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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 11 February 2019

LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 19 FEBRUARY 2019 at 10.00 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

BUSINESS

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 8 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 11 December 2018 (Pages 7 - 22)
- 6.2 Minute of the Meeting of the Licensing Sub Committee of 18 January 2019
(Pages 23 - 26)
- 6.3 Committee Business Planner (Pages 27 - 30)

APPLICATIONS FOR LICENCES - INCLUDING LIST OF APPLICATIONS

- 7.1 Renewal of a Licence for a House in Multiple Occupation - 61 Leslie Road, Aberdeen (Pages 33 - 36)
- 7.2 Renewal of a Licence for a House in Multiple Occupation - 503 King Street, Aberdeen (Pages 37 - 40)
- 7.3 Renewal of a Licence for a House in Multiple Occupation - 19 Lilybank Place, Aberdeen (Pages 41 - 44)
- 7.4 Renewal of a Licence for a House in Multiple Occupation - 1 Lilybank Place, Aberdeen (Pages 45 - 48)
- 7.5 Renewal of a Licence for a House in Multiple Occupation - 12 Woodlands Walk, Cults, Aberdeen (Pages 49 - 84)
- 7.6 Renewal of a Licence for a House in Multiple Occupation - 13 Roslin Terrace, Aberdeen (Pages 85 - 94)
- 7.7 Request for Exemption from the Age of Vehicles Policy (Pages 95 - 96)
- 7.8 Application for the Renewal of a Taxi Driver's Licence (Pages 97 - 98)
- 7.9 Application for the Renewal of a Private Hire Driver's Licence (Pages 99 - 100)

**CONFIDENTIAL BUSINESS - 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.

- 8.1 Application for the Grant of a Late Hours Catering Licence (Pages 103 - 106)
- 8.2 Application for the Grant of a Temporary Taxi Driver's Licence (Pages 107 - 114)
- 8.3 Application for the Grant of a Taxi Driver's Licence (Pages 115 - 122)
- 8.4 Application for the Renewal of a Taxi Operator's Licence (Pages 123 - 126)

EXEMPT BUSINESS

- 9.1 Application for a Licence for a House in Multiple Occupation (Pages 127 - 128)

COMMITTEE REPORTS - PUBLIC BUSINESS

- 10.1 Review of Public Entertainment Resolution (Pages 129 - 136)
- 10.2 Taxi Driver Training (Pages 137 - 140)
- 10.3 Taxi Demand Survey - Taxi Rank Review (Pages 141 - 148)

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DECLARATIONS OF INTEREST

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.

LICENSING COMMITTEE

ABERDEEN, 11 December 2018. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Reynolds, Convener; and Councillors Allan, Bell, Delaney, Councillor Donnelly, the Depute Provost (as a substitute for Councillor Sellar), Henrickson, Catriona Mackenzie and Townson.

The agenda and reports associated with this minute can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=6277&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. There were no declarations of interest.

MINUTE OF PREVIOUS MEETING OF 30 OCTOBER 2018

3. The Committee had before it the minute of its meeting of 30 October 2018 for approval.

The Committee resolved:

to approve the minute as a correct record.

COMMITTEE BUSINESS PLANNER

4. 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.

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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

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

The Committee resolved:-

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

APPLICATIONS FOR LICENCES

6. 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.**

LICENSING COMMITTEE
11 December 2018

APPENDIX A

1. REQUEST FOR THE SUSPENSION 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 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 2 November 2018 from the Chief Constable, Police Scotland, c/o Aberdeen City Division, was appended to the information note.

The licence holder was not in attendance.

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

The Committee asked questions of Sergeant Flett.

Sergeant Flett summed up.

The Committee resolved:

- (i) to agree to suspend the licence holder's taxi driver's licence with immediate effect for its unexpired portion in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 on the basis that the applicant was not a fit and proper person; and
- (ii) to agree to refer the licence holder to the Council's Occupational Health Provider for a medical report to be received and should there be a material change in circumstances the licence holder could submit a request for the suspension to be removed and this could be considered by the Licensing Sub Committee or future meeting of the Committee.

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

The Committee had before it (1) an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 27 April 2019; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 23 November 2018.

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

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Sergeant Flett was in attendance and spoke in support of Police Scotland's letter of representation.

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett and the applicant both summed up.

Councillor Donnelly moved, seconded by Councillor Townson:-
that the Committee grant the licence.

Councillor Delaney moved as an amendment:-
that the Committee refuse the licence.

The amendment by Councillor Delaney did not attract a seconder, however, and therefore fell.

The Committee resolved:
to grant the licence.

3. **APPLICATION FOR THE RENEWAL 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 application which advised that the application had to be determined by 26 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 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.

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4. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference 7/04

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 22 January 2019 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 her 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 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.

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APPENDIX B

1. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – CRATHIE STUDENT VILLAGE, 515 - 519 HOLBURN 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 – 51 BEDFORD PLACE, 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 – 71 CRAIGIEVAR CRESCENT, 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 – 9 ELMFIELD AVENUE, 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 – FIRST FLOOR FLAT, 52 ERSKINE STREET, ABERDEEN**
Application Reference 8/05

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

6. **GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 52 ABBOTSWELL CRESCENT, ABERDEEN**
Application Reference 8/06

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

Mr Thain, Private Sector Housing Manager, advised that two letters of representation had been received beyond the statutory time period within which such letters must be received. 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.

Mr Thain also advised that the applicant had submitted a letter of response to the points raised by the two late respondents.

Neither of the late respondents were in attendance, nor represented.

The Committee resolved:-

that neither of the late letters of representation, nor the letter of response from the applicant, be introduced into the proceedings.

The applicant, Mr Alex Mijares, was not in attendance.

The Committee resolved:

to grant the licence.

**7. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION –
139 FOREST AVENUE, ABERDEEN
Application Reference 8/07**

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

The applicant, Ms Moya Bothwell, was in attendance, and was accompanied by Ms Sheena Gordon, Homeguard Leasing, and represented by Hamish Lindsay, solicitor who spoke in support of the application.

The respondent, Ms Elaine Walsh, was in attendance, accompanied by Mr Kevin Thain, and spoke in support of her representation

The Committee asked questions of the applicant and respondent.

The respondent summed up.

The applicant's representative summed up.

Councillor Catriona Mackenzie moved, seconded by Councillor Allan:-

that the Committee refuse the licence on the grounds that the applicant and agent were not fit and proper persons and that the property was not

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suitable for occupation as an HMO as a result of its condition and lack of proper maintenance.

Councillor Donnelly moved as an amendment:-
that the Committee grant the licence for a period of 9 months.

The amendment by Councillor Donnelly did not attract a seconder, however, and therefore fell.

The Committee resolved:-

to refuse the licence on the grounds that the applicant and agent were not fit and proper persons and that the property was not suitable for occupation as an HMO as a result of its condition and lack of proper maintenance.

8. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE - STARBUCKS, WELLINGTON ROAD, REDMOSS, ABERDEEN
Application Reference 8/08

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 been placed on the agenda as it required to be determined by 18 January 2019, and the applicant was requesting a late hours catering licence from 11pm to 5 am, Monday to Sunday and as the premises were located outwith the city centre this request was outwith the Late Hours Catering policy.

The applicant, Cindy Ross, Starbucks, was in attendance accompanied by Marta Skowron, Starbucks and represented by David Hossack, Morton Fraser who spoke in support of the application and explained why the application should be exempt from the Late Hours Catering policy. Mr Fraser asked to enter photos and map of the premises into proceedings.

The Committee resolved:-

that the photos and map be introduced into the proceedings.

The Committee asked questions of the applicant.

The applicant's representative summed up.

The Committee resolved:

to grant the licence for operation between the hours of 11pm and 5am, Monday to Sunday and thereby exempt the application from the Late Hours Catering policy on the basis of the individual circumstances.

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9. APPLICATION FOR THE RENEWAL OF A PUBLIC ENTERTAINMENT LICENCE - INCHGARTH COMMUNITY CENTRE, ABOYNE PLACE, GARTHDEE, ABERDEEN
Application Reference 8/09

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

10. APPLICATION FOR THE RENEWAL OF A CINEMA LICENCE - ROBERT GORDON UNIVERSITY, SIR IAN WOOD BUILDING, GARTHDEE ROAD, ABERDEEN
Application Reference 8/10

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

11. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - JOHN DOUGLAS CUMMING
Application Reference 8/11

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

12. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - GRAHAM JAMES HANSLEY
Application Reference 8/12

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 been placed on the agenda as it required to be determined by 29 January 2019, and to date the applicant's vehicle had not passed the required hackney test.

The applicant, Mr Graham Hansley, was not in attendance, however was represented by Mr Ross Gowl, Rainbow City Taxis who spoke in support of the application.

The Committee asked questions of Mr Gowl.

Mr Gowl did not take up the opportunity to sum up.

The Committee resolved:

to defer consideration of the application to enable the applicant's vehicle to undertake the required hackney test and to agree that should the vehicle pass the test, the Chief Officer - Governance could grant the application under

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delegated powers, or otherwise that the application be referred to a meeting of the Licensing Sub Committee for consideration.

13. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - COLIN KERR

Application Reference 8/13

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

14. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - DEREK SANGSTER LUMSDEN

Application Reference 8/14

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

15. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - WILLIAM AND HEATHER MACDONALD

Application Reference 8/15

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

16. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - NEIL ALEXANDER ROBERT MORRISON

Application Reference 8/16

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 been placed on the agenda as it required to be determined by 29 January 2019, and to date the applicant's vehicle had not passed the required hackney test.

The applicant, Mr Neil Morrison, was in attendance and spoke in support of his application.

The Committee asked questions of the applicant.

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

The Committee resolved:

to defer consideration of the application to enable the applicant's vehicle to undertake the required hackney test and to agree that should the vehicle pass

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the test, 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.

**17. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - JOHN HENDERSON NOBLE
Application Reference 8/17**

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

**18. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - CHARLES GEORGE DUNCAN SMITH
Application Reference 8/18**

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

**19. APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - DAVID GEORGE KENNETH TAYLOR
Application Reference 8/19**

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 been placed on the agenda as it required to be determined by 29 January 2019, and to date the applicant's vehicle had not passed the required hackney test.

The applicant, Mr David Taylor, was in attendance and spoke in support of his application.

The Committee asked questions of the applicant.

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

The Committee resolved:

to defer consideration of the application to enable the applicant's vehicle to undertake the required hackney test and to agree that should the vehicle pass the test, 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.

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20. **APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - BRIAN K MARR AND BRIAN MARR**
Application Reference 8/20

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 been placed on the agenda as it required to be determined by 14 May 2019, and the applicants were requesting exemption of their vehicle from the Wheelchair Accessible Vehicle policy.

One of the applicants, Mr Brian Marr, was in attendance and spoke in support of his request for exemption from the Wheelchair Accessible Vehicle policy.

The Committee asked questions of the applicant.

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

The Committee resolved:

to agree to exempt the vehicle from the Wheelchair Accessible Vehicle policy on the basis of the individual circumstances.

21. **APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE - ABERDEEN TAXIS LTD (PH014)**
Application Reference 8/21

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 been placed on the agenda as it required to be determined by 30 January 2019, and to date the applicant's vehicle had not passed the required hackney test.

Mr Chris Douglas, Aberdeen Taxis, was in attendance and spoke in support of the application.

The Committee asked questions of Mr Douglas.

Mr Douglas did not take up the opportunity to sum up.

The Committee resolved:

to defer consideration of the application to enable the applicant's vehicle to undertake the required hackney test and to agree that should the vehicle pass the test, 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.

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**22. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE - ABERDEEN TAXIS LTD (PH047)
Application Reference 8/22**

The Committee noted that the licence had been withdrawn.

**23. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE - BUHARY RIMZA
Application Reference 8/23**

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

**24. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE - ARTHUR WEBSTER
Application Reference 8/24**

The Committee had before it an information sheet prepared by the Chief Officer - Governance which advised that the applicant was seeking exemption from the required street knowledge test.

The applicant, Mr Arthur Webster, was in attendance and spoke in support of his request for exemption from the street knowledge test.

The Committee asked questions of the applicant.

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

The Committee resolved:

to agree that the applicant be exempt from the requirement to undertake the street knowledge test on the basis of the individual circumstances.

**25. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE - JAYKE MARTIN
Application Reference 8/25**

The Committee had before it an information sheet prepared by the Chief Officer - Governance which advised that the applicant was seeking exemption from the required street knowledge test.

The applicant, Mr Jayke Martin, was in attendance and spoke in support of his request for exemption from the street knowledge test.

The Committee asked questions of the applicant.

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

The Committee resolved:

to agree that the applicant be exempt from the requirement to undertake the street knowledge test on the basis of the individual circumstances.

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LICENSING COMMITTEE

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LICENSING SUB COMMITTEE

ABERDEEN, 18 January 2019. Minute of Meeting of the LICENSING SUB COMMITTEE. Present:- Councillor Reynolds, Convener; and Councillors Delaney, Malik (for articles 1 to 5) and Townson.

**The agenda and reports associated with this minute can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=624&Mid=6723&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 Sub Committee was advised that the request listed at item 7 on the agenda was 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.

DECLARATIONS OF INTEREST

2. There were no declarations of interest.

APPLICATION FOR THE RENEWAL OF A TAXI OPERATOR'S LICENCE - NEIL ALEXANDER ROBERT MORRISON

3. With reference to article 17 of appendix B of the minute of the meeting of the Licensing Committee of 11 December 2018, the Sub Committee had before it 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 required to be determined by 29 January 2019, and to date the applicant's vehicle had not passed the required hackney test.

The applicant, Mr Neil Morrison, was in attendance and spoke in support of his application.

The Sub Committee asked questions of the applicant.

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

The Sub Committee resolved:

to defer consideration of the application to enable the applicant's vehicle to undertake the required hackney test and to agree that should the vehicle pass the test, the Chief Officer - Governance could grant the application under delegated powers, or otherwise

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that the application be referred to a further meeting of the Licensing Sub Committee for consideration.

REQUEST FOR EXEMPTION FROM THE STREET KNOWLEDGE TEST - LYNNE BRUCE

4. The Sub Committee had before it an information sheet prepared by the Chief Officer - Governance which advised that the applicant was seeking exemption from the required street knowledge test.

The applicant, Ms Lynne Bruce, was in attendance and spoke in support of her request for exemption from the street knowledge test.

The Sub Committee asked questions of the applicant.

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

The Sub Committee resolved:

to agree that the applicant be exempt from the requirement to undertake the street knowledge test on the basis of the individual circumstances and to agree to waive the fee for that single application.

REQUEST FOR EXEMPTION FROM THE STREET KNOWLEDGE TEST - WILLIAM FORBES

5. The Sub Committee had before it an information sheet prepared by the Chief Officer - Governance which advised that the applicant was seeking exemption from the required street knowledge test.

The applicant, Mr William Forbes, was in attendance and spoke in support of her request for exemption from the street knowledge test.

The Sub Committee asked questions of the applicant.

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

The Sub Committee resolved:

to agree that the applicant be exempt from the requirement to undertake the street knowledge test on the basis of the individual circumstances and to agree to waive the fee for that single application.

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18 January 2019

CONFIDENTIAL INFORMATION

The press and public were excluded from the meeting for consideration of the request listed below in terms of Section 50(A)(3)(b) of the Local Government (Scotland) Act 1973.

REQUEST FOR THE SUSPENSION OF A TAXI DRIVER'S LICENCE

6. The Sub 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 taxi operator's licence and a copy of the letter dated 13 December 2018 from the Chief Constable, Police Scotland, c/o Aberdeen City Division, was appended to the information note.

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.

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

The licence holder and Sergeant Flett summed up.

The Sub Committee resolved:

to agree to suspend both the licence holder's taxi driver's licence and taxi operator licence with immediate effect for the respective unexpired portion of both licences in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 on the basis that the carrying on of the licensed activities were causing or were likely to cause, a serious threat to public safety.

- **COUNCILLOR JOHN REYNOLDS, Convener**

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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	19 February 2019								
4	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 is on the agenda.	Alexander Munro	Governance	Governance	7		
5	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 is on the agenda.	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									
6	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.	A report is on the agenda.	Lynn May	Governance	Governance	3		
7	Review of Public Entertainment Resolution	To report on the review of the resolution of places and activities requiring a public entertainment licence as a result of legislative changes.	A report is on the agenda.	Alexander Munro	Governance	Governance	9		
8			23 April 2019						
9	Annual Committee Effectiveness Report	To present the annual effectiveness report for the Committee.			Governance	Governance	GD7		
10			04 June 2019						
11	No reports scheduled at this time.								
12			20 August 2019						
13	No reports scheduled at this time.								
14			29 October 2019						
15	No reports scheduled at this time.								
16			03 December 2019						
17	No reports scheduled at this time.								
18			TBC						
19	Taxi Fare Formula	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	Lynn May	Governance	Governance	3		
20	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									
21	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		
22	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		3	

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LICENSING COMMITTEE
19 February
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)	
1.	HMO Application (Renewal)	Michael J.McFadyen + Winchesters Lettings Limited	61 Leslie Road, Aberdeen	Operations & Protective Services	7 March 2019	
2.	HMO Application (Renewal)	Yul Thomson + Winchesters Lettings Limited	503 King Street, Aberdeen	Operations & Protective Services	13 March 2019	
3.	HMO Application (Renewal)	Argyll Assets Limited + Winchesters Lettings Limited	19 Lilybank Place, Aberdeen	Operations & Protective Services	10 April 2019	
4.	HMO Application (Renewal)	Yul Thomson + Winchesters Lettings Limited	1 Lilybank Place, Aberdeen	Operations & Protective Services	11 April 2019	
5.	HMO Application (Renewal)	William Miller & Claire Miller + Geraghty-Gibb Property Management	12 Woodlands Walk, Cults, Aberdeen	5 Objections	19 December 2019	
6.	HMO Application (Renewal)	Andrew House + Stewart Property Services	13 Roslin Terrace, Aberdeen	One objection	10 January 2020	
7.	Request for relaxation of policy	Florin Georgian Machedon	NK56 FLM	Legal	N/A	
8.	Taxi Driver (Renewal)	Nnamdi Chukwuma Ezike	N/A	Legal (Right to Work)	26 March 2019	
9.	Private Hire Driver (Renewal)	William Fyvie	N/A	Legal (Street Knowledge)	19 February 2019	

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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	7 February 2019
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.61 Leslie Road, Aberdeen

Applicant/s: Michael J.McFadyen

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 19 February 2019 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 3 letting bedrooms, one public room, one kitchen & one bathroom. The location of the premises is shown on the plan attached as Appendix 'A'.

