

# Public Document Pack



To: Councillor Reynolds, Convener; and Councillors Allan, Boulton, Cassie, Clark, Collie, Corall, Crockett, Fletcher, Hunter, Kiddie, Milne, John Stewart and Blackman.

Town House,  
ABERDEEN 17 February 2010

## LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in **Committee Rooms 2 & 3 - Town House** on **WEDNESDAY, 24 FEBRUARY 2010 at 10.00 am.**

FRASER BELL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

### BUSINESS

1. Minutes, Committee Business Statement and Informal Business
  - 1.1 Minute of Meeting of 13 January 2010 (Pages 5 - 12)
  - 1.2 Minute of Meeting of Taxi Consultation Group of 16 November 2009 (Pages 13 - 16)
  - 1.3 Committee Business Statement (Pages 17 - 18)
2. Informal Business
3. Applications for Grant, Renewal, or Variation of Licences - List of Applications (Pages 19 - 20)
  - 3.1 Application for Renewal of a Licence for a House in Multiple Occupation - 479 King Street, Aberdeen (Pages 21 - 24)

- 3.2 Application for Renewal of a Licence for a House in Multiple Occupation - 5 Spital Walk, Aberdeen (Pages 25 - 28)
- 3.3 Application for Renewal of a Licence for a House in Multiple Occupation - 192 Morrison Drive, Aberdeen (Pages 29 - 32)
- 3.4 Application for Renewal of a Licence for a House in Multiple Occupation - 406 Union Street, Aberdeen (Pages 33 - 36)
- 3.5 Application for Renewal of a Licence for a House in Multiple Occupation - 27 Greenmore Gardens, Bridge of Don, Aberdeen (Pages 37 - 40)
- 3.6 Application for Renewal of a Licence for a House in Multiple Occupation - 8 Sunnyside Avenue, Aberdeen (Pages 41 - 44)
- 3.7 Application for Renewal of a Licence for a House in Multiple Occupation - 22 Woodhill Road, Aberdeen (Pages 45 - 52)
- 3.8 Application for Grant of a Non-Domestic Knives and Swords Licence - Aberdeen Watersports and Leisure Limited, 35 Waterloo Quay, Aberdeen (No papers)
- 3.9 Application for Skin Piercing/Tattooing Licence - Temple Aesthetics, 9 The Courtyard, Cults, Aberdeen (No papers)
4. HMO Licence Application Fees (Pages 53 - 54)
5. Licence Application Fees: April 2010 - March 2011 (Pages 55 - 66)
6. Coutie V Dundee City Council, Court of Session Decision (Pages 67 - 70)
7. Airport Zoning Variation of Condition on Yellow Plate Taxis (Pages 71 - 74)
8. Variation of Condition on Airport Zoned Taxis (Pages 75 - 78)
9. Technical Specification for Wheelchair Accessible Taxi Vehicles (Pages 79 - 90)
10. Applications for Grant, Renewal or Variation of Licences - List of Applications to be heard in confidence
  - 10.1 Application for Grant of Taxi Driver Licence (No papers)
  - 10.2 Application for Renewal of Taxi Driver Licence

10.3 Application for Grant of Taxi Driver Licence

11. Request for Suspension of Taxi Driver Licence - Letter from Grampian Police dated 22 January 2010

EHRIA's related to reports on this agenda can be viewed at  
[Equality and Human Rights Impact Assessments](#)

To access the Service Updates for this Committee please use the following link:  
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Should you require any further information about this agenda, please contact Arlene Dunbar, e-mail [ardunbar@aberdeency.gov.uk](mailto:ardunbar@aberdeency.gov.uk) or tel. 52(3411) Jacqui Wallace, e-mail [jwallace@aberdeency.gov.uk](mailto:jwallace@aberdeency.gov.uk) or tel 52(2985)

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## LICENSING COMMITTEE

ABERDEEN, 13 January, 2010. - Minute of Meeting of the LICENSING COMMITTEE. Present: - Councillor Reynolds, Convener; and Councillors Boulton, Cassie, Clark, Corall, Donnelly (substituting for Milne), Dunbar, Kiddie and Kirsty West.

Apologies for Absence: Councillors Collie, Hunter and John Stewart.

### MINUTE OF MEETING OF 02 DECEMBER 2009

1. The Committee had before it the minute of 02 December 2009.

**The Committee resolved:-**  
to approve the minute.

### MINUTE OF THE SPORTS GROUND ADVISORY WORKING GROUP OF 08 OCTOBER 2009

2. The Committee had before it the minute of the Sports Ground Advisory Working Group.

**The Committee resolved:-**  
to note the minute.

### COMMITTEE BUSINESS STATEMENT

3. With reference to item 1 of the business statement Brenda Flaherty, Legal Manager, advised the Committee that due to pressure of business, the requested report could not be provided for this meeting but would come before the Committee at its meeting to be held on 24 February 2010.

### INFORMAL BUSINESS

4. The Committee had before it the business dealt with informally since 28 October 2009.

LICENSING COMMITTEE  
13th January, 2010

**The Committee resolved:-**

to note the informal business.

**APPLICATIONS FOR GRANT, RENEWAL OR VARIATION OF LICENCES –  
LIST OF APPLICATIONS**

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 be subject to the Council's normal conditions unless otherwise stated.

**AGE DISCRIMINATION**

6. The Committee had before it, for its consideration, a report on age discrimination in respect of taxi drivers aged 65 years and over.

The report looked into the current practice, whereby all taxi and private hire car drivers, aged 65 years or over, are required to submit a letter or certificate from their doctor, confirming fitness to continue the duties of a taxi driver. The report recommended that members revoke the current practice requiring all drivers aged 65 years or over to submit an annual medical report on their fitness to hold a taxi or private hire car drivers licence.

**The Committee resolved:-**

to approve the recommendation.

**APPLICATIONS FOR GRANT RENEWAL OR VARIATION OF LICENCES – LIST  
OF APPLICATIONS TO BE HEARD IN CONFIDENCE**

7. The Committee had before it, for its consideration, the application listed in appendix B to this minute.

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**EXEMPT INFORMATION**

**The Committee resolved in relation to item 4(1) that members of the public and press be excluded from the meeting during discussion of the application on the grounds that there would be disclosure to them of exempt information as defined in paragraph 14 of Schedule 7(A) to the Local Government (Scotland) Act 1973.**

**- COUNCILLOR JOHN REYNOLDS, Convener.**

LICENSING COMMITTEE  
13th January, 2010

**APPENDIX A**

1. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/001**  
**Premises – 86 Hilton Heights, Aberdeen**

The Committee was advised that the application had been granted by delegated powers.

2. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/002**  
**Premises – 16 Bedford Road, Aberdeen**

The Committee heard from Alastair Thain, Private Sector Housing Manager, that all the outstanding works were complete but that the relevant certificates had still to be submitted.

**The Committee resolved:-**

to give delegated powers to grant the application provided the certificates were submitted.

3. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/003**  
**Premises – 4 Hawthorn Crescent, Aberdeen**

The Committee was advised that the application had been granted by delegated powers.

4. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/004**  
**Premises – 479 King Street, Aberdeen**

The Committee heard from Alastair Thain, Private Sector Housing Manager that there were still outstanding works to be completed.



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**The Committee resolved:-**

to give delegated powers to grant the application once the works were completed.

5. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/005**  
**Premises – 34D Sunnybank Road, Aberdeen**

The Committee was advised that the application had been granted by delegated powers.

6. **APPLICATION FOR THE RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/006**  
**Premises – 109 Craigievar Crescent, Aberdeen**

The Committee was advised by Alastair Thain, Private Sector Housing Manager, that the letter of objection had been withdrawn. Thereafter the Committee heard from Ryan Openshaw, Solicitor, on behalf of the applicant.

**The Committee resolved:-**

to give delegated powers to grant the application once the outstanding works were complete.

7. **APPLICATION FOR THE GRANT OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION**  
**Application Ref No. 2/007**  
**Premises – 59 Victoria Street, Aberdeen**

The Committee was advised that this item had been deferred from December because the objector was unable to appear. The Committee heard from Morag Adams, Bruce and Partners, on behalf of the objector. Thereafter the Committee heard from Margaret Duffus on behalf of the applicant.

**The Committee resolved:-**

to give delegated powers to grant the application once the outstanding works were complete.

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8. **APPLICATION FOR THE RENEWAL OF A STREET TRADER (HOT FOOD) LICENCE**

**Application Ref No. 2/008**

**Site – Cloverhill Road, west side, 65 metres south of Broadfold Road**

The Committee was advised that the application had been granted by delegated powers.

9. **APPLICATION FOR THE RENEWAL OF A STREET TRADER (GENERAL) LICENCE**

**Application Ref No. 2/009**

**Site – City of Aberdeen except zone 9**

The Committee was advised that the application had been granted by delegated powers.

10. **APPLICATION FOR THE GRANT OF A STREET TRADER (HOT FOOD) LICENCE**

**Application Ref No. 2/010**

**Site – Wellheads Crescent, Dyce, west side, 65 metres north of Wellheads Way**

The Committee was advised that the application was before it because it was a new trading site.

**The Committee resolved:-**

to grant the application.

11. **APPLICATION FOR THE GRANT OF SKIN PIERCING/TATTOOING LICENCE**

**Application Ref No. 2/011**

**Premises – Temple Aesthetics, 9 The Courtyard, Cults, Aberdeen**

The Committee was advised that this application had been deferred from the meeting of 02 December 2009 to allow the applicant to submit confirmation that a notice had been displayed at the premises. No such confirmation has been forthcoming and in the absence of the applicant

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**The Committee resolved:-**

to defer consideration of the application one final time to its meeting to be held on 24 February 2010.

12. **APPLICATION FOR THE RENEWAL OF A WINDOW CLEANERS LICENCE**

**Application Ref No 2/012**

The Committee was advised that the application was before it because the applicant had not submitted a copy of his insurance certificate. In the absence of the applicant

**The Committee resolved to:-**

defer consideration of the application to its meeting to be held on 24 February 2010.

13. **APPLICATION FOR THE GRANT OF A THEATRE LICENCE**

**Application Ref No 2/013**

**Premises – Harlaw Academy, Albyn Place, Aberdeen**

The Committee was advised that the application had been granted by delegated powers.

14. **APPLICATION FOR THE GRANT OF A BOOKING OFFICE LICENCE**

**Application Ref No 2/014**

**Premises – Computer Cab (Aberdeen) Limited, Burnside Drive, Dyce, Aberdeen**

The Committee heard from KK Lam, Computer Cab (Aberdeen) Ltd and thereafter

**The Committee resolved:-**

to defer consideration of the application to its meeting to be held on 24 February 2010.

15. **APPLICATION FOR THE GRANT OF A BOOKING OFFICE LICENCE**

**Application Ref No 2/015**

**Premises – Don Cabs, Silverburn Crescent, Aberdeen**

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**The Committee resolved:-**

to defer consideration of the application to its meeting to be held on 24 February 2010.

16. **APPLICATION FOR THE GRANT OF A BOOKING OFFICE LICENCE**  
**Application Ref No 2/016**  
**Premises – Dyce Cabs, 256 Linkfleet Business Centre, Bankhead Industrial Estate, Aberdeen**

**The Committee resolved:-**

to defer consideration of the application to its meeting to be held on 24 February 2010.

**APPENDIX B**

**APPLICATION FOR THE RENEWAL OF A TAXI DRIVER LICENCE**

**Application Ref No. 4/001**

The Committee was advised that the applicant was currently on holiday and had requested that consideration of the application be deferred.

**The Committee resolved:-**

to defer consideration of the application to its meeting to be held on 24 February, 2010.

## TAXI/PRIVATE HIRE CAR CONSULTATION GROUP

### NOTE OF MEETING OF 16 NOVEMBER 2009

#### **Present:**

Councillors Reynolds (Convener), Bouton, Clark and K West

Alistair Rose (ARTDA), Roy McHardy (ARTDA), Russell McLeod (ATG), Gordon McKay (Rainbow), Lynne Smith (Central Taxis), Angelina McKenzie (ComCab), Fraser Bain (BAA), Yvonne Birch (BAA), Derek Lumsden (Airport Taxis), Alastair Williamson (DAG), Nick Fay (Union Square Development), Sgt Keith Middler (Grampian Police), Brenda Flaherty (Office of City Solicitor), Jacqui Wallace (Office of City Solicitor), Paul Connolly (Office of City Solicitor), Scott Ramsay (Enterprise, Planning and Infrastructure) and Katherine Purvis (Enterprise, Planning and Infrastructure)

#### 1. **Note of Meeting of 17 August 2009**

Approved.

#### 2. **Matters Arising**

**Licensing of Booking Offices** – The group was advised that today, 16 November, is the date that applications must be made by persons/companies of taxi booking offices that fall within the Licensing regime.

#### 3. **Airport Zoning**

The Licensing Committee deferred consideration of the report to its meeting to be held on 02 December 2009, to allow it to be considered by this group.

Russell McLeod stated that it was the view of ATG that it's imperative that there remains in place a dedicated airport fleet, supplemented when necessary by city drivers, therefore the best option is an overlapping zone. Lynne Smith agreed with this.

Councillor Clark was of the opinion that the green light should be controlled by Aberdeen Airport Ltd and not the managing agent. Angelina McKenzie stated that marshalls operate the light in accordance with agreed waiting times, stipulated by the airport.

Fraser Bain said that too much emphasis is placed on the green light. Aberdeen Airport Ltd are prepared to look at all the issues and try to find what works best for passengers, once the Licensing Committee makes its decision in respect of zoning.

#### 4. **Taxi Fare Review**

There was a request from ATG to delay the fare review to the first quarter of 2010, with a view to it being implemented in the third quarter of that year.

## 5. Provision of Taxis at Union Square

Russell McLeod stated that the trade's preference would be for a rank within the Union Square development but if this was not possible then it would like to see one close by. In a report to the Licensing Committee on 02 September 2009, Palmerston Road had been ruled out as a possible location but Russell stated that he had been at a meeting since then and was informed that location was being reconsidered.

Alastair Williamson (DAG) stated that there were a number of issues in relation to access to the railway and bus stations for people with disabilities.

It is widely recognised that there are problems with access to the railway station, which is supposed to be restricted to taxis and Blue Badge holders. Scott Ramsay stated that to change the signs for greater clarity is a process that can take up to 9 months to complete.

Councillor Boulton said that she had received quite a few complaints from people who were picking up elderly or disabled persons from the rail station and that it was not satisfactory to restrict access to taxis and blue badge holders. She was advised that there is disabled access to the railway station together with a drop off point at the South College Street car park.

The consensus was that the signs around the Union Square development, bus and rail stations were confusing and Scott Ramsay agreed to take this matter back to colleagues for review.

Nick Fay, Union Square took each of the issues in turn:-

Taxi Rank Location – Palmerston Road is Hammerson's preferred location for a rank to service the Union Square development. Hammerson has built a pedestrian walk-through and would be prepared to install additional lighting and CCTV. Footfall to the area has increased considerably since the opening of the development, particularly TK Maxx which is located closest to the Palmerston Road.

