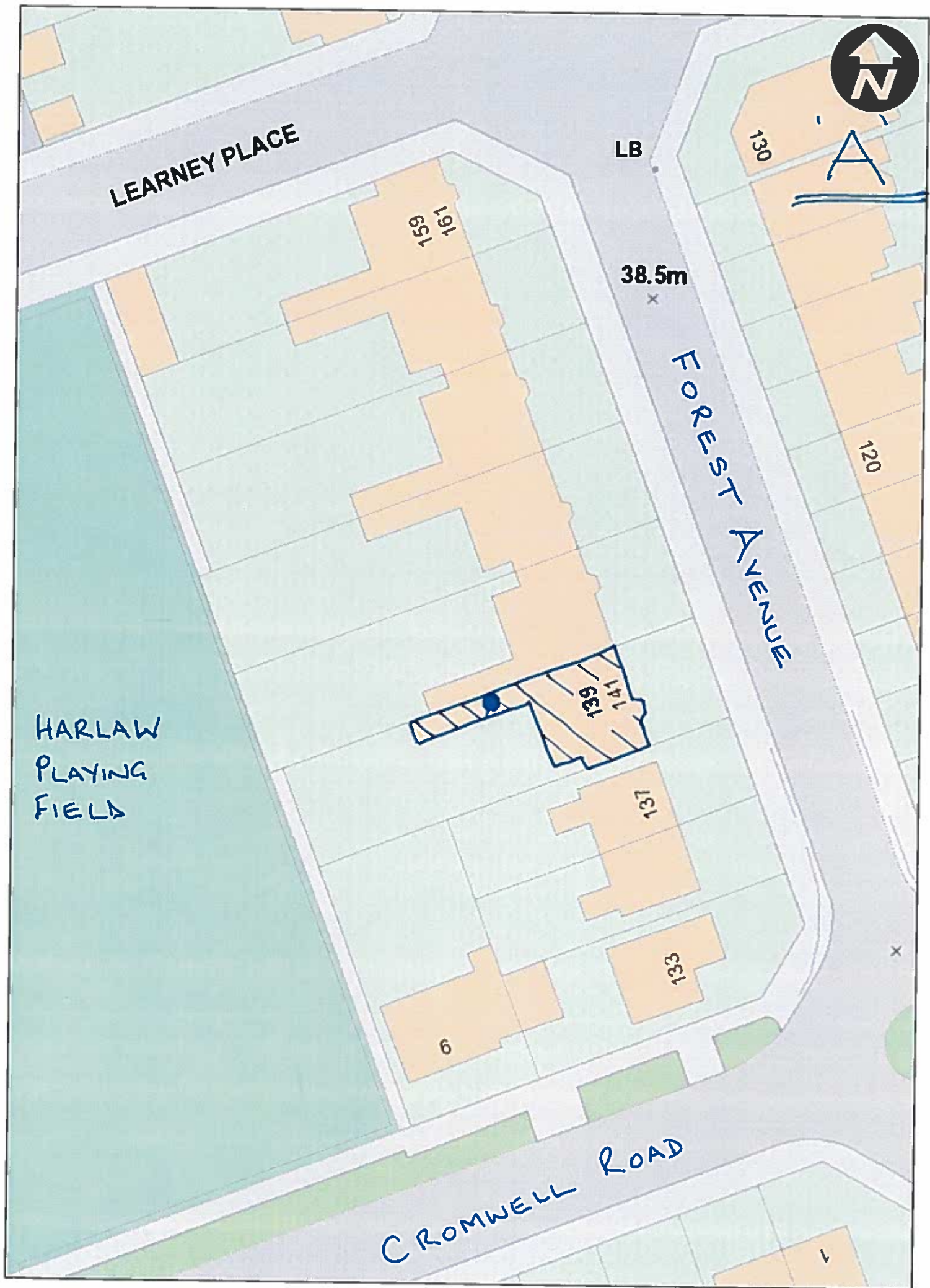
Other Considerations:

- Police Scotland has been consulted in respect of the applicant's suitability as a 'fit & proper' person and 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 made no comment or objection.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaint of anti-social behaviour in respect of No.139 Forest Avenue, Aberdeen.
- The applicant, agent and No.139 Forest Avenue, Aberdeen, are currently registered with this Council. In addition to No.139 Forest Avenue, the applicant has registered another 2 rental properties both of which are HMO-licensed.
- The applicant has requested an occupancy of 4 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is to renew a current HMO licence, which was granted for a period of one year by the Licensing Committee at its meeting on 12 September 2017. An HMO licence for the property was first granted in April 2007.