The HMO application:-

The HMO licence application was received by the HMO Unit on 8 March 2018.

HMO upgrading works and certification:

The HMO Officer carried out an inspection of the property on 21 March 2018, then he wrote to the agent listing certain requirements to bring the property up to the current HMO standard. A later inspection identified additional requirements and at the date of this report, the following requirements are outstanding:-

1. The door handle to bedroom 3 to be repaired or replaced as necessary.
2. The common areas to be permanently clear of obstructions.
3. The loft areas to be cleaned.
4. The mechanical extract fan in the bathroom to be cleaned.
5. The bath sealant to be replaced.
6. The mould growth in bedroom 3 to be eradicated and the affected area redecorated.
7. 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.

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.61 Leslie Road, Aberdeen.
- The applicant, agent, and No.61 Leslie Road, 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 April 2015.
- The meeting of the Licensing Committee on 19 February 2019, 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 19 February 2019. I will advise the Committee whether or not all requirements have been completed.

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

Ally Thain
Private Sector Housing Manager





ABERDEEN
CITY COUNCIL

MEMO

Private Sector Housing Unit

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	7 February 2019
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.503 King Street, Aberdeen

Applicant/s: Yul 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 19 February 2019 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 5 letting bedrooms, 3 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 14 March 2018.

HMO upgrading works and certification:

The HMO Officer carried out an inspection of the property on 3 April 2018, then he wrote to the agent listing certain requirements to bring the property up to the current HMO standard. A later inspection identified additional requirements and at the date of this report, the following requirements are outstanding:-

1. Lightshades to be fitted to bare pendant lightbulbs throughout the property.
2. The B.T box must be securely re-fixed to the wall.
3. The chest of drawers in bedrooms 1 & 3 to be repaired as necessary.
4. The bath & wash-hand basin to be re-sealed.
5. The slip-bolt on the bathroom door to be adjusted for easy opening.
6. Reflective film to be applied to the rear bathroom door.
7. The window in the rear bathroom to be adjusted as necessary to ensure easy opening – for ventilation.
8. Prohibition Notices to be fixed beside every open fireplace in the property.
9. The mould growth beside the window in bedroom 2 to be eradicated and the affected area redecorated.
10. 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.

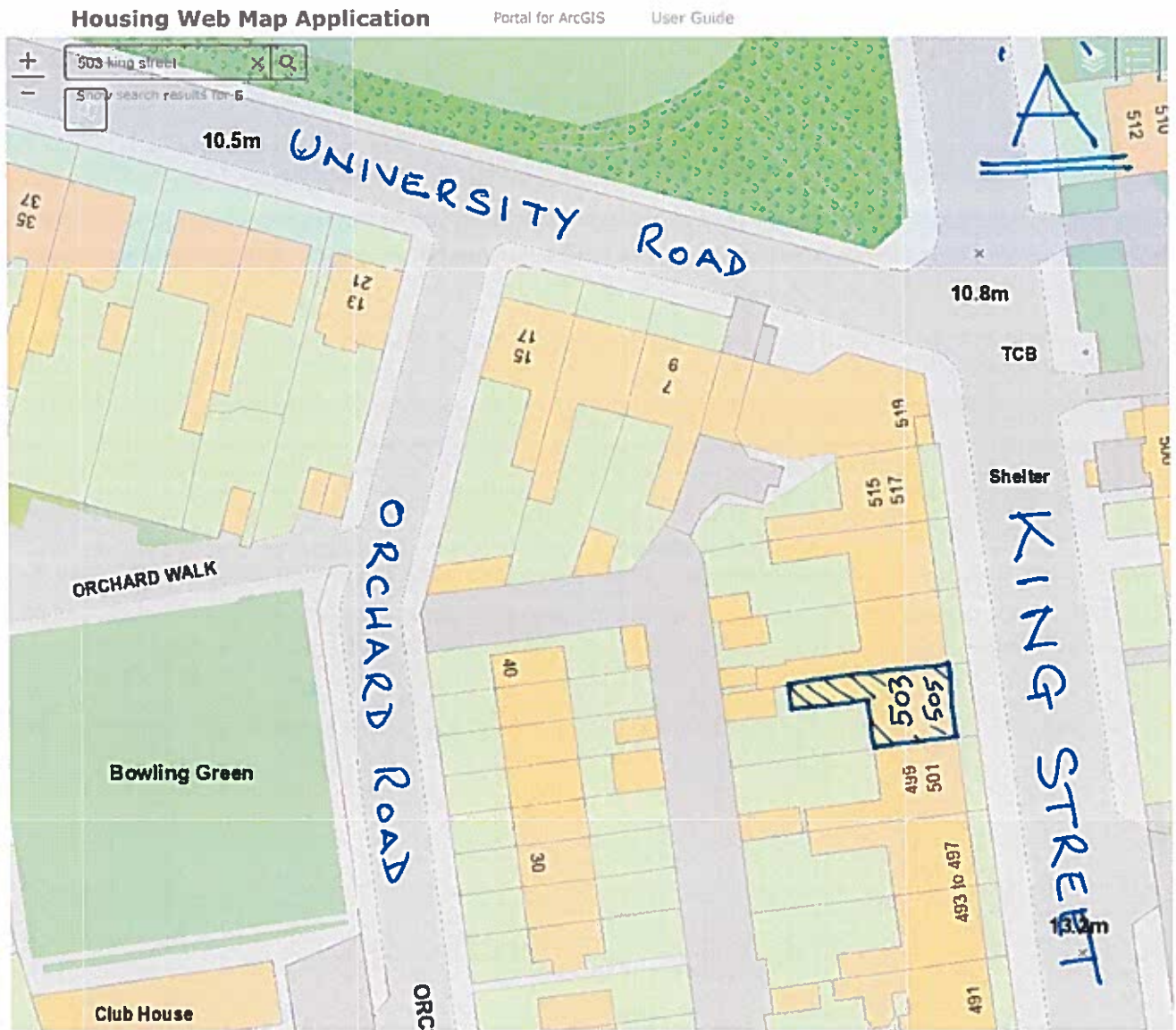
Other considerations:

- 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.503 King Street, Aberdeen.
- The applicant, agent, and No.503 King Street, 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 September 2011.

- The meeting of the Licensing Committee on 19 February 2019, 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 19 February 2019. 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



394,204.643 808,015.029 Meters



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	7 February 2019
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.19 Lilybank Place, Aberdeen

Applicant/s: Argyll Assets Limited

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 19 February 2019 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 11 April 2018.

HMO upgrading works and certification:

The HMO Officer carried out an inspection of the property on 8 May 2018, then he wrote to the agent listing certain requirements to bring the property up to the current HMO standard. A later inspection identified additional requirements and at the date of this report, the following requirements are outstanding:-

1. The handle to the vestibule door to be refitted as a matter of urgency.
2. The glazing in the vestibule door to either be replaced with safety glass or a safety film to be applied to the original glazing.
3. The mechanical extract fan in the top-floor bathroom to be cleaned.
4. The plug-in heater in bedroom 5 to be permanently removed.
5. The standard of housekeeping in the kitchen must be improved.
6. The Electrical Installation Condition Report (EICR) to be submitted to the HMO Unit.

Other considerations:

- Police Scotland, as a statutory consultee, was initially consulted in respect of the applicant's suitability as 'fit & proper' 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.19 Lilybank Place, Aberdeen.
- The applicant, agent, and No.19 Lilybank Place, Aberdeen, are currently registered with the Landlord Registration database.
- 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 August 2011.
- The meeting of the Licensing Committee on 19 February 2019, 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 19 February 2019. 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



10m 393,036,733,808,109,059 Meters



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	7 February 2019
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

Part 5 of Housing (Scotland) Act 2006

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

Applicant/s: Yul 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 19 February 2019 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 12 April 2018.

HMO upgrading works and certification:

The HMO Officer carried out an inspection of the property on 8 May 2018, then he wrote to the agent listing certain requirements to bring the property up to the current HMO standard. A later inspection identified additional requirements and at the date of this report, the following requirements are outstanding:-

1. An IP44 rated light fitting to be installed in the bathroom.
2. All faulty or missing lightbulbs must be replaced immediately.
3. A diffuser cover to be fitted to the strip light in the utility-room and lightshades to be fitted to bare pendant lightbulbs.
4. The electrical trunking in the utility-room must be securely re-fixed.
5. All self-closing doors to be inspected and adjusted as necessary to ensure that they fully close against their stops.
6. A new handle to be fitted to the wardrobe in bedroom 2.
7. The loose timber flooring outside bedroom 2 to be re-fixed.
8. The mould growth evident in the bathroom and bedroom 1 to be eradicated and the affected areas redecorated.
9. A Prohibition Notice to be fixed beside the open fireplace in the public room.
10. The standard of housekeeping throughout the HMO must be improved.
11. 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.

Fire Safety

Scottish Fire & Rescue Service (SFRS), who are responsible for enforcement of fire safety in HMO premises, have not yet confirmed that they are satisfied with the fire-safety provision within the property.

Other considerations:

- Police Scotland, as a statutory consultee, was initially consulted in respect of the applicant's suitability as a 'fit & proper' person and made no adverse comment or objection.
- Scottish Fire & Rescue Service, as a statutory consultee, was initially consulted in respect of the suitability of the premises as an HMO and made no comment or objection.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaint of anti-social behaviour in respect of No.1 Lilybank Place, Aberdeen.
- The applicant, agent, and No.1 Lilybank 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 September 2011.
- The meeting of the Licensing Committee on 19 February 2019, 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 19 February 2019. I will advise the Committee whether or not all requirements have been completed.

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

Ally Thain
Private Sector Housing Manager





ABERDEEN
CITY COUNCIL

MEMO

Private Sector Housing Unit

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	7 February 2019
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.12 Woodlands Walk, Cults, Aberdeen

Applicant/s: William Miller & Claire Miller

Agent: Geraghty-Gibb Property Management

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 19 February 2019 for the reason that 5 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.12 Woodlands Walk, Cults, Aberdeen, is an end-terraced, 3-storey townhouse providing accommodation of 5 letting bedrooms (one en-suite), one bathroom, 2 cloakrooms, one kitchen/dining/living-room & an integral parking garage. A car runway connects the garage with the roadway. The plan attached as Appendix 'A' shows the position of the premises.

The HMO licence application:

The HMO licence application is dated 20 December 2018 and was received by the HMO Unit on 20 December 2018.

Certificate of Compliance – Notice of HMO Application:

The Certificate of Compliance submitted by the agent declares that the public Notice of HMO Application was on display outside the property between 21 December 2018 – 13 January 2019. Only the first 21 days are statutory, therefore the statutory period ended at midnight on 11 January 2019.

Letter of representation:

The following written representations were received by the HMO Unit within the above-mentioned 21-day statutory period, and must therefore be considered by the Committee. The representations are as follows:

- Letter from Mr & Mrs Fong, attached as Appendix 'B'
- Letter from Mr George & Ms Murray-George, attached as Appendix 'C'
- Letter from Mr & Mrs Hopkins, attached as Appendix 'D'. (Note – Mr & Mrs Hopkins submitted identical objections from 2 separate addresses).
- Letter from Mr Brady & Ms Gillanders, attached as Appendix 'E'

Letter from Applicant:

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

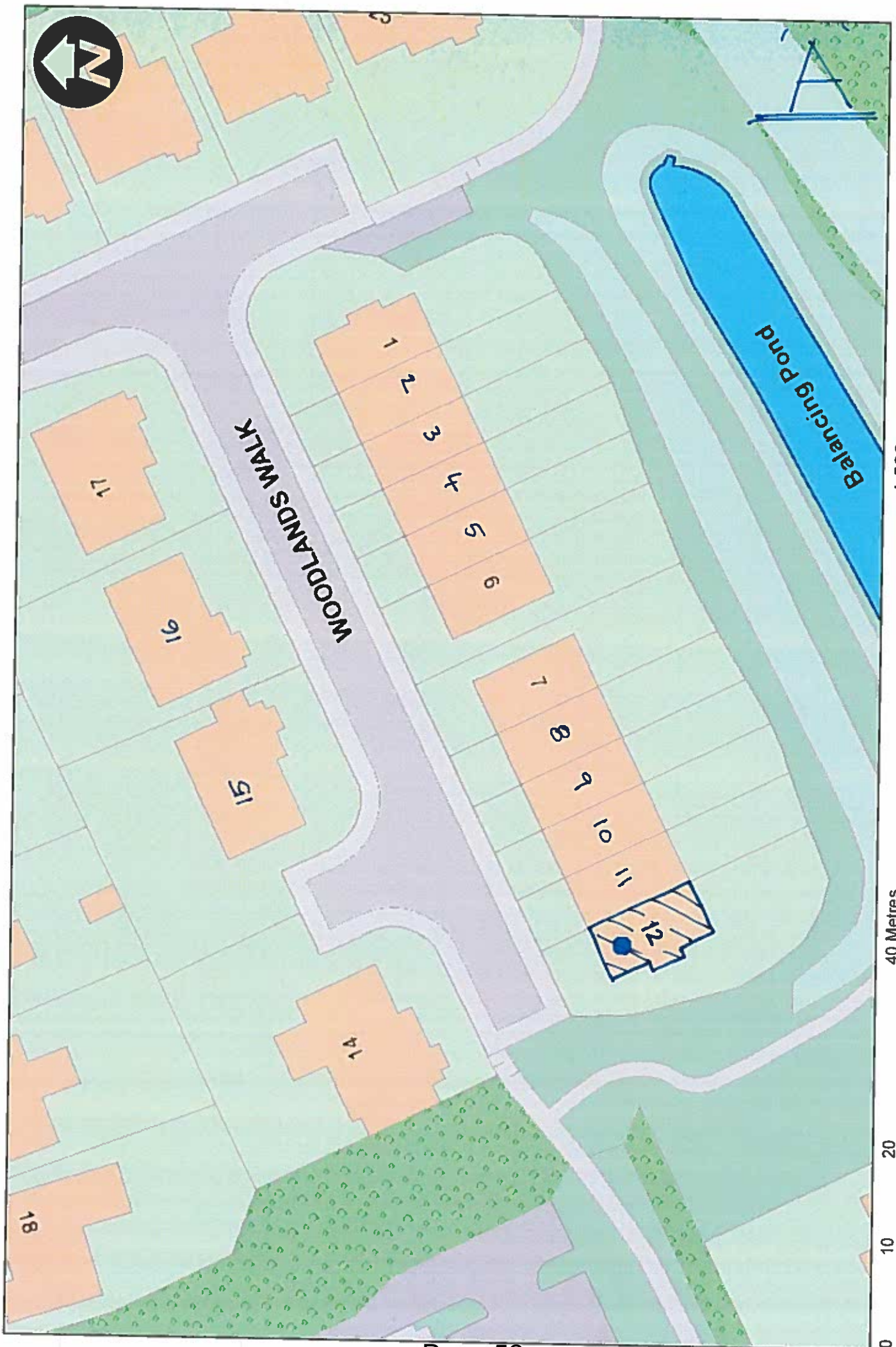
Other Considerations:

- Police Scotland has been consulted in respect of the applicants' suitability as 'fit & proper' persons 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.12 Woodlands Walk, Cults, Aberdeen.
- The applicants, agent and No.12 Woodlands Walk, are currently registered with this Council.
- The applicant has requested an occupancy of 5 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is to renew a current HMO licence. An HMO licence for the property was first granted in January 2016.
- The only HMO-licensed property in Woodlands Walk, is No.12, which is the subject of this report.

- The letters of representation concern, in the main, car parking which is not a consideration of HMO licensing inasmuch as it is not mentioned in the statutory HMO guidance. That said, the roadway and pavements in Woodlands Walk are 'adopted' and car parking is unrestricted, however on-street parking is limited because each of the town houses at Nos.1 – 12 (inclusive) has an integral garage & car runway.
- Following receipt of the licence application, the HMO Officer carried out an initial inspection of the property which identified a small amount of repairs to be carried out and safety certificates to be submitted to the HMO Unit. All these requirements have been satisfactorily completed therefore if the Committee is minded to grant the HMO licence, they may do so at the meeting on 19 February 2019.

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

Ally Thain
Private Sector Housing Manager



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© Crown Copyright. Aberdeen City Council 100023401

40 Metres

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Binn Fong
Fergus Fong

AS.

Aberdeen City Council
Housing & Environment
DATE RECEIVED 10 JAN 2019
Private Sector Housing Unit

10 January 2018

B

Dear sir/madam

In response to the "Notice of Application for a License to operate a HMO at No 12 Woodlands Walk", I wish to object this with the following.

There can be up to 5 occupants in the property with 5 vehicles which are being parked in turning bays and on kerbs, which is not safe for children and pedestrians out and about.

As the HMO is situated at the very end of the cul-de-sac, trying to manouvre out of driveways is sometimes difficult.

