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To: Councillor Boulton, Convener; and Councillors Bell, Delaney, Malik and McRae.

Town House,
ABERDEEN 14 April 2020

LICENSING SUB COMMITTEE

The Members of the **LICENSING SUB COMMITTEE** are requested to meet remotely on **TUESDAY, 21 APRIL 2020 at 10.00 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

In accordance with UK and Scottish Government guidance, meetings of this Sub Committee will be held remotely as required. In these circumstances the meetings will be recorded and thereafter published on the Council's website at the following [link](#)

BUSINESS

DECLARATIONS OF INTEREST

- 1.1 Declarations of Interest (Pages 3 - 4)

MINUTES AND COMMITTEE BUSINESS PLANNER

- 2.1 Minute of Meeting of Licensing Committee of 18 February 2020 (Pages 5 - 14)
- 2.2 Minutes of Meetings of the Licensing Sub Committee of 17 and 20 March 2020 (Pages 15 - 18)
- 2.3 Committee Business Planner (Pages 19 - 20)

APPLICATIONS FOR LICENCES

- 3.1 New Licence for a House in Multiple Occupation - 217 Clifton Road, Aberdeen (Pages 21 - 24)

COMMITTEE REPORTS

- 4.1 No reports under this heading

To access the Service Updates for this Committee please click [here](#)

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Mark Masson, tel 01224 522989 or email mmasson@aberdeencity.gov.uk

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, 18 February 2020. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Reynolds, Convener; and Councillors Allan, Bell, Greig (as substitute for Councillor Delaney), Henrickson, Macdonald (as substitute for Councillor Malik, Vice Convener), McRae (as substitute for Councillor Mennie), Sellar and Townson.

The agenda and reports associated with this minute can be found [here](#).

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 from item 8.1 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 the information provided.

DECLARATIONS OF INTEREST

2. There were no declarations of interest intimated.

MINUTE OF PREVIOUS MEETING OF 3 DECEMBER 2019

3. The Committee had before it the minute of its meeting of 3 December 2019 for approval.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF MEETING OF THE LICENSING SUB COMMITTEE OF 17 DECEMBER 2019

4. The Committee had before it the minute of meeting of the Licensing Sub Committee of 17 December 2019, for approval.

The Committee resolved:-

to approve the minute.

LICENSING COMMITTEE

18 February 2020

COMMITTEE BUSINESS PLANNER

5. 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.

TARIFFS AND DROP OFF CHARGES - REFERRAL FROM THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP

6. The Committee had before it a referral from the Taxi and Private Hire Car Consultation Group of 12 February 2020 relating to the taxi tariffs and drop-off charges at the Airport.

The Taxi and Private Hire Consultation Group resolved:-

to request that the Licensing Committee at their next meeting consider undertaking a further Fare Review at the earliest possible time.

The Committee resolved:-

to agree to undertake a further Fare Review at the earliest possible time.

APPLICATIONS FOR LICENCES

7. 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 8 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

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

LICENSING COMMITTEE

18 February 2020

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

18 February 2020

APPENDIX A

1. **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 17 GORT ROAD, 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 – 41 WINGATE ROAD, 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 – 10D FROGHALL PLACE, 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 – FLAT 2, 48 SUMMERFIELD TERRACE, ABERDEEN**
Application Reference 7/04

The Committee noted that the letter of representation had been withdrawn, therefore the application would be considered under delegated powers.

5. **APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE**
APPLICANT: TESTY KEBAB
LOCATION: 25-50 LANGSTANE PLACE, ABERDEEN
Application Reference 7/05

The Committee had before it (1) an information sheet prepared by the Chief Officer – Governance in respect of the application which provided details relating to the grant of a late hours catering licence, specifically that the applicant had applied to operate from 23:00 to 04:00, Monday to Sunday, which was outwith the hours of the Council's Late Hours Catering Policy; and (2) a letter of representation from the Chief Superintendent, Police Scotland, c/o North East Division dated 28 November 2019.

The applicant, Mohamed Ahmed was not in attendance, nor represented.

LICENSING COMMITTEE

18 February 2020

Sergeant MacLean 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 03:00 Sunday to Thursday.

**6. APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE
APPLICANT: MIDDLE EAST RESTAURANT
LOCATION: 11 HOLBURN STREET, ABERDEEN
Application Reference 7/06**

The Committee had before it (1) an information sheet prepared by the Chief Officer – Governance in respect of the application which provided details relating to the grant of a late hours catering licence; (2) a letter of representation from the Principal Environmental Health Officer, Aberdeen City Council, dated 19 December 2019; and (3) four public letters of representation.

The applicant, Rebaz Mohammed Ismail was in attendance and spoke in support of his application.

