

Public Document Pack



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

Town House,
ABERDEEN 23 August 2021

LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in **Council Chamber - Town House** on **TUESDAY, 31 AUGUST 2021 at 10.00 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

BUSINESS

NOTIFICATION OF URGENT BUSINESS

1.1 Urgent Business

DETERMINATION OF EXEMPT BUSINESS

2.1 Exempt Business

CONFIDENTIAL BUSINESS

3.1 Confidential Business

DECLARATIONS OF INTEREST

4.1 Declarations of Interest (Pages 5 - 6)

DEPUTATIONS

- 5.1 Deputations

MINUTES AND COMMITTEE BUSINESS PLANNER

- 6.1 Minute of Previous Meeting of 29 June 2021, for Approval (Pages 7 - 12)
- 6.2 Minute of Meeting of the Licensing Sub Committee of 6 August 2021, for Approval (Pages 13 - 14)
- 6.3 Committee Business Planner (Pages 15 - 16)

APPLICATIONS FOR LICENCES - INCLUDING LIST OF APPLICATIONS

- 7.1 Renewal of a Licence for a House in Multiple Occupation - Flat B, 76 Menzies Road (Pages 19 - 22)
- 7.2 Renewal of a Licence for a House in Multiple Occupation - 102 Bedford Road (Pages 23 - 26)
- 7.3 Renewal of a Licence for a House in Multiple Occupation - Flat D, 2 Froghall Gardens (Pages 27 - 30)
- 7.4 Grant of a Public Entertainment Licence - Old Torry Community Centre, 2 Abbey Place (Pages 31 - 32)

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.

- 8.1 Request for Exemption from Wheelchair Accessible Vehicle Policy - Taxi Vehicle Licence (Pages 35 - 36)
- 8.2 Renewal of a Taxi Driver Licence (Pages 37 - 38)
- 8.3 Renewal of a Taxi Driver Licence (Pages 39 - 40)
- 8.4 Renewal of a Taxi Vehicle Licence (Pages 41 - 44)

8.5 Grant of a Street Trader (Employee) Licence (Pages 45 - 48)

Should you require any further information about this agenda, please contact Mark Masson, tel 01224 522989 or email mmasson@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 xxx, 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, 29 June 2021. Minute of Meeting of the LICENSING COMMITTEE. Present:- Councillor Reynolds, Convener; Councillor Malik, Vice-Convener; and Councillors Allan, Al Samarai (as substitute for Councillor Radley for article 16 only), Bell, Delaney, Henrickson, Radley, 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.

DECLARATIONS OF INTEREST

1. Members were requested to intimate any declarations of interest in respect of the items on today's agenda, thereafter the following was intimated:-
 - (1) Councillor Radley declared an interest in item 7.12 (Review of a Street Trader Licence – Gaynor Barrie – Café on the Kerb) by virtue of her attending a Community Council meeting, at which, the item was discussed. She considered that the nature of her interest required her to leave the meeting and she therefore took no part in the consideration of this item.

MINUTE OF PREVIOUS MEETING OF 18 MAY 2021

2. The Committee had before it the minute of its meeting of 18 May 2021 for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE BUSINESS PLANNER

3. 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.

REFERRAL FROM THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP

4. The Committee had before it by way of referral, a minute extract from the Taxi and Private Hire Car Consultation Group meeting of 22 June 2021, which recommended to the Licensing Committee, at their next meeting to commence the process of installing a taxi rank on Queen Street.

LICENSING COMMITTEE

29 June 2021

The Committee resolved:-

to instruct the Chief Officer – Governance to commence the process of installing a taxi rank on Queen Street.

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 55 SPITAL

5. The Committee were advised that the licence holder had withdrawn their application.

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - 8 CHEYNE ROAD

6. The Committee had before it a report by the Private Sector Housing Manager, which (1) advised that the application was before the Committee for the reason that the HMO Officer had yet to carry out an initial inspection of the premises to determine whether any upgrading work and certification was required; and (2) that extensive attempts had been made to contact the applicant to arrange the initial inspection, all without success.

Mr Thain, Private Sector Housing Manager advised that the one-year statutory deadline for determining this licence application was 23 August 2021.

The applicant, Ms Marjorie Hewitt, was in attendance and spoke in support of the application and responded to questions from members of the Committee.

The Committee resolved:-

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

RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - FLAT D, 47 BEDFORD AVENUE

7. the Committee were advised that the licence had been granted under delegated powers.

NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - FLAT A, 1 CASTLE TERRACE

8. the Committee were advised that the applicant had withdrawn the application.

LICENSING COMMITTEE

29 June 2021

NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - FLAT B, 1 CASTLE TERRACE

9. the Committee were advised that the applicant had withdrawn the application.

NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - FLAT C, 1 CASTLE TERRACE

10. the Committee were advised that the applicant had withdrawn the application.

NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - FLAT D, 1 CASTLE TERRACE

11. the Committee were advised that the applicant had withdrawn the application.

NEW LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION - FLAT E, 1 CASTLE TERRACE

12. the Committee were advised that the applicant had withdrawn the application.

RENEWAL OF A STREET TRADER (EMPLOYER) LICENCE - LISAN ERYGIT - CRAIGSHAW CRESCENT, ABERDEEN, 50M NORTH OF CRAIGSHAW DRIVE

13. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the application required to be determined by 30 October 2021 and that two letters of representation had been received from members of the public.

The applicant, Mr Lisan Erygit was in attendance and spoke in support of his application and responded to questions from members of the Committee.

None of the respondents were in attendance.

Mr Andrew Gilchrist, Principal Environmental Health Officer indicated that an inspection had been undertaken on 28 June 2021 and the Certificate of Compliance in relation to food hygiene would be issued today.

The Committee resolved:-

- (i) to grant the renewal of the licence; and
- (ii) to note that officers would contact the respondents in terms of the decision.

LICENSING COMMITTEE

29 June 2021

GRANT OF A STREET TRADER (EMPLOYER) LICENCE - MACIEJ JAWORSKI - VARIOUS SITES

14. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the application required to be determined by 2 February 2022 and that two letters of representation had been received from the Roads Team, Aberdeen City Council and an elected member.

The applicant, Mr Maciej Jaworski was in attendance and spoke in support of his application and responded to questions from members of the Committee.

Ms Vycki Ritson, Engineer, Roads Team Leader indicated that officers had suggested alternative trailer site locations in relation to Riverside Drive and Seaton Crescent.

The Committee resolved:-

to grant the licence for the following locations, including the trailer site changes suggested by the Roads Team, above:-

- Regent Walk, North side 40m West of Golf Road;
- Riverside Drive, East side 266m North of Stonehaven Road;
- Seaton Crescent, East side 105m North of School Road; and
- Westburn Park, Access Road East side 140m North of Westburn Road.

RENEWAL OF A TATTOO LICENCE - ALSION SELLA - SHAZINK TATTOO STUDIO

15. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the application required to be determined by 16 July 2021.

Ms Karen Gatherum, Legal Adviser indicated that Environmental Health had been unable to inspect the applicant's premises, however the inspection was due to be undertaken on 30 June 2021.

The applicant was not in attendance.

The Committee resolved:-

to defer consideration of the application until Environmental Health have undertaken an inspection for the Certificate of Compliance, after which time the Chief Officer - Governance could grant the licence under delegated powers if appropriate.

LICENSING COMMITTEE

29 June 2021

DECLARATION OF INTEREST

In accordance with article 1 of this minute, Councillor Radley withdrew from the meeting prior to consideration of the following item of business. She was substituted by Councillor Al-Samarai for this item of business only.

REVIEW OF A STREET TRADER LICENCE - GAYNOR BARRIE - CAFE ON THE KERB

16 The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the application had been granted on 27 May 2021, following which, the Licensing Team had received three complaints from local residents relating to the trader's business. Members also had before them the three letters of complaint and a letter dated 16 June 2021, from Mr David McKane, Enforcement Officer relating to the site inspection he undertook at Whitehills Close, Cove on 10 June 2021.

The three respondents, Mr Stuart Houston, Ms Marion Hunt and Mr Callum McGowan were in attendance, spoke in support of their complaints in turn and responded to questions from members of the Committee.

The licence holder Ms Gaynor Barrie and her representative, Mr Tony Dawson, were in attendance, spoke in support of the trader's business and responded to questions from members of the Committee.

The Committee agreed unanimously to view a short walkthrough video submitted by the licence holder, which showed the location of the trader's business trailer on Whitehills Close, Cove.

The licence holder's representative and the three respondents summed up.

The Committee resolved:-

- (i) to take no action; and
- (ii) to instruct the Chief Officer – Governance to undertake a review of the policies and procedures for Street Trader Licences and to submit a report to the Committee in this regard.

CONFIDENTIAL INFORMATION

The press and public were excluded from the meeting for consideration of the following items which contained confidential information in terms of Section 50A 3(b) of the Local Government (Scotland) Act 1973.

LICENSING COMMITTEE

29 June 2021

RENEWAL OF A TAXI DRIVER LICENCE

17. The Committee were advised that the licence holder had withdrawn their application.

- **COUNCILLOR JOHN REYNOLDS, Convener.**

LICENSING SUB COMMITTEE

ABERDEEN, 6 August 2021. Minute of Meeting of the LICENSING SUB COMMITTEE. Present:- Councillor Reynolds, Convener; and Councillors Bell, Delaney and Radley.

The agenda, reports and recording 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.