It also restricts visitors parking spaces. The neighbourhood is already struggling with parking spaces for 2 cars per household, let alone 5 cars to one household. There are no spaces currently for parking as it is.

What I have also seen is HMO tenants (who have been unfortunate not to find a parking space) parking (probably without property owners consent) at the vacant property parking space at No 10 (See pics with blue highlights showing 2 recent instances).

This property already has had two planning applications for extensions declined due to the fact that parking would be an issue as "Roads safety" would not pass it on the basis that even with an increased driveway, it would not be safe to access the property due to the 'no through' access and without alteration of the road.

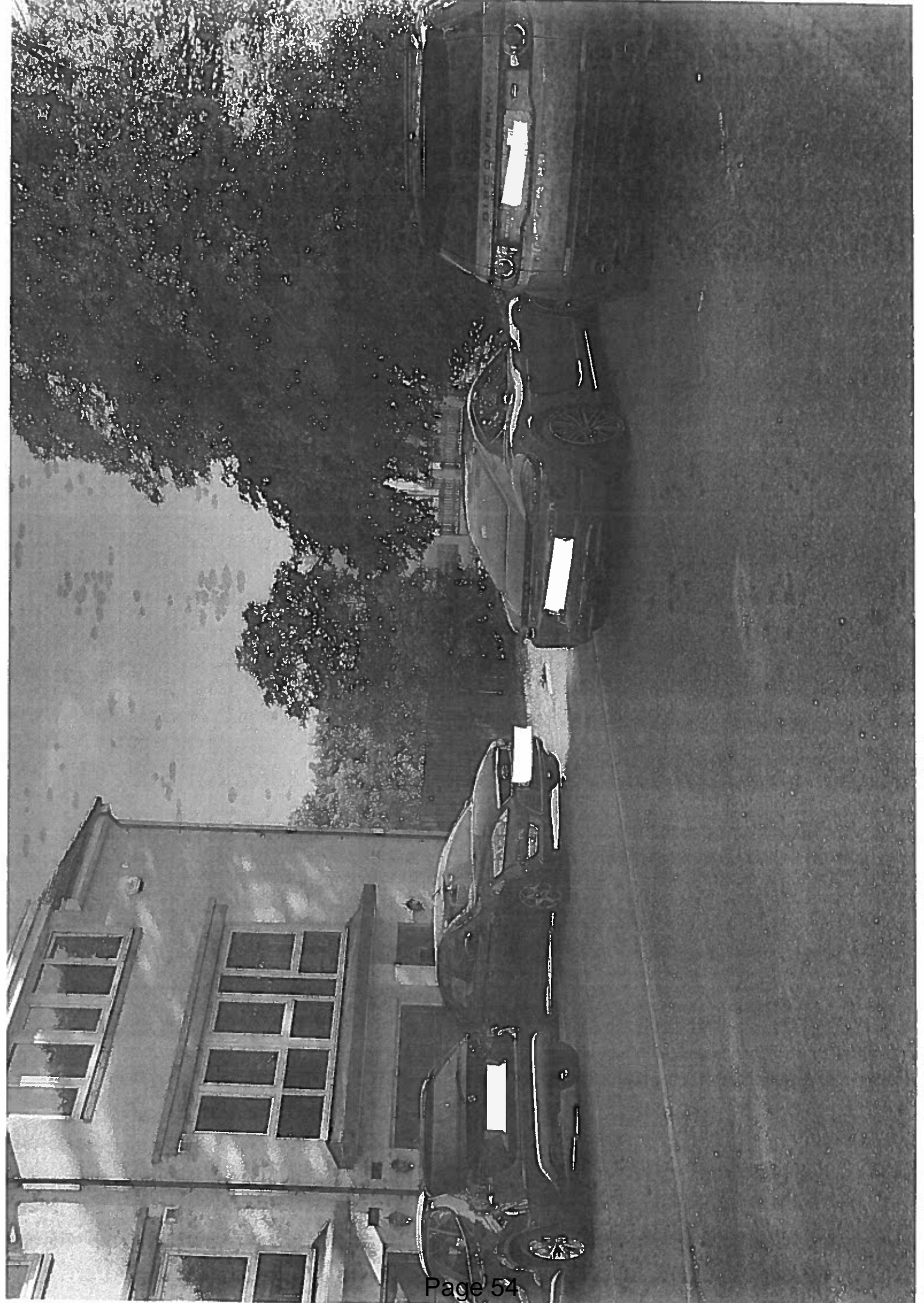
This is a family community/neighbourhood. There are long term family lettings within this neighbourhood and there has not been an issue. We all have paid a premium to live here, so to see the HMO have tenants coming and going is concerning. This property has also been advertised on 'Air B&B' which means that it is a business run home too, which means more short term leasing and more unknown tenants.

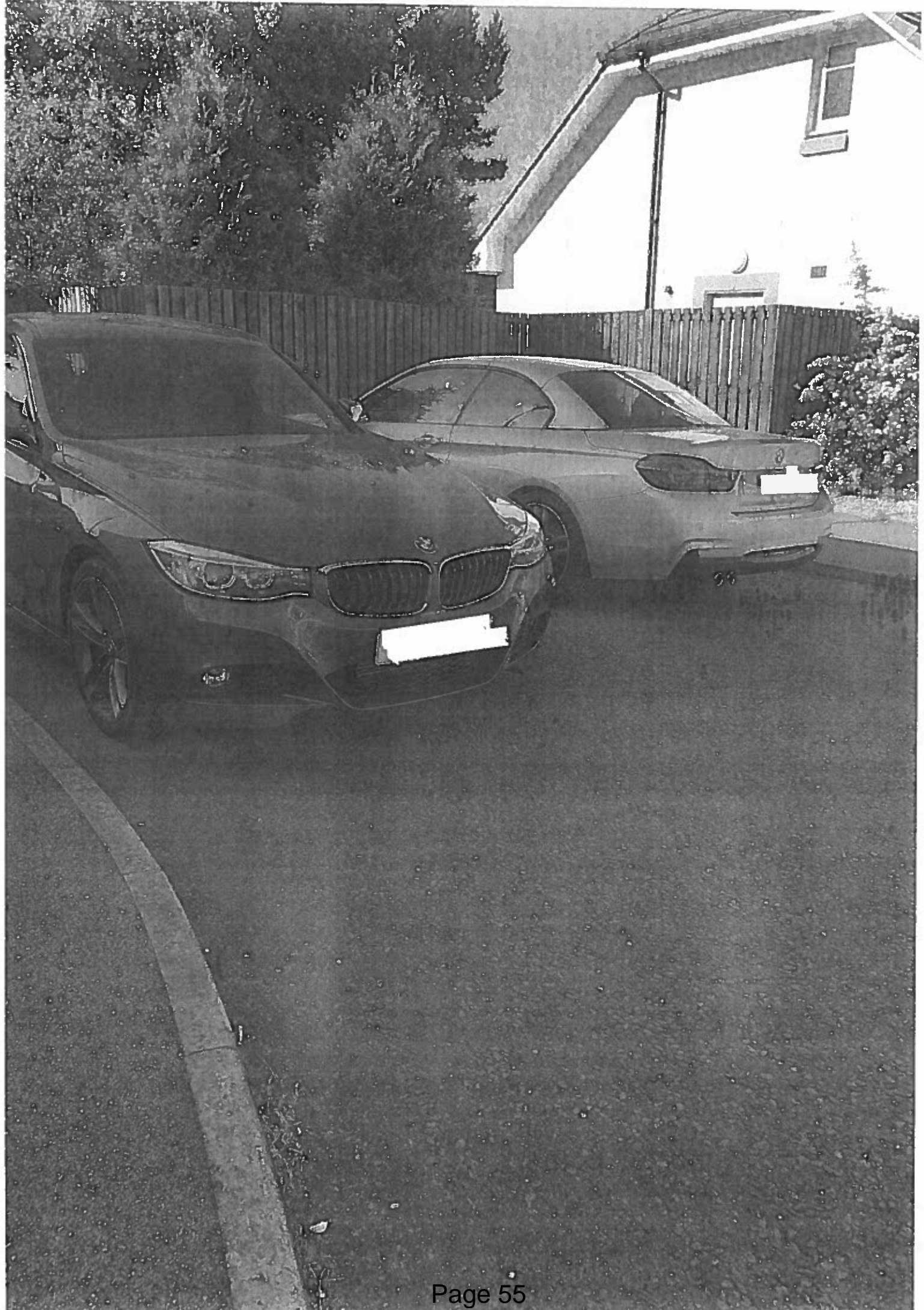
PS. Please bare in mind that No.10 & 9 are vacant at the moment so there is no one there to object to the HMO if they were to do so, and if it was occupied, there would be more cars to consider which means more congestion.

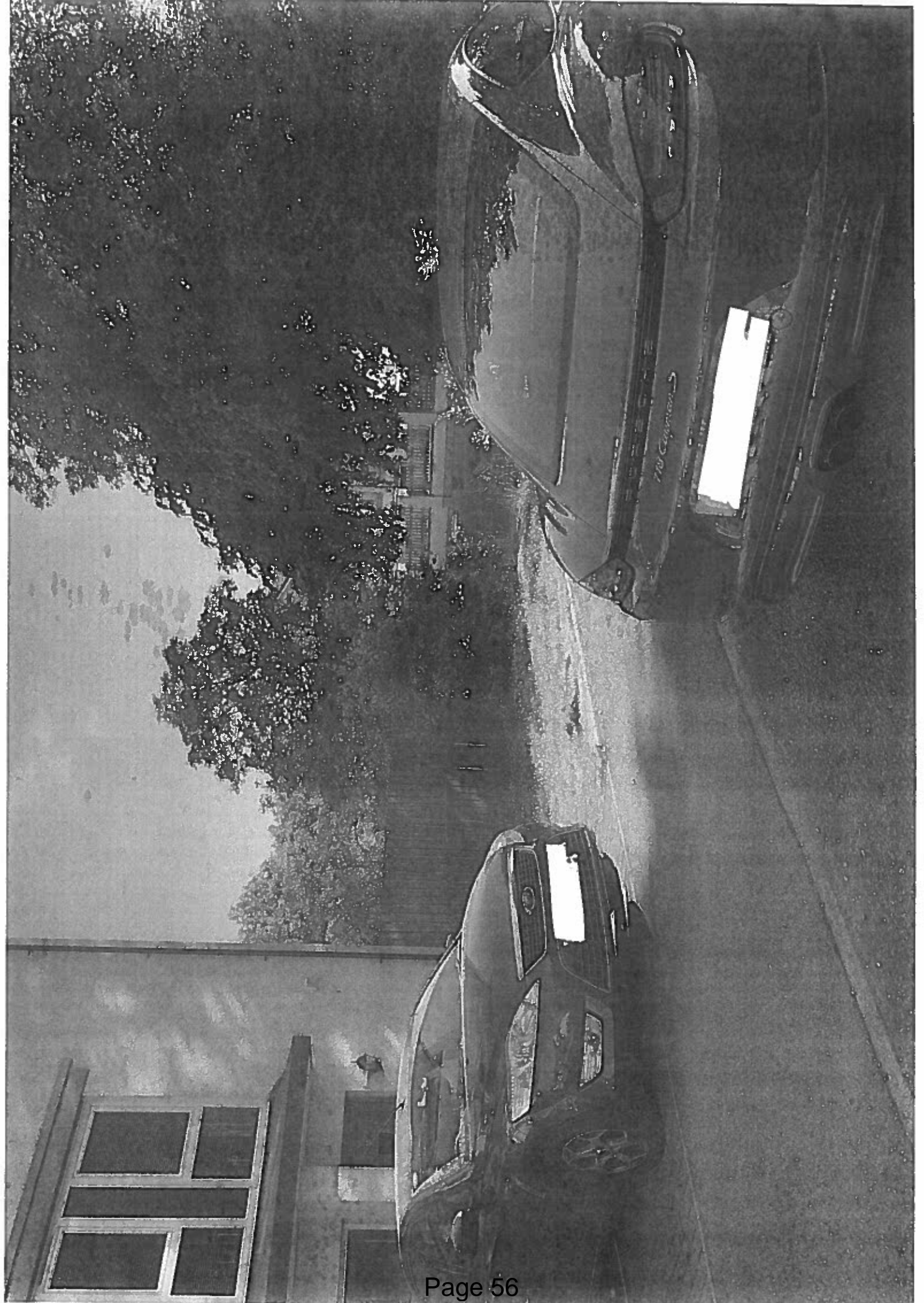
Please find attached photographic evidence of the above.

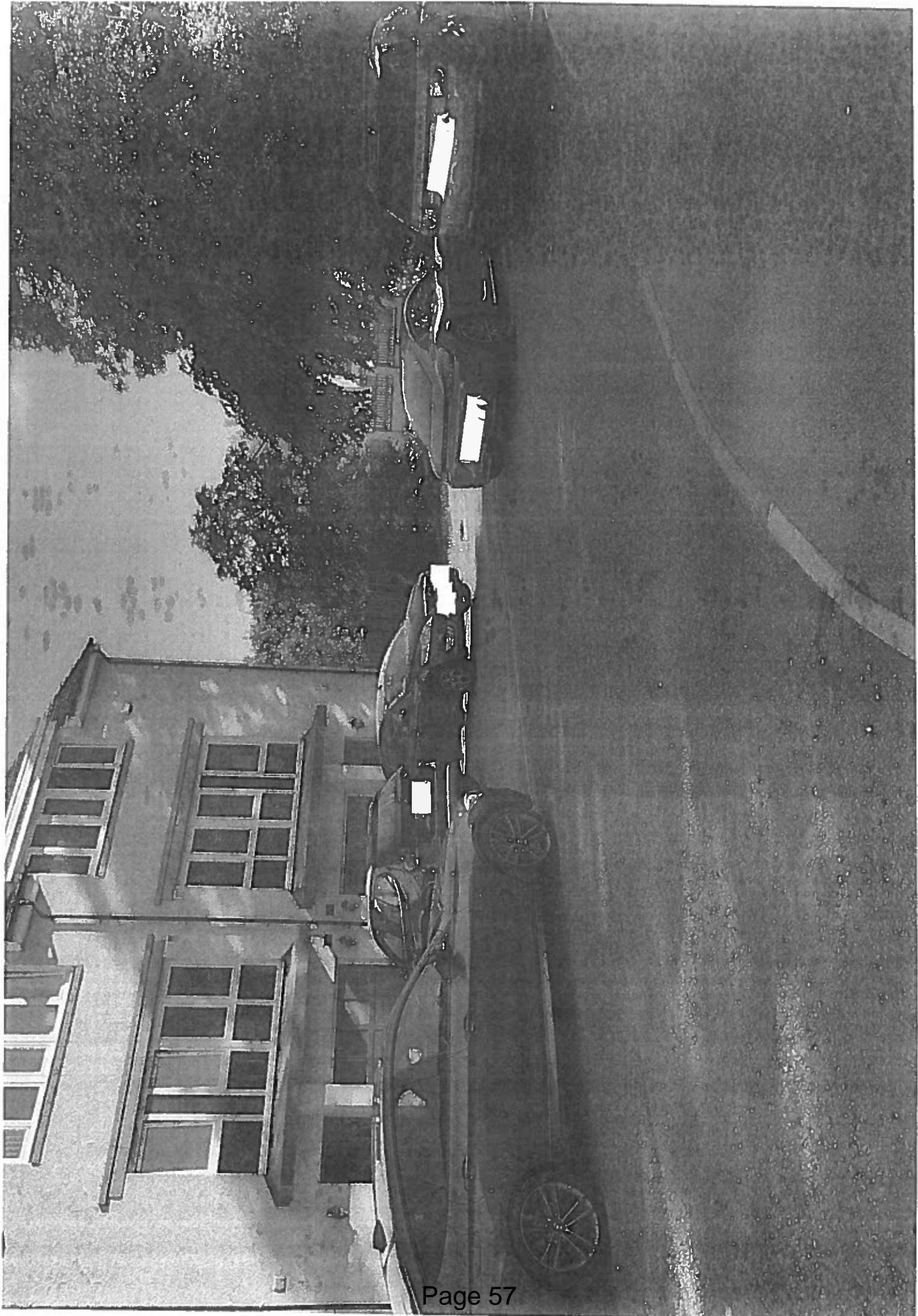
Regards
Mrs Binh Fong

AS.