Mr Gilchrist, Principal Environmental Health Officer was in attendance and spoke in support of his letter of representation. He advised that following a further inspection of the premises, the authority could not support approval of the licence at this time.

Jordan Sparrow, one of the respondents was in attendance and spoke in support of his letter of objection.

Three of the four respondents were not in attendance, nor represented.

The Committee asked questions of the applicant, the Principal Environmental Health officer and the respondent.

The respondent, the Principal Environmental Health officer and the applicant all summed up.

The Committee resolved:-

to defer consideration of the application until the next meeting of the Committee, to allow the applicant to undertake the necessary works on the premises to obtain the Environmental Health and Safety certificate.

**7. APPLICATION FOR THE GRANT OF A STREET TRADER'S LICENCE
APPLICANT: SUPAWADEE SAHAWONGWATTANA
Application Reference 7/07**

LICENSING COMMITTEE

18 February 2020

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 11 March 2020 and that he required a certificate of compliance from Environmental Health.

The applicant, Supawadee Sahawongwattana was not in attendance, nor represented.

The Committee resolved:-
to refuse the grant of the licence.

8. **APPLICATION FOR THE GRANT OF A TAXI LICENCE**
APPLICANT: GORDON OFFICER
Application Reference 7/08

The Committee noted that the application had been withdrawn.

LICENSING COMMITTEE
18 February 2020

APPENDIX B

1. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference 8/01

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 17 March 2020.

The licence holder was not in attendance, nor represented.

The Committee resolved:-

to defer consideration of the application to allow (1) evidence to be received in terms of the right to work and live in the United Kingdom; and (2) a medical report to be received and to agree that should a clear medical report be received, the Chief Officer - Governance could grant the licence under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Sub Committee for consideration.

2. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference 8/02

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 March 2020.

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

The Committee resolved:-

to defer consideration of the application to allow a medical report to be received and to agree that should a clear medical report be received, the Chief Officer - Governance could grant the licence under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Sub Committee for consideration.

3. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE
Application Reference 8/03

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 29 March 2020.

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

LICENSING COMMITTEE

18 February 2020

The Committee resolved:-

- (i) to note that the applicant verbally withdrew his application; and
- (ii) to agree that should the applicant meet the Group 2 DVLA medical criteria following receipt of a clear medical report, to waive the fee for that single application and the requirement for the applicant to undertake a street knowledge test.

4. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE **Application Reference 8/04**

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 12 June 2020; and (2) a letter of representation from the Chief Superintendent, Police Scotland, c/o North East Division dated 7 January 2020.

The applicant and his representative John McLoone were in attendance and spoke in support of the application.

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

Sergeant MacLean and the applicant's representative both summed up.

The Committee resolved:-

to grant the renewal of the licence.

5. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE **Application Reference 8/05**

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 12 May 2020; and (2) a letter of representation from the Chief Superintendent, Police Scotland, c/o North East Division dated 29 November 2019.

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

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

Sergeant MacLean and the applicant both summed up.

The Committee resolved:-

to grant the licence.

LICENSING COMMITTEE

18 February 2020

**6. APPLICATION FOR THE GRANT OF A STREET TRADER'S (EMPLOYEE) LICENCE
Application Reference 8/06**

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 10 May 2020; and (2) a letter of representation from the Chief Superintendent, Police Scotland, c/o North East Division dated 29 November 2019.

The applicant was not in attendance, nor represented.

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

The Committee resolved:-

to defer consideration of the application to the next meeting of the Committee to enable the applicant to be present.

LICENSING COMMITTEE

LICENSING SUB COMMITTEE

ABERDEEN, 17 March 2020. Minute of Meeting of the LICENSING SUB COMMITTEE. Present:- Councillor Reynolds, Convener; and Councillors Malik, Sellar and Townson.

The agenda and reports associated with this minute can be found [here](#).

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CONFIDENTIAL INFORMATION

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

APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

1. With reference to article 2 of Appendix B of the minute of meeting of the Licensing Committee of 18 February 2020, 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 to be determined by 22 March 2020

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

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

Members asked questions of the applicant.

The Sub-Committee resolved:-

to defer consideration of the application to allow additional time for a medical report to be received and to agree that should a clear medical report be received, the Chief Officer - Governance could grant the licence under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Sub Committee for consideration to be held on 20 March 2020.

- **COUNCILLOR JOHN REYNOLDS, Convener**

LICENSING SUB COMMITTEE
17 March 2020

LICENSING SUB COMMITTEE

ABERDEEN, 20 March 2020. Minute of Meeting of the LICENSING SUB COMMITTEE. Present:- Councillor Reynolds, Convener; and Councillors Malik and Sellar.

The agenda and reports associated with this minute can be found [here](#).

