

# Public Document Pack



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

Town House,  
ABERDEEN 12 August 2019

## LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 20 AUGUST 2019 at 10.00 am.**

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

### **BUSINESS**

#### **NOTIFICATION 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 9 on the agenda.

#### **DECLARATIONS OF INTEREST**

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

#### **DEPUTATIONS**

- 5.1 No deputation have been received at this stage

## **MINUTES AND COMMITTEE BUSINESS PLANNER**

- 6.1 Minute of Previous Meeting of 4 June 2019 (Pages 7 - 14)
- 6.2 Minutes of the Meetings of the Licensing Sub Committee of 25 June and 3 and 17 July 2019 (Pages 15 - 24)
- 6.3 Committee Business Planner (Pages 25 - 28)

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

- 7.1 Renewal of a Licence for a House in Multiple Occupation - 34 Erskine Street, Aberdeen (Pages 31 - 32)
- 7.2 Grant of a Licence for a House in Multiple Occupation - 32 Kintore Place, Aberdeen (Pages 33 - 34)
- 7.3 Renewal of a Licence for a House in Multiple Occupation - 124 Don Street, Aberdeen (Pages 35 - 36)
- 7.4 Renewal of a Licence for a House in Multiple Occupation - 121 Oscar Road, Aberdeen (Pages 37 - 38)
- 7.5 Grant of a Licence for a House in Multiple Occupation - 39 Kings Crescent, Aberdeen (Pages 39 - 50)
- 7.6 Application for a Public Charitable Collection - Maggie's Aberdeen (Pages 51 - 52)
- 7.7 Application for a Late Hours Catering Licence - Craigton Foods Ltd (Pages 53 - 56)
- 7.8 Application for a Late Hours Catering Licence - Nasifa Ltd (Pages 57 - 58)
- 7.9 Application for a Street Trader's Licence - C & L Catering (Pages 59 - 62)
- 7.10 Application for a Taxi Operator's Licence - John McDonald (Pages 63 - 64)

## **COMMITTEE REPORTS**

- 8.1 There are no reports under this heading

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

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

- 9.1 Renewal of a Licence for a House in Multiple Occupation - 9 Craigievar Crescent, Aberdeen (Pages 67 - 96)
- 9.2 Request for Exemption from the Wheelchair Accessible Vehicle Policy (Pages 97 - 106)
- 9.3 Application for the Renewal of a Taxi Driver's Licence (Pages 107 - 110)
- 9.4 Application for the Renewal of a Taxi Driver's Licence (Pages 111 - 114)
- 9.5 Application for the Renewal of a Taxi Driver's Licence (Pages 115 - 116)

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

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

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## 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, 4 June 2019. Minute of meeting of the LICENSING COMMITTEE.  
Present: Councillor Reynolds, Convener; Councillor Malik, Vice Convener; and Councillors Allan, Cameron (as a substitute for Councillor Hutchison), Delaney, Henrickson, Sellar and Townson.

**The agenda and reports associated with this minute can be found at:-**  
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=6807&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 9 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 9 on the agenda.

### DECLARATIONS OF INTEREST

2. There were no declarations of interest intimated.

### MINUTE OF PREVIOUS MEETING OF 23 APRIL 2019 - FOR APPROVAL

3. The Committee had before it the minute of its meeting of 23 April 2019 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.

**LICENSING COMMITTEE**

4 June 2019

**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.

**CONFIDENTIAL INFORMATION**

**The press and public were excluded from the meeting for consideration of the applications listed in section 9 on the agenda and appendix B of the minute which contained confidential information in terms of Section 50A 3(b) of the Local Government (Scotland) Act 1973.**

**APPLICATIONS FOR LICENCES - CONFIDENTIAL BUSINESS**

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.

**LICENSING COMMITTEE ANNUAL EFFECTIVENESS REPORT - GOV/19/284**

7. The Committee had before it a report by the Chief Officer – Governance which presented the annual committee effectiveness report of the Licensing Committee for 2018/19.

**The report recommended:-**

that Committee note the report.

**The Committee resolved:-**

to note the annual report.

**APPLICATION FOR A TAXI RANK AT TECA - GOV/19/269**

8. With reference to article 8 of the minute of the meeting of the Licensing Committee of 23 April 2019, the Committee had before it a report by the Chief Officer –



**LICENSING COMMITTEE**

4 June 2019

Governance which advised of a request from SMG Europe Holdings Limited to establish a new permanent taxi rank at The Events Complex Aberdeen (TECA).

**The report recommended:-**

that the Committee

- (a) consider the responses received to the formal consultation, on the proposal for a new permanent taxi rank at TECA, in terms of Section 19 of the Civic Government (Scotland) Act 1982; and
- (b) agree to appoint a new permanent taxi rank at The Events Complex Aberdeen (TECA), which would be situated to the west of the main TECA building, would provide spaces for 12 taxis, would extend for 67.8 metres or thereby, and would operate 24 hours per day, 7 days a week.

**The Committee resolved:**

- (i) to note the responses received to the formal consultation, on the proposal for a new permanent taxi rank at TECA, in terms of Section 19 of the Civic Government (Scotland) Act 1982; and
- (ii) to approve recommendation (b).

- **Councillor Reynolds, CONVENER**

**LICENSING COMMITTEE**

4 June 2019

**APPENDIX A**

**1. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 15 ROSE STREET, ABERDEEN  
Application Reference 7/01**

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

**2. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 5 ST ANDREW COURT, ABERDEEN  
Application Reference 7/02**

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

**3. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 21A BEDFORD AVENUE, ABERDEEN  
Application Reference 7/03**

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

**4. RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 23 FRATER PLACE, ABERDEEN  
Application Reference 7/04**

The Committee noted that the licence had been withdrawn.

**5. APPLICATION FOR A PUBLIC CHARITABLE COLLECTION – NHS GRAMPAN, ENDOWMENT SUPPORT TEAM, WESTHOLME, WOODEND HOSPITAL, ABERDEEN  
Application Reference 7/05**

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 the applicant was seeking to hold a public charitable collection on a Sunday which was outwith the Committee's Policy.

The applicant, Mr Paul Breen, NHS Grampian, was in attendance and spoke in support of his application and explaining why it should be exempt from Policy.