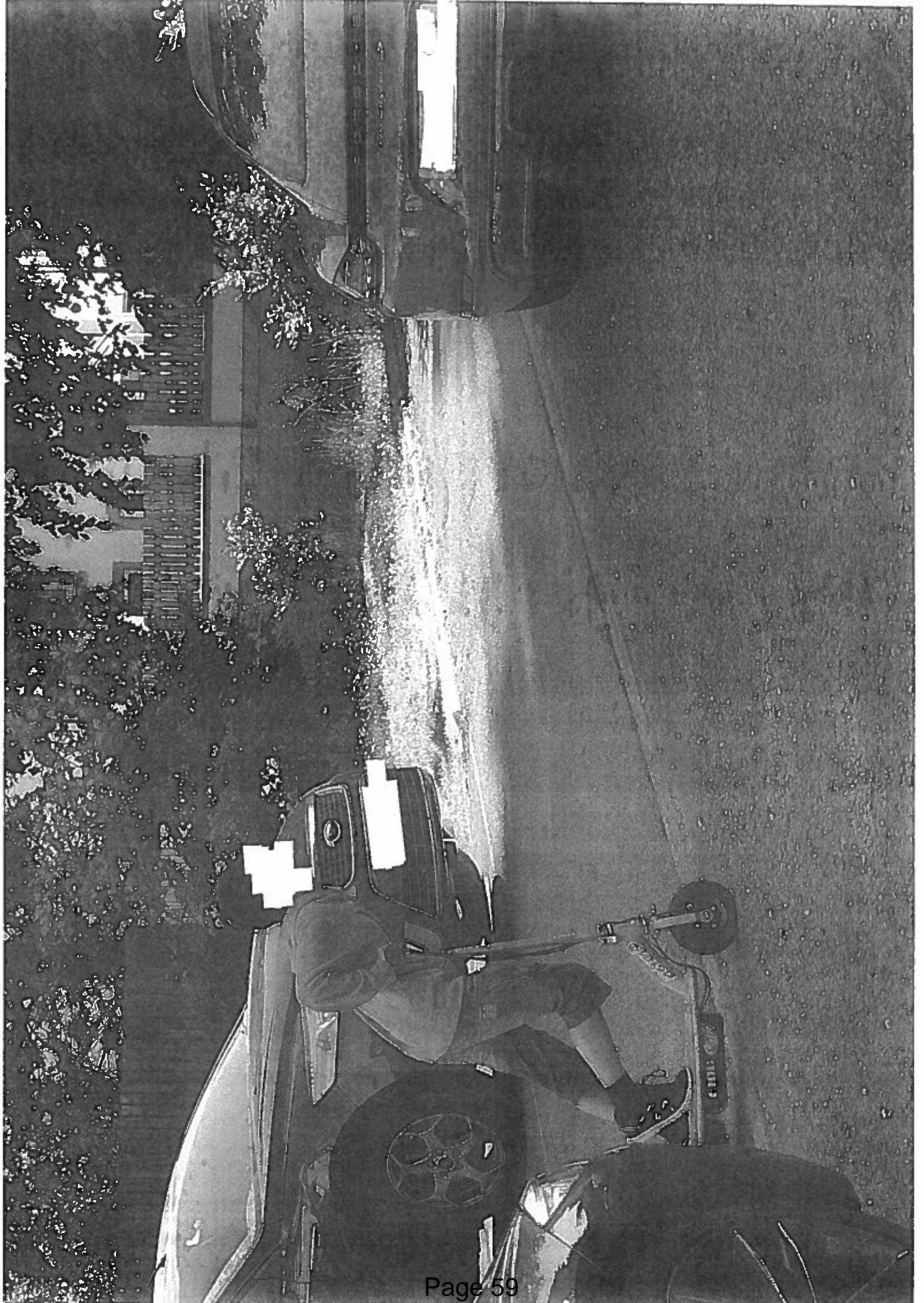
**FOR
SALE**

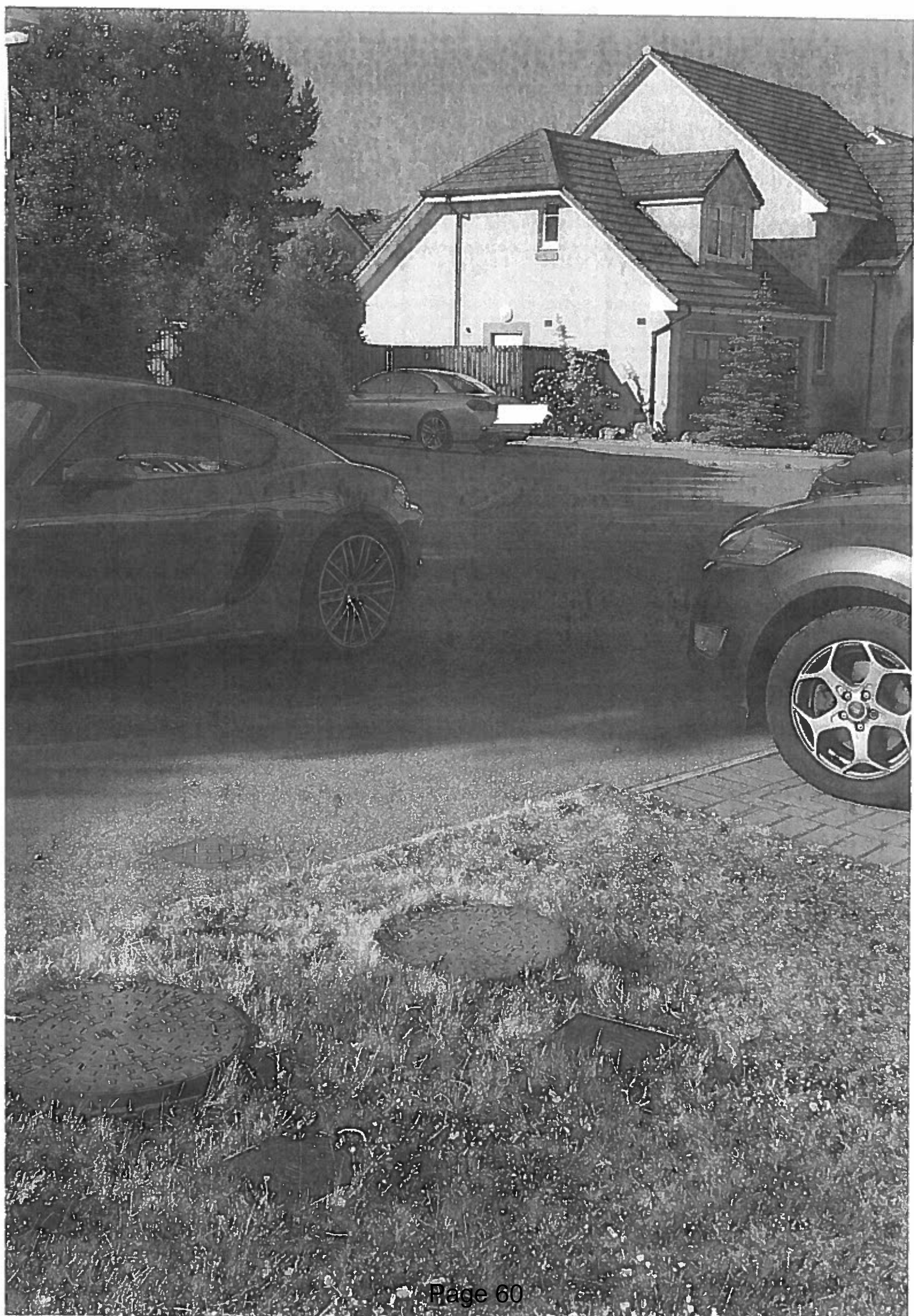
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BURNETT & REID GROUP

SALVAGE & REPAIRERS





Josh George
Catherine Murray-George

10th January 2019

Aberdeen City Council

Housing & Environment

DATE RECEIVED

10 JAN 2019

Private Sector Housing Unit

To Whom it May Concern,

In response to the 'Notice of Application for a license' to operate a HMO at No 12 Woodland Walk, I wish to make it known that I am opposed to the application being granted. My concerns are as follows:

- Although the property has been operated for the last 2 yrs as a HMO, it has become apparent, that that this has placed great stress on the amenity to a point whereby it is becoming unmanageable.
- Firstly, this property which operated during the 2 yrs as a 5 bedroomed HMO caused issues with parking. The property has a 1 car driveway and as a result street parking was necessary for the occupants. No 12 is located at the end of a close with no through access. The areas of parking are deemed 'turning bays' 2 places directly outside the property and 2 more spaces opposite, maybe 15 metres away. These areas are currently being used regularly to park and accommodate the occupants of no 12.

C

This is resulting in congestion of the area and is becoming unsafe for drivers trying to exit their own driveways, due to the turning bays being utilised as regular parking lots.

As cars are regularly bumped up on kerbsides safety for children playing and pedestrians is very much a concern.

The recent planning applications for this property to increase in size to a 4 bedroomed abode was declined twice of late by the planning department. 'Roads safety' would not pass it on the grounds that even with an increase in size of the driveway it was not safe to access the property due to the 'no through' access at the end of the close and without alteration of the road.

The indication that the owners wished to increase the property in size places greater concerns on the issue of congestion and road safety.

The issue of a 'HMO' being located in a residential area whereby people have paid a premium to live is also a concern. It has become apparent that the long term tenants which lived there from the granting of the license are no longer. There has been a turn over of tenants and the property is advertised on 'Air B e B' which suggests a business having ~~lots~~ more people coming and going as opposed to a regular renting of people suited more to a

C

residential area

I have supported my concerns with photographic evidence showing the present situation.

- I would also like it to be known that there are two properties currently empty which will not be able to respond to this application (No 10 and No 9)

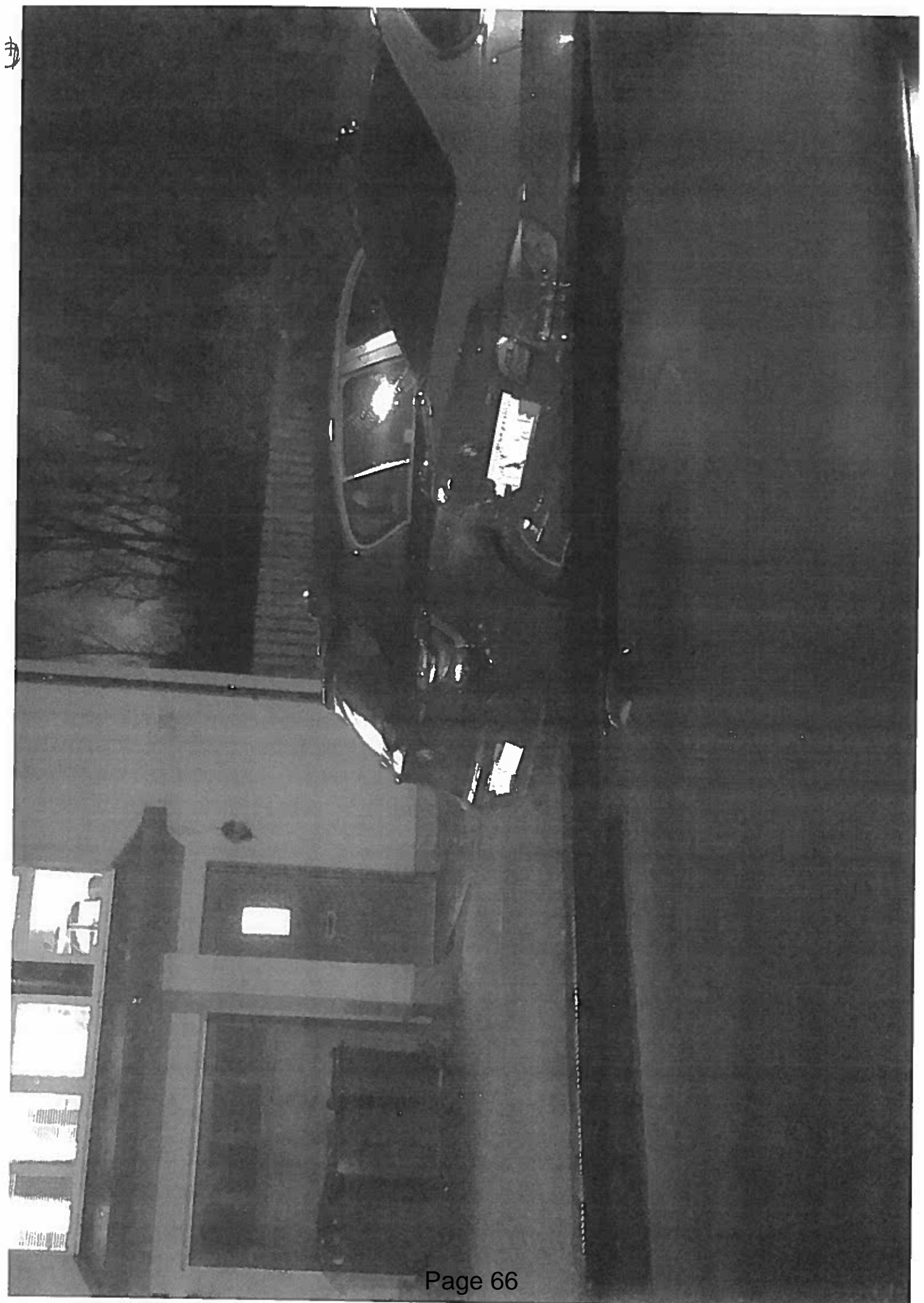
The tenants from (No 12) are currently using these driveways without consent I believe to park. Suggesting they themselves are aware of the lack of parking spaces.

- And lastly, I believe that the owners of (No 12) cannot possibly understand the issues regarding the safety of children and drivers, when they themselves (Mrs Miller of [redacted] run a business from their property and blatantly disregard the issue of safe parking by parking across the pavement causing children, and pedestrians to leave the pavement and go onto the road to continue passage along the street.

Regards

[redacted] AC

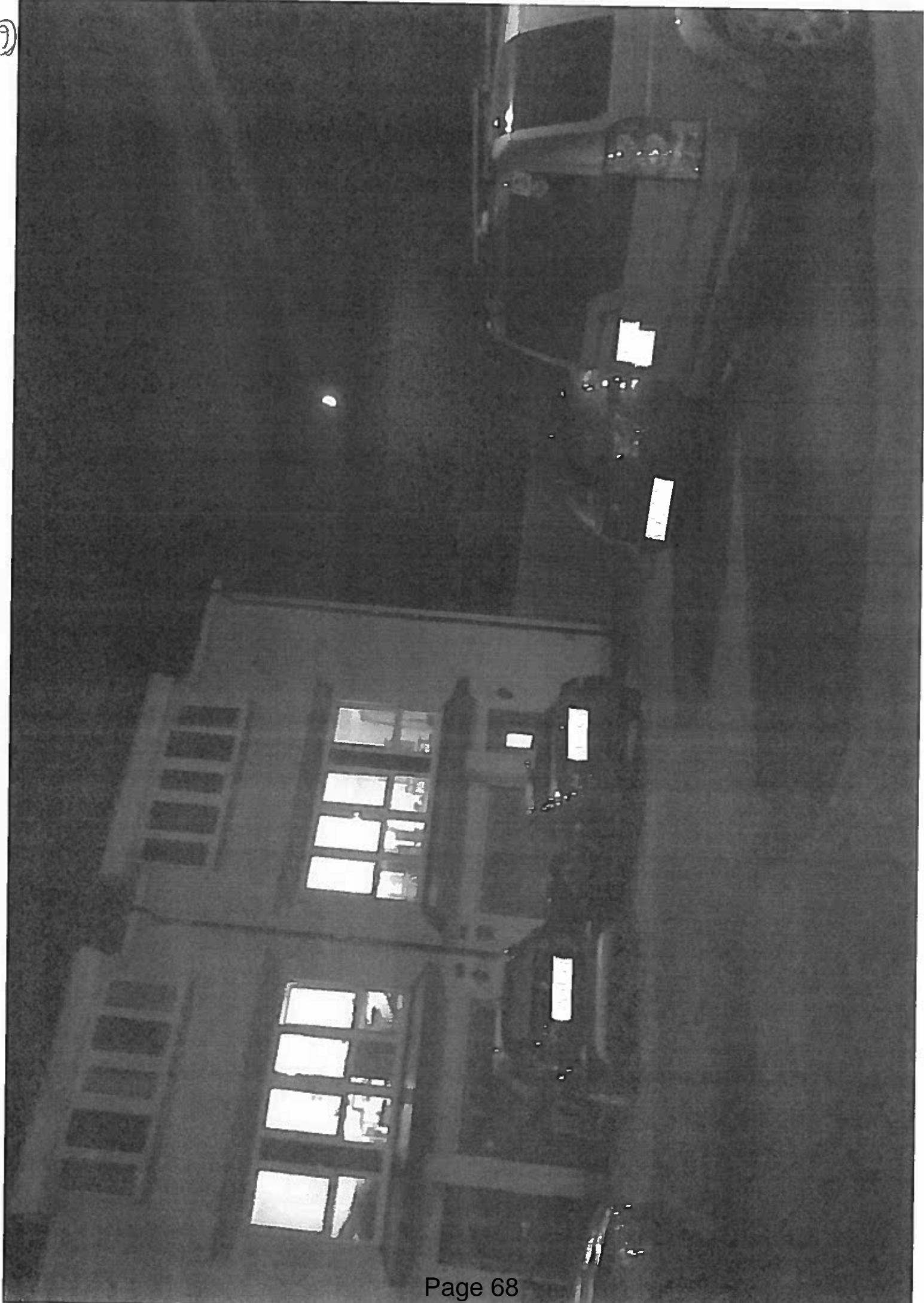
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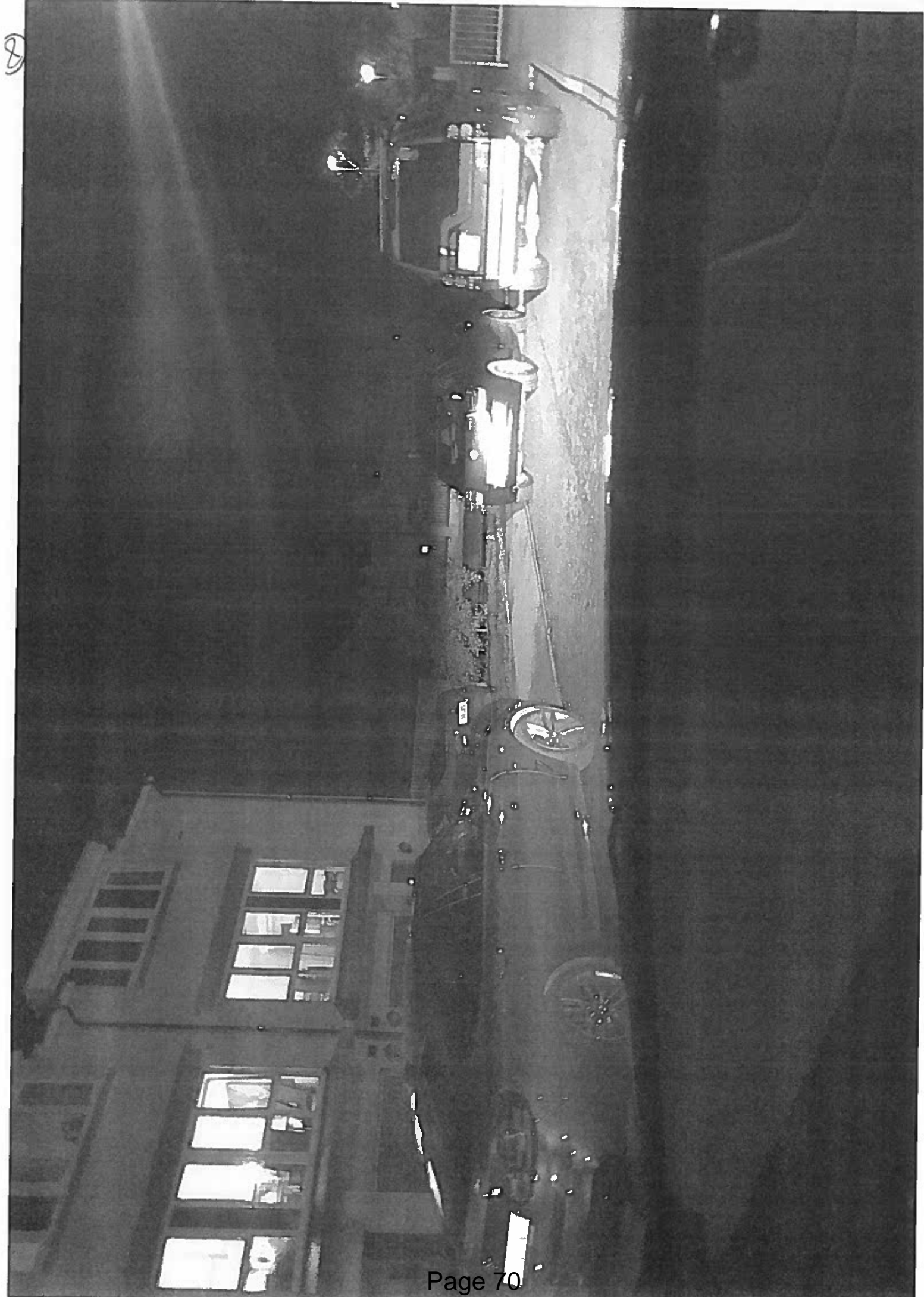