Bus / Train Stations – the issue of a drop off point at the bus station is one for Stagecoach Bluebird to investigate although Hammerson are willing to facilitate discussions.

Access signs at Bus Station – Hammerson is willing to review the signs in respect of the railway station with First Scotrail. There could be the introduction of signs on Hammerson's land making it clear that access to the rail station is for taxis and blue badge holders only.

College Street Car Park - Hammerson built lifts to improve access to the railway station. They bought the car park some time ago and decks 5 and below are leased to First Scotrail as the station car park. Decks 6 and above are for Union Square.

It was agreed that the Licensing Committee should be asked to re-visit Palmerston Road as a location for a taxi rank and they would also be asked to consider putting a temporary rank there meantime

6. **Review of Existing Taxi Ranks in the City Centre**

The Convener suggested to Scott Ramsay that recommendation (b) in his report be amended to instruct officers to attend meetings of this group to consult on relevant issues.

7. **Procedure for Approval of Taxi Meter Types**

Brenda Flaherty informed the group that this report was going to Committee to authorise a procedure for approving taxi meters.

8. **Taxi Inspection Centre**

Brenda Flaherty stated that it is proposed that Fleet services will take over the day –to – day management of fleet services. There is no definite date but it may well be before the end of the year. From the trades point of view there should be little change, all policy decisions will still go through the Licensing Committee and the Licensing Team will still be responsible for policy and procedure. The only impact should be positive in that opening times would be increased and there should be fewer cancellations than at present.

9. **AOCB**

Wheelchair Accessible Vehicles

Roy McHardy wanted to know why saloon cars had been allowed to be licensed for partnerships by the Licensing Committee at its last meeting. Councillor West explained that the licence holders who were requesting to be allowed to form partnerships all had saloon cars at present so they were not substituting wheelchair accessible vehicles with saloon cars. Some requests had been refused, others accepted because in each instance the Committee decided that the request was a legitimate one.

Review of Taxi Ranks

Scott Ramsay wanted to know what was the best way to actively engage with drivers over matters impacting on taxis. Last time he sought their views 1300 persons were written to and the response rate was about 7%. Russell McLeod stated that it was difficult, and perhaps the best way was through the consultation group.

10. **Meeting Dates for 2010**

The meeting dates for 2010 are:-

08 February

17 May

16 August

15 November

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## LICENSING

13 January 2010

## COMMITTEE BUSINESS STATEMENT

<u>No.</u>	<u>Minute Reference</u>	<u>Committee Decision</u>	<u>Update</u>	<u>Responsible Head(s) of Service</u>	<u>Report Due (bold depicts items now outstanding)</u>	<u>Report Expected (if known)</u>
1.	Taxi Consultation Group 10.11.08 Article 7	<p><b><u>Review of Taxi Provision at Airport</u></b></p> <p>To instruct Officers to draft a report on the provision of taxis at the airport</p>	<p>A report was submitted to Committee on 02 December. "The Committee resolved to vary the conditions attached to a City (yellow) Plate Taxi to allow them to pick up hires at Aberdeen Airport when the green light is in operation, at the invitation of BAA, BAA's managing agent or a police officer and to instruct officers to prepare a report for its next meeting on 13 January 2010 investigating the possibility of Airport (Green) Plates picking up hires from the Night Time Ranks on Union Street"</p>	City Solicitor	<b>Jan 2010</b>	Feb 2010

2.	<p>Licensing Committee 03.06.09 Article 7</p> <p>and</p> <p>Licensing Committee 02.09.09 Article 2</p>	<p><b><u>Fire Safety Standards for Houses in Multiple Occupation</u></b></p> <p>to instruct the Private Sector Housing Manager to provide an update on the discussions between GFRS and the HMO unit at the September meeting.</p> <p>Private Sector Housing Manger to provide further report to Committee.</p>	<p>The Committee received a verbal update at its Meeting of 2 December 2009 from the Private Sector Housing Manager, who advised that the Council's Legal Services were happy with the terms of the draft Memorandum of Understanding between GFRS and ACC Grampian Fire and Rescue Service has stipulated that the HMO Officers must undertake training in 2 areas. 1. Fire Behaviour and 2 Fire Risk Assessments. Mr Thain advised that the training in respect of Fire Behaviour had been completed. The Private Sector Housing Manger advised that a further update would be provided to Committee.</p>	Head of Housing & Environment	Feb 2010	
3.	<p>Licensing Committee 02.09.09 Article 14</p>	<p><b><u>Wheelchair Accessible Vehicles</u></b></p> <p>(i) to obtain copies of vehicle specifications from Edinburgh, Glasgow and Dundee City Councils and</p> <p>(ii) to request that officers bring a report to Committee on the matter to its meeting in January 2010</p>	<p>The Committee considered a letter from Mr Bill Parris, National Operations Manager, Allied Vehicles which expressed concern about the Committee's decision of 3 June 2009 to adopt a vehicle specification for taxis based on the Department of Transport's Consultative Document.</p>	City Solicitor	Jan 2010	Feb 2010

**LICENSING COMMITTEE  
24 FEBRUARY 2010**

**LIST OF APPLICATIONS TO BE HEARD**

	<b>Application Type</b>	<b>Name and Address 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 Determined (If Applicable)</b>
1.	HMO Renewal	Malcolm A.K. Kpedekpo, + Margaret Duffus Leasing	479 King Street, Aberdeen	Housing & Environment	31 March 2010
2.	HMO Renewal	Alasdair Gillon, An Sealladh, + P.J. Property Management Ltd	5 Spital Walk, Aberdeen	Housing & Environment	7 May 2010
3.	HMO Renewal	Gillian Wishart	192 Morrison Drive, Aberdeen	Housing & Environment	10 May 2010
4.	HMO Renewal	Matthew Littlecott + Belvoir Lettings	406 Union Street, Aberdeen	Housing & Environment	11 May 2010
5.	HMO Renewal	Alan Farr & Kathleen Anderson,	27 Greenmore Gardens, Bride of Don, Aberdeen	Housing & Environment	1 June 2010
6.	HMO Renewal	Alan Farr & Kathleen Anderson,	8 Sunnyside Avenue, Aberdeen	Housing & Environment	1 June 2010
7.	HMO Renewal	Douglas Callum + Thomson Properties	22 Woodhill Road, Aberdeen	Objection X 1	5 January 2011
8.	Non-Domestic Knives and Swords Grant	Aberdeen Watersports and Leisure Limited 35 Waterloo Quay Aberdeen	Aberdeen Watersports and Leisure Limited 35 Waterloo Quay Aberdeen	CS	4 April 2010

	<b>Application Type</b>	<b>Name and Address 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 Determined (If Applicable)</b>
		and Jason Warren Topley			
9.	Skin Piercing/Tattooing Grant	Jillian Sharp	Temple Aesthetics, 9 The Courtyard, Cults, Aberdeen	CS	23 June 2010

**ABBREVIATIONS:**

CS City Solicitor  
 CC Chief Constable  
 PI Planning and Infrastructure  
 EH Environmental Health  
 Fire Grampian Fire and Rescue Service  
 BS Building Standards  
 HE Housing and Environment



# MEMO

Shelter & Environment

**Housing & Environment**

4<sup>th</sup> Floor, St.Nicholas House

To	Brenda Flaherty, Legal Manager, Resources Management, Town House		
From	Ally Thain, Private Sector Housing Manager, Housing & Environment		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	9 February 2010
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

**Civic Government (Scotland) Act 1982  
(Licensing of Houses in Multiple Occupation) Order 2000  
Application for the Renewal of a Licence to Operate a House in Multiple  
Occupation (HMO) at No.479 King Street, Aberdeen  
Applicant/s: Malcolm A.K.Kpedekpo  
Agent: Margaret Duffus Leasing**

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at their meeting on 24 February 2010, for the reason that the works and certification requirements have not been met.

I can advise you as follows:-

**The premises:-**

The premises to which this HMO Licence application relates is an upper floor maisonette contained within a two-flatted block. The accommodation comprises of four bedrooms, one public room, one kitchen and one bathroom. The position of the premises is shown on Appendix 'A' attached to this memo.

**The HMO application:-**

The HMO Licence application was submitted to the Council on 1 April 2009. The HMO Officer visited the premises on 30 April 2009, then he wrote to the applicant on 6 May 2009, listing the following requirements to bring the premises up to the current HMO standard:-

1. Installation of a fire alarm / fire detection system.
2. Installation of 30-minute fire-resistant room doors fitted with self-closers.
3. A Fire Action Notice to be displayed within the flat.
4. A fire-blanket to be installed in the kitchen.
5. All valid gas & electrical safety certificates and the Tenancy Agreement to be submitted to the HMO Unit.

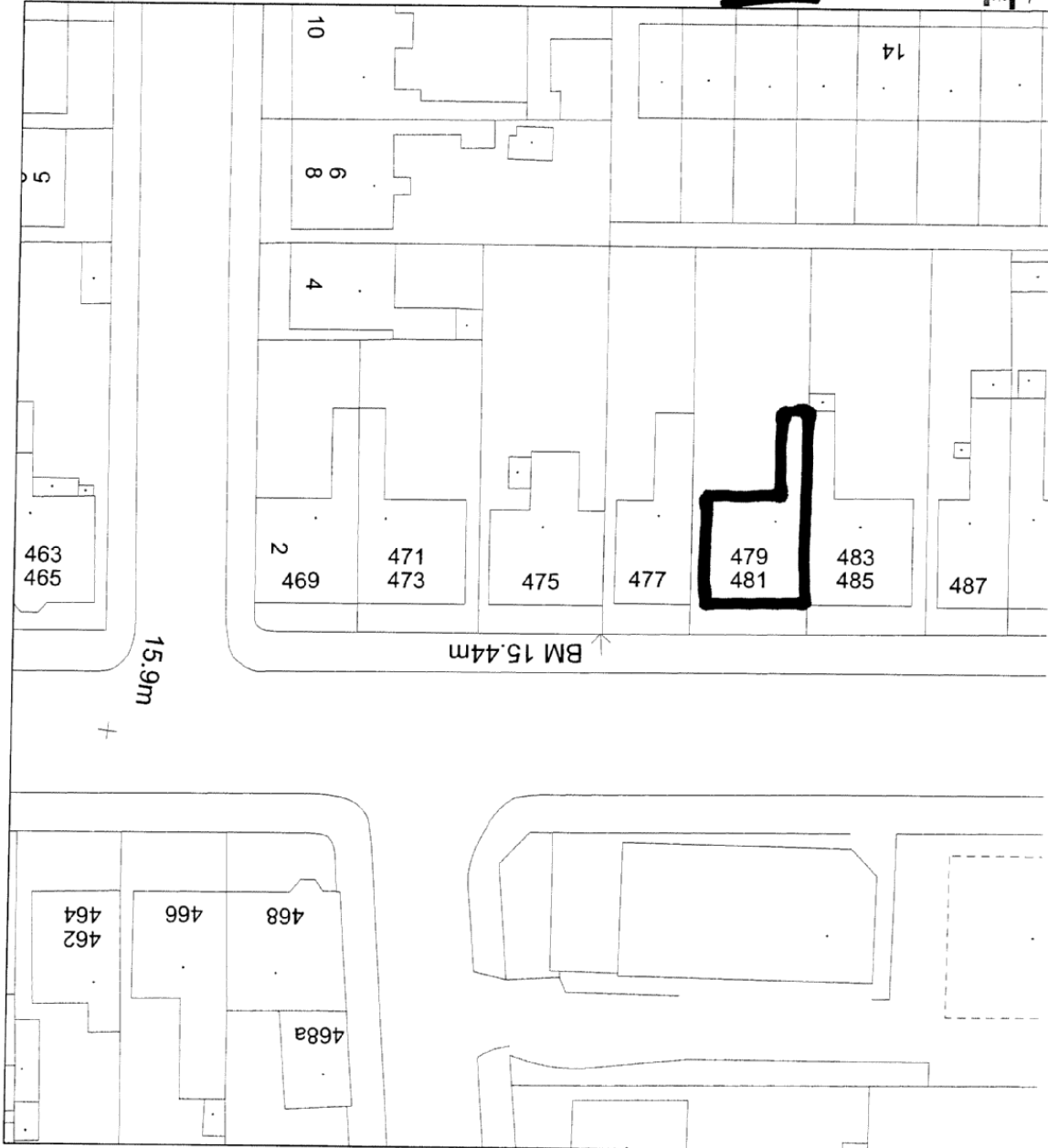
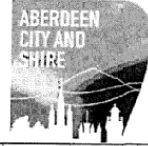
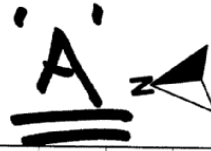
This HMO Licence application was considered by the Licensing Committee at its meeting on 13 January 2010, for the reason that works and certification requirements had not been met. The Committee resolved to give delegated powers to grant the Licence as soon as all requirements have been met. At the date of this memo, all works & certification requirements have not been met.

**Other considerations:-**

- The Chief Constable, Grampian Police, has been consulted in respect of the applicant's suitability as a "fit and proper person", and has made no comments or objections.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the property, and has made no comments or objections.
- At the date of this memo, the Council's Antisocial Behaviour Investigation Team has no record of any complaint in respect of No.479 King Street, Aberdeen.
- At the date of this memo, the applicant and his property are registered with the Landlord Registration scheme.
- The applicant has requested an occupancy of 4 tenants, which is acceptable to the HMO Unit.
- As mentioned above, the Council received the HMO Licence application on 1 April 2009. The Council must determine the application no later than 31 March 2010, otherwise the application will become deemed to be approved, which the Council must strive to avoid. The meeting of the Licensing Committee on 24 February 2010 is the last one before the 31 March 2010 deadline, therefore if all requirements have not been met by the day of the Committee and the Committee is minded to refuse the application, it must do so at its meeting on 24 February 2010.

I trust the above explains the position. Please contact me on x2870 if you wish to discuss any of the above.

**Ally Thain**  
Private Sector Housing Manager



**Title:** APPLICATION FOR HMO LICENCE  
**Premises:** 479 KING STREET, ABERDEEN  
**Scale:** 1:500      **Date:** 14 December 2009      **Map Ref:** NJ9407NW

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# MEMO

Shelter & Environment

**Housing & Environment**

4<sup>th</sup> Floor, St.Nicholas House

To	Brenda Flaherty, Legal Manager, Resources Management, Town House		
From	Ally Thain, Private Sector Housing Manager, Housing & Environment		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	9 February 2010
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

**Civic Government (Scotland) Act 1982  
(Licensing of Houses in Multiple Occupation) Order 2000  
Application for the Renewal of a Licence to Operate a House in Multiple  
Occupation (HMO) at No.5 Spital Walk, Aberdeen  
Applicant/s: Alasdair J.Gillon  
Agent: P.J.Property Management Limited**

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at their meeting on 24 February 2010, for the reason that the works and certification requirements have not been met.