**The Committee resolved:**

- (i) to agree that the application be exempt from the Public Collection Policy and to instruct the Chief Officer – Governance to process it accordingly;

## LICENSING COMMITTEE

4 June 2019

- and
- (ii) to instruct the Chief Officer – Governance to review the current Public Collection Policy to ensure that it was still fit for purpose and to report back to the Committee in this regard at its meeting on 29 October 2019.

### **6. APPLICATION FOR A PUBLIC CHARITABLE COLLECTION – BRITISH HEART FOUNDATION, CITY CENTRE, ABERDEEN** **Application Reference 7/06**

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 the applicant was seeking to hold a public charitable collection on a Friday which was outwith the Committee's Policy.

The applicant, Ms Kathy McIlwaine, Fundraising Manager, British Heart Foundation, was in attendance and spoke in support of the application and explaining why it should be exempt from Policy.

**The Committee resolved:**

to agree that the application be exempt from the Public Collection Policy and to instruct the Chief Officer – Governance to process it accordingly.

### **7. APPLICATION FOR A PUBLIC CHARITABLE COLLECTION – MAGGIE'S ABERDEEN, BEACH AREA, ABERDEEN** **Application Reference 7/07**

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 the applicant was seeking to hold a public charitable collection on a Friday which was outwith the Committee's Policy.

The applicant, Ms Paula Cormack, Maggie's Aberdeen, was in attendance and spoke in support of the application and explaining why it should be exempt from Policy.

**The Committee resolved:**

to agree that the application be exempt from the Public Collection Policy and to instruct the Chief Officer – Governance to process it accordingly.

**LICENSING COMMITTEE**

4 June 2019

**APPENDIX B****1. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE  
Application Reference 9/01**

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 3 September 2019; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 28 March 2019.

The applicant was not in attendance, nor represented.

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

**The Committee resolved:**

to grant the licence on the basis of the operating hours as detailed in the Late Hours Catering Policy and therefore not beyond midnight Monday to Sunday.

**2. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE  
Application Reference 9/02**

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 11 October 2019; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 2 May 2019.

The applicant was not in attendance, however was represented.

Sergeant Flett was in attendance on behalf Police Scotland.

The applicant's representative requested that consideration of the application be deferred in light of the circumstances detailed.

Sergeant Flett, had no objection to the request.

**The Committee resolved:**

to defer consideration of the application to the next meeting of the Committee on 20 August 2019.

**LICENSING COMMITTEE**

4 June 2019

**3. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE  
Application Reference 9/03**

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 9 October 2019; and presented information in respect of the applicant for the Committee's consideration.

The applicant was in attendance, accompanied by a friend, and spoke in support of the application.

The Committee asked questions of the applicant.

**The Committee resolved:**

to grant the licence.

**4. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE  
Application Reference 9/04**

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

## LICENSING COMMITTEE

## LICENSING SUB COMMITTEE

ABERDEEN, 25 June 2019. Minute of Meeting of the LICENSING SUB COMMITTEE. Present:- Councillor Reynolds, Convener; and Councillors Bell and Townson.

**The agenda and reports associated with this minute can be found at:-**  
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=624&MIId=7013&Ver=4>

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### CONFIDENTIAL INFORMATION

1. The Sub Committee was advised that the request listed at item 1 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.

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

3. 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 5 June 2019 from the Chief Constable, Police Scotland, c/o Aberdeen City Division, was appended to the information note.

Sergeant Flett was in attendance on behalf of Police Scotland and spoke in support of the request from Police Scotland, during which she showed CCTV footage.

The licence holder was in attendance and spoke in response to 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.

**LICENSING SUB COMMITTEE**  
25 June 2019

The Sub Committee received legal advice in private and both parties left the meeting at this point. Thereafter, both parties returned to the meeting.

**The Sub Committee resolved:**

to agree to take no action.

- **COUNCILLOR JOHN REYNOLDS, Convener**



**LICENSING SUB COMMITTEE**  
25 June 2019

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## LICENSING SUB COMMITTEE

ABERDEEN, 3 July 2019. Minute of Meeting of the LICENSING SUB COMMITTEE. Present:- Councillor Reynolds, Convener; and Councillors Delaney, Donnelly (as a substitute for Councillor Bell) and Townson.

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

1. The Sub Committee was advised that the recall listed at item 1 on the agenda (article 3 of this minute refers) 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.

### RECALL OF THE SUSPENSION OF A TAXI DRIVER'S LICENCE

3. The Sub Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the recall which advised that in terms of paragraph 12 (1) of the Civic Government (Scotland) Act 1982 the licence holder's licence had been suspended and a copy of the report from Council's occupational health consultants dated 25 June 2019 was appended to the information note.

The licence holder was not in attendance, or represented.

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

to recall the licence holder's suspension made in in terms of paragraph 12 (1) of the Civic Government (Scotland) Act 1982.

- **COUNCILLOR JOHN REYNOLDS, Convener**

**LICENSING SUB COMMITTEE**  
3 July 2019

## LICENSING SUB COMMITTEE

ABERDEEN, 17 July 2019. Minute of Meeting of the LICENSING SUB COMMITTEE. Present:- Councillor Reynolds, Convener; and Councillors Bell and Townson.

**The agenda and reports associated with this minute can be found at:-**  
**<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=624&MI d=6310&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.**

### DECLARATIONS OF INTEREST

1. There were no declarations of interest.

### CONFIDENTIAL INFORMATION

2. The Sub Committee was advised that the request listed at item 1 on the agenda (article 3 of this minute refers) 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.

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

3. 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 27 June 2019 from the Chief Constable, Police Scotland, c/o North East Division, was appended to the information note.

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

The licence holder and his agent were in attendance and spoke in response to the request from Police Scotland.

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

**LICENSING SUB COMMITTEE**  
17 July 2019

The licence holder and Sergeant Flett summed up.

**The Sub Committee resolved:**

to agree to take no action.