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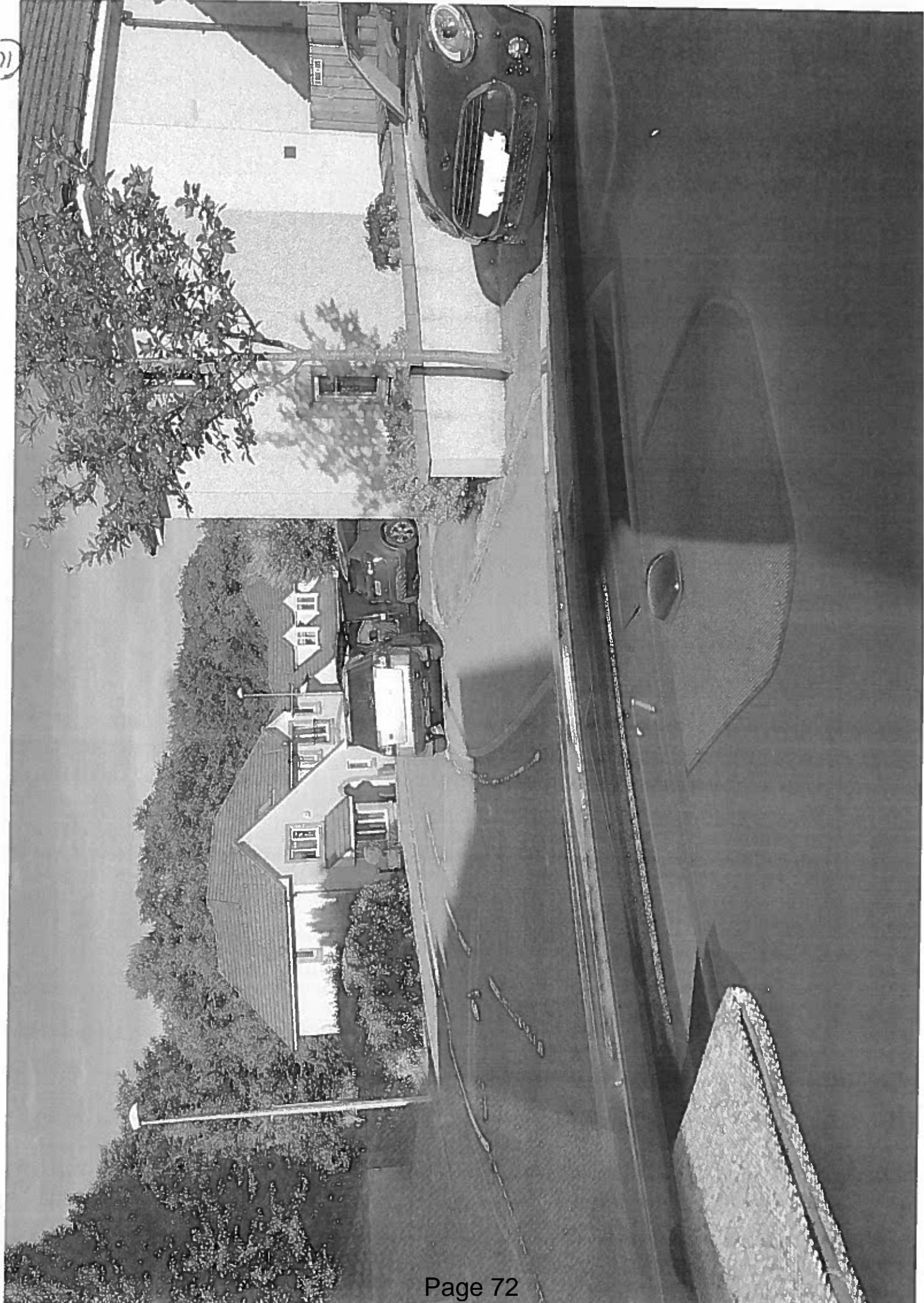
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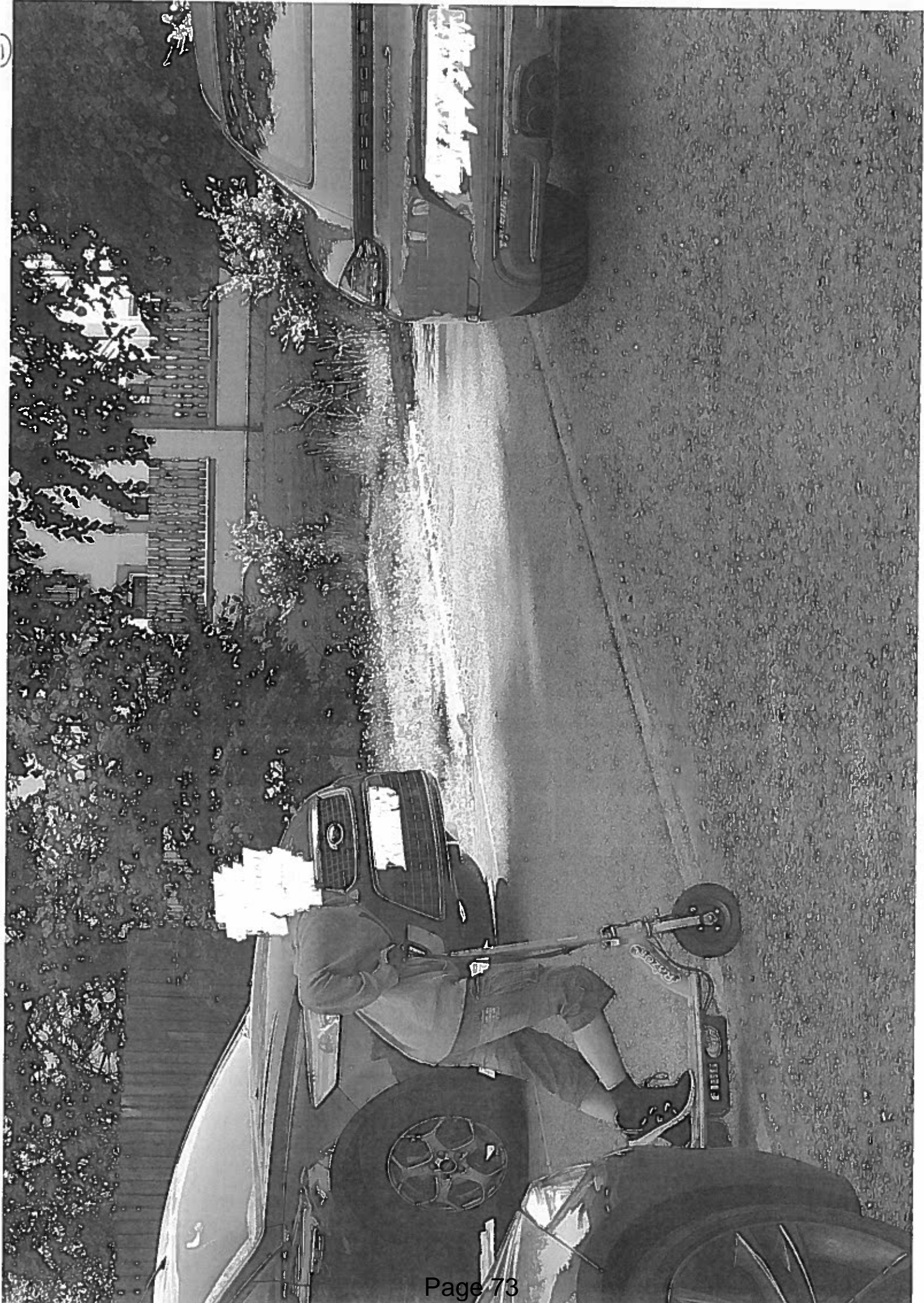


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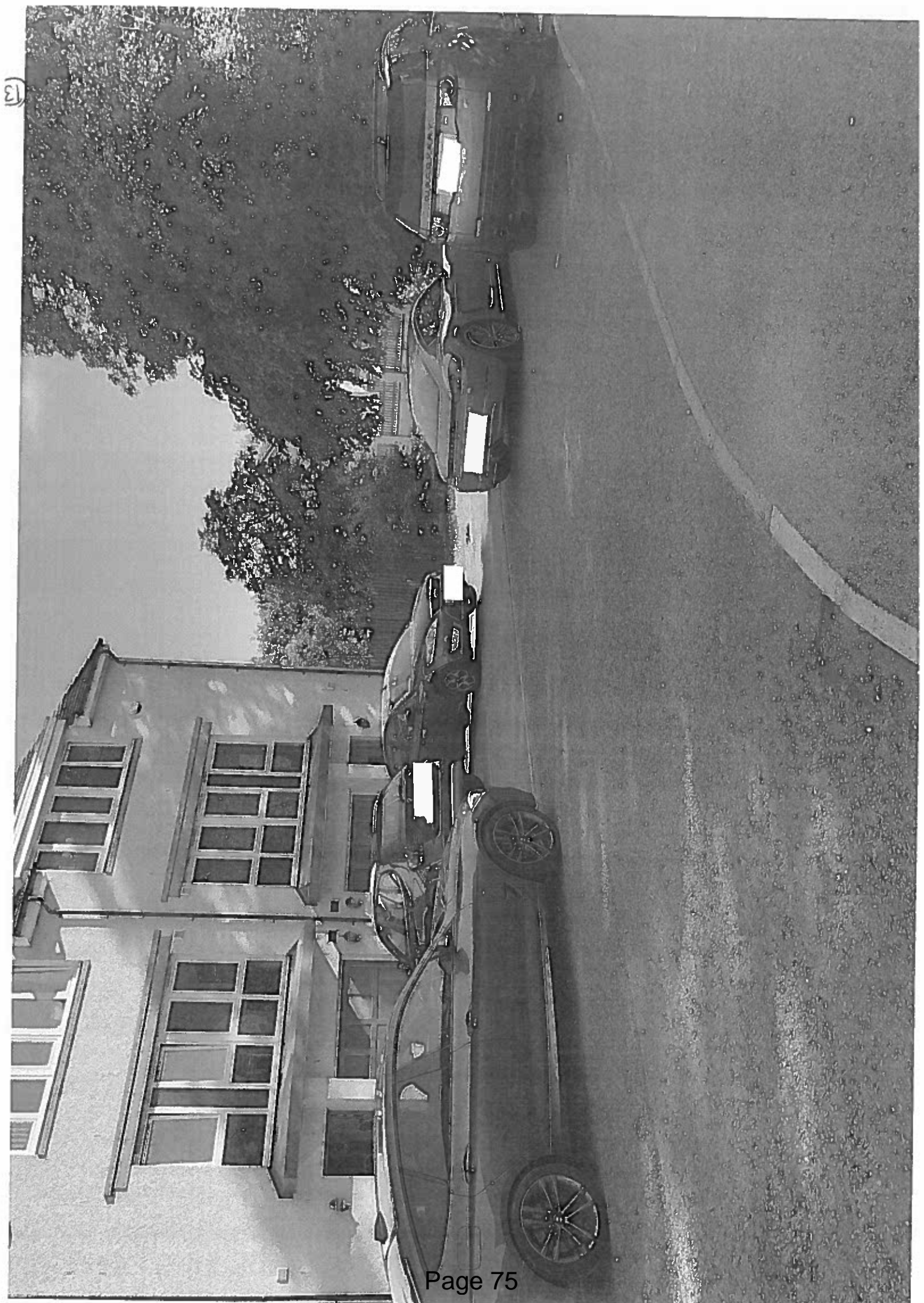




21

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SOLICITORS & ESTATE AGENTS





13





51



Mr & Mrs C Hopkins

10th Jan 2019

Ref: Notice of application for a license for a house in multiple occupations, 12 Woodlands Walk, Cults Aberdeen AB15 9DW.

We write in connection with the above application. We wish to strongly object to the multiple occupations for this site. We previously objected to the original application, whereby this went to council hearing and vote. Councilor Boulton supported us, however despite this support, the application was successful. The points below are of similar nature of those, which we make during the original objection. During the period when the property has been operated as an HMO the concerns have materialized to the effect of the area and neighborhood. This has clearly caused undue public nuisance.

This is not in keeping with the areas and occupancies within the Woodlands development, which is a lovely family area. This type of license is generally associated with students and groups of adults living together, which will most definitely create disruption, and overcrowding within the street with respect to car parking and general traffic in the street. During the period of operation as an HMO it has placed great stress on the amenity to a point whereby it is becoming unmanageable and compromised the safety of the area.

As stipulated in the deeds of the property, on street parking per household is limited to one car only and this is already an ongoing issue with respect to the volume of cars parked on the street. The multiple occupancy has made this even worse, whereby restricting use for other residents parking and visitors. There are a number of neighbors who also object to this renewal for the very same reasons, of which we sympathize with the ongoing parking nightmare it has caused for them. The safety of children and the general neighbors will also be of greater concern due to these issues.

General overcrowding has been an issue for this property during the license and there are safety concerns amongst the residents for our children's safety when in and around this property.

The recent planning application for this property to increase in size from a 5-bedroom property to even larger and was declined twice of late by the planning department. 'Road Safety' would not pass it on the grounds that even with an increase in size of the driveway it was not safe to access the property due to the 'no through' access at the end of the close and without significant alteration of the road. The indication that the owners wished to increase the property in sizes places greater concerns on the issue of congestion, disruption and road safety. Furthermore, we know that tenants from No.12 have been using other driveways, which are currently vacated properties to park. Suggesting they are aware of the lack of parking. We are thankful for the council objection for this planning application and could not even think what would happen next, 7-bedroom HMO rental property.

In light of the above issues, we would kindly request that the Scottish fire and rescue service be consulted in respect of the suitability of the premises as an HMO given the extensive restrictions on safe access to the property that in the event of an incident which would require emergency services to respond thus giving no means of safe access / egress to the road and property due to the extensive on road parking and congestion in the area. We would request that they also see the photos illustrating the congestion in the area.

We believe that based on our previous objections noted for the original application that if this is being considered, that all objectors be invited to the committee meeting.

