

# Public Document Pack



To: Councillor Reynolds, Convener; Councillor Boulton, Vice Convener; and Councillors Allan, Allard, Bell, Cameron, Delaney, Graham, Henrickson, Imrie, Avril MacKenzie, Catriona MacKenzie, Malik, McRae, Sellar, Sandy Stuart and Townson.

Town House,  
ABERDEEN 4 September 2017

## LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 12 SEPTEMBER 2017 at 10.00 am.**

FRASER BELL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

### **BUSINESS**

#### **DETERMINATION OF URGENT BUSINESS**

- 1.1 There are no items of urgent business at this time.

#### **DETERMINATION OF EXEMPT BUSINESS**

- 2.1 There are no items of exempt business on the agenda at this time.

#### **CONFIDENTIAL BUSINESS**

- 3.1 Applications to be heard in private and treated as confidential information in terms of Section 50(A)(3)(b) of the Local Government (Scotland) Act 1973 are listed at item 10 on the agenda.

#### **DECLARATIONS OF INTEREST**

- 4.1 Members are requested to intimate any declarations of interest. (Pages 7 - 8)

#### **REQUESTS FOR DEPUTATION**

- 5.1 There are no requests for deputation at this time.

## **MINUTES, COMMITTEE BUSINESS STATEMENT AND COMMITTEE TRACKER**

- 6.1 Minute of the Special Meeting of the Committee of 25 July 2017 (Pages 9 - 32)
- 6.2 Minutes of the Meetings of the Licensing Urgent Business Sub Committee of 24 and 30 August 2017 - for approval (Pages 33 - 38)
- 6.3 Committee Business Statement (Pages 39 - 44)
- 6.4 Committee Tracker (Pages 45 - 48)

## **FILM CLASSIFICATIONS**

- 7.1 Film Classification Request - Belmont Filmhouse (Pages 49 - 54)

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

- 8.1 Renewal of a Licence for a House in Multiple Occupation - 48 Elmbank Terrace, Aberdeen (Ground Floor Flat) (Pages 59 - 62)
- 8.2 Renewal of a Licence for a House in Multiple Occupation - 284C Holburn Street, Aberdeen (Pages 63 - 66)
- 8.3 Renewal of a Licence for a House in Multiple Occupation - 1 Roslin Terrace, Aberdeen (Pages 67 - 70)
- 8.4 Grant of a Licence for a House in Multiple Occupation - 66 Spital, Aberdeen (Pages 71 - 76)
- 8.5 Grant of a Licence for a House in Multiple Occupation - 39 Craigton Terrace, Aberdeen (Pages 77 - 84)
- 8.6 Grant of a Licence for a House in Multiple Occupation - 39 Kings Crescent, Aberdeen (Pages 85 - 100)
- 8.7 Grant of a Licence for a House in Multiple Occupation - 30 Belvidere Crescent, Aberdeen (Pages 101 - 104)
- 8.8 Renewal of a Licence for a House in Multiple Occupation - 139 Forest Avenue, Aberdeen (Pages 105 - 116)

- 8.9 Grant of a Licence for a House in Multiple Occupation - 3 The Orchard, Spital Walk, Aberdeen (Pages 117 - 126)
- 8.10 Renewal of a Licence for a House in Multiple Occupation - 153 Bannermill Place, Aberdeen (Pages 127 - 142)
- 8.11 Application for the Grant of a Street Trader's Licence - The Liberty Kitchen (Pages 143 - 144)
- 8.12 Application to hold a Public Charitable Collection - Inspire PTL (Pages 145 - 146)
- 8.13 Application for the Renewal of a Taxi Operator's Licence - Lorraine Fyfe (Pages 147 - 148)
- 8.14 Application for the Grant of a Taxi Driver's Licence - Samson Ugha (Pages 149 - 150)
- 8.15 Application for the Grant of a Taxi Driver's Licence - Mohamad Elbehaderie (Pages 151 - 152)
- 8.16 Application for the Grant of a Private Hire Car Driver's Licence - Vinod Athikkal Veedu (Pages 153 - 154)
- 8.17 Application for the Renewal of a Taxi Driver's Licence - Robert Cowie (Pages 155 - 156)
- 8.18 Application for the Renewal of a Taxi Driver's Licence - Gary Robertson (Pages 157 - 158)
- 8.19 Application for the Renewal of a Private Hire Car Driver's Licence - Gary Duncan (Pages 159 - 160)
- 8.20 Application for the Renewal of a Private Hire Car Driver's Licence - Lawrence Imonigie (Pages 161 - 162)
- 8.21 Application for the Renewal of a Private Hire Car Driver's Licence - Golam Muhmud (Pages 163 - 164)
- 8.22 Application for the Renewal of a Private Hire Car Driver's Licence - Adeyinka Oketola (Pages 165 - 166)
- 8.23 Application for the Renewal of a Private Hire Car Driver's Licence - Keith Will (Pages 167 - 168)

## **COMMITTEE REPORTS**

- 9.1 Review of the Taxi Consultation Group (Pages 169 - 176)
- 9.2 Review of Civic and Miscellaneous Application Fees (Pages 177 - 244)
- 9.3 Update on Driver Training and Knowledge Test (Pages 245 - 250)
- 9.4 First Aid Kit Requirements - Taxi/Private Hire (Pages 251 - 254)
- 9.5 Report to Vary Local Conditions for Booking Office Licences (Pages 255 - 264)
- 9.6 Review of Street Trader Policies (Pages 265 - 278)
- 9.7 Accessible Vehicle Policy Update (Pages 279 - 286)