- **COUNCILLOR JOHN REYNOLDS, Convener**

**LICENSING SUB COMMITTEE**  
17 July 2019

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	A	B	C	D	E	F	G	H	I
1	<b>LICENSING COMMITTEE BUSINESS PLANNER</b> 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	<b>Report Title</b>	<b>Minute Reference/Committee Decision or Purpose of Report</b>	<b>Update</b>	<b>Report Author</b>	<b>Chief Officer</b>	<b>Directorate</b>		<b>Delayed or Recommended for removal or transfer, enter either D, R, or T</b>	<b>Explanation if delayed, removed or transferred</b>
3	<b>20 August 2019</b>								
4	No reports scheduled.								
5	<b>29 October 2019</b>								
6	Public Collection Policy	Licensing Committee 4.6.19 article 5 of appendix A (ii). The Committee resolved to instruct the Chief Officer – Governance to review the current Public Collection Policy to ensure that it was still fit for purpose and to report back to the Committee in this regard at its meeting on 29 October 2019.					7		
7	Taxi Fare Review	To seek approval of a taxi fare option for consultation.					3		
8	<b>03 December 2019</b>								
9	Taxi Fare Review Outcome of Consultation	To present the outcome of the taxi fare review consultation and to seek approval of a final fare structure.							
10	<b>18 February 2020</b>								
11	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.		Lynn May	Governance	Governance	3		
12	<b>21 April 2020</b>								
13	No reports scheduled at this time.								
14	<b>16 June 2020</b>								
15	No reports scheduled at this time.								
16	<b>01 September 2020</b>								
17	No reports scheduled at this time.								
18	<b>10 November 2020</b>								
19	No reports scheduled at this time.								
20	<b>TBC</b>								

	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	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		
22	Mixed Fleet Policy Options	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		
23	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		

	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									
24	Taxi Driver Training	Licensing Committee 19/2/19 agreed to instruct the Chief Officer – Governance to continue to investigate training programmes for taxi and private hire drivers and report back to the Committee in this regard as and when appropriate.		Alexander Munro	Governance	Governance	3		

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**LICENSING COMMITTEE**  
**20 August 2019**  
**LIST OF APPLICATIONS**

	<b>Application Type</b>	<b>Name of Applicant(s)</b>	<b>Premises, Vehicle or Area to which Application Refers</b>	<b>Objections or Representations Received From</b>	<b>Date by which Application to be Determine (If Applicable)</b>	<b>Pages</b>
1.	HMO Application (Renewal)	Niall M.Reid	34 Erskine Street, Aberdeen	HMO Team, Private Sector Housing Unit	27 August 2019	31 - 32
2.	HMO Application (New)	Lynn Worth	32 Kintore Place, Aberdeen	HMO Team, Private Sector Housing Unit	29 August 2019	33 - 34
3.	HMO Application (Renewal)	Saidunnabi Piyal & Israt Jahan	124 Don Street, Aberdeen	HMO Team, Private Sector Housing Unit	2 September 2019	35 - 36
4.	HMO Application (Renewal)	Lynsey Clark + Geraghty-Gibb Property Management	121 Oscar Road, Aberdeen	HMO Team, Private Sector Housing Unit	6 September 2019	37 - 38
5.	HMO Application (New)	Sujon Hoque	39 Kings Crescent, Aberdeen	3 Objections	25 June 2020	39 - 50
6.	Public Charitable	Maggie's	Roof Terrace of St Nicholas Centre and George Street	Legal (Policy)	N/A	51 - 52
7.	Late Hours Catering	Craigton Foods Ltd	McDonald's Restaurant, Kittybrewster Retail Park	Police Legal (Policy)	29 November 2019	53 - 56
8.	Late Hours Catering	Nasifa Ltd	Qismat 2, 63 Hayton Road	Legal (Policy)	4 October 2019	57 - 58

9.	Street Trader	C & L Catering	<p>1. Beach Esplanade, West side, 408 metre north of Boulevard Junction</p> <p>2. Links Road (Northern Spur) north side, 85 meters from Esplanade Junction</p> <p>3. Beach Esplanade, east side, 209 meters south of Boulevard junction</p> <p>4. Beach Esplanade, east side, 256 meters north of Links Road (Southern Spur)</p> <p>5. Beach Esplanade, east side, 146 metres North of Links Road (Southern spur)</p>	Ward Councillor	25 October 2019	59 - 62
10.	Taxi Operator	John McDonald	SW59 BSU	Legal (Hackney Test)	30 September 2019	63 - 64

**ABBREVIATIONS:**

- EH Environmental Health
- SFRS Fire and Rescue Service
- BS Building Standards
- Police

## LICENSING COMMITTEE INFORMATION SHEET

20 August 2019

### Public Application

**TYPE OF APPLICATION:** HMO LICENCE APPLICATION (RENEWAL)

**APPLICANT:** NIALL M.REID

**ADDRESS:** 34 ERSKINE STREET, ABERDEEN (TOP FLOOR FLAT)

### INFORMATION NOTE

At the date of drafting this Information Note, the property is not suitable for occupation as an HMO for the reason that the accommodation does currently not meet the requirements of the statutory HMO guidance. The meeting of the Licensing Committee on 20 August 2019, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the property is still unsuitable by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 20 August 2019. I will advise the Committee whether the applicant has completed the necessary upgrading work.

### DESCRIPTION

The premises at No.34 Erskine Street, Aberdeen, is a top-floor flat providing accommodation of 3 letting bedrooms, one public room, one kitchen & one bathroom. The applicant has requested an occupancy of 3 tenants, which is acceptable in terms of space and layout. The application under consideration is to renew an existing HMO licence.

### CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- A public Notice of HMO Application was displayed outside the building for the 21-day statutory period, alerting the general public to the HMO licence application.

### OBJECTIONS/REPRESENTATIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- General public – no objections

## COMMITTEE GUIDELINES/POLICY

All applications for HMO licences are dealt with in accordance with the Scottish Government's document:  
*'Licensing of Houses in Multiple Occupation: Statutory Guidance for Scottish Local Authorities'*

## GROUNDS FOR REFUSAL

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



## LICENSING COMMITTEE INFORMATION SHEET

20 August 2019

### Public Application

**TYPE OF APPLICATION:** HMO LICENCE APPLICATION (NEW)

**APPLICANT:** LYNN WORTH

**ADDRESS:** 32 KINTORE PLACE, ABERDEEN

### INFORMATION NOTE

At the date of drafting this Information Note, the property is not suitable for occupation as an HMO for the reason that the accommodation does currently not meet the requirements of the statutory HMO guidance. The meeting of the Licensing Committee on 20 August 2019, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the property is still unsuitable by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 20 August 2019. I will advise the Committee whether the applicant has completed the necessary upgrading work.