Regards

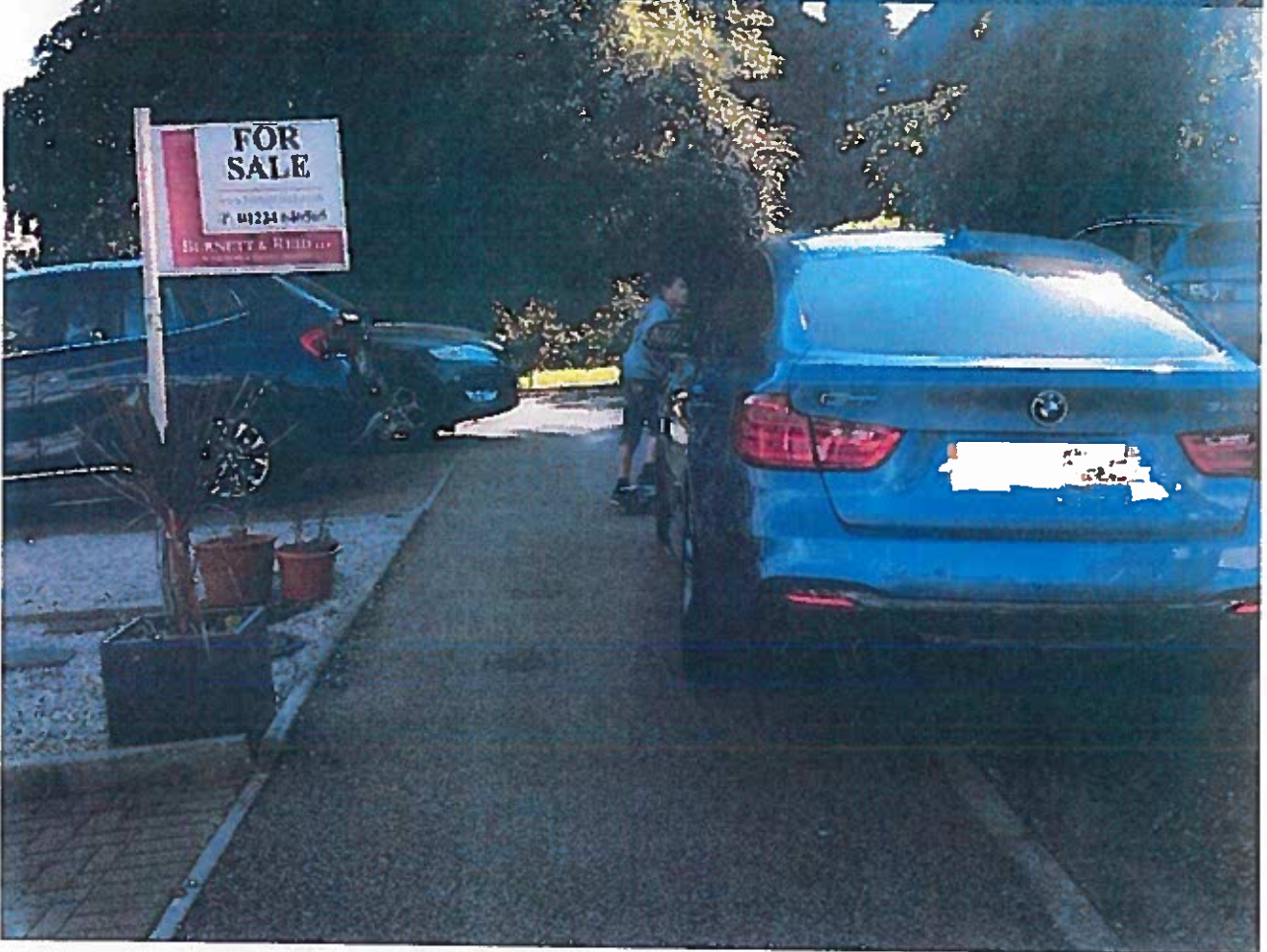
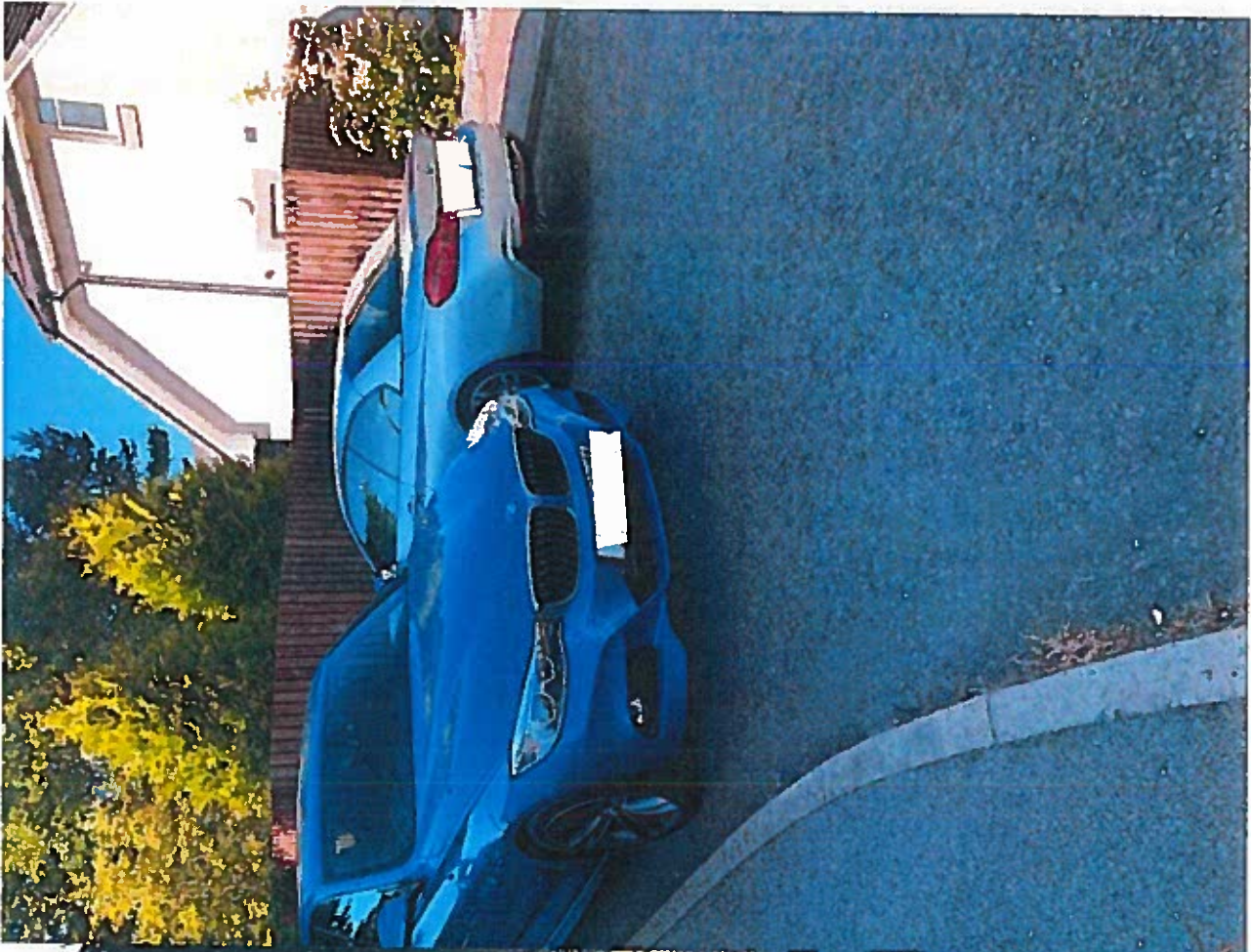
.. and Mrs. Hopkins

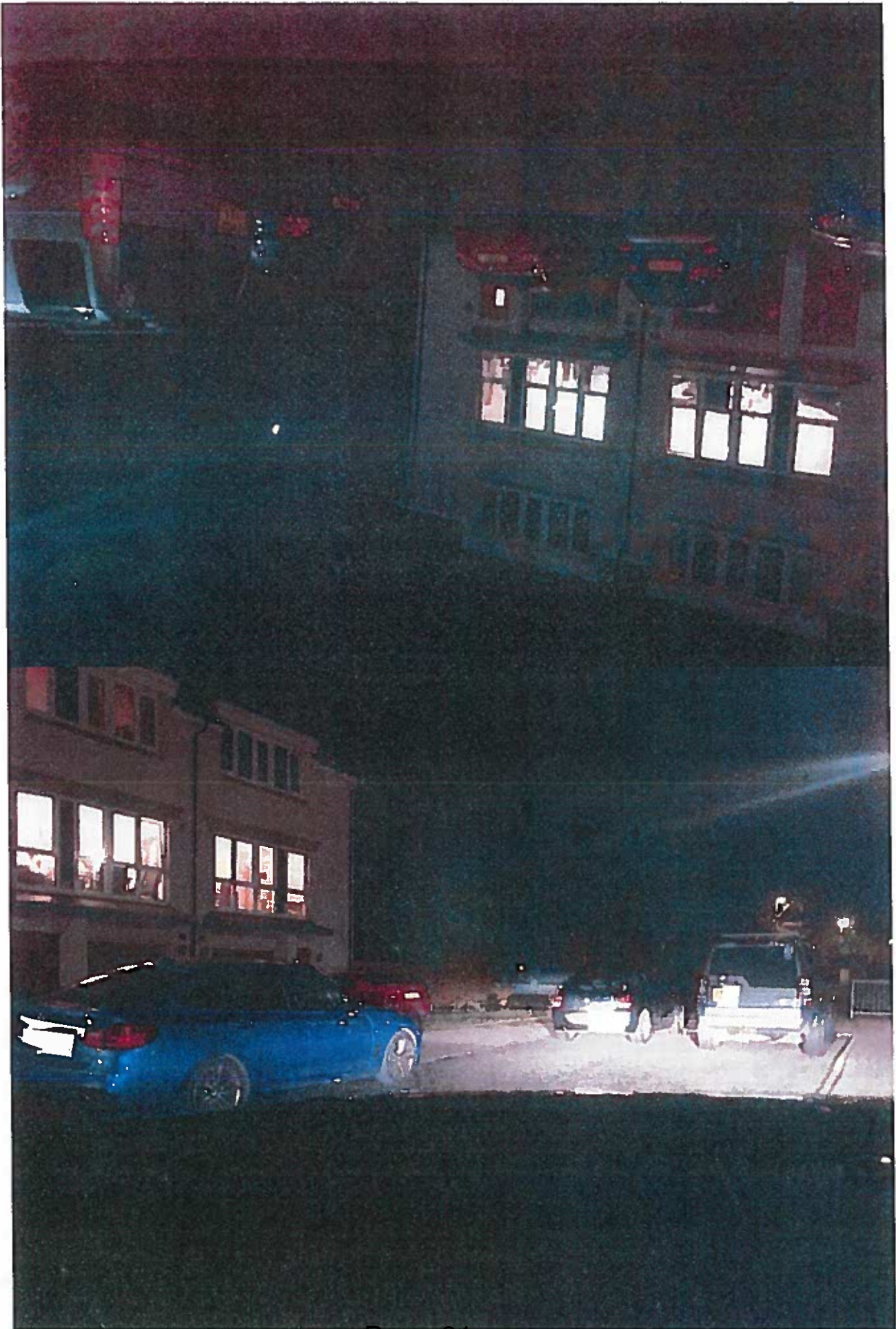
Aberdeen City Council
Housing & Environment

DATE RECEIVED

10 JAN 2019

Private Sector Housing Unit





E

Nicole Gillanders
Scott Brady

Ar.

Dear Sir/Madam

I am writing in response to the Notice of Application for a License to operate a HMO at No.12 Woodlands Walk. I wish to object this for the following reasons.

My main concern is that this is a family neighbourhood. We have three young children. I feel uncomfortable knowing that there are random tenants living at No. 12. Where there are long term family lettings within this neighbourhood there have been no problems and there is a strong sense of community. We have all paid a premium to live here, so to see the HMO tenants coming and going is concerning. This property has been advertised on Airbnb which means that it is a business run home too, which means more short term leasing and more unknown tenants. This is a concern with lots of children in the neighbourhood.

As the HMO is situated at the very end of the cul-de-sac, trying to manoeuvre out of driveways is sometimes difficult.

It also restricts visitors parking spaces. The neighbourhood is already struggling with parking spaces for two cars per household, let alone five cars to one household. There are no spaces currently for parking as it is.

I have noticed that the HMO tenants have started parking in the driveways of two properties which are currently vacant No.9 and No.10 (No.10 is currently on the market for sale). I would assume this would be without the current owners consent. Please note that due to No.9 and No.10 being vacant there is no one to object to the HMO and once these properties are occupied that could potentially mean four more cars to add to the congestion.

This property has already had two planning applications for extensions declined due to the fact that parking would be an issue as Road Safety would not pass it on the basis that even with an increased driveway, it would not be safe to access the property due to no through access and without alteration of the road.

Regards,

Ar.

Nicole Gillanders

Aberdeen City Council
Housing & Environment
DATE RECEIVED
11 JAN 2019
Private Sector Housing Unit

F

AC.

31st January 2019

Ally Thain
Private Sector Housing Unit
Aberdeen City Council
Business Hub 1, Lower Ground Floor West
Marischal College, Broad Street,
Aberdeen, AB10 1AB

Aberdeen City Council
Housing & Environment
DATE RECEIVED
04 FEB 2019
Private Sector Housing Unit

Dear Mr Thain

12 Woodlands Walk, Cults, Aberdeen

I refer to your letter dated 21st January 2019 and confirm that myself as agent and the landlord and owner of the property Mr William Miller shall be attending the Licensing Committee meeting on Tuesday 19th February 2019.

I note that letters of objection have been received and the main objections within the letters are parking concerns and “random” tenants.

The five residents that occupy the property are all working professionals mainly employed in the oil and gas sector who are significantly contributing to the local economy. They have families of their own and four of the residents only occupy the property on a Monday to Thursday basis and return to their families and main residence at the weekend.

All five tenants were instructed at the start of the tenancy to find appropriate car parking spaces within the estate and to avoid parking in an obstructive manner.

The licence has now been operational for the last three years and as far as I am aware there have been no complaints received by the HMO department regarding the tenants or the parking during this period.

Yours sincerely

AC.

Marlene Ogston
Director
Geraghty-Gibb Property Management

AS.

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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	7 February 2019
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.13 Roslin Terrace, Aberdeen

Applicant/s: Andrew House

Agent: Stewart Property Services

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 19 February 2019 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.13 Roslin Terrace, Aberdeen, is a semi-detached three-storey house providing accommodation of 6 letting bedrooms, one bathroom, one shower-room, one cloakroom, 2 kitchens & 2 public rooms. The plan attached as Appendix 'A' shows the position of the premises.

The HMO licence application:

The HMO licence application is dated 8 January 2019 and was received by the HMO Unit on 11 January 2019.

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 9 January 2019 – 4 February 2019.

Letter of representation:

One written representation was received by the HMO Unit on 16 January 2019, within the above-mentioned 21-day statutory period, and must therefore be considered by the Committee. The letter is attached as Appendix 'B'.

Letter from Applicant:

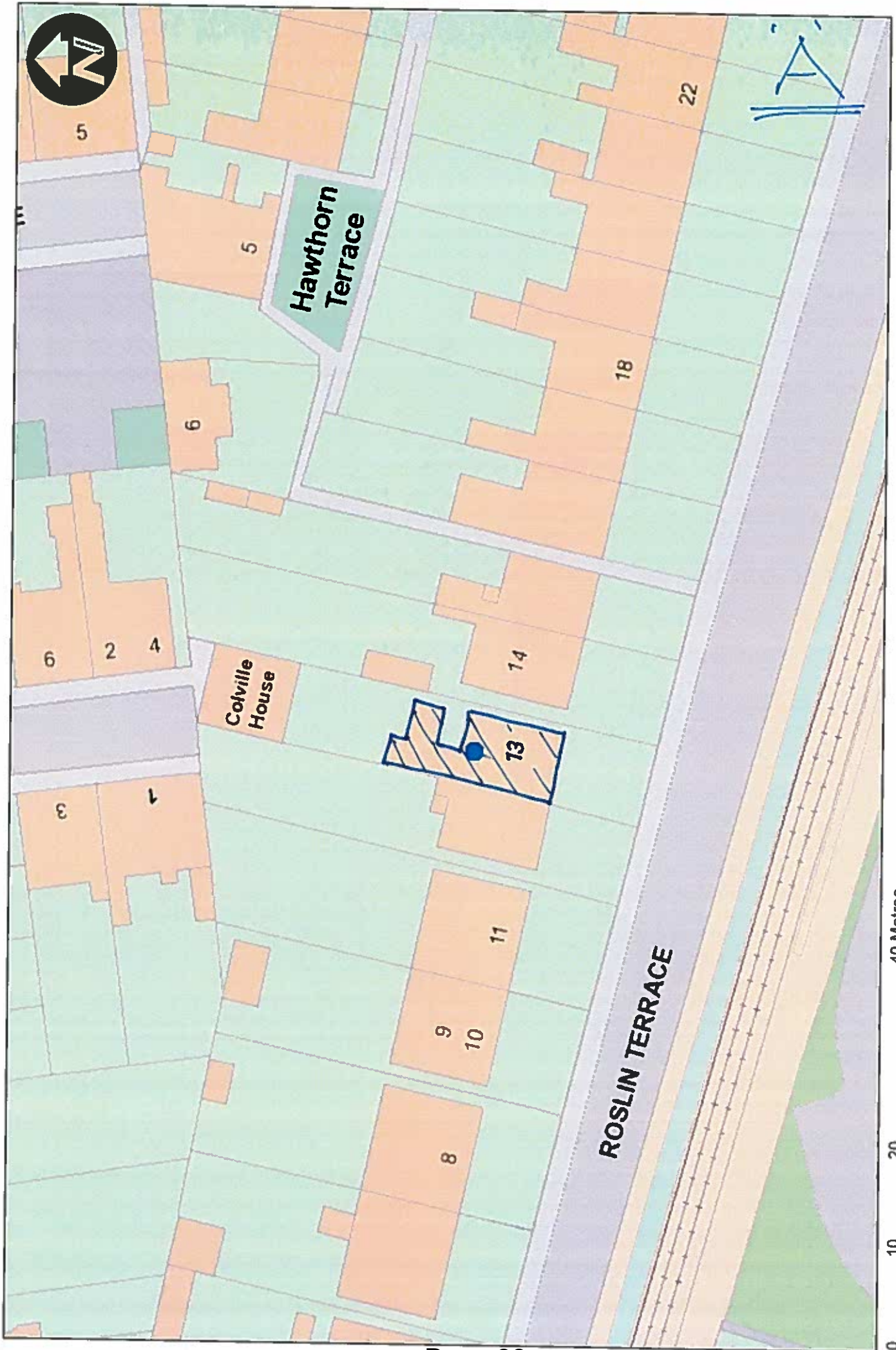
The agent, on behalf of the applicant, submitted a letter in response to the letter of representation. The letter includes an e-mail from the current tenants of No.13 Roslin Terrace, and is attached as Appendix 'C'.