- There are only 2 HMO-licensed properties in Forest Avenue, Aberdeen, these being Nos.139 & 180.
- Following receipt of the licence application, the HMO Officer carried out an initial inspection of the property which identified a need for several minor repairs to be carried out and one certificate to be submitted to the HMO Unit. At the date of this report these requirements have not been completed therefore I will advise the Committee of the up-to-date position at the meeting on 11 December 2018.

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 5 10 20 Metres

1:500

Please note that Appendix B and C are not published on the website for data protection reasons but are still available for inspection on request by contacting Committee Services – committeeservices@aberdeencity.gov.uk

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LICENSING COMMITTEE INFORMATION SHEET

11 DECEMBER 2018

TYPE OF APPLICATION: LATE HOURS CATERING GRANT
APPLICANT: STARBUCKS, WELLINGTON ROAD, REDMOSS, ABERDEEN

INFORMATION NOTE

Application must be determined by 18th January 2019.

DESCRIPTION

Late hours catering grant - hours requested outwith policy. Applicant has applied for a LHC from 23:00 to 05:00 Monday to Sunday and is located outwith the City Centre.

CONSULTEES

- Police Scotland
- EH

OBJECTIONS/REPRESENTATIONS

COMMITTEE GUIDELINES/POLICY

Outwith City Centre

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

GROUNDINGS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

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

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

11 DECEMBER 2018

TYPE OF APPLICATION: PUBLIC ENTERTAINMENT LICENCE RENEWAL
APPLICANT: INCHGARTH COMMUNITY CENTRE, ABOYNE PLACE, GARTHDEE,
ABERDEEN

INFORMATION NOTE

Application must be determined by 16th February 2019.

DESCRIPTION

Public Entertainment Licence Renewal. To date, we have had no clear response from Building Standards.

CONSULTEES

- Police Scotland
- Environmental Health
- Building Standards

OBJECTIONS/REPRESENTATIONS

COMMITTEE GUIDELINES/POLICY

GROUNDINGS FOR REFUSAL

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

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

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

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

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

(c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may

be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

11 DECEMBER 2018

TYPE OF APPLICATION: CINEMA RENWAL

APPLICANT: ROBERT GORDON UNIVERSITY, SIR IAN WOOD BUILDING,
GARTHDEE ROAD, ABERDEEN

INFORMATION NOTE

Application must be determined by 31st January 2019.

DESCRIPTION

Cinema Licence Renewal. To date, we have no clear response from Building Standards.

CONSULTEES

- Police Scotland
- Environmental Health
- Building Standards

OBJECTIONS/REPRESENTATIONS

COMMITTEE GUIDELINES/POLICY

GROUNDS FOR REFUSAL

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

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

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

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

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

(c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may

be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

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

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

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

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

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

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

11 December 2018

TYPE OF APPLICATION: Taxi Licence- Renewal

APPLICANT: John Cumming **LICENCE:** T651

INFORMATION NOTE

Application submitted 26/07/2018
Must be determined by 25/01/2019

Vehicle ST13 LCA has not been hackney tested since 29/01/2018. The vehicle required testing in July 2018 under Licensing Committee policy (one of the 2 required tests must be passed around the renewal date of the licence) and Taxi Licence Condition 5.

In addition, the licence holder has breached Section 11 (1) of the Civic Government (Scotland) Act 1982 by not producing the vehicle for testing as required by the Local Authority.

As the safety and condition of the vehicle cannot be confirmed, the licence renewal cannot be granted.

The licence was suspended on 20/11/2018 for not being tested as required, under Section 11 of Civic Government (Scotland) Act 1982.

DESCRIPTION

Renewal Taxi Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

A licensed vehicle must pass 2 hackney tests per year, one of which must be around the date of the licence renewal, as per Licensing Committee policy. Taxi Licence condition 5 requires that a vehicle be tested twice per year. Section 11(1) of Civic Government (Scotland) Act 1982 requires a licence holder to produce a vehicle for inspection as required by the Local Authority.