### DESCRIPTION

The premises at No.32 Kintore Place, Aberdeen, is a first-floor flat providing accommodation of 3 letting bedrooms, one public room, one kitchen & one bathroom. The applicant has requested an occupancy of 3 tenants, which is acceptable in terms of space and layout. The application under consideration is for a new HMO licence.

### CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- A public Notice of HMO Application was displayed outside the building for the 21-day statutory period, alerting the general public to the HMO licence application.

### OBJECTIONS/REPRESENTATIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- General public – no objections

### COMMITTEE GUIDELINES/POLICY

All applications for HMO licences are dealt with in accordance with the Scottish Government's document:

## **GROUNDINGS FOR REFUSAL**

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

## LICENSING COMMITTEE INFORMATION SHEET

20 August 2019

### Public Application

**TYPE OF APPLICATION:** HMO LICENCE APPLICATION (RENEWAL)

**APPLICANT:** SAIDUNNABI PIYAL & ISRAT JAHAN

**ADDRESS:** 124 DON STREET, WOODSIDE, ABERDEEN

### INFORMATION NOTE

At the date of drafting this Information Note, the property is not suitable for occupation as an HMO for the reason that the accommodation does currently not meet the requirements of the statutory HMO guidance. The meeting of the Licensing Committee on 20 August 2019, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the property is still unsuitable by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 20 August 2019. I will advise the Committee whether the applicants have completed the necessary upgrading work.

### DESCRIPTION

The premises at No.124 Don Street, Woodside, Aberdeen, is a two-storey, mid-terraced house providing accommodation of 3 letting bedrooms, one kitchen & one bathroom. The applicant has requested an occupancy of 3 tenants, which is acceptable in terms of space and layout. The application under consideration is to renew an existing HMO licence.

### CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- A public Notice of HMO Application was displayed outside the building for the 21-day statutory period, alerting the general public to the HMO licence application.

### OBJECTIONS/REPRESENTATIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- General public – no objections

### COMMITTEE GUIDELINES/POLICY

All applications for HMO licences are dealt with in accordance with the Scottish Government's document:

## **GROUNDS FOR REFUSAL**

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

## LICENSING COMMITTEE INFORMATION SHEET

20 August 2019

### Public Application

**TYPE OF APPLICATION:** HMO LICENCE APPLICATION (RENEWAL)

**APPLICANT:** LYNSEY CLARK

**AGENT:** GERAGHTY-GIBB PROPERTY MANAGEMENT

**ADDRESS:** 121 OSCAR ROAD, ABERDEEN

### INFORMATION NOTE

At the date of drafting this Information Note, the property is not suitable for occupation as an HMO for the reason that the accommodation does currently not meet the requirements of the statutory HMO guidance. The meeting of the Licensing Committee on 20 August 2019, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the property is still unsuitable by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 20 August 2019. I will advise the Committee whether the applicant has completed the necessary upgrading work.

### DESCRIPTION

The premises at No.121 Oscar Road, Aberdeen, is a semi-detached, two-storey house providing accommodation of 3 letting bedrooms, one public room, one kitchen & one bathroom. The applicant has requested an occupancy of 4 tenants, which is acceptable in terms of space and layout. The application under consideration is to renew an existing HMO licence.

### CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- A public Notice of HMO Application was displayed outside the building for the 21-day statutory period, alerting the general public to the HMO licence application.

### OBJECTIONS/REPRESENTATIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- General public – no objections

## COMMITTEE GUIDELINES/POLICY

All applications for HMO licences are dealt with in accordance with the Scottish Government's document:  
*'Licensing of Houses in Multiple Occupation: Statutory Guidance for Scottish Local Authorities'*

## GROUNDS FOR REFUSAL

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

## LICENSING COMMITTEE INFORMATION SHEET

20 August 2019

### Public Application

**TYPE OF APPLICATION:** HMO LICENCE APPLICATION (NEW)

**APPLICANT:** SUJON HOQUE

**ADDRESS:** 39 KING'S CRESCENT, ABERDEEN

#### INFORMATION NOTE

This HMO licence application is on the agenda of the Licensing Committee for the reason that 3 letters of representation/objection were submitted to the HMO Unit within the statutory 21-day 'Notice' period, therefore the Committee is obliged to consider them.

If, after consideration of the representations/objections, the Committee is minded to grant the HMO licence it must do so under delegated powers following completion of the HMO Officer's requirements and also any SFRS requirements.

#### DESCRIPTION

The premises at No.39 King's Crescent, Aberdeen, is a 3-storey detached house, which will continue to be occupied by the owner who is the licence-applicant. The top floor of the house provides accommodation of 4 bedrooms, and the licence-applicant wishes to accommodate a maximum of 4 'lodgers' within these bedrooms. The lodgers will have access to a communal bathroom next to the bedrooms, and a kitchen on the ground floor of the house. This arrangement is satisfactory to the HMO Unit in terms of space & layout. The location of the premises is shown on the plan attached as Appendix A.

At the date of drafting this Information Note:

- The HMO Officer has carried out an initial inspection of the premises and identified several works & certification requirements needed to bring the accommodation up to the current HMO standard. These requirements have not yet been completed.
- The Scottish Fire & Rescue Service (SFRS), who are solely responsible for enforcement of fire-safety in HMO accommodation, have not yet organised their own inspection the premises.

#### CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- A public Notice of HMO Application was displayed outside the building for the 21-day statutory period, alerting the general public to the HMO licence application.

## REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- General public – 3 letters of representation/objection, all received within the statutory 21-day 'Notice' period, as follows:
  - Letter from Old Aberdeen Heritage Society – attached as Appendix B
  - Letter from Mr & Mrs Harwood – attached as Appendix C
  - Letter from Mr & Mrs Birchley – attached as Appendix D
- Licence-applicant – one letter from the licence-applicant in response to the representations/objections – attached as Appendix E

## COMMITTEE GUIDELINES/POLICY

All applications for HMO licences are dealt with in accordance with the Scottish Government's document:  
*'Licensing of Houses in Multiple Occupation: Statutory Guidance for Scottish Local Authorities'*

## GROUND FOR REFUSAL

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:

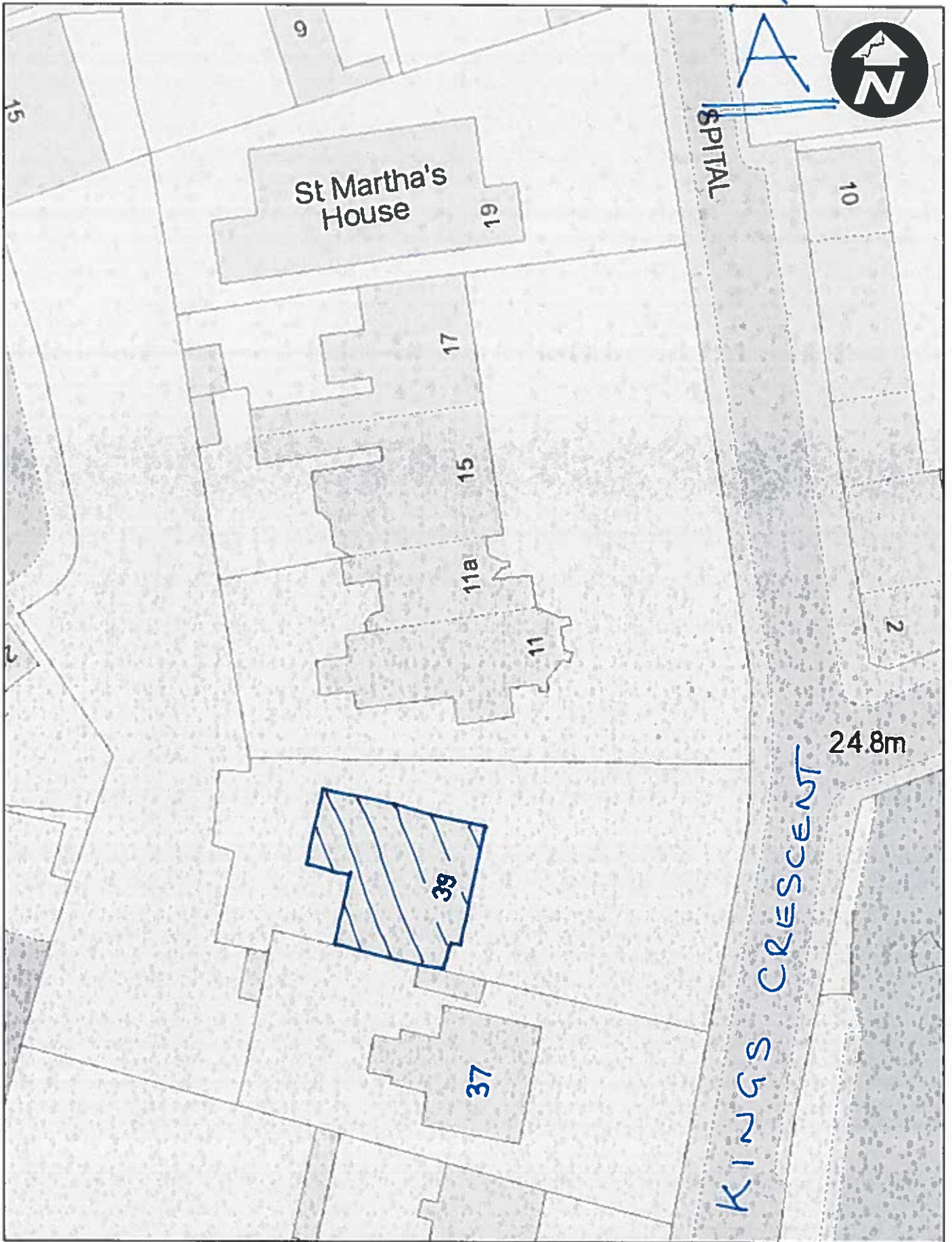
- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
  - i) Its location
  - ii) Its condition
  - iii) Any amenities it contains
  - iv) The 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 (*Please see the bullet-point in the 'Other Considerations' box below*)

## OTHER CONSIDERATIONS

- The Council's Anti-Social Behaviour Investigation Team (ASBIT) have no record of any complaint of anti-social behaviour in respect of No.39 Kings Crescent, Aberdeen.
- The applicant is a registered landlord with this Council and has registered 4 other rental properties. The applicant does not, however, require to register No.39 King's Crescent for the reason that a 'resident landlord with lodgers' is exempt from the Registration regime.



- The letters of representation refer to car parking concerns, which is not a consideration of HMO licensing inasmuch as it is not mentioned in the statutory HMO guidance.
- The letters of representation refer to concerns about historical alterations to the house which may or may not have been the subject of applications for Planning Permission. This is a separate matter which the Council's Planning Service will deal with. In the meantime, the Council's Planning Service recently issued a Certificate of Lawfulness to the applicant in respect of his proposal to accommodate a maximum of 4 lodgers within No.39 King's Crescent, ie. Planning Permission Change of Use to an HMO is not required.
- Given the proximity to Aberdeen University, the Kings Crescent/Spital area has a large amount of student accommodation, including numerous HMO-licensed houses and flats. Whilst HMO Overprovision is a legislative ground of refusal, this Council has not adopted an overprovision policy and therefore cannot refuse an HMO licence application on this particular ground.
- The application under consideration is a new application for an HMO licence. The applicant previously applied for an HMO licence in June 2017 but subsequently withdrew the application before it was determined.





## OLD ABERDEEN HERITAGE SOCIETY

16<sup>th</sup> July 2019

Ally Thain  
Private Sector Housing Manager  
Aberdeen City Council

Dear Mr Thain

*B*

**HMO Application – 39 King’s Crescent, Aberdeen**  
**(ref.HOUS 127076727)**

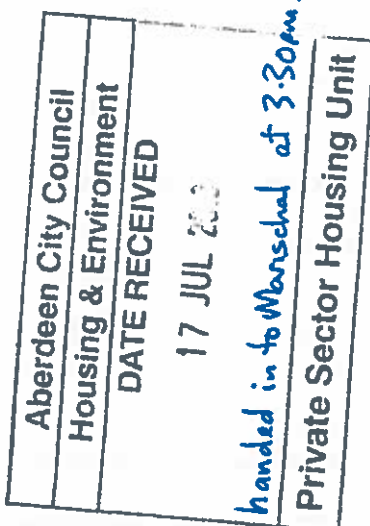
I am writing on behalf of Old Aberdeen Heritage Society to register an objection to the above application on the following grounds:-

It is not at all clear whether the proposal is for an HMO licence for just the attic floor, or for the whole three-floored house.