I can advise you as follows:-

**The premises:-**

The premises to which this HMO Licence application relates is a semi-detached two-storey house with accommodation comprising of three bedrooms, one public room, one kitchen/dining-room, one bathroom and one shower-room. The position of the premises is shown on Appendix 'A' attached to this memo.

**The HMO application:-**

The HMO Licence application was submitted to the Council on 8 May 2009. The HMO Officer visited the premises on 2 July 2009, then he wrote to the agent on 14 July 2009, listing the following requirements to bring the premises up to the current HMO standard:-

1. Installation of 30-minute fire-resistant room doors fitted with self-closers.
2. The front & rear house exit doors to be refitted with keyless locks
3. A Fire Action Notice to be displayed within the premises
4. The Electric Periodic Inspection report to be submitted to the HMO Unit.

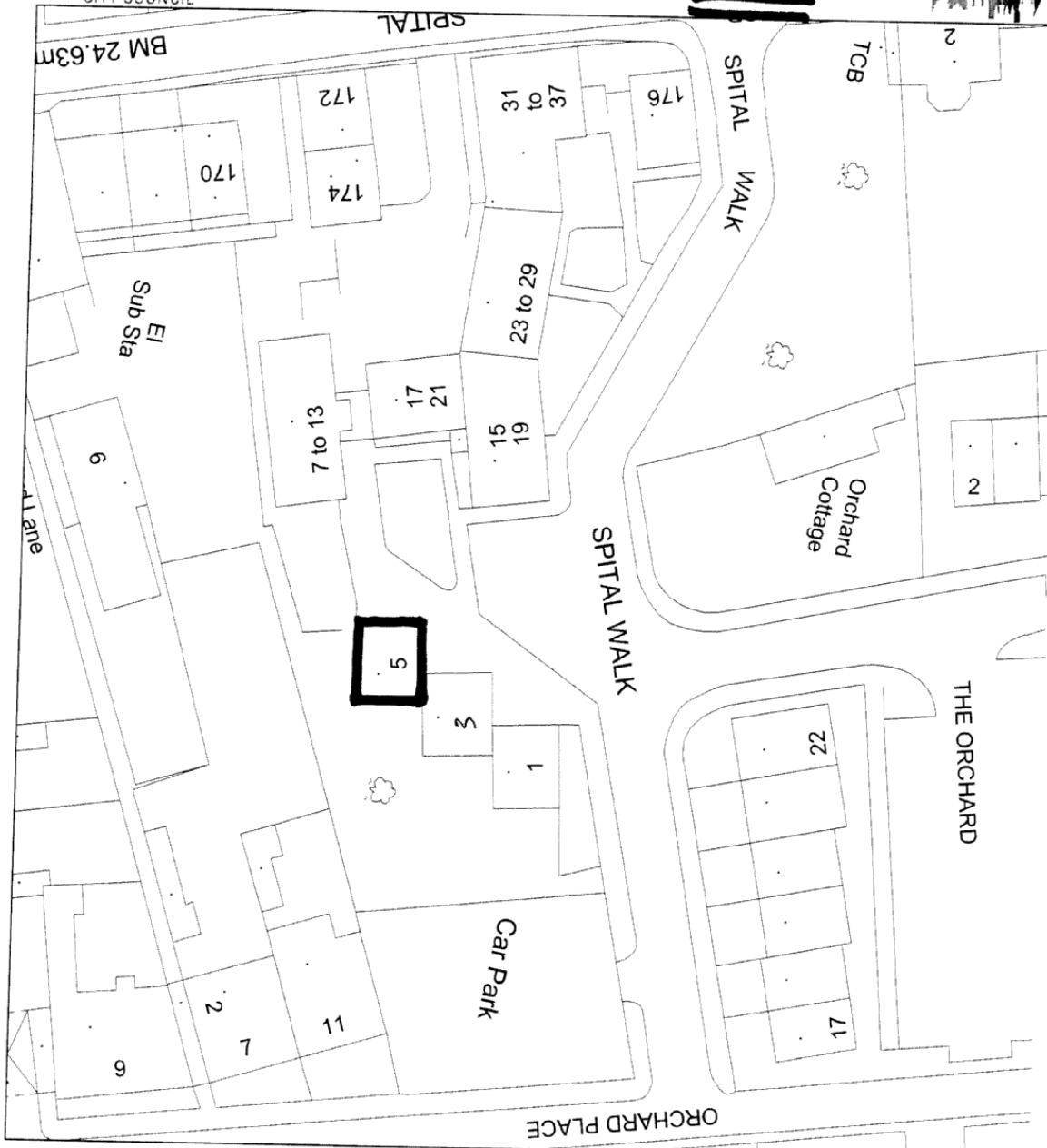
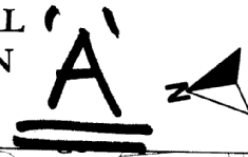
At the date of this memo, all works & certification requirements have not been met. Accordingly, the applicant has been invited to attend the meeting of the Licensing Committee on 24 February 2010, where the application will be discussed.

**Other considerations:-**


- The Chief Constable, Grampian Police, has been consulted in respect of the applicant's suitability as a "fit and proper person", and has made no comments or objections.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the property, and has made no comments or objections.
- At the date of this memo, the Council's Antisocial Behaviour Investigation Team has no record of any complaint in respect of No.5 Spital Walk, Aberdeen.
- The applicant and his premises are registered with the Landlord Registration database.
- The applicant has requested an occupancy of 4 tenants, which is acceptable to the HMO Unit.
- As mentioned above, the Council received the HMO Licence application on 8 May 2009. The Council must determine the application no later than 7 May 2010, otherwise the application will become deemed to be approved, which the Council must strive to avoid. If necessary, the application can be deferred until the Licensing Committee meets again on 21 April 2010, at the latest.

I trust the above explains the position. Please contact me on x2870 if you wish to discuss any of the above.

**Ally Thain**  
Private Sector Housing Manager



**Title:** APPLICATION FOR HMO LICENCE  
**PREMISES:** 5 SPITAL WALK, ABERDEEN  
**Scale:** 1:500      **Date:** 02 February 2010      **Map Ref:** NJ9407NW

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# MEMO

Shelter & Environment

**Housing & Environment**

4<sup>th</sup> Floor, St.Nicholas House

To	Brenda Flaherty, Legal Manager, Resources Management, Town House		
From	Ally Thain, Private Sector Housing Manager, Housing & Environment		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	9 February 2010
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

**Civic Government (Scotland) Act 1982  
(Licensing of Houses in Multiple Occupation) Order 2000  
Application for the Renewal of a Licence to Operate a House in Multiple  
Occupation (HMO) at No.192 Morrison Drive, Aberdeen  
Applicant/s: Gillian Wishart  
Agent: None stated**

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at their meeting on 24 February 2010, for the reason that the works and certification requirements have not been met.

I can advise you as follows:-

**The premises:-**

The premises to which this HMO Licence application relates is a first-floor flat with accommodation comprising of three bedrooms, one public room, one kitchen and one bathroom. The position of the premises is shown on Appendix 'A' attached to this memo.

**The HMO application:-**

The HMO Licence application was submitted to the Council on 11 May 2009. The HMO Officer visited the premises on 23 June 2009, then he wrote to the agent on 24 June 2009, listing the following requirements to bring the premises up to the current HMO standard:-

1. Installation of 30-minute fire-resistant room doors fitted with self-closers.
2. A Fire Action Notice to be displayed within the premises.
3. A fire-blanket to be installed in the kitchen.
4. The Notice for Display to be redisplayed, and the Notice for Display-Certificate of Compliance to be submitted to the HMO Unit thereafter.

At the date of this memo, all works & certification requirements have not been met. Accordingly, the applicant has been invited to attend the meeting of the Licensing Committee on 24 February 2010, where the application will be discussed.

**Other considerations:-**

- The Chief Constable, Grampian Police, has been consulted in respect of the applicant's suitability as a "fit and proper person", and has made no comments or objections.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the property, and has made no comments or objections.
- At the date of this memo, the Council's Antisocial Behaviour Investigation Team has no record of any complaint in respect of No.192 Morrison Drive, Aberdeen.
- The applicant and her premises are registered with the Landlord Registration database.
- The applicant has requested an occupancy of 3 tenants, which is acceptable to the HMO Unit.
- As mentioned above, the Council received the HMO Licence application on 11 May 2009. The Council must determine the application no later than 10 May 2010, otherwise the application will become deemed to be approved, which the Council must strive to avoid. If necessary, the application can be deferred until the Licensing Committee meets again on 21 April 2010, at the latest.

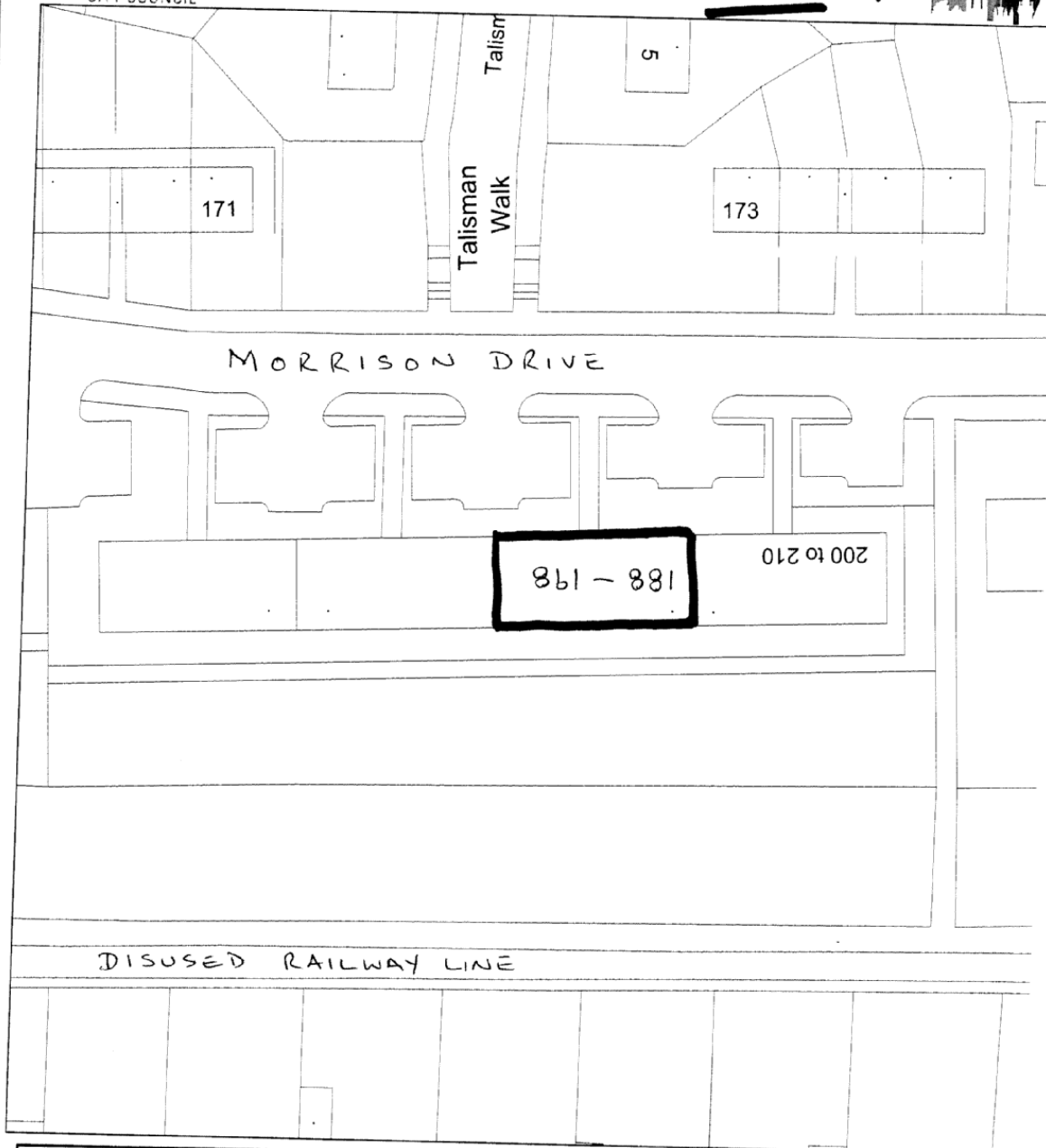
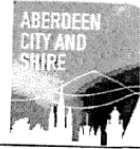
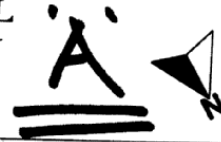
I trust the above explains the position. Please contact me on x2870 if you wish to discuss any of the above.

**Ally Thain**  
Private Sector Housing Manager



ABERDEEN  
CITY COUNCIL

# GEOGRAPHICAL INFORMATION SYSTEM



**Title:** APPLICATION FOR HMO LICENCE  
**PREMISES:** 192 MORRISON DRIVE, ABERDEEN  
**Scale:** 1:500      **Date:** 02 February 2010      **Map Ref:** NJ9103NW

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# MEMO

Shelter & Environment

**Housing & Environment**

4<sup>th</sup> Floor, St.Nicholas House

To	Brenda Flaherty, Legal Manager, Resources Management, Town House		
From	Ally Thain, Private Sector Housing Manager, Housing & Environment		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	9 February 2010
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

**Civic Government (Scotland) Act 1982  
(Licensing of Houses in Multiple Occupation) Order 2000  
Application for the Renewal of a Licence to Operate a House in Multiple  
Occupation (HMO) at No.406 Union Street, Aberdeen  
Applicant/s: Matthew Littlecott  
Agent: Belvoir Lettings**

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at their meeting on 24 February 2010, for the reason that the works and certification requirements have not been met.

I can advise you as follows:-

**The premises:-**

The premises to which this HMO Licence application relates is a first-floor maisonette flat with accommodation comprising of six bedrooms, one public room, one kitchen and two bathrooms. The position of the premises is shown on Appendix 'A' attached to this memo.

**The HMO application:-**

The HMO Licence application was submitted to the Council on 12 May 2009. The HMO Officer visited the premises on 2 June 2009, then he wrote to the agent on 5 June 2009, listing the following requirements to bring the premises up to the current HMO standard:-

1. Installation of a smoke detector at the basement staircase.
2. The basement access door to be fitted with a self-closing device.
3. The vent above the lounge door to be removed and sheeted over.
4. All self-closing fire doors to be checked for correct operation.
5. A lock to be replaced on the bedroom door.
6. A Fire Action Notice to be displayed within the premises.
7. A fire-blanket to be installed in the kitchen.
8. All windows to be made capable of easy opening for ventilation.
9. The housekeeping to be improved.
10. All gas & electrical safety certification, the Notice for Display-Certificate of Compliance and the Tenancy Agreement to be submitted to the HMO Unit.