GROUNDINGS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

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

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

11 December 2018

TYPE OF APPLICATION: Taxi Licence- Renewal

APPLICANT: Graeme Hansley **LICENCE:** T883

INFORMATION NOTE

Application submitted 30/07/2018
Must be determined by 29/01/2019

Vehicle MJ67 OEB has not been hackney tested since 23/11/2017. The vehicle required testing in January 2018 and July 2018 under Licensing Committee policy (one of the 2 required tests must be passed around the renewal date of the licence) and Taxi Licence Condition 5.

In addition, the licence holder has breached Section 11 (1) of the Civic Government (Scotland) Act 1982 by not producing the vehicle for testing as required by the Local Authority.

As the safety and condition of the vehicle cannot be confirmed, the licence renewal cannot be granted.

The vehicle has consistently not been tested as required, January 2014 and July 2014 tests not done, July 2015 test not done, July 2016 test being done 14/10/16, January 2017 test not done and July 2017 test being done 23/11/2017.

The licence was suspended on 20/11/2018 for not being tested as required, under Section 11 of Civic Government (Scotland) Act 1982.

DESCRIPTION

Renewal Taxi Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

A licensed vehicle must pass 2 hackney tests per year, one of which must be around the date of the licence renewal, as per Licensing Committee policy. Taxi Licence condition 5 requires that a vehicle be tested twice per year. Section 11(1) of Civic Government (Scotland) Act 1982 requires a licence holder to produce a vehicle for inspection as required by the Local Authority.

GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

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

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

11 December 2018

TYPE OF APPLICATION: Taxi Licence- Renewal

APPLICANT: Colin Kerr **LICENCE:** T118

INFORMATION NOTE

Application submitted 30/07/2018
Must be determined by 29/01/2019

Vehicle SF14 AAE was last hackney tested on 21/02/2018. The vehicle required testing in July 2018 under Licensing Committee policy (one of the 2 required tests must be passed around the renewal date of the licence) and Taxi Licence Condition 5.

In addition, the licence holder has breached Section 11 (1) of the Civic Government (Scotland) Act 1982 by not producing the vehicle for testing as required by the Local Authority.

As the safety and condition of the vehicle cannot be confirmed, the licence renewal cannot be granted.

The vehicle has consistently not been tested as required, January 2014 test being done 07/03/14, July 2014 test being done 12/09/14, January 2016 test being done 10/05/16, July 2017 test being done 14/08/17 and January 2018 test being done 21/02/18.

The licence was suspended on 28/11/2018 for not being tested as required, under Section 11 of Civic Government (Scotland) Act 1982.

DESCRIPTION

Renewal Taxi Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

A licensed vehicle must pass 2 hackney tests per year, one of which must be around the date of the licence renewal, as per Licensing Committee policy. Taxi Licence condition 5 requires that a vehicle be tested twice per year. Section 11(1) of Civic Government (Scotland) Act 1982 requires a licence holder to produce a vehicle for inspection as required by the Local Authority.

GROUNDNS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

11 December 2018

TYPE OF APPLICATION: Taxi Licence- Renewal

APPLICANT: Derek Lumsden **LICENCE:** A092

INFORMATION NOTE

Application submitted 31/07/2018
Must be determined by 30/01/2019

Vehicle L5 DEK was last hackney tested on 15/02/2018. The vehicle required testing in July 2018 under Licensing Committee policy (one of the 2 required tests must be passed around the renewal date of the licence) and Taxi Licence Condition 5.

In addition, the licence holder has breached Section 11 (1) of the Civic Government (Scotland) Act 1982 by not producing the vehicle for testing as required by the Local Authority.

As the safety and condition of the vehicle cannot be confirmed, the licence renewal cannot be granted.

The vehicle has consistently not been tested as required, January 2014 test not done, July 2014 test being done 05/08/15, January 2016 test being done 11/02/16, January 2017 test being done 27/02/17, July 2017 test being done 05/09/17 and January 2018 test being done 15/02/18.

The licence was suspended on 28/11/2018 for not being tested as required, under Section 11 of Civic Government (Scotland) Act 1982.

DESCRIPTION

Renewal Taxi Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

A licensed vehicle must pass 2 hackney tests per year, one of which must be around the date of the licence renewal, as per Licensing Committee policy. Taxi Licence condition 5 requires that a vehicle be tested twice per year. Section 11(1) of Civic Government (Scotland) Act 1982 requires a licence holder to produce a vehicle for inspection as required by the Local Authority.