1) If it is just for the top floor, then this is surely an invalid application, because the top floor is not a separate house or property. It has been stated that there is to be no sub-division of the house, and therefore the top floor is not physically or legally a separate entity capable of being the subject of an HMO licence application.

2) If the licence application is for the whole house, then other questions arise.

Does the whole house, as one unit, meet the safety and amenity standards demanded by the HMO legislation? In particular, is there adequate provision in case of fire for the occupants of rooms on the top floor? We are aware that a new external door has been installed on the north-facing gable at the first floor, but we believe that this door (which replaced the existing window) has been installed without planning permission. The house is situated in the Old Aberdeen Conservation Area, and any such development would require planning permission, which, it appears has neither been sought nor obtained.



Yours sincerely,

Mrs B McPetrie

Planning Secretary

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Richard & Teresa Harwood

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

17 July 2019

Dear Sir,

**HMO Licence Application Ref. HOUS127076727  
39 Kings Crescent, Old Aberdeen, AB24 3HP**

**We wish object to this Application for the following reasons:**

- This is the third time the applicant has applied to convert the property to an HMO:
  - 1) in January 2015 the Change of use from Residential to HMO was denied following appeal to the Scottish Government
  - 2) in September 2017 an application for an HMO in the attic area was deferred for further information on planning permission and building warrant
  - 3) and now in July 2019. This HMO application is with respect to the entire property which would be in practice identical to the application which was denied by the Scottish Government in January 2015.
- There are still outstanding advice notices relating to works from over 4 years ago which have not been addressed. These planning issues should be resolved prior to consideration of any further applications.
- 39 Kings Crescent is a 9 bedroomed residential property housing 9 members of the same family (noted by Martin H. Seddon, Reporter appointed by the Scottish Ministers see Appeal decision 29 January 2015). It is located in a residential area situated within the Old Aberdeen Conservation Area as defined in the local development plan and next to a listed building, the Chapel of St Margaret. There would be an adverse impact on the amenity of the area from the proposed HMO, involving the loss of a family home in favour of an intensive use of a more

<b>Aberdeen City Council</b>
<b>Housing &amp; Environment</b>
<b>DATE RECEIVED</b>
<b>17 JUL 2019</b>
<b>Private Sector Housing Unit</b>

commercial nature and would have a negative effect on the Conservation Area and setting of the listed building.

The granting of an HMO to accommodate 5 more residents would certainly intensify the use of the house and grounds and take it beyond its intended design. It would result in a more intensive occupancy than a single family and affect the amenity of the area both for immediate neighbours and the wider community. Increased comings and goings at the property by greater numbers of residents and visitors would potentially increase the generation of noise within the building from radios, televisions or music players which would adversely affect neighbours.

- There would be an increase in the amount of refuse with additional refuse bins on the narrow pavement of Kings Crescent/Spital.
- The subject property is situated next to the side boundary and rear boundary of No.37 King's Crescent and to the rear of flatted properties at Froghall Road. The amenity space would provide opportunities for the gathering of people outdoors, particularly during good weather and in the evenings, with potential for noise and disturbance from voices and music to affect neighbours. The proposed HMO would potentially conflict with the enjoyment of existing residential amenity for neighbours, contrary to the objectives of local development plan policy H1.
- The character of the area is being eroded by the imbalance between permanent residents and the growing transient population.
- 39 King's Crescent is located immediately to the south of a high concentration of HMOs:

18 HMOs in the Spital  
123 student beds in St. Peter Studios,  
17 HMO apartments in St. Peter Court,  
97 bed student development at 403 King Street

HMOs are listed at No. 9 King's Crescent (owned by the applicant) and Flat 2, 35 King's Crescent with a further application at Top Floor, 35 Kings Crescent currently pending.

To grant an HMO licence in this location would be inappropriate in view of the excessive concentration of HMOs in the area and would conflict with the council's supplementary guidance: *Householder Development Guide* in respect of HMOs.

- Vehicular access to the property is sited on a blind corner, opposite a side road and all on Spital/Kings Crescent, a narrow and busy carriageway where fast moving traffic and buses have little warning of cars emerging onto Kings Crescent at this point. As such, it presents a high-risk factor for pedestrian, cycle and vehicular accident given the increased traffic movements which would be generated by the proposed level of occupation.



- There is already a lack of parking in the area and the resultant increase in demand by 5 additional residents and their visitors would put further pressure on the small residential streets surrounding the property and cause serious safety concerns.
- We would like to draw attention to the Aberdeen Local Development Plan : Supplementary Guidance - Topic: Householder Development Guide, page 26. This application fails on all three assessment points:

*"1. Any adverse impact upon pedestrian or road traffic safety as a result of increased pressure on car parking;*  
*2. Significantly adverse impact upon residential amenity for any reason. This may include, but not be limited to, adequate provision of refuse storage space, appropriate provision of garden ground/ amenity space, and an appropriate level of car parking.*  
*3. An excessive concentration of HMOs in a given locality, cumulatively resulting in a material change in the character of that area. This will be assessed in consultation with the Council's HMO Unit within the Housing & Environment service, who hold relevant information on the location of existing licensed HMO properties."*

In addition to the above we consider that granting an HMO licence at 39 Kings Crescent would in effect overturn the decision made by Mr H Seddon, the Reporter appointed by the Scottish Ministers relating to an appeal concerning a change of use from Residential to HMO in January 2015.

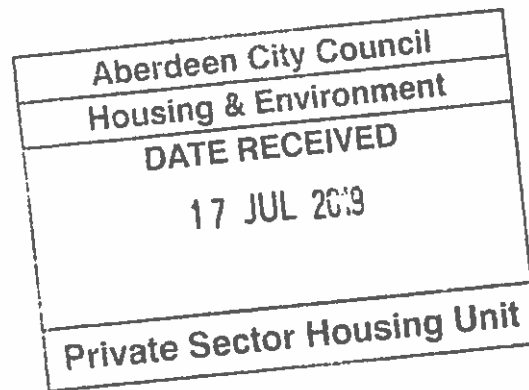
Yours faithfully,

Richard & Teresa Harwood

D

17 July 2019

HMO Licencing  
Aberdeen City Council  
Broad St  
Aberdeen  
AB10 1AB



Dear Sir/Madam

Applic: Ref. HOUS127076727 for HMO at 39 Kings Crescent Old Aberdeen.