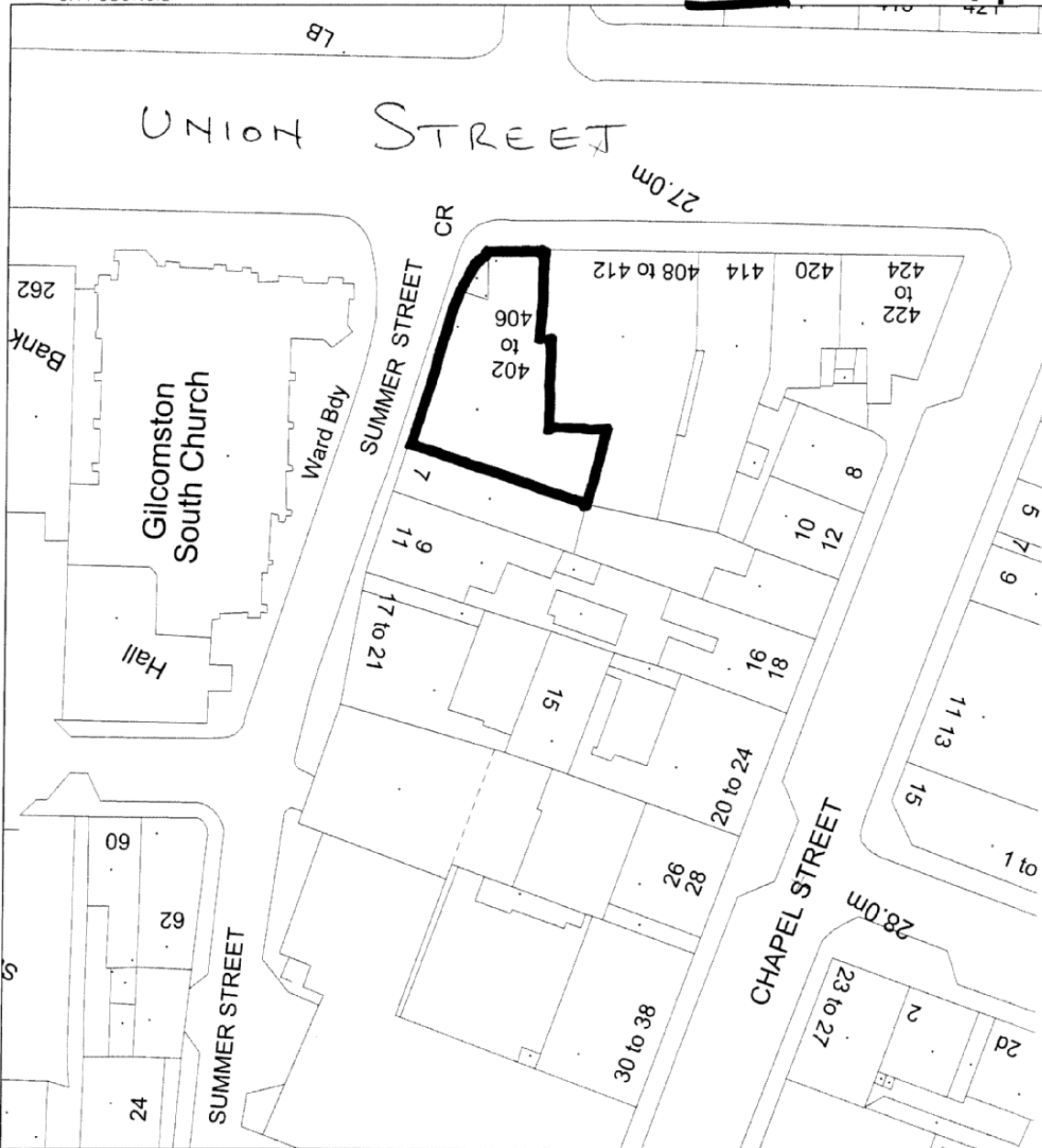
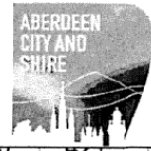
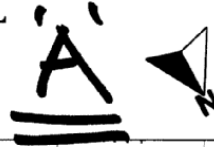
At the date of this memo, all works & certification requirements have not been met. Accordingly, the applicant has been invited to attend the meeting of the Licensing Committee on 24 February 2010, where the application will be discussed.

**Other considerations:-**


- The Chief Constable, Grampian Police, has been consulted in respect of the applicant's suitability as a "fit and proper person", and has made no comments or objections.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the property, and has made no comments or objections.
- At the date of this memo, the Council's Antisocial Behaviour Investigation Team has no record of any complaint in respect of No.406 Union Street, Aberdeen.
- The applicant and his premises are registered with the Landlord Registration database.
- The applicant has requested an occupancy of 6 tenants, which is acceptable to the HMO Unit.
- As mentioned above, the Council received the HMO Licence application on 12 May 2009. The Council must determine the application no later than 11 May 2010, otherwise the application will become deemed to be approved, which the Council must strive to avoid. If necessary, the application can be deferred until the Licensing Committee meets again on 21 April 2010, at the latest.

I trust the above explains the position. Please contact me on x2870 if you wish to discuss any of the above.

**Ally Thain**  
Private Sector Housing Manager



**Title:** APPLICATION FOR HMO LICENCE  
**Premises:** 406 UNION STREET, ABERDEEN  
**Scale:** 1:500      **Date:** 02 February 2010      **Map Ref:** NJ9305NW

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# MEMO

Shelter & Environment

**Housing & Environment**

4<sup>th</sup> Floor, St.Nicholas House

<b>To</b>	Brenda Flaherty, Legal Manager, Resources Management, Town House		
<b>From</b>	Ally Thain, Private Sector Housing Manager, Housing & Environment		
<b>Email</b>	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	<b>Date</b>	9 February 2010
<b>Tel.</b>	522870	<b>Our Ref.</b>	
<b>Fax.</b>		<b>Your Ref.</b>	

**Civic Government (Scotland) Act 1982  
(Licensing of Houses in Multiple Occupation) Order 2000  
Application for the Renewal of a Licence to Operate a House in Multiple  
Occupation (HMO) at No.27 Greenmore Gardens, Aberdeen  
Applicant/s: Kathleen Anderson & Alan Farr  
Agent: Kathleen Anderson**

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at their meeting on 24 February 2010, for the reason that the works and certification requirements have not been met.

I can advise you as follows:-

**The premises:-**

The premises to which this HMO Licence application relates is a semi-detached two-storey house with accommodation comprising of four bedrooms, one public room, one kitchen and one bathroom. The position of the premises is shown on Appendix 'A' attached to this memo.

**The HMO application:-**

The HMO Licence application was submitted to the Council on 2 June 2009. The HMO Officer visited the premises on 9 June 2009, then he wrote to the applicants on 9 June 2009, listing the following requirements to bring the premises up to the current HMO standard:-

1. Installation of a fire alarm / fire detection system.
2. Installation of 30-minute fire-resistant room doors fitted with self-closers.
3. The front and rear exit doors to be fitted with keyless locks.
4. A Fire Action Notice to be displayed within the premises
5. A fire blanket to be installed in the kitchen
6. All valid gas & electrical safety certificates and the Tenancy Agreement to be submitted to the HMO Unit.

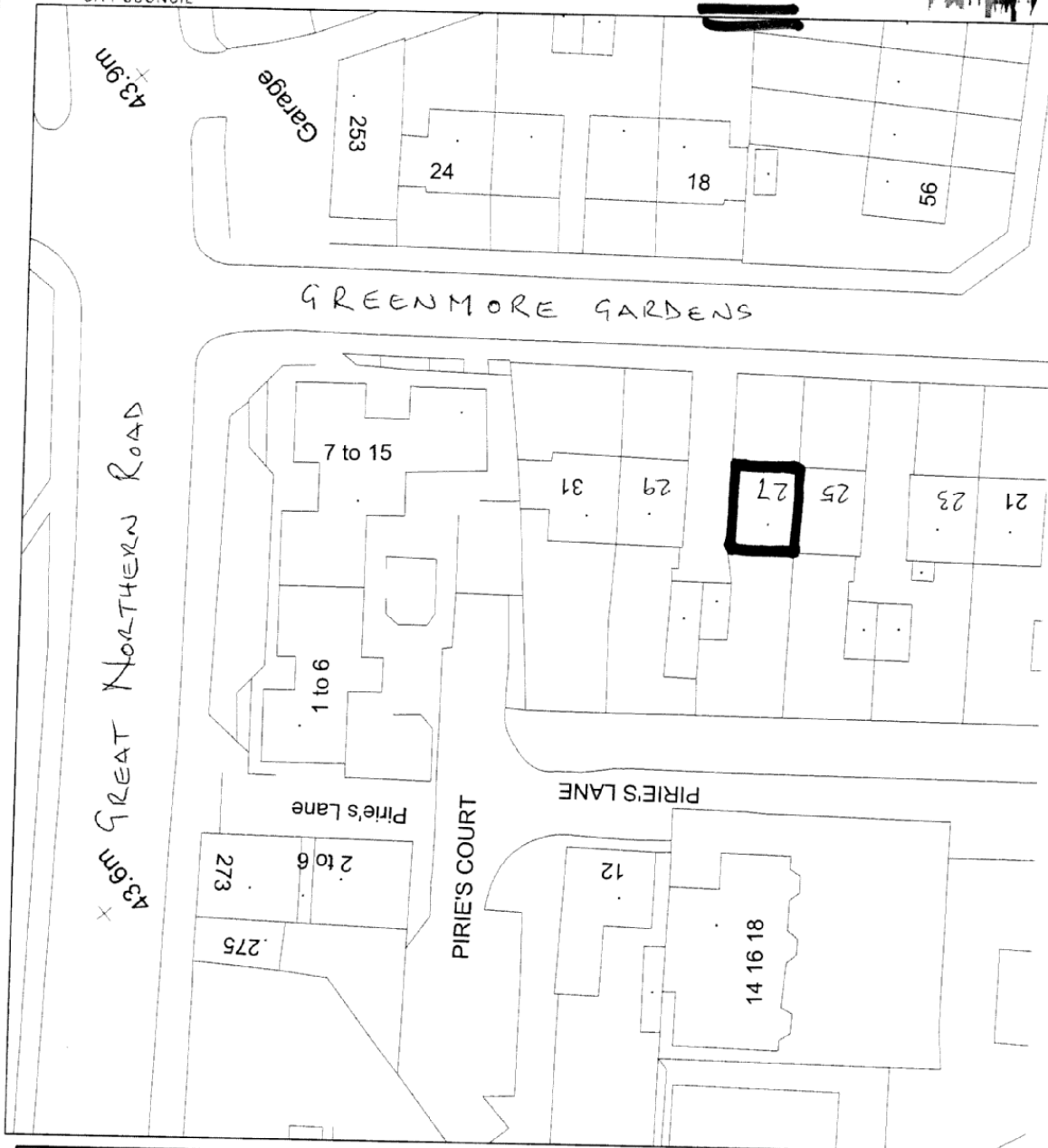
At the date of this memo, all works & certification requirements have not been met. Accordingly, the applicants have been invited to attend the meeting of the Licensing Committee on 24 February 2010, where the application will be discussed.

**Other considerations:-**

- The Chief Constable, Grampian Police, has been consulted in respect of the applicants' suitability as a "fit and proper person", and has made no comments or objections.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the property, and has made no comments or objections.
- At the date of this memo, the Council's Antisocial Behaviour Investigation Team has no record of any complaint in respect of No.27 Greenmore Gardens, Aberdeen.
- The applicants and their premises are registered with the Landlord Registration database.
- The applicants have requested an occupancy of 4 tenants, which is acceptable to the HMO Unit.
- As mentioned above, the Council received the HMO Licence application on 2 June 2009. The Council must determine the application no later than 1 June 2010, otherwise the application will become deemed to be approved, which the Council must strive to avoid. If necessary, the application can be deferred until the Licensing Committee meets again on 21 April 2010, at the latest.

I trust the above explains the position. Please contact me on x2870 if you wish to discuss any of the above.

**Ally Thain**  
Private Sector Housing Manager



**Title:** APPLICATION FOR HMO LICENCE  
**PREMISES:** 27 GREENMORE GARDENS, ABERDEEN  
**Scale:** 1:500      **Date:** 02 February 2010      **Map Ref:** NJ9208NE

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# MEMO

Shelter & Environment

**Housing & Environment**

4<sup>th</sup> Floor, St.Nicholas House

To	Brenda Flaherty, Legal Manager, Resources Management, Town House		
From	Ally Thain, Private Sector Housing Manager, Housing & Environment		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	9 February 2010
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

**Civic Government (Scotland) Act 1982  
(Licensing of Houses in Multiple Occupation) Order 2000  
Application for the Renewal of a Licence to Operate a House in Multiple  
Occupation (HMO) at No.8 Sunnyside Avenue, Aberdeen  
Applicant/s: Kathleen Anderson & Alan Farr  
Agent: Kathleen Anderson**

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at their meeting on 24 February 2010, for the reason that the works and certification requirements have not been met.

I can advise you as follows:-

**The premises:-**

The premises to which this HMO Licence application relates is a semi-detached two-storey house with accommodation comprising of four bedrooms, one public room, one kitchen and two bathrooms. The position of the premises is shown on Appendix 'A' attached to this memo.

**The HMO application:-**

The HMO Licence application was submitted to the Council on 2 June 2009. The HMO Officer visited the premises on 10 June 2009, then he wrote to the applicants on 12 June 2009, listing the following requirements to bring the premises up to the current HMO standard:-

1. Installation of a fire alarm / fire detection system.
2. Installation of 30-minute fire-resistant room doors fitted with self-closers.
3. A fire blanket to be installed in the kitchen
4. All valid gas & electrical safety certificates and the Tenancy Agreement to be submitted to the HMO Unit.