DETERMINATION OF EXEMPT BUSINESS

1. The Convener proposed that the Sub Committee consider item 6.1 (Pittodrie Capacity Application – Operational Plan and Risk Assessment) with the press and public excluded from the meeting.

The Sub Committee resolved:-

in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the meeting during consideration of the above item so as to avoid disclosure of information of the classes described in paragraph 14 of Schedule 7(A) to the Act.

DECLARATIONS OF INTEREST

2. There were no declarations of interest intimated.

MINUTE OF PREVIOUS MEETING OF 27 JULY 2021

3. The Sub Committee had before it the minute of its previous meeting of 27 July 2021 for approval.

The Sub Committee resolved:-

to approve the minute.

PITTODRIE CAPACITY APPLICATION

4. The Sub Committee had before it an application received from Aberdeen Football Club to have 19,672 supporters to Pittodrie Stadium for the remainder of Season 2021 – 2022 following the lifting of coronavirus regulations in relation to maximum crowd numbers as of 9 August 2021.

LICENSING SUB COMMITTEE

6 August 2021

The Sub Committee resolved:-

to approve the application received from Aberdeen Football Club for 19,672 supporters in total for the rest of Season 2021-2022 and 1188 in hospitality, noting that if there was any change in circumstances, it was possible to refer the application back to the Sub Committee.

In accordance with the decision recorded under article 1 of this minute, the following item of business was considered with the press and public excluded.

PITTODRIE CAPACITY APPLICATION - OPERATIONAL PLAN AND RISK ASSESSMENT

5. The Sub Committee had before it the operational plan and risk assessment in relation to the application under discussion.

The Sub Committee resolved:-

to note the exempt appendices.

- **COUNCILLOR JOHN REYNOLDS, Convener**

	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			31 August 2021						
4	Taxi and Private Hire Policy Review	The Licensing Committee on 18/5/21 agreed to instruct the Chief Officer – Governance to report back to the Committee on 31 August 2021 with proposed policies for approval.		Sandy Munro	Governance	Commissioning	17	D	Delayed until 26 October to allow the policy wording to be finalised and the policies integrated into the corporate template.
5			26 October 2021						
6	Review of Street Trader Licence Policy and Procedure	The Committee on 29/6/21 agreed to instruct the Chief Officer – Governance to undertake a review of the policies and procedures for Street Trader Licences and to submit a report to the Committee in this regard.		Sandy Munro	Governance	Commissioning			
7			14 December 2021						
8	Annual Committee Effectiveness Report	To present the Annual Effectiveness report for the Committee.		Mark Masson	Governance	Commissioning	GD 8.5		
9			18 January 2022						
10	No reports scheduled at this time.								
11			22 March 2022						
12	No reports scheduled at this time.								
13			15 June 2022						
14	No reports scheduled at this time.								
15			6 September 2022						
16	No reports scheduled at this time.								

	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	Terms of Reference Number	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
17			15 November 2022						
18	No reports scheduled at this time.								
19			TBC						
20	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.		Sandy Munro	Governance	Governance	3		

Application	Name of Applicant & Agent	Premises of which application refers	Representations received	Date by which application to be determined (date order)	Proposed Meeting to Determine Application	Page Number
HMO Application (Renewal)	Mathew Wood	Flat B, 76 Menzies Road, Aberdeen	Private Sector Housing Unit	8 September 2021	31 August 2021	19 - 22
HMO Application (Renewal)	Catherine Robertson	102 Bedford Road, Aberdeen	Private Sector Housing Unit	15 September 2021	31 August 2021	23 - 26
HMO Application (Renewal)	Zulopower Ltd + Aberdeen City Properties Ltd	Flat D, 2 Froghall Gardens, Aberdeen	Private Sector Housing Unit	29 September 2021	31 August 2021	27 - 30
Public Entertainment Licence Grant Application	Old Torry Community Centre	2 Abbey Place, Torry, Aberdeen	BS	31/12/2021	31 August 2021	31 - 32

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LICENSING COMMITTEE INFORMATION SHEET

31 August 2021

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: MATHEW WOOD

ADDRESS: 76B MENZIES ROAD, ABERDEEN

AGENT: NONE DECLARED

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 Committee on 31 August 2021, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the property is still unsuitable for occupation as an HMO by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 31 August 2021. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

DESCRIPTION

The premises at No.76B Menzies Road, Aberdeen, is a first-floor flat providing accommodation of 4 letting bedrooms, open plan kitchen/diner and bathroom. The applicant has requested an occupancy of 4 tenants, which is acceptable in terms of space and layout.