GROUNDINGS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

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

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

11 December 2018

TYPE OF APPLICATION: Taxi Licence- Renewal
APPLICANT: W & H MacDonald **LICENCE:** T320

INFORMATION NOTE

Application submitted 31/07/2018
 Must be determined by 30/01/2019

Vehicle MF15 XSB has not been hackney tested since 11/09/2017. The vehicle required testing in January 2018 and July 2018 under Licensing Committee policy (one of the 2 required tests must be passed around the renewal date of the licence) and taxi Licence Condition 5.

In addition, the licence holder has breached Section 11 (1) of the Civic Government (Scotland) Act 1982 by not producing the vehicle for testing as required by the Local Authority.

As the safety and condition of the vehicle cannot be confirmed, the licence renewal cannot be granted.

The vehicle has consistently not been tested as required, July 2016 test being done 16/08/16, January 2017 test done 08/03/17 and July 2017 test done 11/09/17.

The licence was suspended on 20/11/2018 for not being tested as required, under Section 11 of Civic Government (Scotland) Act 1982.

DESCRIPTION

Renewal Taxi Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

A licensed vehicle must pass 2 hackney tests per year, one of which must be around the date of the licence renewal, as per Licensing Committee policy. Taxi Licence condition 5 requires that a vehicle be tested twice per year. Section 11(1) of Civic Government (Scotland) Act 1982 requires a licence holder to produce a vehicle for inspection as required by the Local Authority.

GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

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

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

11 December 2018

TYPE OF APPLICATION: Taxi Licence- Renewal

APPLICANT: Neil Morrison **LICENCE:** T802

INFORMATION NOTE

Application submitted 27/07/2018
Must be determined by 26/01/2019

Vehicle SL60 HPK has not been hackney tested since 01/12/2017. The vehicle required testing in January 2018 and July 2018 under Licensing Committee policy (one of the 2 required tests must be passed around the renewal date of the licence) and taxi Licence Condition 5.

In addition, the licence holder has breached Section 11 (1) of the Civic Government (Scotland) Act 1982 by not producing the vehicle for testing as required by the Local Authority.

As the safety and condition of the vehicle cannot be confirmed, the licence renewal cannot be granted.

The vehicle has consistently not been tested as required, January 2017 test being done 01/12/17, January 2018 test not done and July 2018 test not done. Vehicle has only passed 2 hackney tests since licence granted in July 2016.

The licence was suspended on 20/11/2018 for not being tested as required, under Section 11 of Civic Government (Scotland) Act 1982.

DESCRIPTION

Renewal Taxi Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

A licensed vehicle must pass 2 hackney tests per year, one of which must be around the date of the licence renewal, as per Licensing Committee policy. Taxi Licence condition 5 requires that a vehicle be tested twice per year. Section 11(1) of Civic Government (Scotland) Act 1982 requires a licence holder to produce a vehicle for inspection as required by the Local Authority.

GROUNDINGS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

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

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

11 December 2018

TYPE OF APPLICATION: Taxi Licence- Renewal

APPLICANT: John Noble **LICENCE:** T059

INFORMATION NOTE

Application submitted 30/07/2018
Must be determined by 29/01/2019

Vehicle MJ67 OEC has not been hackney tested since 24/11/2017. The vehicle required testing in January 2018 and July 2018 under Licensing Committee policy (one of the 2 required tests must be passed around the renewal date of the licence) and taxi Licence Condition 5.

In addition, the licence holder has breached Section 11 (1) of the Civic Government (Scotland) Act 1982 by not producing the vehicle for testing as required by the Local Authority.

As the safety and condition of the vehicle cannot be confirmed, the licence renewal cannot be granted.

The vehicle has consistently not been tested as required, July 2014 test done 15/10/14 January 2015 and July 2015 tests not done, July 2017 test being done 24/11/17, January 2018 test not done and July 2018 test not done.

The licence was suspended on 20/11/2018 for not being tested as required, under Section 11 of Civic Government (Scotland) Act 1982.

DESCRIPTION

Renewal Taxi Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

A licensed vehicle must pass 2 hackney tests per year, one of which must be around the date of the licence renewal, as per Licensing Committee policy. Taxi Licence condition 5 requires that a vehicle be tested twice per year. Section 11(1) of Civic Government (Scotland) Act 1982 requires a licence holder to produce a vehicle for inspection as required by the Local Authority.