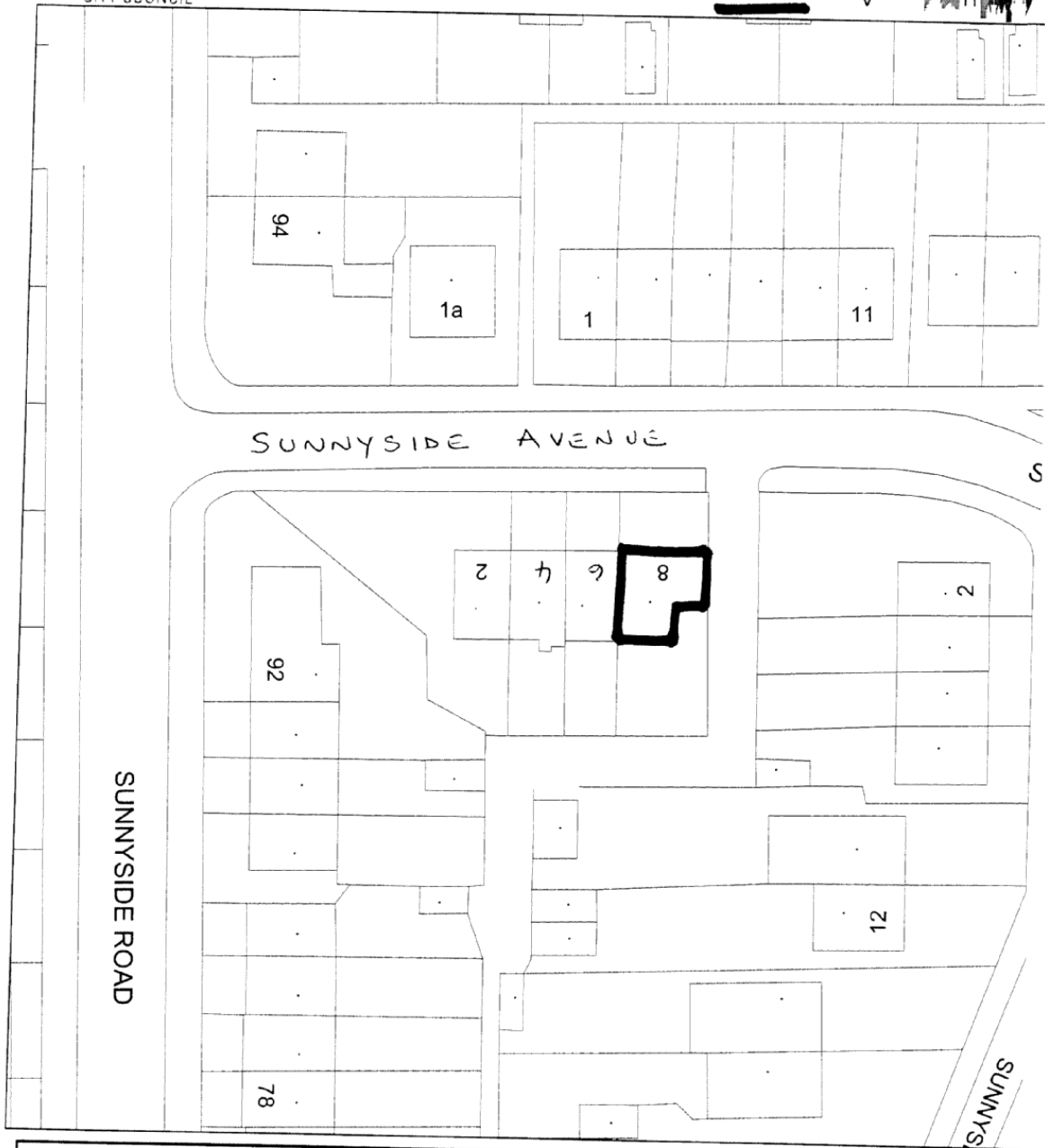
At the date of this memo, all works & certification requirements have not been met. Accordingly, the applicants have been invited to attend the meeting of the Licensing Committee on 24 February 2010, where the application will be discussed.

**Other considerations:-**

- The Chief Constable, Grampian Police, has been consulted in respect of the applicants' suitability as a "fit and proper person", and has made no comments or objections.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the property, and has made no comments or objections.
- The Council's Antisocial Behaviour Investigation Team has a record of a 'noise' complaint in September 2006, in respect of No.8 Sunnyside Avenue, Aberdeen. No further complaints have been received since then.
- The applicants and their premises are registered with the Landlord Registration database.
- The applicants have requested an occupancy of 4 tenants, which is acceptable to the HMO Unit.
- As mentioned above, the Council received the HMO Licence application on 2 June 2009. The Council must determine the application no later than 1 June 2010, otherwise the application will become deemed to be approved, which the Council must strive to avoid. If necessary, the application can be deferred until the Licensing Committee meets again on 21 April 2010, at the latest.

I trust the above explains the position. Please contact me on x2870 if you wish to discuss any of the above.

**Ally Thain**  
Private Sector Housing Manager



**Title:** APPLICATION FOR HMO LICENCE  
**PREMISES:** 8 SUNNYSIDE AVENUE, ABERDEEN  
**Scale:** 1:500      **Date:** 02 February 2010      **Map Ref:** NJ9307NE

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# MEMO

Shelter & Environment

**Housing & Environment**

4<sup>th</sup> Floor, St.Nicholas House

To	Brenda Flaherty, Legal Manager, Resources Management, Town House		
From	Ally Thain, Private Sector Housing Manager, Housing & Environment		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	9 February 2010
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

**Civic Government (Scotland) Act 1982  
(Licensing of Houses in Multiple Occupation) Order 2000  
Application for the Renewal of a Licence to Operate a House in Multiple  
Occupation (HMO) at No.22 Woodhill Road, Aberdeen  
Applicant/s: Douglas Callum  
Agent: Thomson Properties**

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at their meeting on 24 February 2010, for the reason that a letter of objection has been received.

I can advise you as follows:-

**The premises:-**

The premises to which this HMO Licence application relates is a detached two-storey house with accommodation comprising of four bedrooms, one public room, one kitchen, one bathroom and one shower-room. The position of the premises is shown on Appendix 'A' attached to this memo.

**The HMO application:-**

The HMO Licence application was received by the Council on 6 January 2010. The HMO Officer visited the premises along with the agent on 2 February 2010, but could not gain access to the bedrooms. A further inspection will be arranged, but it is likely that some upgrading work will be required.

**Letter of objection:**

The HMO Unit received a letter of objection from Mary Chilton, 24 Woodhill Road, Aberdeen (attached as appendix 'B'). The letter was received within the statutory 21-day period for consultation and is therefore a 'competent' objection. The objector has been invited to attend the meeting of the Licensing Committee on 24 February 2010.

**Other considerations:-**

- The Chief Constable, Grampian Police, has been consulted in respect of the applicant's suitability as a "fit and proper person", and has made no comments or objections.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the property, and has made no comments or objections.
- At the date of this memo, the Council's Antisocial Behaviour Investigation Team has no record of any complaint in respect of No.22 Woodhill Road, Aberdeen.
- The applicant and his premises are registered with the Landlord Registration database.
- The applicant has requested an occupancy of 5 tenants, which is acceptable to the HMO Unit.
- The objector is the immediate neighbour of the applicant.

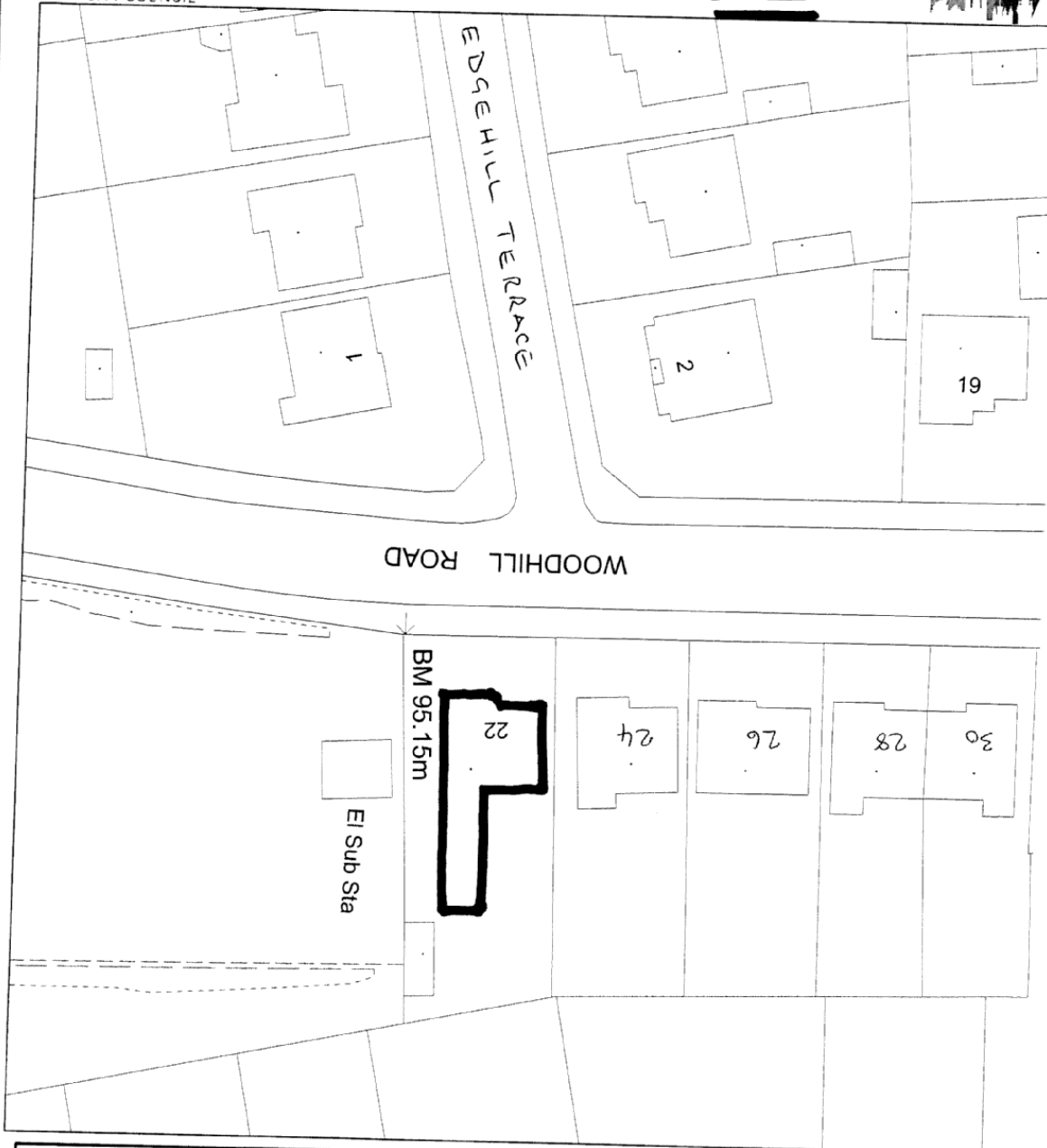
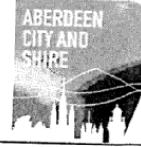
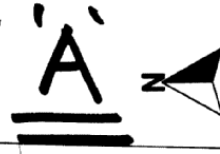
I trust the above explains the position. Please contact me on x2870 if you wish to discuss any of the above.

**Ally Thain**  
Private Sector Housing Manager



ABERDEEN  
CITY COUNCIL

# GEOGRAPHICAL INFORMATION SYSTEM



**Title:** APPLICATION FOR HMO LICENCE  
**PREMISES:** 22 WOODHILL ROAD, ABERDEEN  
**Scale:** 1:500  
**Date:** 02 February 2010  
**Map Ref:** NJ9106SW

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# Agenda Item 4.

Attention: Brenda Flaherty. Clerk to the Licensing Board, Aberdeen City Council

Dear Ms Flaherty,

Thank you for your help on the telephone, Councillor Milne correctly referred me to you.

Background

Please raise on the agenda for the next Licensing Budgetary meeting my objections to the swingeing increases in HMO fees from £237 to £1500 in four years an increase of over 600%

All the HMOs that I rent out are in Torry and provide affordable housing at an average budgetary figure of £300 per man per month.

The increased HMO costs are not possible to pass on, with the credit crunch re-financing property (if you can ) has become more expensive.

Margins are being squeezed such that the nine HMO beds that are available presently may be taken off the market and the properties redeveloped.

The unintended consequence of the HMO increases will result in the number of affordable beds in the community being reduced.

Questions for the agenda of the meeting

I understand that the HMO department is trying to cover its costs,

- A) Please can you issue me with a breakdown of the operating costs ( past and projections) of the department in years 2007, 2008, 2009, 2010, 2011
- B) Please can you issue you me with a revenue breakdown from fees received in years 2007,2008,2009,2010,2011
- C) Besides the swingeing increase in fees please can you show with clear illustrations some past fiscal responsibility i.e. reduced management personnel office space etc

I am a retired Chatered Engineer with many years engineering experience and would like to address the board about the consequences of raising fixed costs that cannot be passed on,(bankruptcy) and give some well needed advice on how the private sector manages budgets with fiscal responsibility.

Yours sincerely

Jeremy Mockridge

**CC:** John Reynolds

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COMMITTEE: Licensing

DATE: 24 February 2010

DIRECTOR: Stewart Carruth, Corporate Governance

TITLE OF REPORT: Licence Application Fees: April 2010 – March 2011

REPORT NUMBER: CG-10-028

---

## 1. PURPOSE OF REPORT

The purpose of the report is to advise the Committee of the proposed level of application fees for licences administered through the Civic Government (Scotland) Act 1982 and other miscellaneous statutes and to obtain the Committee's approval for the fees to come into effect on 01 April 2010.

## 2. RECOMMENDATION(S)

That the Committee approves the fees set out in Appendices 1 and 2 to this report.

## 3. FINANCIAL IMPLICATIONS

In terms of Section 12 and Paragraph 15 of Schedule 1 to the Civic Government (Scotland) Act 1982, the licensing authority shall "charge such...fees as they may...determine...to ensure that...the total amount of fees...is sufficient to meet the expenses of the authority in exercising their functions under Parts 1 and 2 of this Act and this Schedule". The proposed fees achieve cost recovery to the Local Authority.

## 4. SERVICE & COMMUNITY IMPACT

The purpose of the Licensing regime is to contribute to the safety of the citizens of Aberdeen who use any of the services covered by licences.

## 5. OTHER IMPLICATIONS

There are no other implications as a result of this report.

## 6. REPORT

### 6.1 CIVIC AND MISCELLANEOUS APPLICATION FEES

In determining the level of fees to be set, the budget for the forthcoming financial year (2010/11) was considered. All staff time is recorded electronically against the different licence types. This enables us to calculate accurately the costs to be attributed to each licence type. Actual costs for the year have been used in calculating these fees. The management information shows that there has been

no significant change in the number of licences issued since the Committee last approved the fees in 2009.

For most of the fees, the budget has worked out to be cost neutral and therefore a minimum inflationary rise of 2.5% has been applied, with a few exceptions. Currently the fees for street trader licences do not cover costs; an increase of 7% is necessary to achieve this. Similarly, a 5% rise is necessary to cover the costs associated with second-hand dealer's licences. Taxi Booking Office and Non Domestic Knives licences both came into force during 2009/10 and incurred high set up costs. An increase of 5% would not have covered the costs but should cover the costs for the forthcoming year.

The current and proposed fees for 2010/11 are attached at Appendix 1.

## 6.2 TAXI AND PRIVATE HIRE CAR APPLICATION FEES

The proposed fees were discussed at the Taxi Consultation Group on 8<sup>th</sup> February 2010. As a result officers were asked to provide a breakdown of costs. This has been done at Appendix 3.

The number of taxi and private hire car operator licences has remained constant, with only a 2% increase from 2009/10, while taxi driver numbers have increased by 6%.