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'

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

OTHER CONSIDERATIONS

- The applicant and his HMO property are registered with this Council.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.76B Menzies Road.
- The extent of the above-mentioned work & certification requirements is as follows:
 1. CO detectors to be installed in any room which contains a gas appliance and/or a flue
 2. All self-closing doors to be inspected and adjusted as necessary to ensure that they fully close against their stops from all angles of swing. Particular attention to be paid to the doors to the kitchen and letting bedroom Nos.1.
 3. All windows to be adjusted as necessary to ensure that they open and close easily.
 4. The walls in bedroom No.3, which are showing signs of previous water penetration, to be made good and redecorated as necessary.
 5. The bathroom ceiling decoration to be made good and the ceiling redecorated.
 6. The Notice of HMO Application to be displayed outside the property for the statutory 21-day period.
 7. The following documentation to be submitted to the HMO Unit for inspection:
 - Notice of HMO Application – Certificate of Compliance
 - Gas Safe certificate
 - Portable Appliance Test (PAT) certificate
 - Copy of the Tenancy agreement that will be used

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LICENSING COMMITTEE INFORMATION SHEET

31 August 2021

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: CATHERINE ROBERTSON

ADDRESS: 102 BEDFORD ROAD, ABERDEEN

AGENT: NONE DECLARED

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 Committee on 31 August 2021, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the property is still unsuitable for occupation as an HMO by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 31 August 2021. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

DESCRIPTION

The premises at No.102 Bedford Road, Aberdeen, is a first-floor flat providing accommodation of 3 letting bedrooms, public room, kitchen and bathroom. The applicant has requested an occupancy of 3 tenants, which is acceptable in terms of space and layout.

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'

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

OTHER CONSIDERATIONS

- The applicant and her HMO property are registered with this Council.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.102 Bedford Road.
- The extent of the above-mentioned work & certification requirements is as follows:
 1. CO detectors to be installed in any room which contains a gas appliance and/or a flue.
 2. All faulty/missing lightbulbs to be replaced immediately.
 3. At the time of the inspection the electric meter and gas meter were in debt and no power was available. Both meters must be credited, following which time all gas and electrical appliances to be checked to ensure correct and safe operation.
 4. All portable heaters to be permanently removed from the property.
 5. If the electric fire in the lounge is to remain, it must be wired to a fused switched outlet.
 6. All self-closing doors to be inspected and adjusted as necessary to ensure that they fully close against their stops from all angles of swing.
 7. All windows to be adjusted as necessary to ensure that they open and close easily.
 8. The following documentation to be submitted to the HMO Unit for inspection:
 - Notice of HMO Application – Certificate of Compliance
 - Gas Safe certificate
 - Portable Appliance Test (PAT) certificate
 - Copy of the Tenancy agreement that will be used

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LICENSING COMMITTEE INFORMATION SHEET

31 August 2021

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: ZULOPOWER LIMITED

ADDRESS: 2D FROGHALL GARDENS, ABERDEEN

AGENT: ABERDEEN CITY PROPERTIES LIMITED

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 Committee on 31 August 2021, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the property is still unsuitable for occupation as an HMO by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 31 August 2021. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

DESCRIPTION

The premises at No.2D Froghall Gardens, Aberdeen, is a first-floor flat providing accommodation of 3 letting bedrooms, public room, kitchen and bathroom. The applicant has requested an occupancy of 3 tenants, which is acceptable in terms of space and layout.

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'

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

OTHER CONSIDERATIONS

- The applicant is registered as a landlord with this Council and their registration includes 8 rental properties, one of which being No.2D Froghall Gardens.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.2D Froghall Gardens.
- The extent of the above-mentioned work & certification requirements is as follows:
 1. All self-closing doors to be inspected and adjusted as necessary to ensure that they fully close against their stops from all angles of swing. Particular attention to be paid to the lounge and kitchen doors.
 2. The thumb-turn lock on the flat entrance door to be repaired/replaced as necessary.
 3. All windows to be adjusted as necessary to ensure that they open and close easily. Particular attention to be paid to the window in bedroom No.3.
 4. The following documentation to be submitted to the HMO Unit for inspection:
 - Notice of HMO Application – Certificate of Compliance
 - Gas Safe certificate
 - Portable Appliance Test (PAT) certificate
 - Electrical Installation Condition Report (EICR) certificate
 - Copy of the Tenancy agreement that will be used

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LICENSING COMMITTEE INFORMATION SHEET

31 AUGUST 2021

TYPE OF APPLICATION: APPLICATION FOR A PUBLIC ENTERTAINMENT LICENCE

APPLICANT: OLD TORRY COMMUNITY CENTRE

INFORMATION NOTE

Application must be determined by 31/12/2021

DESCRIPTION

Public Entertainment Licence

CONSULTEES

- Police Scotland
- Environmental Health
- Scottish Fire and Rescue Service
- Building Standards

OBJECTIONS/REPRESENTATIONS

Legal – Building Standards inspection has not been carried out as of 18/08/2021

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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