GROUNDINGS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

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

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

11 December 2018

TYPE OF APPLICATION: Taxi Licence- Renewal

APPLICANT: Charles Smith **LICENCE:** T682

INFORMATION NOTE

Application submitted 30/07/2018
Must be determined by 29/01/2019

Vehicle MD14 AOP was last hackney tested on 22/08/2017. The vehicle required testing in January 2018 and July 2018 under Licensing Committee policy (one of the 2 required tests must be passed around the renewal date of the licence) and Taxi Licence Condition 5.

In addition, the licence holder has breached Section 11 (1) of the Civic Government (Scotland) Act 1982 by not producing the vehicle for testing as required by the local authority.

As the safety and condition of the vehicle cannot be confirmed, the licence renewal cannot be granted.

The vehicle has consistently not been tested as required, January 2014 test being done 07/05/14, July 2014 test being done 08/08/14, July 2015 test being done 18/12/15 and January 2016 test not done.

The licence was suspended on 28/11/2018 for not being tested as required, under Section 11 of Civic Government (Scotland) Act 1982.

DESCRIPTION

Renewal Taxi Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

A licensed vehicle must pass 2 hackney tests per year, one of which must be around the date of the licence renewal, as per Licensing Committee policy. Taxi Licence condition 5 requires that a vehicle be tested twice per year. Section 11(1) of Civic Government (Scotland) Act 1982 requires a licence holder to produce a vehicle for inspection as required by the Local Authority.

GROUNDINGS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

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

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

11 December 2018

TYPE OF APPLICATION: Taxi Licence- Renewal

APPLICANT: David Taylor **LICENCE:** T897

INFORMATION NOTE

Application submitted 30/07/2018
Must be determined by 29/01/2019

Vehicle SF10 HVR failed hackney test on 21/09/2018. The vehicle required re-testing within 28 under Licensing Committee policy.

In addition, the licence holder has breached Section 11 (1) of the Civic Government (Scotland) Act 1982 by not producing the vehicle for testing as required by the Local Authority.

As the safety and condition of the vehicle cannot be confirmed, the licence renewal cannot be granted.

However, the licence holder has contacted licensing to advise that he was given incorrect information regarding the 28 day period by the Taxi Inspection Centre and the vehicle is booked in for testing on the afternoon of 11/12/2018.

The licence was suspended on 28/11/2018 for not being tested as required, under Section 11 of Civic Government (Scotland) Act 1982.

DESCRIPTION

Renewal Taxi Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

A licensed vehicle must pass 2 hackney tests per year, one of which must be around the date of the licence renewal, as per Licensing Committee policy. Section 11(1) of Civic Government (Scotland) Act 1982 requires a licence holder to produce a vehicle for inspection as required by the Local Authority.

GROUNDINGS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

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

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

11 December 2018

TYPE OF APPLICATION: Taxi Licence- Grant

APPLICANT: Brian K Marr & Brian Marr **LICENCE:** T786

INFORMATION NOTE

Application submitted 15/11/2018
Must be determined by 14/05/2019

Licence was held from 29/05/2006 until 31/05/2018 when it was not renewed and lapsed.

Applicants have submitted a Grant of Licence application as the licence was let lapse in error and is seeking exemption from the WAV policy requiring that all Grants of a Taxi Licence must be for a WAV vehicle.

The licence previously held was for a “saloon plate” in that the licence permitted a saloon vehicle. The applicants are seeking to licence the same vehicle which was previously licensed.

DESCRIPTION

Grant Taxi Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

Licensing Committee policy states that any new grant application for a Taxi Licence must be for a WAV vehicle.

GROUND FOR REFUSAL

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

- (a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—
 - (i) for the time being disqualified from holding a licence, or

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

11 December 2018

TYPE OF APPLICATION: Private Hire Licence- Renewal

APPLICANT: Aberdeen Taxis Ltd **LICENCE:** PH014

INFORMATION NOTE

Application submitted 31/07/2018
Must be determined by 30/01/2019

Vehicle YE15 WDM was last hackney tested on 19/04/2018. The vehicle required testing in September 2018 under Licensing Committee policy (one of the 2 required tests must be passed around the renewal date of the licence) and Private Hire Car Licence Condition 4.