An inflationary rise of 2.5% has been applied to the fees with one exception – that of substitution of vehicles. This has been increased by 15% to try to cut down on the numbers of substitutions which cause operational problems for the taxi examiners. By their nature most substitutions are not planned and are therefore urgent eg when a vehicle is damaged or needs repair and an alternative is substituted.

It was suggested by the Consultation Group that a 15% increase was too much and that instead, a 5% increase is added to the renewal fee to spread the cost and the substitution fee could then be increased by 2.5%. It was also suggested that the substitution fee be removed completely and the renewal fee be increased to compensate. These suggestions met with a mixed reception as comparatively few licence holders (227) make use of the substitution option, meaning the vast majority of licence holders (997) would be subsidising the few if either of these options were adopted.

Appendix 2A shows the effect of a 5% increase on the driver's renewal fee and a 2.5% increase on the substitution fee.

Appendix 2B shows the effect of removing the substitution fee and adding to the driver's renewal fee to compensate. This increases the existing renewal fee by £54.

Appendix 2C shows the effect of removing the substitution fee and adding to the operator's renewal fee to compensate. This increases the existing renewal fee by £24.



None of these options addresses the workload issues which the substitution fee is designed to address (at least in part) and if the fee is removed completely the numbers of substitutions will increase considerably and have a detrimental effect on the routine 6 monthly tests, the situation the substitution fee was designed to address when it was introduced.

The current and proposed fees for 2010/11 are attached at Appendix 2.

## 7. REPORT AUTHOR DETAILS

Brenda Flaherty, Legal Manager, Licensing Team  
✉ [bflaherty@aberdeencity.gov.uk](mailto:bflaherty@aberdeencity.gov.uk) ☎ 01224 522624

Jacqui Wallace, Administration Officer, Licensing Team  
✉ [jwallace@aberdeencity.gov.uk](mailto:jwallace@aberdeencity.gov.uk) ☎ 01224 522985

## 8. BACKGROUND PAPERS

None

**LICENCE FEES****Civic & Miscellaneous**

	LICENCE COST 2009/10 £	PROPOSED VALUE 2010/11 £	ACTUAL NO OF LICENCES 2009/10	PROJECTED INCOME 2009/10 £	PROJECTED INCOME 2010/11 £
<u>Public Entertainment/Indoor Sports Entertainment (Three Yrs)</u>					
Grant of Licence	660	675			
Renewal of Licence Public Entertainment	505	515	30	5,050	5,150
Renewal of Licence Indoor Sports Centres	505	515	9	1,515	1,545
Temporary Licence / Variation	260	265			
Temporary Licence	310	315			
<u>Boat Hire</u>					
Grant of Licence	160	164			
Renewal of Licence	140	143	0		
Temporary Licence	90	92			
<u>Market Operator (Three Yrs) Private</u>					
Grant of Licence	300	307			
Renewal of Licence	200	205	12	800	820
Temporary Licence	300	307			
Variation	110	112			
<u>Market Operator (Three Yrs) Public</u>					
Grant of Licence	820	820			
Renewal of Licence	530	530	1	177	177
Temporary Licence	820	820			
Variation	380	380			
<u>Late Hours Catering (Three Yrs)</u>					
Grant of Licence	195	200			
Renewal of Licence	165	170	79	4,345	4,477
Temporary Licence	90	92			
Variation	75	77			
<u>Street Traders</u>					
Grant /Renewal (Employer)	155	166	94	14,570	15,604
Grant /Renewal (Employee)	90	96	65	5,850	6,240
Temporary Licence	90	96			
Substitution of Vehicle in Licence	110	117			
Additional Vehicle in Licence	50	53			

	LICENCE COST 2009/10 £	PROPOSED VALUE 2010/11 £	ACTUAL NO OF LICENCES 2009/10	PROJECTED INCOME 2009/10 £	PROJECTED INCOME 2010/11 £
<u>Sex Shop</u>					
Grant of Licence	5250	5250			
Renewal of Licence	3150	3150	2	6,300	6,300
<u>Second-Hand Dealers (Three Yrs)</u>					
Grant of Licence	190	200			
Renewal of Licence	165	175	124	6,820	7,233
Temporary Licence	90	92			
<u>Window Cleaner Three Yrs</u>					
Grant of Licence	160	165			
Renewal of Licence	140	145	94	4,387	4,543
Temporary Licence	25	26			
<u>Metal Dealers (incl Itinerant) Three Yrs</u>					
Grant of Licence	170	174			
Renewal of Licence	145	149	0		
Temporary Licence	90	92			
Variation	72	74			
<u>Cinemas Act 1985</u>					
Grant of Licence	600	600			
Renewal of Licence	200	200	4	800	800
Transfer of Licence	120	120			
<u>Theatres Act 1968 (Non-Educational)</u>					
Grant of Licence	690	700			
Renewal of Licence	525	535	5	2,625	2,675
Variation	270	275			
Transfer of Licence	180	185			
Temporary Licence	320	330			
<u>Game Act 1831</u>					
Grant / Renewal of Licence	125	125	4	500	500
<u>Miscellaneous</u>					
Variation of Zone (Civic)	110	110			
Consent for Material Alteration	175	175	0		
Consent for Material Alteration (Change of Manager)	50	50			
<u>Civil Marriages (Three yrs)</u>					
Grant / Renewal of Licence	650	665	21	4,550	4,655

	LICENCE COST 2009/10 £	PROPOSED VALUE 2010/11 £	ACTUAL NO OF LICENCES 2009/10	PROJECTED INCOME 2009/10 £	PROJECTED INCOME 2010/11 £
<u>Tattooing (Three yrs)</u>					
Grant of licence	297	304			
Renewal of licence	253	259	40	3,373	3,453
Temporary licence	119	122			
<u>Taxi Booking Offices (Three yrs)</u>					
Grant of licence	190	200			
Renewal of licence	165	175	4	220	233
Temporary licence	90	92			
<u>Non domestic knives &amp; swords (Three yrs)</u>					
Grant of licence	190	200			
Renewal of licence	165	175	6	330	350
Temporary licence	90	92			
				<b>£62,212</b>	<b>£64,756</b>

<b>ESTIMATED INCOME 2010/11- LICENCES (TAXIS ONLY)</b>				
<b>TYPE OF APPLICATION</b>	<b>ESTIMATED NO. OF LICENCES</b>	<b>CURRENT FEE 2009/10</b>	<b>PROPOSED FEE 2010/11</b>	<b>INCOME BASED ON PROPOSED FEE</b>
				<b>£</b>
<b>TAXIS/PRIVATE HIRE CARS</b>				
GRANT *1	0	395	405	0
RENEWAL OF LICENCE	1,204	215	220	264,880
TEMPORARY LICENCE *2	121	80	82	9,922
<b>TAXI DRIVERS</b>				
GRANT *1	0	50	51	0
RENEWAL (3 YEAR) LICENCE – (over 3 years £153,036) *3	1,417	105	108	51,012
TEMPORARY LICENCE *2	20	50	51	1,020
<b>MISCELLANEOUS</b>				
SUBSTITUTION FEE *2	227	100	115	26,105
CANCELLATION FEE	0	30	30	0
VARIATIONS *2	61	60	65	3,965
RE-TEST FEE	0	30	35	0
				<b>£ 356,904</b>

\*1 It is difficult to predict the number of new licenses per annum and in recent years it has been very low so a zero figure is included here.

\*2 Temporary licence, variation and substitution numbers are difficult to predict, as an indicative figure, January 2010 actuals have been used

\*3 The period of renewal was increased to 3 years from 2008/09; the final year for which is 2010/11 therefore one third of the £153k income is estimated to be attributable to 2010/11. It would be expected that income will increase in year one (2011/12) of each three year renewable cycle.

<b>ESTIMATED INCOME 2010/11- LICENCES (TAXIS ONLY)</b>				
<b>TYPE OF APPLICATION</b>	<b>ESTIMATED NO. OF LICENCES</b>	<b>CURRENT FEE 2009/10</b>	<b>PROPOSED FEE 2010/11</b>	<b>INCOME BASED ON PROPOSED FEE</b>
				<b>£</b>
<b>TAXIS/PRIVATE HIRE CARS</b>				
GRANT *1	0	395	405	0
RENEWAL OF LICENCE	1,204	215	220	264,880
TEMPORARY LICENCE *2	121	80	82	9,922
<b>TAXI DRIVERS</b>				
GRANT *1	0	50	51	0
RENEWAL (3 YEAR) LICENCE – (over 3 years £153,036) *3 <b>5% increase</b>	1,417	105	110	51,957
TEMPORARY LICENCE *2	20	50	51	1,020
<b>MISCELLANEOUS</b>				
SUBSTITUTION FEE *2 <b>2.5% increase</b>	227	100	102	23,154
CANCELLATION FEE	0	30	30	0
VARIATIONS *2	61	60	65	3,965
RE-TEST FEE	0	30	35	0
				<b>£ 354,898</b>

\*1 It is difficult to predict the number of new licenses per annum and in recent years it has been very low so a zero figure is included here.

\*2 Temporary licence, variation and substitution numbers are difficult to predict, as an indicative figure, January 2010 actuals have been used

\*3 The period of renewal was increased to 3 years from 2008/09; the final year for which is 2010/11 therefore one third of the £153k income is estimated to be attributable to 2010/11. It would be expected that income will increase in year one (2011/12) of each three year renewable cycle.

<b>ESTIMATED INCOME 2010/11- LICENCES (TAXIS ONLY)</b>				
<b>TYPE OF APPLICATION</b>	<b>ESTIMATED NO. OF LICENCES</b>	<b>CURRENT FEE 2009/10</b>	<b>PROPOSED FEE 2010/11</b>	<b>INCOME BASED ON PROPOSED FEE</b>
				<b>£</b>
<b>TAXIS/PRIVATE HIRE CARS</b>				
GRANT *1	0	395	405	0
RENEWAL OF LICENCE	1,204	215	220	264,880
TEMPORARY LICENCE *2	121	80	82	9,922
<b>TAXI DRIVERS</b>				
GRANT *1	0	50	51	0
RENEWAL (3 YEAR) LICENCE – (over 3 years £153,036) *3	1,417	105	159	75,101
TEMPORARY LICENCE *2	20	50	51	1,020
<b>MISCELLANEOUS</b>				
SUBSTITUTION FEE *2	227	100	0	0
CANCELLATION FEE	0	30	30	0
VARIATIONS *2	61	60	65	3,965
RE-TEST FEE	0	30	35	0
				<b>£ 354,888</b>

\*1 It is difficult to predict the number of new licenses per annum and in recent years it has been very low so a zero figure is included here.

\*2 Temporary licence, variation and substitution numbers are difficult to predict, as an indicative figure, January 2010 actuals have been used

\*3 The period of renewal was increased to 3 years from 2008/09; the final year for which is 2010/11 therefore one third of the £225k income is estimated to be attributable to 2010/11. It would be expected that income will increase in year one (2011/12) of each three year renewable cycle.

<b>ESTIMATED INCOME 2010/11- LICENCES (TAXIS ONLY)</b>				
<b>TYPE OF APPLICATION</b>	<b>ESTIMATED NO. OF LICENCES</b>	<b>CURRENT FEE 2009/10</b>	<b>PROPOSED FEE 2010/11</b>	<b>INCOME BASED ON PROPOSED FEE</b>
				<b>£</b>
<b>TAXIS/PRIVATE HIRE CARS</b>				
GRANT *1	0	395	405	0
RENEWAL OF LICENCE	1,204	215	239	287,756
TEMPORARY LICENCE *2	121	80	82	9,922
<b>TAXI DRIVERS</b>				
GRANT *1	0	50	51	0
RENEWAL (3 YEAR) LICENCE – (over 3 years £153,036) *3	1,417	105	108	51,012
TEMPORARY LICENCE *2	20	50	51	1,020
<b>MISCELLANEOUS</b>				
SUBSTITUTION FEE *2	227	100	0	0
CANCELLATION FEE	0	30	30	0
VARIATIONS *2	61	60	65	3,965
RE-TEST FEE	0	30	35	0
				<b>£ 353,675</b>

\*1 It is difficult to predict the number of new licenses per annum and in recent years it has been very low so a zero figure is included here.

\*2 Temporary licence, variation and substitution numbers are difficult to predict, as an indicative figure, January 2010 actuals have been used

\*3 The period of renewal was increased to 3 years from 2008/09; the final year for which is 2010/11 therefore one third of the £153k income is estimated to be attributable to 2010/11. It would be expected that income will increase in year one (2011/12) of each three year renewable cycle.



<b>Taxi inspection budget 09/10</b>	
	£
Staff Costs (Taxi unit, including taxi inspector)	127,400
Premise Costs (Rent, health & safety etc)	32,702
Administration Costs (copying, phones etc)	5,816
Supplies & Services Costs (Equipment purchase, identity cards & plates, cleaning charges etc)	23,208
Capital Financing Costs (loans funds share of ACC costs)	5,082
Sub total – budget	<b>194,208</b>
<b>Timerecording costs 09/10</b>	
Cost of democracy	14,690
Cost of Management Time	24,033
Licensing team cost	53,925
	<b>92,648</b>
<b>TOTAL BUDGET / COST</b>	<b>286,856</b>
<b>INCOME TO DATE 09/10</b>	268,836

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## ABERDEEN CITY COUNCIL

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COMMITTEE: Licensing

DATE: 24 February 2010

DIRECTOR: Stewart Carruth

TITLE OF REPORT: Coutie v Dundee City Council, Court of Session decision

REPORT NUMBER: CG/10/026

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### 1. PURPOSE OF REPORT

To advise Members of the recent Court of Session decision on wheelchair accessible taxi vehicles (“WAV”)

### 2. RECOMMENDATION(S)

That the Committee notes the report

### 3. FINANCIAL IMPLICATIONS

None

### 4. SERVICE & COMMUNITY IMPACT

None

### 5. OTHER IMPLICATIONS

This decision confirms that the Council has taken the correct decision with regard to its policy on WAVs

### 6. REPORT

#### **Synopsis of the decision**

Mr Coutie is a taxi driver who challenged a decision made by Dundee City Licensing Committee (the “DLC”) in September 2006. DLC required him to provide a WAV despite the fact his bad back would stop him from providing assistance to disabled passengers. The DLC has a taxi licence condition that requires new taxi licence operators to provide a WAV and that every subsequent replacement vehicle must be a WAV.

Mr Coutie’s appeal was heard in the Sheriff Court in April 2008. In that appeal decision the Sheriff said that the DLC had exercised its discretion in an unreasonable manner by requiring a disabled taxi operator to provide a WAV. The Sheriff also told the DLC to grant Mr Coutie’s taxi licence without the requirement to provide a WAV. DLC were of the opinion that the Sheriff had

reached the wrong decision and appealed the Sheriff's decision to the Court of Session.