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CONFIDENTIAL INFORMATION

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

APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE

1. With reference to article 1 of the minute of their previous meeting of 17 March 2020, 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 to be determined by 22 March 2020.

Mrs Dunbar, Legal Advisor, provided the Sub Committee with a verbal update on the application.

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

Members asked questions of the applicant.

The Sub-Committee resolved:-

to grant the licence with the condition that the licence holder provide the required medical evidence within 28 days.

- **COUNCILLOR JOHN REYNOLDS, Convener**

LICENSING SUB COMMITTEE
20 March 2020

	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.								
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference Number	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
3	21 April 2020								
4	Appointments to Licensing Sub-Committee	To approve the membership number, set a composition and appoint a Convener to the Licensing Sub Committee.	Was approved at UBC on 20/03/20	Mark Masson	Governance	Governance		R	
5	Taxi Fare Review	To present the outcome of the taxi fare review consultation and to seek approval of a final fare structure.	Needs to be considered before November	Karen Gatherum	Governance	Governance	3	D	Officers have not received comments from Taxi trade.
6	16 June 2020								
7	Committee Annual Effectiveness Report for 2019/20	To present the annual effectiveness report for the Committee.		Mark Masson	Governance		GD 7.5		
8	01 September 2020								
9	Taxi Vehicle Transition to Alternative Powered Vehicles - Options	The Council at their meeting on 3 March 2020 agreed to instruct the Chief Officer Governance to report to the Licensing Committee on 1 September 2020 with proposals to consult with the taxi and private hire trade on options for transitioning to alternative powered vehicles			Governance	Commissioning			
10	10 November 2020								
11	No reports scheduled at this time.								
12	TBC								
13	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		

LICENSING SUB-COMMITTEE INFORMATION SHEET

21 April 2020

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (NEW)

APPLICANT: ROGER RUSHWORTH

AGENT: LEDINGHAM CHALMERS LLP, SOLICITORS

ADDRESS: 217 CLIFTON ROAD, ABERDEEN

INFORMATION NOTE

At the date of drafting this Information Note, a new HMO licence cannot be granted for the reason that the applicant has not completed the work & certification requirements to bring the property up to the current HMO standard. The meeting of the Licensing Sub-Committee on 21 April 2020, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the requirements have not been satisfactorily completed by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 21 April 2020. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

DESCRIPTION

The premises at No.217 Clifton Road, Aberdeen, is an upper-floor flat, and the applicant has requested an occupancy of 4 tenants, which is acceptable in terms of space and layout. The application under consideration is a first-time application although the previous owner was granted an HMO licence for the property in October 2016.

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'

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

OTHER CONSIDERATIONS

- The applicant is registered as a landlord with this Council and the registration includes No.217 Clifton Road.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.217 Clifton Road.
- HMO Unit practice over many years has not been to grant an HMO licence under delegated powers until 1) a final inspection of the HMO property has been carried out by the HMO Officer to confirm that any upgrading/repair work has been completed to a satisfactory standard, and 2) any safety-related certificates (gas & electricity) have been submitted to the HMO Officer and he deems them to be satisfactory.

During this unprecedented period of COVID-19 restrictions, the HMO Unit has suspended property inspections and introduced 'self-certification' whereby applicants must provide a written assurance that any upgrading/repair works have been completed. Following relaxation of the restrictions, property inspections will resume and this will include properties that were 'self-certified' by the applicants so as to ensure that the works are to a satisfactory standard.

With regard to the safety-related certification, the COVID-19 restrictions are affecting applicants' ability to find contractors prepared to enter properties to carry out the necessary testing/inspection. Other than that, applicants are continuing to send any certificates to the HMO Officers for scrutiny.

- Following submission of the HMO licence application in April 2019, the HMO Officer carried out an initial inspection of the property and identified several items of works & certification that were required before a new HMO licence could be granted. These items were advised to the applicant.

At the date of this report, there are 4 outstanding standing items preventing a new HMO licence being granted under delegated powers. These are:

- 1) Although the Electrical Installation Condition Report (EICR) is satisfactory, it does not state when the electrical installation should be re-tested. This is important, especially in older properties.
- 2) It is understood that the property will be let furnished and the landlord will provide plug-in electrical appliances for the tenants. It will therefore be necessary for a Portable Appliance Test (PAT) certificate to be submitted to the HMO Unit, confirming that the plug-in appliances are safe for use.
- 3) The HMO Officer required the gas fire in bedroom no.2 to be disconnected and capped. It will be necessary for the applicant to 'self-certify' that this work has been satisfactorily completed.
- 4) The HMO Officer required the glass in the vestibule door to be replaced with safety glass or plastic safety film to be applied to the existing glass. It will be necessary for the applicant to 'self-certify' that this work has been satisfactorily completed.

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