In addition, the licence holder has breached Section 11 (1) of the Civic Government (Scotland) Act 1982 by not producing the vehicle for testing as required by the Local Authority.

As the safety and condition of the vehicle cannot be confirmed, the licence renewal cannot be granted.

DESCRIPTION

Renewal Private Hire Car Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

A licensed vehicle must pass 2 hackney tests per year, one of which must be around the date of the licence renewal, as per Licensing Committee policy. Private Hire Car Licence condition 4 requires that a vehicle be tested twice per year.

Section 11(1) of Civic Government (Scotland) Act 1982 requires a licence holder to produce a vehicle for inspection as required by the local authority.

GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

11 December 2018

TYPE OF APPLICATION: Private Hire Licence- Renewal

APPLICANT: Aberdeen Taxis Ltd **LICENCE:** PH047

INFORMATION NOTE

Application submitted 31/07/2018
Must be determined by 30/01/2019

Vehicle SY15SSV was hackney tested on 07/09/2017 and given a 14 day re-test notice. It was not taken back for re-testing. The vehicle also required testing in February 2018 and August 2018 under Licensing Committee policy (one of the 2 required tests must be passed around the renewal date of the licence) and Private Hire Car Licence Condition 4.

In addition, the licence holder has breached Section 11 (1) of the Civic Government (Scotland) Act 1982 by not producing the vehicle for testing as required by the Local Authority.

As the safety and condition of the vehicle cannot be confirmed, the licence renewal cannot be granted.

DESCRIPTION

Renewal Private Hire Car Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

A licensed vehicle must pass 2 hackney tests per year, one of which must be around the date of the licence renewal, as per Licensing Committee policy. Private Hire Car Licence condition 4 requires that a vehicle be tested twice per year.

Section 11(1) of Civic Government (Scotland) Act 1982 requires a licence holder to produce a vehicle for inspection as required by the local authority.

GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

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

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

11 December 2018

TYPE OF APPLICATION: Private Hire Car Driver Licence- Renewal

APPLICANT: Buhary Rimza **LICENCE:** PHD 126

INFORMATION NOTE

Application submitted 09/07/2018
Must be determined by 08/01/2019

Licensing Committee policy is that all Private Hire Car drivers must pass the street knowledge test before their licence can be renewed as adopted in December 2016.

Applicant was initially granted licence before December 2016 and must now pass the street knowledge test.

DESCRIPTION

Renewal Private Hire Car Driver Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

Licensing Committee policy states that before any renewal application for a Private Hire Car Driver Licence can be granted, the applicant must have passed the street knowledge test.

GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

11 December 2018

TYPE OF APPLICATION: Taxi Driver Licence- Grant

APPLICANT: Arthur Webster **LICENCE:** 0917

INFORMATION NOTE

Taxi Driver Licence was held from 01/07/2008 until 23/06/2017 when it was voluntarily surrendered as the licence holder was not medically fit to drive.

Mr Webster intended to ask for his licence back once medically fit however it expired in 30/06/2018. Mr Webster is now fit however he must re-apply for his licence as a grant of a new licence.

Under Licensing Committee policy, all intended applicants for a Taxi Driver Licence must pass the street knowledge test before a grant of taxi driver licence can be submitted.

Mr Webster is seeking exemption from this policy as his previous licence was let lapse in error and he has previously passed the knowledge test in 2008.

DESCRIPTION

Grant Taxi Driver Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

Licensing Committee policy states that before any new grant application for a Taxi Driver Licence can be submitted the applicant must have passed the street knowledge test.

GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

11 December 2018

TYPE OF APPLICATION: Taxi Driver Licence- Grant

APPLICANT: Jayke Martin **LICENCE:** 1480

INFORMATION NOTE

Taxi Driver Licence was held from 07/04/2011 until 31/03/2018 when it was not renewed and lapsed.

Under Licensing Committee policy, all intended applicants for a Taxi Driver Licence must pass the street knowledge test before a grant of taxi driver licence can be submitted.

Mr Martin is seeking exemption from this policy as his previous licence was let lapse in error and he has previously passed the knowledge test in 2011.

DESCRIPTION

Grant Taxi Driver Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

Licensing Committee policy states that before any new grant application for a Taxi Driver Licence can be submitted the applicant must have passed the street knowledge test.

GROUNDINGS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

and otherwise shall grant the application.