In December 2009 the Court of Session (the "CoS") ruled that the Sheriff's decision was wrong. It said that the Sheriff had made an error in a crucial point. This was that under the circumstances it was important to distinguish between a taxi driver's licence and a taxi operator's licence. With regard to a taxi driver's licence if the licence holder cannot assist disabled, elderly or infirm people in and out of a taxi because the licence holder themselves has a disability, then that licence holder could not be expected to provide assistance to passengers who have a disability. Because it would be unreasonable to expect a disabled driver to assist disabled passengers a licence condition which requires the driver to assist could not be attached to a disabled taxi driver's licence. In the case of Mr Coutie, there was a detailed GP's letter which explained that he could not help with lifting and pushing.

The same argument cannot be applied to a taxi operator's licence because it relates to a vehicle rather than a specific driver. Although a taxi driver operating a vehicle may have a disability, and cannot help passengers who require assistance, taxis are often double or triple shifted and therefore a Licensing Committee cannot be certain that only one driver would use a vehicle. The CoS said that DLC could reasonably ask a disabled taxi operator to provide a WAV because it was probable that the vehicle will be used by more than one driver. The CoS also said the DLC had no way of knowing who would drive the taxi even if the applicant said they would only drive it themselves.

In Coutie the CoS also explained that contrary to suggestions made by the Sheriff, it could not rule that Mr Coutie would have a condition attached to his taxi operator's licence allowing a saloon car, but only for his use (i.e. one named driver). The CoS said that ruling could cause problems because it may be beyond the power of a Licensing Committee to put a condition on a taxi operator's licence restricting it to one named driver.

Furthermore, the CoS said that the Sheriff should not have taken the Disability Discrimination Act 1995 ("the DDA") into consideration because it is not relevant to the relationship between a Licensing Committee and taxi operators/taxi drivers. The DDA does not apply because the relationship between the parties is not an employee to employer relationship.

#### **Other recent decisions in the same area**

The Coutie CoS appeal decision follows two other recent CoS appeal cases in relation the WAV policy of Scottish Councils.

The decision in *Sneddon v Renfrewshire Council* confirmed that Scottish Councils have the necessary legal powers to require taxis to be wheelchair accessible in advance of the Scottish Government introducing regulations on this matter.

The *Wilson v Aberdeen City Council* ("ACC") case decided that the ACC Licensing Committee policy in relation to WAVs was lawful. The CoS ruled in

favour of, i) the Licensing Committee's policy regarding the saloon car exemption for pre-1994 taxi licence holders, and ii) the Committee's requirement that new applicants for a taxi licence must provide a WAV. The CoS indicated that it was sympathetic to the Committee's policy because it envisages an end position where the whole taxi fleet in Aberdeen City will be wheelchair accessible.

### **Conclusions**

These Court of Session cases have clarified some contentious points in relation to Scottish Councils duties and powers regarding the implementation of their WAV policies. These points are, that it is legal for a Licensing Committee to:-

- a) operate its own policy in relation to implementation of WAV matters;
- b) operate its own policy requiring a disabled taxi operator to provide a WAV, and;
- c) require new applicants for a taxi operator's licence to provide a WAV even when the Committee also has a saloon car exemption policy for pre-1994 taxi operator's licences.

### 7. REPORT AUTHOR DETAILS

Paul M Connolly  
Solicitor (Licensing Team)

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Direct Dial: 01224 522357

### 8. BACKGROUND PAPERS

Court of Session judgments: -

- 1) John Robert Coutie v Dundee City Council [2009] CSIH 88
- 2) Thomas Sneddon v Renfrewshire Council [2009] CSIH 40
- 3) Mr. James Wilson v Aberdeen City Council [2008] CSIH 8

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## ABERDEEN CITY COUNCIL

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COMMITTEE: Licensing

DATE: 24 February 2010

DIRECTOR: Stewart Carruth

TITLE OF REPORT: Airport Zoning- Variation of Condition on Yellow Plate Taxis

REPORT NUMBER: CG/10/027

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### 1. PURPOSE OF REPORT

To ratify (or otherwise) the variation of a condition on city zoned taxi licences to allow them to pick up fares at Aberdeen Airport (“the airport”) when the ‘green light’ system is in operation.

### 2. RECOMMENDATION(S)

That Members:

- a) consider the responses from taxi drivers in relation to the proposed variation (see appendix 1);
- b) ratify the proposed new condition; and
- c) instruct officers to finalise procedural aspects of the variation and issue the amended conditions.

### 3. FINANCIAL IMPLICATIONS

None

### 4. SERVICE & COMMUNITY IMPACT

The purpose of varying the condition is to improve the taxi service at the airport. The effect of the change will be monitored.

### 5. OTHER IMPLICATIONS

None

### 6. REPORT

In terms of paragraph 10(2)(a) Schedule 1 Civic Government (Scotland) Act 1982, the Licensing Committee has the power to vary licence conditions.

The Licensing Committee at its meeting of 2 December 2009 approved in principle a recommendation that it should amend the condition on city zoned taxi licences which makes it unlawful for such taxis to pick up at the airport. Under

the proposed variation city zoned taxis will be able to pick up passengers at the airport when the managing agent illuminates the green light. The green light indicates that there is a queue of passengers waiting for taxis which cannot be cleared by airport zoned taxis alone.

The proposed variation is as follows:

**Original Condition (to be amended)**

2. "This licence is valid within the whole of the licensed area, except Aberdeen Airport".

**Proposed New Condition**

2. "This licence is valid within the whole of the licensed area, except Aberdeen Airport. When the taxi managing agent, in consultation with Aberdeen Airport Limited and Grampian Police illuminates the green light, and only when the green light is illuminated, this condition will not apply".

The 'green light' system works as follows: a green light is illuminated at the airport by the taxi managing agent in consultation with Aberdeen Airport Limited ("AAL") and Grampian Police (the "police"), when circumstances agreed between AAL and the managing agent dictate it is necessary. The managing agent's taxi marshal, who is stationed at the airport rank, continually monitors the number of airport zoned taxis returning to the airport. If there are not sufficient airport zoned taxis returning to the airport to pick up the waiting passengers then the marshal will illuminate the green light. The managing agent's service standard (as agreed with AAL) is that the average passenger waiting time should be no longer than 15 minutes. The frequency of use of the green light varies day to day due to peaks and troughs in passenger numbers.

The proposed new condition shall, subject to final approval by the Committee, replace the original condition on city zoned taxis (yellow plates), and will come into effect after 28 days if no appeal is lodged with the Sheriff Court during that time.

If the Committee ratify the new condition then city zoned taxis will only be able to pick up at the airport when they are requested to do so by the managing agent, Aberdeen Airport Limited or Grampian Police and when the green light is illuminated. The new condition would allow city zoned taxis to pick up at the airport without being in breach of a condition.

Licensing officers wrote to all taxi licence holders (875 in total) to consult them in relation to the proposed variation. The letter explained the decision of the Licensing Committee on 2 December 2009. We received three responses to the letter. Two of the responses were by email (copies of which can be found at appendix 1) and the other was by telephone.



The first respondent said in their email that airport drivers pay a premium to operate at the airport. Therefore, allowing city drivers to pick up at the airport under the 'green light' system creates inequality between the city and airport zoned drivers. The second respondent's email said that the green light is not easily visible to city drivers from the holding bay outside the airport and suggested the light be moved to the holding bay. The managing agent's city zoned drivers are told in advance when the green light is to be operated which puts other city drivers at a disadvantage.

## 7. REPORT AUTHOR DETAILS

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Direct Dial: 01224 522357

## 8. BACKGROUND PAPERS

Licensing Committee report: CG/10/063 'Provision of Taxi Service at Aberdeen Airport and potential removal of the Zoning Condition', dated 28 October 2009

2

**From:** Licensing  
**To:** Brenda Flaherty  
**Date:** 07/01/2010 09:39  
**Subject:** Fwd: Proposed New Condition

Licensing Team  
Office of City Solicitor  
Resources Management  
Aberdeen City Council  
Ground Floor  
Town House  
Broad Street  
Aberdeen AB10 1AQ

Direct Dial 01224 522377  
Direct Fax 01224 522491  
[www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

>>> Olive Kemp < > 06/01/2010 19:47 >>>

In response to your letter advising of the above.

I operate as a sole trader, have a yellow plate and would welcome this proposal however I do have reservations regarding the "GREEN LIGHT" system.

1. The "GREEN LIGHT" is not easily visible even though you are at the dropping off area which is close to the terminal building.

2. To maintain airport security and limit amount of Taxis entering the pick up area, the "Green Light" could be moved to the holding area. This would also eliminate confusion and make it fairer to all taxi operators.

3. At the moment Com-Cabs drivers are advised when the "green light" is on. If this light is not clearly visible then Com-Cabs drivers would have the advantage over others.

I would be obliged if my comments would be considered.

Many Thanks

Olive Kemp

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COMMITTEE Licensing

DATE 24<sup>th</sup> February 2010

DIRECTOR Stewart Carruth

TITLE OF REPORT Variation of Condition on Airport Zoned Taxi Licences

REPORT NUMBER: CG/10/029

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## 1. PURPOSE OF REPORT

To inform Members of the advantages and disadvantages of varying the airport zoned taxi licence conditions to enable those operators to pick up fares from the night time taxi ranks on Union Street when they are in operation on Friday and Saturday nights.

## 2. RECOMMENDATION(S)

- a) that the Committee initiates a trial period of 6 months whereby airport zoned taxis are permitted to operate in the city when the night time taxi ranks are in operation
- b) that the zoning condition on airport zoned taxis be suspended to enable this to happen on Saturday nights between the hours of 00.00 and 05.00
- c) that airport zoned taxis which take advantage of the suspension of the zoning condition also be permitted to pick up passengers in the street by being flagged down
- d) that a report be forthcoming at the end of the trial period on whether the situation be made permanent by varying the condition.

## 3. FINANCIAL IMPLICATIONS

None

## 4. SERVICE & COMMUNITY IMPACT

None

## 5. OTHER IMPLICATIONS

None

## 6. REPORT

- 6.1 At its meeting on 2<sup>nd</sup> December 2009 the Committee resolved to vary the conditions on city zoned taxi licences (yellow plates) to enable those operators to pick up fares at the airport when the "green light" system was in operation. By way of compensation for loss of trade, the Committee also

instructed officers to investigate the possibility of varying airport zoned taxi licences (green plates) to allow those operators to pick up fares from the night time taxi ranks on Union Street when they are in operation on Friday and Saturday nights.

The purpose of both variations is to assist in clearing long queues of passengers at busy times when insufficient taxis for the respective zones are available, to satisfy the public demand for sufficient taxis to be available and for the taxi trade, as a public transport service provider to offer an efficient and effective taxi service.

Please note that when reference is made to the airport zone this includes the heliport.

- 6.2 A limited consultation exercise was carried out on the proposal to allow green plates to pick up on the night time taxi ranks. All taxi operators were advised by letter of the decision of 2<sup>nd</sup> December 2009 and told that a report would be forthcoming in respect of this additional proposal. They were asked for comments on the proposal. This generated 17 responses by phone and email.

Some respondents (a mix of operators from both zones) thought it was unfair that those who worked the day shift at the airport would not get an opportunity to pick up in town. Most were of the opinion that there was not enough work to go around in any part of the city without sharing that limited amount amongst even more licence holders.

- 6.3 It should be borne in mind that, if introduced this will involve a second variation to the zoning in the city and the more variants there are the more opportunity there is for ambiguity which in turn makes enforcement more difficult and potentially adds to complaints.

- 6.4 Two issues require to be clarified before this variation can be consulted on formally.

- 6.4.1 The first issue is that of airport zoned taxis plying for hire on the street and thereby being flagged down by passengers, and the use of taxi ranks. Section 23 of the Civic Government (Scotland) Act 1982, (the 1982 Act) defines a taxi as a vehicle which “is engaged, by arrangements made in a public place.....” It is this provision which allows a taxi to be flagged down in the street or to operate from a taxi rank.

Paragraph 5(2) of Schedule 1 of the 1982 Act allows a Licensing Authority to impose a condition restricting the validity of a licensed activity to a particular **area** (zoning). This means that the zoning of the airport is a condition on the licence. Paragraph 5 also stipulates that a condition must be reasonable. The Licensing Authority has a wide discretion in imposing conditions provided they are reasonable, clear and enforceable.

If airport zoned taxis are to be permitted to operate in the city on Fridays and Saturdays when the night time ranks are in operation from 00.00 – 05.00, this will involve an amendment to the condition. A decision is required on whether these taxis will be restricted to operating from the ranks or if they can be flagged down in the street as well.

6.4.2 The second issue concerns surcharges. A £1 surcharge is applied to each hire commencing at the airport which airport zoned operators are permitted to charge to take account of the dead mileage driving back to the airport without a fare paying passenger. If these operators are picking up in the city zone they will not be entitled to this surcharge. Working the night time ranks will be a choice made by each individual driver. Therefore, they will have to accept that they lose this surcharge which cannot be justified in the circumstances. There are other surcharges however which apply at night and which will be available to any operator who works at night. These are shown on the taxi tariff card. All surcharges are added manually to the meter. Drivers will have to remember which are applicable and apply them accurately.

6.5 This report was discussed at the Taxi Consultation Group on 8<sup>th</sup> February 2010. No clear consensus of opinion emerged.

A suggestion was eventually made that one way of moving forward might be to initiate a trial period and to suspend the zoning condition on the airport zoned licences during the time the night time taxi ranks are in operation thereby allowing airport zoned taxis to operate in the city zone during those times. This is done for the oil exhibition every 2 years and works well. In this case operators who choose to take advantage of the zone suspension could work on the night time ranks and be flagged down in the street. This would make enforcement easier and fairer as it is clear and unambiguous. The suspension would apply on Saturday night only and between the times of 00.00 and 05.00. An airport operator could pick up a hire before 05.00 and complete that hire. He could not pick up a passenger after 05.00.

6.6 It was suggested that it was not necessary to include Friday nights as the city centre was not busy enough to justify this and making the change on a Saturday night would be sufficient.

## 7. REPORT AUTHOR DETAILS

Brenda Flaherty, Legal Manager

☎ 01224 522624

✉ [bflaherty@aberdeencity.gov.uk](mailto:bflaherty@aberdeencity.gov.uk)

## 1. BACKGROUND PAPERS

Refer to any sources used in the writing of your report. Please note that it is a statutory requirement that any papers that are listed must be made available to the public on request.

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COMMITTEE Licensing

DATE 24 February 2010

DIRECTOR Stewart Carruth

TITLE OF REPORT Technical Specification for Wheelchair Accessible Taxi Vehicles

REPORT NUMBER: CG/10/030

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## 1. PURPOSE OF REPORT

The purpose of this report is to enable Members to endorse, in principle, a specification for wheelchair accessible vehicles which are licensed as taxis within this Local Authority area. Thereafter the proposed specification will be the subject of a consultation exercise.