We wish to object to the above application on the following grounds.

**Parking issues:** the area has parking issues particularly during term time as many students at Aberdeen University live in the area in HMO's, purpose built student accommodation and smaller privately rented flats, none of which proved adequate parking. The area is the first "free" parking for people who commute to work in the city centre and they leave their cars in the locations as do First Bus employees despite having their own car park.

**Neighbourhood mix:** the area already has quite a large population of "transient" residents and to allow more will exacerbate the already existing imbalance. To sustain the community family houses need to be left as family houses.

**Correct permissions:** have the necessary requirements for dividing a house or increasing the number of unrelated residents living together been granted? If not, these should be obtained before considering the application for an HMO licence.

Yours sincerely

Jacinta and Patrick Birchley

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S Hoque

All Thain  
Aberdeen City Council  
Private Sector Housing  
Lower Ground Floor West  
Mariscal College  
Broad Street  
Aberdeen, AB10 1AB

30 July 2019

Dear Mr Thain.

**Re: 39 Kings Crescent. Application for HMO, Licensing Committee Tues, 20/8/19**

I refer to your email dated 22 July 2019 regarding the above.

In January 2015, a 13 bed HMO application was submitted for the above the property. Whilst at the time Aberdeen City Council recommended the application for approval, following objections, the decision was overturned.

For the avoidance of doubt, the current application is for a 4 tenant HMO. There is 'no change of use' as the property will still be occupied by the resident. This will ensure that there will be no impact to the area in terms of amenities or noise pollution as these will be monitored by the resident. Based on the above, the previous application is significantly different and is not relevant to the current application.

Research in the area, shows seldom does a HMO application of  $\leq 5$  tenants not get approved, due to demand for rented accommodation in the area; there is currently no overprovision of HMOs in the area. Nearly all of the approved applications have no car parking facility and are within a non-detached property. The current application however, is located within a single site that is one of the largest to cater for such HMOs within the area, with available car parking spaces.

I have liaised with the HMO department at great length and have invested substantial time & money to ensure all process/ requirements have been met. The application far exceeds the requirement for a 4 tenant HMO, and thus I cannot see any grounds for it not to be approved. Thus, there should be no disparity in the treatment of this application against the former approved ones.

Please see summary response per below to the objections received (they have been categorised into the key areas of concern): -



**Parking issues**

Whilst no parking standard currently exists for HMOs, the site accommodates 4 car parking spaces, which is more than any other application of this nature. The site exists in an inner city with good access to public transportation. *Thus, there will be no impact upon pedestrian or road safety as a result of increased pressure on car parking.*

Recent developments with 100 bed+ capacity have been granted in the vicinity with fewer car parking than the application.

**Over-Provision of HMOS/ Neighbourhood Mix**

Resident will remain at the dwelling thus the application will have no impact on the residential status & eliminate the concerns raised regarding 'transient residents' The dwelling is substantial in size, within a large enclosed area, thus the application will have no impact on noise or any of the amenities in the area. The number of occupants will actually be less than the in previous years. *Please note the council guidelines state that there is no overprovision of HMOs in the area & the application will not significantly have adverse impact upon residential amenities.*

**Outstanding Planning Applications**

All Planning Applications that are required have been approved or are in the process of being approved. The objection is completely unrelated to the HMO application. The house will be utilised as one unit and hence no permission for separate flat would be required. Based on the guidance received from Ally Thain, a 'Certificate of Lawfulness' has also been submitted.

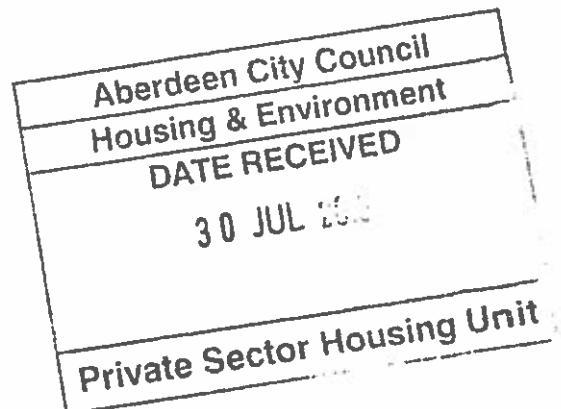
In summary, the objections are not justified and are not substantiated with facts. I have reviewed the Aberdeen Local Development plan; based on the information provided above & contrary to the objectors concerns, the application does not fail in terms of:-

- Increased pressures on car parking
- Significant adverse impact upon residential amenity
- Overprovision of HMOs in the area

I hope I have provided sufficient information for the HMO to be granted.

Yours sincerely,

S Hoque



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## LICENSING COMMITTEE INFORMATION SHEET

20 August 2019

### INFORMATION NOTE

Public Charitable Collection  
Request for Exemption from Policy  
Applicant: Paula Cormack, Maggie's Aberdeen  
Day and date: 7 September 2019

This item has been placed on the agenda because the applicant is seeking to hold a public charitable collection on Saturday 7 September 2019. The SPCA have already been granted a permit for that date and Committee guidelines are to only permit one collection in the same area on the same day.

The applicant is seeking a relaxation of the Committee's guidelines. Should the committee grant the relaxation the application will be processed in the usual manner.

### DESCRIPTION

Public Charitable Collection

### CONSULTEES

N/A

### OBJECTIONS/REPRESENTATIONS

Legal

### COMMITTEE GUIDELINES/POLICY

Committee Guidelines are to only permit one Street collection in the same area on the same day.

### GROUNDS FOR REFUSAL

N/A

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## LICENSING COMMITTEE INFORMATION SHEET 20 AUGUST 2019

**TYPE OF APPLICATION:** LATE HOURS CATERING RENEWAL

**APPLICANT:** CRAIGTON FOODS LTD

**LOCATION:** MCDONALD'S KITTYBREWSTER RETAIL PARK

### INFORMATION NOTE

Application must be determined by 29 November 2019

### DESCRIPTION

Late hours catering grant - hours requested are outwith policy. Applicant has applied for a LHC from 23:00 to 02:00 Monday to Sunday and is located outwith the City Centre.