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 letter of representation describes several instances of alleged anti-social behaviour, and the Council's Anti-Social Behaviour Investigation Team (ASBIT) has a record of responding to a complaint of antisocial behaviour within No.13 Roslin Terrace, Aberdeen, in May 2018, and a similar complaint in September 2018. On both occasions, no antisocial behaviour was witnessed.
- The applicant, agent and No.13 Roslin Terrace, Aberdeen, are currently registered with this Council.
- 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 a current HMO licence. An HMO licence for the property was first granted in October 2005.
- The properties at Nos.1, 2, 3, 7, 11, 12, 15, 16A & 19 Roslin Terrace, Aberdeen, are currently HMO-licensed.
- Following receipt of the licence application, the HMO Officer carried out an initial inspection of the property which identified a need for several repairs to be carried out and safety certificates to be submitted to the HMO Unit. At the date of this report, these requirements have not been completed, however I will update the Committee on 19 February 2019.

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

Ally Thain
Private Sector Housing Manager



B

14/1/2019

AS.

Miss U SUTHERLAND

AS.

To whom This letter is read by
I would like to give you my
reasons for ~~OBJECTING~~ of
13 ROSKIN TERRACE and its plans
for Multi OCCUPANCY.

I am 60 years old I work hard
as a care worker, I start work
at 7 in the morning, I finish
at 10, home by 11 = 15 hours a
day this also means, I work
weekends, I get home sometimes
next door parties till 4 in the
morning, noise is terrible, spoke
to them once, and was told to
put earplugs in your old bag, my
elderly patients would never behave
like that, So you can see how
hard that would be to sleep.

Then when I get home it is
intimidating, to see hoards of
people in the street front and
back garden, and still see

f.t.o

them when I go to work.
And then there is the broken
glass and mess and rubbish
thrown into my garden.

They also have used my back
garden to Urinate. My car
was also reversed into.

Then you have the TAXIS
coming and going.

I am at my wits end here
I just want the rest of my
life to be peaceful, as I
have lived for over 30 years
at this address.

So please put a Stop to
this address becoming MULTI
occupancy, and let good working
people enjoy peace and
quite.

I do hope you can
do this, as I am not selling
up my house.

yours faithfully

AC

Aberdeen City Council
Housing & Environment
DATE RECEIVED
16 JAN 2019
Private Sector Housing Unit

Our Ref: AMM

24th January 2019

F.A.O. Ally Thain
Operations and Protective Services
Private Sector Housing Unit
Aberdeen City Council
Business Hub 1, Lower Ground Floor West
Marischal College, Broad Street
Aberdeen, AB10 1AB



RECORDED DELIVERY

C

Dear Mr. Thain,

REF: 13 Roslin Terrace, Aberdeen.
Landlord Mr. House (Stewart property) Leasing Agent

Many thanks for providing visibility of the letter of objection regarding the application for House in Multiple Occupancy for 13 Roslin Terrace, Aberdeen which was submitted by Miss U Sutherland from

I must state that this was quite a surprise when I received this objection as I have never encountered an objection of any of the HMO properties which I have managed for many years. Nor was I made aware of any specific problem or issue at this property by any neighbour or other interested party.

This particular semi-detached property has been operated as a licenced HMO for 14 years and to my knowledge, the landlord and myself have never been made aware of any issues from any of the tenants which have resided in the property. All HMO's are subject to regular inspections and during these inspections along with inspections from the Fire Service, Council Officers and various trades persons, no one has ever raised concerns regarding the condition and the actions of the tenants within the property.

At no time have we been made aware of any issues by the objector and they have never contacted the landlord or myself and nor has the tenants raised concerns regarding complaints regarding their behaviour and general living conditions.

An HMO is subject to the same legislation as other properties regardless if it is private or council owned and any form of anti-social behaviour must be reported in the same manner. I have never been contacted by or made aware of any complaint to the Local Authority (Anti-Social Behaviour Team) or Police Scotland.

The current tenants have been in the property since July 2018 and I have already raised this objection with them and they have stated over the term of their tenancy that they have had two events (copy of email attached received from our tenants). The first event (some considerable time ago) did extend into the small hours however this again is no different from any other occupancy and again no complaints were raised to any concerned party. A second event also took place some



C

time after and on this occasion the tenants made the neighbours aware in advance that a party was to take place. Again, no complaints were raised, I would also ask is there any photographic evidence in regards to her allegations in her letter, reference broken glass etc in her garden?

Regarding the damage to the objectors vehicle, this was a minor accident which could have occurred at any place or time and the driver of the vehicle compensated the insurance excess to the objector and took full accountability for the incident. The status of the property being an HMO is not relevant to this matter.

I am also aggrieved that this letter has immediately provoked a full licencing committee meeting and I feel that this is a waste of resources regarding time and effort for all concerned. I believe a better use of resources would be for this 1 objectors letter to have been subject to an internal review by the HMO Officers to decide whether this should be taken to a committee meeting or not thus potentially reducing the number of applications which are to be heard at a full committee meeting along with the objectors and thus submitting the application.

I shall be in attendance to answer any questions which you require and please advise if you require any additional information which I can prepare in advance. I also remain open to speaking to the objector directly to answer any specific issue she might wish to raise,

Please confirm safe receipt of this letter and I look forward to hearing from you in due course.

Yours sincerely

AC.

Anna Munro
ENC

Ar.

Ar.

From: [redacted]
Sent: 22 January 2019 15:16
To: [redacted]
Subject: RE: HMO visit

Hi anna, thanks for your visit.

Firstly:

Regarding the neighbours, we have had no personal comments to ourselves either which is rather frustrating. The [redacted] is very kind to us, the [redacted] a bit more grumpy in all honesty. We have had people round once and they made no comment, we let them know people would be round, providing all of our phone numbers, so they could call us if there were any issues (eg we were not aware about bottles being thrown, and we attempted to be as respectful as possible as we know they have dogs). I know number [redacted] frequently have parties/people round so they might be confused with them on some occasions. Just to reiterate, *we have had no complaints to us which we feel is not fair.*

I personally accidentally reversed into their car on my way to work in the dark at 5am, their car was parked slightly out of a marked space, however I apologised, and **paid more than £200 in damages** so I also believe this has no relevance to a HMO licence, as this could happen to and by anyone. I Believed this to be settled and can show you photo-evidence of payment and the 'scratch'.

Finally, taxi's come to both our flat and many other student flats on the street, never any later than 11pm. Again, we don't feel like this has implications on a HMO licence.

In our personal opinion, we believe we are very reasonable towards number [redacted]. We do feel that the [redacted], that lives there may have a bit of an 'ill opinion' on all students and student houses, as he has made some needless passing comments. The [redacted] is very nice and has had no issues with us.

Obviously if we feel like we have done something wrong we would admit to it. After the party we had (again, the neighbours were informed and given our contact numbers) we have decided to have no more, which we have abided to. We have had no issues with any other neighbours on the street.

Hope you understand our opinions, and you are welcome to come in on Saturday to fix the issues. I understand these issues have just been passed on to you today (as have we).

All the best, 13 Roslin Terrace girls

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LICENSING COMMITTEE INFORMATION SHEET

19 February 2019

TYPE OF APPLICATION: Request for exemption from policy.

APPLICANT: Florin Machedon

INFORMATION NOTE

Application submitted 17/10/2018

Applicant originally held a taxi licence for vehicle NK56 FLM which lapsed on 31/12/2017.

Applicant contacted licensing in October 2018 stating he had not realised that the previous licence had lapsed and wished to renew it. He was advised this was not possible and that under Licensing Committee policy, any WAV being licensed had to be 10 years old or less at the date of the first application.

The applicant is the holder of another taxi operator licence for a WAV vehicle that conforms to the policy.

NK56 FLM is a WAV vehicle which is almost 12 years old.

If the Committee are minded to deviate from Policy then the application will be processed as normal.

DESCRIPTION

Request from exemption from Policy.

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

Any WAV vehicle being licensed must be 10 years old or less at date of grant of application being submitted. This policy was confirmed by the Committee at its meeting of 06/04/2016.

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LICENSING COMMITTEE INFORMATION SHEET

19 February 2019

INFORMATION NOTE

Applicant: Mr Nnamid Chukwuma Ezike

Application submitted 27/09/2018

Must be determined by 26/03/2019

The applicant has not provided evidence of his right to work or live in the UK.

DESCRIPTION

Taxi Driver Renewal

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

All applicants must provide evidence of their right to work or live in the UK.

GROUNDS FOR REFUSAL

Immigration Act 2016 amended Civic Gov Act as follows-

In section 13 (taxi and private hire car driving licences) after subsection (3) insert—

A licensing authority shall not grant a licence to any person under this section unless the authority is satisfied that the person is not disqualified by reason of the person's immigration status from driving a taxi or private hire car.

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

19 February 2019

INFORMATION NOTE

Application submitted 20 August 2018
Must be determined by 19 February 2019

Applicant: William Fyvie PHD 235

The applicant has not passed the street knowledge test as required by Licensing committee policy.

DESCRIPTION

Renewal of Private Hire Car Driver Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

All applicants for a Private Hire Car Driver licence must pass 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.

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Exempt information as described in paragraph(s) 12 of Schedule 7A of the Local Government (Scotland) Act 1973.

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ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	19 February 2019
REPORT TITLE	Review of Public Entertainment Resolution
REPORT NUMBER	GOV/19/181
CHIEF OFFICER	Fraser Bell
REPORT AUTHOR	Sandy Munro
TERMS OF REFERENCE	9

1. PURPOSE OF REPORT

- 1.1 To present the review of the Resolution of venues and activities requiring a Public Entertainment Licence as a result of legislative changes and to seek approval of the updated Resolution for issuing for consultation

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 approve the updated Resolution for venues and activities requiring a Public Entertainment Licence as contained at appendix 1 and instruct the Chief Officer (Governance) to publish the terms of the proposed Resolution and invite representations in line with the statutory requirements as detailed at section 3.2.
- 2.2 instruct the Chief Officer (Governance) to report back to committee on 23 April 2019 with the results of the consultation exercise.

3. BACKGROUND

- 3.1 The Air Weapons and Licensing (Scotland) Act 2015 (the '2015 Act') repeals the existing mandatory requirement for theatrical performances to be licensed under the Theatre Act 1968 (the "1968 Act"). It also removes the exemption for premises licensed under the 1968 Act from the Civic Government (Scotland) Act 1982 (the "1982 Act"). This means that local authorities will be able to licence theatres under the public entertainment licence requirements contained in section 41 of the 1982 Act.
- 3.2 In order to include theatres under the Public Entertainment licensing regime the Committee requires to review the Resolution for venues and activities requiring such a licence. The proposed amended Resolution requires to be published in

a newspaper and representations invited within 28 days of the first publication of the notice. The Committee must then consider any representations before finalising the Resolution, at which point the finalised Resolution must be published in a newspaper with a note of the date on which it comes into effect. Such date must be no earlier than 9 months after the date of the Resolution.

3.3 Informal consultation was carried out with the regular consultees for Public Entertainment Licences to ascertain opinion on possible alterations to the Resolution. Those responses are attached as Appendix 2 to this report. A copy of the current Resolution for Public Entertainment Licences is attached as Appendix 1 to this report, with the changes suggested by the consultees marked in red italics.

3.4 Public Entertainment Licensing is a discretionary licensing regime and it is within the Committee’s remit to determine the venues and activities which fall to be licensed. As the Resolution requires to be amended to incorporate theatres following the legislative changes it is a good opportunity to review the whole terms of the Resolution and ensure that it remains fit for purpose. The Committee should consider the terms of the current Resolution and determine whether any of the current venues or activities listed are no longer relevant and whether any other venues or activities, in addition to theatres, should be added, taking into account the initial comments from consultees.

4. FINANCIAL IMPLICATIONS

4.1 There will be loss of revenue obtained via theatre licensing. As the Theatres Act is being repealed this is unavoidable. Some of this will be offset however by additional Public Entertainment licensing revenue if theatres are added to the Public Entertainment Resolution.

5. LEGAL IMPLICATIONS

5.1 If the resolution is not amended to include theatres then those premises will be unlicensed once the Theatres Act 1968 is repealed.

6. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
Financial	Loss of revenue from Theatre Licences.	M	Potential for increased revenue from Public Entertainment Licences.
Legal	Theatres could become unlicensed in the event the Public Entertainment	L	Regulated by other legislation in addition to licensing, such as Building Standards and Fire. Mitigated also by inclusion in

	Licence resolution is not updated.		the public entertainment licence regime.
Employee	N/A		
Customer	Holders of Theatre Licences will be required to apply for a different licence.	L	Application process is broadly similar. Current licence holders will be kept updated with the change in licensing requirements.
Environment	N/A		
Technology	N/A		
Reputational	Failure to licence theatres may attract adverse publicity.	L	Recommendation is to include theatres within Public Entertainment licensing.

7. OUTCOMES

Local Outcome Improvement Plan Themes	
	Impact of Report
Prosperous People	Updating the Public Entertainment resolution ensures licensing requirements on the grounds of public safety are kept up to date and relevant. Delivery of Primary Drivers of “Safe and responsible” and “Protected from harm”.
Prosperous Place	Updating the Public Entertainment resolution ensures that all events taking place in the city do so to the required standards. Delivery of Primary Driver of “Safe and resilient communities”.

Design Principles of Target Operating Model	
	Impact of Report
Customer Service Design	Ensure licensing requirements are fit for purpose.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	Full EHRIA not required

Data Protection Impact Assessment	Not required
Duty of Due Regard / Fairer Scotland Duty	Not applicable

9. BACKGROUND PAPERS

9.1 The Air Weapons and Licensing (Scotland) Act 2015

10. APPENDICES (if applicable)

10.1 Current Public Entertainment Resolution with suggested amendments.

10.2 Consultee responses.

11. REPORT AUTHOR CONTACT DETAILS

Sandy Munro, Solicitor

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Email: alemunro@aberdeencity.gov.uk

Appendix 1 – Current Public Entertainment Resolution

Premises which require a public entertainment licence are:

- Bonfires
- Bowling Alleys
- Bungee Jumping Sites
- Church Halls (a public entertainment licence shall not be required for a church hall belonging to or occupied by any religious body while being used wholly or mainly for purposes connected with that body)
- Circuses
- Community Centres
- Concert Halls
- Dance Halls
- Discotheques
- Dry Ski Centres
- Fairgrounds – *to include “any event/activity which utilises funfair equipment including bouncy castles and other inflatable equipment”*
- Fetes with Tented Accommodation – *outdated? Possibly replace with “Events which utilise Temporary Demountable Structures (such as marquees, tents, Inflatables, stages or platforms)”*
- Firework Displays
- Halls used for Voluntary Organisations
- Ice Rinks
- Motorbike Stunt Shows *covered under vehicle stunt shows?*
- Premises for Pop Concerts – *remove “Pop”?*
- Premises for Live Band Performances
- Premises for Variety Shows – *combine this and musical shows below as “Theatrical performances” to take into account the repealed Theatre Licensing?*
- Premises for Musical Shows
- Premises for Raves – *still relevant?*

- Premises for Musical Festivals
- Premises for Paint Ball Games
- Premises for Laser Display
- Premises for Laser Games
- Premises for Health and Fitness including Gyms
- Public Halls
- Roller Skating Rinks
- Schools and other Educational Establishments or parts thereof within which the number of members of the public admitted to or taking part in any single event or activity at any one time exceeds 60
- Skateboarding
- Sports Centres
- Swimming Pools
- Vehicle Stunt Shows
- *Motorsports (Rallying)*
- *Go-karting*
- *Inflatable Play Equipment*
- *Trampolining*
- *Open Air Concerts and Festivals – Already covered by Pop Concerts and Festivals above with some minor amendment (eg removal of “pop” and “musical” respectively)*
- *Highland Games*
- *Endurance events - (like The Beast and the one at Hazlehead Park - Pretty Muddy) - just because of the environmental issue*
- *Running events which exceed (say 100) - as when there is no PEL there is no requirement to produce an Event Plan, etc.*
- *martial sports*

Appendix 2 – Consultee responses

1. Aberdeen City Council Events Team

Is it possible to write the resolution to simply state “A Public Entertainment Licence is required for any activity where the public are admitted for the purposes of entertainment” with a non-exhaustive list provided to give examples of the type of entertainment we would require a licence for. I would suggest this gives us some flexibility for the weird and wonderful events which takes place in Aberdeen whilst allowing us to give examples of the types of event that we know will require a licence.

I believe that “Fairgrounds” should be clearer and state “any event/activity which utilises funfair equipment including bouncy castles and other inflatable equipment” - Given the recent accidents and fatalities with events with single inflatables I think this would be worth including.

Can I also suggest that the terminology for Fetes with Tented Accommodation is outdated and request that this is replaced with “Events which utilise Temporary Demountable Structures (such as marquees, tents, Inflatables, stages or platforms)” as this sentence would cover almost all of the events of scale which we need to have some control / authority over.

There have been some pop-up activities such as a dance flash mobs and buskers etc. to promote an event which have been put off, or not been able to go ahead, with what is a really low risk and low impact activity, due to the cost of the PEL -I would suggest that these types of activity aren’t really what the PEL is intended for ? and wonder whether we can write in flexibility for Officers to determine the scale / risk of activity and therefor whether a PEL is required ?

2. Environmental Health

Suggested additions:
Motorsports (Rallying)
Go-karting
Inflatable Play Equipment
Trampolining

3. Police Scotland

Open Air Concerts and Festivals
Highland Games
Public Events held in Marquees
Go Karting
Endurance events (like The Beast and the one at Hazlehead Park - Pretty Muddy) - just because of the environmental issue
Running events which exceed (say 100) as when there is no PEL there is no **requirement** to produce an Event Plan, etc.