## 2. RECOMMENDATION(S)

- a) that the Committee adopt the new specification (“the new specification”) in principle;
- b) that a consultation exercise is carried out on that specification, and
- c) that a further report is placed before the Committee with the outcome of the consultation with a view to making a final decision on which specification will be adopted.

## 3. FINANCIAL IMPLICATIONS

None.

## 4. SERVICE & COMMUNITY IMPACT

This will enable the Committee to fulfill its obligations to ensure there is accessible public transport available to a section of the less abled community on the same basis as that enjoyed by able bodied people

## 5. OTHER IMPLICATIONS

None

## 6. REPORT

- 6.1 Section 10(2) of the Civic Government (Scotland) Act 1982 provides that a Council shall not grant a taxi licence unless they are satisfied that the vehicle is suitable in type, size and design for use as a taxi. Since the mid 1990s this Council has had a very successful policy that all taxi operators should provide a wheelchair accessible vehicle. This has resulted in the city taxi fleet being approximately 50% wheelchair accessible, a higher percentage than many other Local Authorities. We also have a variety of different vehicles approved as wheelchair accessible, not

just London style cabs, a practice approved by the High Court of Justice, Queen's Bench Division in R v (1) Alma Lunt and (2) Allied Vehicles Ltd. in July 2009.

- 6.2 In 1997, to facilitate an increase in wheelchair accessible vehicles, the then Taxi Inspector drafted a specification for these vehicles, based on his knowledge and experience of road traffic policing. That specification ("the original specification") was in use until the new Department for Transport consultative specification was approved by the Committee on 3<sup>rd</sup> June 2009.
- 6.3 During 2009 the Department for Transport (of the Westminster Government) held a nationwide consultation exercise (Consultation on Improving Access to Taxis, February 2009) to establish an agreed national specification for wheelchair accessible taxi vehicles. In December 2009 the results of that consultation were published (Improving Access to Taxis. Consultation Analysis Report August 2009). Copies of both documents, which are substantial, can be viewed in the Licensing Team offices, Town House, Broad Street. 167 responses were received to the consultation, mainly from commercial companies and disabled groups. This report is only concerned with the issue of wheelchair accessible taxi vehicles and not with any other wider issues identified in the consultation. The consultation response document does not indicate that the specification which was consulted on will be adopted nationally, but as it is a) a more up to date specification taking account of technical improvements to modern vehicles b) based on more technical knowledge than was in our original specification and c) the only specification ever to be produced at this level, it is reasonable to adopt it.
- 6.4 Appendix 1 to this report shows the original specification requirement and also the requirements of the new specification and compares them in a table format. There is little difference, the main one being that the new specification takes account of modern vehicles. Appendix 2 is the original specification for completeness.
- 6.5 As with any policy adopted by a Local Authority it must be flexible enough to give applicants an opportunity to be heard by the Committee as to why the policy should not be applied in their particular circumstances. Any person or organisation wishing to provide a wheelchair accessible vehicle which does not comply with the new specification will be given that opportunity.
- 6.6 The new specification will not apply retrospectively to vehicles already approved as wheelchair accessible by the Committee.

## 7 CONSULTATION

This report was discussed at the Taxi Consultation Group on 8<sup>th</sup> February 2010. there were no adverse comments.



## 8 REPORT AUTHOR DETAILS

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## 9 BACKGROUND PAPERS

Civic Government (Scotland) Act 1982  
Consultation on Improving Access to Taxis, February 2009, Department for Transport  
Improving Access to Taxis, Consultation Analysis Report, December 2009, Department for Transport

## SPECIFICATION FOR WHEELCHAIR ACCESSIBLE TAXI VEHICLES

### SECTION ONE. Wheelchair Accessibility Requirements.

#### 1. Wheelchair spaces New Specification 1997 Spec

Number required	1 (minimum)	No change
Orientation	Either forwards or rearwards	No change

#### 2. Forward facing wheelchair spaces

Wheelchair space requirements	Length 1130mm (min) Width 690mm (min) Height 1340mm (min)	Not req'd Not req'd 1400
Gradient	The slope of the floor between any two points within the wheelchair space shall not exceed 11 degrees in the longitudinal plane and 5 degrees in the transverse plane.	Not req'd in original spec
Acceptable intrusions into the wheelchair space	One or more tipping, folding or easily removed seats. Padded head and back restraint. Handrails or handholds provided that they do not extend into the wheelchair space by more than 90mm. Wheelchair restraint system and wheelchair user restraint system and appropriate anchorages and fittings.	Not req'd in original spec
Wheelchair user safety provisions	Every wheelchair space shall be fitted with a wheelchair tie-down system and a wheelchair user restraint system.	No change

#### 3. Rearward facing wheelchair spaces

Wheelchair space requirements	Length 1070mm (min) Width 690mm (min) Height 1340mm (min)	Not req'd Not req'd 1400
Gradient	The slope of the floor between any two points within the wheelchair space shall not exceed 11 degrees in the longitudinal plane and 5 degrees in the transverse plane.	No req'd in original spec
Acceptable intrusions into the wheelchair space	One or more tipping, folding or easily removed seats. Padded head and back restraint. Handrails or handholds provided that they do not extend into the wheelchair space by more than 90mm. Wheelchair restraint system and wheelchair user restraint system and appropriate anchorages and	No req'd in original spec

	fittings.	
Wheelchair user safety provisions	Every wheelchair space shall be fitted with a wheelchair tie-down system and a wheelchair user restraint system.	No change

#### 4. Boarding Lifts and Ramps

Safe Working Load	300 kg (min)	No change
Means of preventing the vehicle being driven away	Not allow the vehicle to be driven away whilst device is deployed.	No change
Dimensions (length applies to that outside of the overall vehicle body footprint at the ramp entry level)	Single piece ramp Width 700mm (min) Length 1600mm (min)  Lift Width 700mm (min) Length 1200mm (min)	750mm 1700mm  750mm 1200mm
Ramp Gradients (can be achieved using a kneeling system)	Side Entry Kerb (125mm): 11 degrees (max) Ground : 17 degrees (max)  Rear Entry Ground : 11 degrees (max)	Originally 25%  Originally 25%
Slip Resistant Surfaces	All surfaces over which a wheelchair user may travel shall have a slip resistant finish applied.	No change
Handrails	Ramps : Not required  Lifts : Where the platform travel exceeds a height of 500mm from the ground then a handrail must be provided.	No change  No change
Guards	Ramps : None  Lifts : Side upstands 25mm high and automatic roll-off devices fitted at least 100mm high at each end of the platform.	No change  No change
Colour contrasting edge markings	A band contrasting with the remainder of the boarding ramp or lift surface, 45mm to 55mm in width around and abutting the edge of the ramp or lift surface.	No change
Control and fail-safe mechanisms for power operated equipment	Power operated equipment shall only be capable of operation from a control adjacent to the ramp or lift.	No change
Load sensors and recycling mechanisms for power operated equipment	A device to stop the movement of the boarding ramp or lift if that motion is likely to cause injury.	No change

Manual over-ride provisions for power operated equipment	A provision to repeatedly operate the equipment in the event of power failure shall be provided.	No change
Manual / portable ramp storage provisions	Such ramps must have a designated stowage location which can store the equipment such that it does not present a risk of injury.	No change

## 5. Entrances and Exits

Number and position	A minimum of one located on the nearside or the rear of the vehicle.	No change
Minimum doorway width	740mm	780mm
Minimum doorway height	1230mm	1340mm

## 6. Interior Manoeuvring

From a wheelchair entrance to a wheelchair space	No requirement	No requirement
From a wheelchair space to a wheelchair exit	No requirement	No requirement
Floor gradient	No requirement	No requirement

## 7. Signs and Markings

Interior	Visible advice to wheelchair user and taxi driver on positioning of wheelchair and use of wheelchair tie-down and occupant restraint systems.	No change
Exterior	Clear indication that the vehicle is wheelchair accessible.	No change

## **SECTION TWO Ambulatory Accessibility Requirements**

### 1. Entrances and Exits

Number and location	A minimum of one located on the nearside or the rear of the vehicle.	No change
Aperture dimensions	Where the priority seat meets the requirements of 3(a) it shall be of adequate dimensions to allow the passage through the aperture of the occupied priority seat. Where the priority seat meets the requirements of 3(b)(i) the door aperture shall allow the passenger to	1400 – 1500mm plus from ground original spec

	easily access the seat from outside of the vehicle. Where the priority seat meets the requirements of 3(b)(ii) the doorway shall be 650mm wide by 1230mm high.	Different criteria used in new spec
Manual door design	Hinged and sliding doors acceptable.	No change
Powered door requirements	(a) Shall be capable of operation by a passenger when the vehicle is stationary. (b) A device to stop the movement if that motion is likely to cause injury to a passenger or pedestrian. (c) A provision to operate the equipment in the event of a power failure.	No change

## 2. Interior Space

Floor	Any surface over which a passenger is required to walk shall have a slip resistant finish.	No change
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## 3. Priority Seat

Provision	At least one priority seat must be provided which may be either :  a) a multi-axial moving seat which can be easily used by a passenger boarding from the kerb or ground or ;  b) a fixed seat design ;  i) providing the cushion is no more than 200mm measured inwards from the entrance or ;  ii) providing the cushion is as near as practicable to the entrance and the internal floor to roof height exceeds 1500mm.	New. Not in original spec
Orientation	Forward or rear facing.	N/A
Spacing	For all forward facing priority seat configurations, the clear space in front of the SRP shall be 650mm minimum. For facing seat configurations the seat back separation shall be 1300mm minimum and the distance between the leading edges of each seat cushion shall be 400mm minimum.	N/A
Dimensions	All priority seats shall have a minimum width of 380mm and a depth of 340mm - 510mm.  The SRP of a fixed seat complying with the requirements of 3(b)(i) or (ii), or of a multi-axial	N/A

	<p>moving seat when positioned for travel, shall have a height above the vehicle floor of 300mm – 450mm.</p> <p>Additionally, the SRP of a fixed seat complying with the requirements of 3(b)(i), or a multi-axial moving seat complying with 3(a) when deployed for boarding and alighting, shall have a height above the ground of 420mm – 870mm.</p>	
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**4. Steps – Applies to vehicles with a floor or sill height exceeding 320mm.**  
(may be achieved with kneeling)

Dimensions	<p>1<sup>st</sup> step from the ground shall not exceed 250mm.</p> <p>Subsequent steps 100mm - 200mm. Width 400mm minimum Depth 190mm minimum</p>	<p>No change</p> <p>120 – 200mm 400mm 280mm</p>
Design features	Steps shall be designed to be, slip resistant, minimise tripping risk and have a contrasting band along the front edge of 45mm - 55mm.	No change
Maximum number of intermediate steps from ground to vehicle floor	Two	3 originally
Step operation for non-fixed steps	No requirement.	No requirement
Requirements for power operated steps	<p>A device to stop the movement if that motion is likely to cause injury.</p> <p>A provision to repeatedly operate the equipment in the event of power failure shall be provided.</p>	No requirement

**5. Handrails and Handholds**

Position	Handrails / handholds must be provided for disabled passengers entering / exiting the vehicle and when manoeuvring inside the vehicle to a seat.	No change
Dimensions	20mm – 35mm diameter or oval with the maximum section 30 – 35mm and the minimum section 20mm.	30 – 35mm
Design	Handrails and handholds shall be slip resistant, capable of being easily and firmly gripped and visually contrast with surroundings.	No change

**SECTION THREE General Requirements**

**1. Lighting**

Design Features	Lighting shall be fitted to illuminate the interior and	No change
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	<p>exterior of the vehicle sufficient to allow both wheelchair users and other passengers to board and alight the vehicle in safety.</p> <p>Any lighting fitted in accordance with this requirement shall have a means of preventing its operation when the vehicle is in motion if its use is likely to affect adversely the driver's vision.</p>	Not req'd in original spec
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## 2. Kneeling Systems

Design Features	When a kneeling system is fitted a switch shall be used to enable operation and must be under the direct control of the driver. The lowering process shall be capable of being stopped and reversed and shall prevent the vehicle being driven at a speed exceeding 5 mph. when the vehicle is lowered.	Not req'd in original spec
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## 3. Securing Equipment

Design Features	All wheelchairs shall be secured with tested and approved equipment.	No change
Storage	Secure storage is required for all securing equipment when not in use.	No change

Two items of the original specification are not covered by the new specification.

Item 45, which refers to transfer boards – these items are no longer deemed appropriate.

Items 51, 52 and 53 which refer to swivel seats. These items were originally introduced for a particular type of seat which has not found favour. The use of multi-axle moving seats is covered by the section in the new specification which relates to priority seats.

DEFINITIONS – in this document –

“boarding lift” means a lift fitted to a licensed taxi for the purpose of allowing wheelchair users to board and alight the vehicle ;

“boarding ramp” means a ramp fitted to a licensed taxi for the purpose of allowing wheelchair users to board and alight from the vehicle;

“contrast” means a contrast in the amount of light which is reflected by the surfaces of the parts of a licensed taxi or its equipment, which is required by this specification to contrast

“cushion” means that part of the seat on which the person using the seat sits, whether padded or not;

“deep” in relation to a step, means the distance from the outer edge of the nosing of the step tread to the rear of the step tread;

“entrance” means an entrance to a licensed taxi providing access to a priority seat or a wheelchair space;

“exit” means an exit from a licensed taxi but does not include an exit which is provided for use only in case of emergency;

“external step” means the last step or platform from an entrance or an exit which leads directly from the vehicle to the ground;

“kg” means kilogram(s);

“kneeling system” means a system which enables the bodywork of a licensed taxi to be lowered relative to its normal height of travel;

“licensed area” means the area of The City of Aberdeen;

“licensing authority” means Aberdeen City Council;

“mm” means millimeter(s);

“normal height of travel” means the height specified by the vehicle’s manufacturer for normal vehicle travel;

“portable ramp” means a ramp which is carried in a licensed taxi for the purpose of allowing wheelchair users to board and alight from the vehicle;

“power grip” means a grip in which the fingers and thumb are able to wrap around a handle;

“priority seat” means a seat designated as such in accordance with Paragraph 3 of Section 2 of this specification;

“private hire car” means a hire car other than a taxi as defined in Section 23 of the Civic Government (Scotland) Act 1982.

“reference wheelchair” means an occupied wheelchair having the dimensions shown in Diagram A of the consultation document;

“seat” means a seat intended for use by passengers and, accordingly, does not include the driver’s seat;

“SRP” means Seat Reference Point, which is the point at which the seat cushion and seat back join, midway across the seat cushion width. Where the seat cushion and back components do not meet, the plane of the seat back and cushion shall be projected to an intersection;



“taxi” means a hire car as defined in Section 23 of the Civic Government (Scotland) Act 1982.

“Taxi Inspector” means any person authorised by Aberdeen City Council to exercise the powers to carry out the duties of the Taxi Inspector or any person acting under the direct instructions or with the authority of the Taxi Inspector;

“wheelchair user” means a disabled person using a wheelchair

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