### CONSULTEES

- Police Scotland
- EH

### OBJECTIONS/REPRESENTATIONS

Police Scotland

### COMMITTEE GUIDELINES/POLICY

#### **Outwith City Centre**

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

### GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

**and otherwise shall grant the application.**

27 June 2019

Your Ref:

Our Ref: 429310

Legal and Democratic Services  
Corporate Governance  
Aberdeen City Council  
Business Hub 6 L1S  
Marischal College, Broad Street  
Aberdeen  
AB10 1AB



Dear Sir/Madam,

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982  
APPLICATION FOR RENEWAL OF A LATE HOURS CATERING LICENCE  
PREMISES: MCDONALD'S RESTAURANT, KITTYBREWSTER RETAIL PARK,  
BEDFORD ROAD, ABERDEEN, AB16 7DJ  
APPLICANT: CRAIGTON FOODS LIMITED**

I refer to the above application for the renewal of a Late Hours Catering Licence.

The licence currently in effect permits the premises to trade from 2300 until midnight daily.

The application seeks to extend trading until 0200 hours daily and in respect of this element of the application I make the following objection in terms of Section 3(1) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The hours sought are outwith the terms of the Committee's Policy which states that premises outwith the city centre have a maximum terminal hour of midnight on Monday to Sunday.

The premises, which are located in a predominantly residential area, has recently experienced an increase in incidents of disorder. In 2019 to date, Police Scotland has received sixteen calls relating specifically to youth disorder during the late afternoon and evening, for incidents such as causing unreasonable mess, abusive language towards staff, refusing to leave the premises when asked to do so by staff and blocking the entrance with cycles.

I am therefore concerned that should the premises be granted later hours, there is a likelihood of these issues occurring later into the night and early hours, which has the potential to have a detrimental impact on community well-being and place increased demand on local policing resources.

Contact has recently been made with a representative of the applicant company who has been advised of these concerns as it relates to this application.

Given the location of the premises and its proximity to the city centre, it can also be reasonably anticipated that it may be frequented by persons, during the early hours, who have left licensed premises within the city centre area. It is also reasonable to anticipate that it may be frequented during the later hours by youths and persons who have been consuming alcohol in private spaces within the locality, which may lead to alcohol-related crime and disorder.

I therefore recommend that the later hours be refused in terms of the grounds articulated at Section 5(3)(c) of the Act, having specific regard to the location of the premises, nature and extent of the proposed activity and the possibility of undue public nuisance and that the renewal is granted in accordance with the Committee's current Policy, in terms of maximum terminal hour.

However, under the same terms of the Act, I additionally make representation that should the Committee be minded to grant the application as sought, that it be granted for an initial period of six months only, to allow for an evaluation of the impact of such increased trading hours on the community and Police resources.

I further request that consideration also be given to imposing a condition that SIA authorised stewards are to be deployed within the premises during the hours in which the licence has effect.

The applicant has been contacted and the above matters discussed. It is understood that the applicant would be amenable to a grant of the later hours for a short period initially.

This matter is brought to your attention when considering this application.

Yours faithfully

Campbell Thomson  
Chief Superintendent

For enquiries please contact the Licensing Team on 01224 306468



## LICENSING COMMITTEE INFORMATION SHEET 20 AUGUST 2019

**TYPE OF APPLICATION:** LATE HOURS CATERING GRANT

**APPLICANT:** NASIFA LTD

**LOCATION:** QISMAT 2, 63 HAYTON ROAD

### INFORMATION NOTE

Application must be determined by 04 October 2019

### DESCRIPTION

Late hours catering grant - hours requested are outwith policy. Applicant has applied for a LHC from 23:00 to 02:00 Monday to Thursday and 23:00 to 03:00 Friday and Saturday and is located outwith the City Centre.

### CONSULTEES

- Police Scotland
- EH

### OBJECTIONS/REPRESENTATIONS

N/A

### COMMITTEE GUIDELINES/POLICY

#### **Outwith City Centre**

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

### GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

**and otherwise shall grant the application.**

## LICENSING COMMITTEE INFORMATION SHEET 20 AUGUST 2019

**TYPE OF APPLICATION:** STREET TRADER (GRANT)

**APPLICANT:** C & L CATERING

**LOCATION:**

1. Beach Esplanade, West side, 408 metre north of Boulevard Junction
2. Links Road (Northern Spur) north side, 85 meters from Esplanade Junction
3. Beach Esplanade, east side, 209 meters south of Boulevard junction
4. Beach Esplanade, east side, 256 meters north of Links Road (Southern Spur)
5. Beach Esplanade, east side, 146 metres North of Links Road (Southern spur)

### INFORMATION NOTE

Application must be determined by 25 October 2019

There are currently 8 street traders licensed for Aberdeen Beach:

4 Hot food vans/bus between Burger King – Footdee

2 hot food vans on stretch between Boulevard and Donmouth area.

1 street artist located at footdee area

1 hot food van located at Donmouth end of the beach.

### DESCRIPTION

Application for Street Trader Licence

### CONSULTEES

- Police Scotland
- EH
- Ward Councillors

### OBJECTIONS/REPRESENTATIONS

Ward Councillor

### COMMITTEE GUIDELINES/POLICY

N/A

## GROUNDINGS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

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

**and otherwise shall grant the application.**

# Re: Street Trader - C+L Catering at Beach Esplanade

01 August 2019 09:53

<b>Subject</b>	<b>Re: Street Trader - C+L Catering at Beach Esplanade</b>
<b>From</b>	Sandra Macdonald
<b>To</b>	LicensingCommittee
<b>Sent</b>	19 May 2019 20:15

I am concerned about the proliferation of outlets on the Boulevard so would ask that the officers and/or committee careful assess this application in the context of what is best for the environment, the local community and existing businesses.

Regards  
Cllr Sandra Macdonald

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## LICENSING COMMITTEE INFORMATION SHEET

20 August 2019

**TYPE OF APPLICATION:** Taxi Operator (Renewal)

**APPLICANT:** John McDonald

### INFORMATION NOTE

Application submitted 31/03/2019  
Must be determined 30/09/2019

The vehicle referred to in the application (SW59 BSU) has not passed an inspection since 17/08/2018 as is required before licence can be granted.

### CONSULTEES

- Police Scotland

### OBJECTIONS/REPRESENTATIONS

Legal

### COMMITTEE GUIDELINES/POLICY

All vehicles must pass an inspection before the licence can be granted

### GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

**and otherwise shall grant the application.**



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