I'd add in martial sports such as boxing which cross over between a sporting event and entertainment, such as 'ultra-white collar boxing' which we generally see connected to fundraising for a charity, however I think the charity element is immaterial; it is a risk event. Some of these take place in licenced premises so I make comment about this in our reply to the draft SLP.

ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	19 February 2019
REPORT TITLE	Taxi Driver Training
REPORT NUMBER	GOV19/179
CHIEF OFFICER	Fraser Bell
REPORT AUTHOR	Sandy Munro
TERMS OF REFERENCE	7

1. PURPOSE OF REPORT

- 1.1 To provide the Committee with an update regarding potential customer service training for taxi drivers, including the operation of a satellite navigation system.

2. RECOMMENDATION(S)

That the Committee: -

- 2.1 note the contents of the report and agree not to proceed with any formal training programme at present.

3. BACKGROUND

- 3.1 The Committee on 12 September 2017 agreed to instruct the Licensing Team Leader to report on potential training required for drivers on customer care and disability awareness.
- 3.2 On 6 February 2018 the Committee agreed to instruct the Licensing Team Leader to include potential training on satellite navigation systems to ensure public safety as part of that report.
- 3.3 The Committee on 21 August 2018 noted that the report on customer care and disability awareness had been delayed to the meeting of the Committee on 19 February 2019, in light of the Committee's decision regarding the delayed implementation of the wheelchair accessible policy.
- 3.4 Investigations have determined that there do not appear to be any local training providers who currently run any suitable courses which would satisfy the three main elements of the training, namely customer service, disability awareness and satellite navigation system operation. Accordingly, any course would

require to be created bespoke and would require negotiation with training providers to establish the possibility and details of any such course.

- 3.5 A number of local authorities currently require taxi drivers to undergo this type of training. Some are provided by local colleges and others by private training companies. In almost all cases the driver is responsible for the cost of the course directly with the training provider. Costs vary across geographical areas. In the current climate it is likely that a further expense for drivers would not be viewed favourably by the trade. If the cost of training was to be included in the application fee, then this would require the application fees to be reviewed given that fees are required to generally meet all costs of the licensing system.
- 3.6 Although drivers are not employees of the local authority they are often a visitor's first point of contact with the city and therefore can influence the opinion of visitors, or indeed residents, if a poor service is provided. Currently the enforcement officers within the licensing department are dealing with six complaints relating to poor service, dating back to October 2018. There are currently in excess of 1200 licensed drivers however, which would suggest that the vast majority are providing acceptable service. Guidance is issued to all drivers whenever a complaint or series of complaints warrant a reminder of certain duties or responsibilities, as evidenced most recently by incidents regarding drivers' obligation to carry wheelchair bound passengers.
- 3.7 In the event that a bespoke training course is not deemed appropriate at the current time it may be possible to look to incorporate elements of the desired training within current procedures. For example, officers are investigating the possibility of incorporating the demonstration of any assistance equipment when a vehicle undergoes the twice-yearly tests. As well as ensuring the equipment itself was in working order this would ensure that the driver was fully versed in the operation of that equipment.
- 3.8 With regard to the element of satellite navigation it is suggested that this is of lesser importance given that all drivers are required to pass the Knowledge Test prior to obtaining a licence and so should be familiar with most journeys within the licensed area. In addition, whilst a number of modern vehicles will be fitted with navigation devices, not all vehicles will contain them, and they are not mandatory equipment in licensing terms. It may therefore not be reasonable to require training on a piece of equipment that is not required in order to hold the licence.
- 3.9 In conclusion, whilst a training programme would be desirable, evidence would suggest that the issue is not causing any particular concerns at present and the imposition of a further expense on potential drivers may prove counterproductive if standards can be maintained by other methods. The authority would also be looking for drivers to take individual responsibility for maintaining and improving standards. Should evidence be received that standards are falling or that there is an underlying issue that could be resolved by the introduction of training then the matter could be re-evaluated.

4. FINANCIAL IMPLICATIONS

4.1 There are no direct financial implications as a result of the recommendation in this report. However, if officers are instructed to investigate the creation of a bespoke training course, there will be cost implications, currently unknown. There is currently no resource within the taxi budgets to cover the cost of any additional training. This would therefore be required to be paid directly by taxi drivers.

5. LEGAL IMPLICATIONS

5.1 Customer service training is not a legal requirement in terms of the licensing legislation and so there are no direct legal implications arising from this report.

6. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
Financial	If there is to be a training course in the future, the cost of this would require to be met directly by the drivers		Potential to look at other possible methods of ensuring standards are maintained
Legal	N/A		
Employee	If no training course is established there may be more incidents which require the involvement of enforcement officers	L	Enforcement officers already carry out this function at present and the level of incidents is relatively low compared to the number of licensed drivers.
Customer	If no training course is established there is a risk that standards of customer service may not be as high as could be expected.	L	Standards can be maintained by other methods. There does not seem to be an issue at present regarding standards.
Environment	N/A		
Technology	N/A		
Reputational	If standards of customer service fall this could provide a negative view of the city and authority.	L	There does not seem to be an issue at present and standards can be maintained via other methods.

7. OUTCOMES

Local Outcome Improvement Plan Themes	
	Impact of Report
Prosperous People	The report aims to maintain customer service at a high level to ensure that residents and visitors have this mode of transport always available as a safe and trustworthy option. Delivery of Primary Drivers of “Safe and responsible” and “Protected from harm”
Prosperous Place	The report aims to maintain customer service at a high level to ensure that the taxi service available within the city is an asset to the area. Delivery of Primary Driver of “Safe and resilient communities” and “People friendly city.”

Design Principles of Target Operating Model	
	Impact of Report
Customer Service Design	To ensure that standards remain high, via the most appropriate method in the circumstances.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	Full EHRIA not required
Data Protection Impact Assessment	Not required
Duty of Due Regard / Fairer Scotland Duty	Not applicable

9. BACKGROUND PAPERS

None.

10. APPENDICES (if applicable)

None.

11. REPORT AUTHOR CONTACT DETAILS

Sandy Munro
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ABERDEEN CITY COUNCIL

COMMITTEE	LICENSING
DATE	19 FEBRUARY 2019
REPORT TITLE	TAXI DEMAND SURVEY – TAXI RANK REVIEW
REPORT NUMBER	GOV/19/180
CHIEF OFFICER	FRASER BELL
REPORT AUTHOR	LYNN MAY
TERMS OF REFERENCE	No. 3

1. PURPOSE OF REPORT

- 1.1 To advise the Committee of the results of an informal consultation with Police Scotland, the Council’s Road’s service and the Taxi and Private Hire Car Consultation Group on suggestions for new taxi ranks at Upperkirkgate and Guild Street and the future of the ranks at St Andrew’s Street and Dee Street.

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 note the result of the informal consultation of the report and agree not to proceed with any action at present.

3. BACKGROUND

- 3.1 In June 2017 the Committee instructed officers to incorporate within the Taxi Demand Survey, to be carried out in 2018, a review of the provision and location of taxi ranks in the City. The Demand Survey carried out a detailed review of the ranks as instructed.
- 3.2 As part of the taxi rank review, the existing ranks in the City, including the night ranks were each visited and assessed. The existing ranks were generally found to be suitable and well located for existing demand and patterns of use.
- 3.3 However the review found that two ranks were largely unused, the rank on St Andrew’s Street and the rank on Dee Street which is split into two separate bays.
- 3.4 Members of the public and the trade were asked, during the review, if they could identify new locations which would be suitable for the establishment of a new rank.

The first location thought to be suitable for a new rank, is on Upperkirkgate. The second suggested location is on Guild Street.

- 3.5 An informal consultation was undertaken to establish the viability of these sites for the development of new ranks and the variation or removal of existing ranks.
- 3.6 The Council's Traffic Management and Road Safety Team advised, in summary, that they did not support the suggested location for a new taxi rank at Upperkirkgate as this particular layby is currently designated for disabled parking for those accessing Marischal Square and Marischal College. In addition they did not support the suggested location for a new rank on Guild Street due to the proximity to a very busy junction which would create road safety issues as vehicles would back up onto Carmelite Street, as already seen by the formation of an informal taxi rank outside the Station Hotel, a copy of their full response is attached to this report (Appendix 1).
- 3.7 In relation to the rank at St Andrew's Street, which was unused during the period of review, the Road Safety Team also advised that although additional signage may assist customers in finding the rank, it may actually be difficult to attract drivers or customers to this location. In relation to the rank on Dee Street, officers have observed that the section of the rank beyond Langstane Place is not used by drivers or customers. Therefore they would support the removal of this part of the rank and its conversion to parking provision. They noted however that as part of the City Centre Masterplan there are proposals to pedestrianise this area which will in turn reduce the options for drivers exiting Dee Street.
- 3.8 Police Scotland advised in their response that they were also not in favour of the location on Guild Street becoming an official rank due to the potential for congesting traffic flow. In relation to the suggested new rank at Upperkirkgate the Police also confirmed that the layby in question is a disabled parking area. They further commented that the demand for such disabled spaces in that area was likely to increase and therefore this would not be recommended as a new rank. They advised that they had no issue with either the St Andrew's Street or the section of the Dee Street rank beyond Langstane Place being closed. A copy of their full response is attached to this report (Appendix 2).
- 3.9 A report regarding the rank review was placed on the agenda of the Taxi and Private Hire Consultation Group meeting on 3 October 2018. The meeting also considered the responses which had been received from Police Scotland and the Council's Traffic Management and Road Safety Team. The Consultation Group agreed -
- (i) to request that the following views of the Group be reflected in the report to the Licensing Committee:-
 - (a) no action be taken to remove St Andrew's Street rank until suitable rank locations are identified at Marischal Square and Guild Street;
 - (b) no action be taken to reduce the rank on Dee Street until works to pedestrianise the area around Langstane Place, Dee Street and Crown Street have been finalised: and
 - (c) that further work be undertaken to determine suitable rank locations

to serve the railway station and the area around Upperkirkgate / Marischal Square.

(ii) to note that a report would be submitted to the Licensing Committee in due course.

- 3.10 Members should also note that the City Centre Master Plan includes the Station Gateway Development Brief - https://www.aberdeencity.gov.uk/sites/default/files/Station_Gateway_Development_Brief.pdf. This includes proposals to relocate the current taxi rank at the Railway Station to South College Street, although it is noted that the final location must be easily accessible with a direct link to the Station.
- 3.11 Given the results of this informal consultation, officers will carry out a further consultation on an informal basis with the Chief Officer-Operations, as representative of the Council as Roads authority, the Chief Officer Strategic Place Planning, the Chief Constable, Police Scotland, the Taxi and Private Hire Consultation Group, and the Disability Equity Partnership to determine suitable rank locations to serve the Railway Station and the area around Upper-Kirkgate and Marischal Square.
- 3.12 In the meantime no action will be taken to remove the rank at St Andrews Street until suitable rank locations are identified in the Marischal Square and Guild Street areas. In addition no action will be taken to reduce the rank on Dee Street until works to pedestrianise the area around Langstane Place, Dee Street and Crown Street have been finalised.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications as a result of this report.

5. LEGAL IMPLICATIONS

- 5.1 There are no direct legal implications arising as a result of this report.

6. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
Financial	If there is to be a formal consultation and creation of new ranks in the future, this will exceed the budget provision available.	L	Close monitoring of the costs committed to any future work agreed and the budget available.
Legal	As per paragraph 5 above.	L	Compliance with the statutory requirements if any future action on creation of new ranks.
Employee	There is no risk to employees arising from	L	N/A

	the recommendations of this report.		
Customer	The Taxi rank review and subsequent consultation consider the provision of ranks for the customers and citizens of Aberdeen	L	The assessment and provision of taxi ranks in the City will be of interest to the Citizens of Aberdeen to help improve taxi services in the City.
Environment	There is no risk to the environment arising from the recommendations of this report	L	The Taxi Demand Survey recommended there be no increase in the limit of taxi licences granted. Any new taxi ranks agreed after further consultation will be offset by the reduction or removal of underused ranks.
Technology	There is no risk to technology arising from the recommendations of this report.	L	N/A
Reputational	As a licensing authority there would be a reputational risk to the Council if it failed to undertake its legal duty to review and consult on the provision of taxi ranks in its area.		As this report is presenting the results of an informal consultation, after the review of the City's taxi ranks, for consideration and recommending not to proceed with any action at present, any risk is mitigated.

7. OUTCOMES

Local Outcome Improvement Plan Themes	
	Impact of Report
Prosperous Economy	The provision of sufficient and suitable taxi ranks are essential to the development of and investment in infrastructure necessary for commuters and visitors to the City. The City Centre Master Plan includes the Station Gateway Development Brief which includes proposals in relation to the Railway Station taxi rank.
Design Principles of Target Operating Model	
	Impact of Report
Customer Service Design	Further informal consultation to find suitable alternative sites for new Taxi Ranks, will ensure we better cater for customer need in the City Centre.
Partnerships and Alliances	As a result of this informal consultation a wider consultation will be undertaken to ensure any

	decisions taken on any new taxi ranks will be fully informed and the best locations selected for the City.
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8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	Completed and no impact
Data Protection Impact Assessment	Not required
Duty of Due Regard / Fairer Scotland Duty	Not applicable

9. BACKGROUND PAPERS

- 9.1 The Report to the Taxi and Private Hire Consultation Group On Taxi Demand Survey Suggestions Regarding Taxi Ranks in Aberdeen City and the Minute to the Taxi and Private Hire Consultation Group on 3 October 2018.
- 9.2 The City Centre Master Plan – Station Gateway Development Brief - https://www.aberdeencity.gov.uk/sites/default/files/Station_Gateway_Development_Brief.pdf

10. APPENDICES (if applicable)

- 10.1 Appendix 1 – Consultation Response from Traffic Management and Road Safety Team, Aberdeen City Council
Appendix 2 – Consultation Response from Police Scotland

11. REPORT AUTHOR CONTACT DETAILS

Lynn May
Solicitor, Licensing Team
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01224 523173

Good afternoon Lynn,

Many thanks for consulting with us on the outcome of the Taxi Demand Survey Report with regards to the provision of taxi ranks within the city centre. Please find our comments below.

- St Andrews Street – lack of signage. This could be addressed by the introduction of pedestrian signage from George Street to assist customers in finding the rank. If the rank has not attracted patronage to date, it may be difficult to attract drivers or customers to this location. Please confirm whether you would wish signage to be added and whether the taxi trade would provide some assurance of attendance at this location, if signage were in place.
- Dee Street – Officers have observed that the section of Dee Street rank beyond Langstane Place is not utilised by taxi drivers or customers. We would support the removal of the section beyond Langstane Place with the kerbside being converted to parking provisions. It has been noted that vehicles within the upper section of Dee Street rank queue back up onto Union Street during the later hours of operation, before the night time ranks take over. This causes safety issues for the junction and I would be interested to understand if this was noted to be a problem within the survey? It should also be noted that, as part of the City Centre Masterplan, proposals are being consulted on to pedestrianise Langstane Place between Dee Street and Crown Street on a 24 hour basis, with the remainder of Justice Mill Lane, Langstane Place and Windmill Brae route being pedestrianised during the hours of the night time economy. This will reduce the options for drivers exiting Dee Street.
- Upperkirkgate Layby – the layby on Upperkirkgate has been allocated for disabled parking for those accessing the Marischal Square development and Marischal College. We would not wish to remove this provision and therefore do not support this recommendation for a taxi rank. During the development of Marischal Square it was agreed that a pick up and drop bay be provided on Queen Street to allow taxis easy access to the site in view of there being public buildings and a hotel in close proximity. This is not a rank but will assist taxis and private hires under course of business.
- Guild Street – an informal taxi rank has developed within the layby at the front of the Station Hotel on Guild Street. As indicated within your enquiry, the proximity of this “rank” to the very busy junction of Carmelite Street and Guild Street creates regular road safety issues as vehicles back up onto Carmelite Street where drivers have limited forward visibility due to the wall at the back of the footway. We would not support the creation of a taxi rank at this location on road safety grounds.

Any changes to the existing taxi rank provision will require amendment of an existing Traffic Regulation Order and this team will be responsible for carrying out the TRO consultation and implementation, so please don't hesitate to get in touch when the proposals have been confirmed. Please note that TROs are subject to consultation and if objections are received they will be reported to Committee, the outcome of the process cannot be guaranteed.

Please give me a shout if you require any further information.

Kind regards,



| Team Leader

Aberdeen City Council | Traffic Management and Road Safety | Operations and Protective Services | Operations

Marischal College | 2nd Floor West | Broad Street | Aberdeen | AB10 1AB

www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

OFFICIAL

Lynn

We have no issues with either rank being closed but do have some comments in relation to the two proposed ones.

Guild Street - there would only be room for three or four cars, at the most. The lay-by ends on a box junction. There exists the potential for drivers to queue to get onto the small rank, thereby congesting traffic flow. Even stopping briefly on the box junction (which is on the bend of the road) to enter an imminently available space could constrict flow.

We are aware it has unofficially become a drop-off point. If it was to become an official rank, the dropping off option would not be feasible if vehicles are on the rank and if not, those wishing to enter the rank could complain at being hampered from doing so. We are not in support of this becoming an official rank. If it was however to go ahead we would suggest the presence of the marshals at the rank during weekend nights.

Upperkirkgate - this lay-by could accommodate three vehicles only (excluding the current double yellow lines within the bay). The existing road markings indicate it is a disabled parking area. As the Mariscal Square complex becomes increasingly occupied with commercial outlets, I imagine the demand for disability spaces will increase and not diminish. I suggest consultation with disability groups re this proposal, if not already done. We also have the concern that during weekend night time hours, it is quite apart from the ranks that benefit from the presence of marshals, so would suggest that be put in place, if it was to go ahead.

Thank you

Licensing Sergeant
North East Division
Police Scotland

Queen Street

Aberdeen

AB10 1ZA