## **CONFIDENTIAL INFORMATION - APPLICATIONS TO BE HEARD IN PRIVATE**

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

- 10.1 Landlord Registration (Pages 291 - 296)
- 10.2 Landlord Registration (Pages 297 - 310)
- 10.3 Application for the Grant of a Late Hours Catering Licence (Pages 311 - 314)
- 10.4 Application for the Grant of a Late Hours Catering Licence (Pages 315 - 318)
- 10.5 Application for the Grant of a Late Hours Catering Licence (Pages 319 - 324)
- 10.6 Application for the Grant of a Late Hours Catering Licence (Pages 325 - 328)
- 10.7 Application for the Grant of a Late Hours Catering Licence (Pages 329 - 334)
- 10.8 Application for the Renewal of a Taxi Driver's Licence (Pages 335 - 336)

- 10.9 Application for the Grant of a Taxi Driver's Licence (Pages 337 - 340)
- 10.10 Application for the Grant of a Taxi Driver's Licence (Pages 341 - 346)
- 10.11 Application for the Grant of a Taxi Driver's Licence (Pages 347 - 348)
- 10.12 Application for the Renewal of a Taxi Driver's Licence (Pages 349 - 350)
- 10.13 Application for the Renewal of a Taxi Driver's Licence (Pages 351 - 352)
- 10.14 Application for the Renewal of a Taxi Driver's Licence (Pages 353 - 354)
- 10.15 Application for the Renewal of a Taxi Driver's Licence (Pages 355 - 356)
- 10.16 Application for the Renewal of a Taxi Driver's Licence (Pages 357 - 358)
- 10.17 Application for the Renewal of a Taxi Driver's Licence (Pages 359 - 360)
- 10.18 Application for the Renewal of a Taxi Driver's Licence (Pages 361 - 362)
- 10.19 Application for the Renewal of a Taxi Driver's Licence (Pages 363 - 364)
- 10.20 Application for the Renewal of a Taxi Driver's Licence (Pages 365 - 366)
- 10.21 Application for the Renewal of a Taxi Driver's Licence (Pages 367 - 368)
- 10.22 Application for the Renewal of a Taxi Driver's Licence (Pages 369 - 370)
- 10.23 Application for the Renewal of a Private Hire Car Driver's Licence (Pages 371 - 372)
- 10.24 Application for the Renewal of a Private Hire Car Driver's Licence (Pages 373 - 374)
- 10.25 Application for the Renewal of a Taxi Driver's Licence (Pages 375 - 378)

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

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# Agenda Item 4.1

You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether reports for meetings raise any issue of declaration of interest. Your declaration of interest must be made under the standing item on the agenda, however if you do identify the need for a declaration of interest only when a particular matter is being discussed then you must declare the interest as soon as you realise it is necessary. The following wording may be helpful for you in making your declaration.

I declare an interest in item (x) for the following reasons .....

*For example, I know the applicant / I am a member of the Board of X / I am employed by...*  
and I will therefore withdraw from the meeting room during any discussion and voting on that item.

**OR**

I have considered whether I require to declare an interest in item (x) for the following reasons ..... however, having applied the objective test, I consider that my interest is so remote / insignificant that it does not require me to remove myself from consideration of the item.

**OR**

I declare an interest in item (x) for the following reasons ..... however I consider that a specific exclusion applies as my interest is as a member of xxxx, which is

- (a) a devolved public body as defined in Schedule 3 to the Act;
- (b) a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme;
- (c) a body with whom there is in force an agreement which has been made in pursuance of Section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that body of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise; or
- (d) a body being a company:-
  - i. established wholly or mainly for the purpose of providing services to the Councillor's local authority; and
  - ii. which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority.

**OR**

I declare an interest in item (x) for the following reasons.....and although the body is covered by a specific exclusion, the matter before the Committee is one that is quasi-judicial / regulatory in nature where the body I am a member of:

- is applying for a licence, a consent or an approval
- is making an objection or representation
- has a material interest concerning a licence consent or approval
- is the subject of a statutory order of a regulatory nature made or proposed to be made by the local authority.... and I will therefore withdraw from the meeting room during any discussion and voting on that item.

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## LICENSING COMMITTEE

ABERDEEN, 25 July 2017. Minute of meeting of the LICENSING COMMITTEE.  
Present: Councillor Reynolds, Convener; and Councillors Allard, Bell, Henrickson, Houghton (as a substitute for Councillor Boulton), Imrie, Avril MacKenzie, Catriona Mackenzie, Malik, McRae, Sellar, Stuart and Townson.

**The agenda and reports associated with this minute can be found at:-**  
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=149&MId=5813&Ver=4>

**Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.**

### DETERMINATION OF EXEMPT BUSINESS

1. The Committee was requested to determine that item 9.1 (Application for Taxi Driver Licence – Review) of business which contained exempt information as described in Schedule 7(A) of the Local Government (Scotland) Act 1973, be considered with the press and public excluded.

#### **The Committee resolved:-**

in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the meeting during consideration of item 9.1 so as to avoid disclosure of exempt information of the classes described in paragraph 12 of Schedule 7(A) of the Act.

### CONFIDENTIAL BUSINESS

2. The Committee noted that the applications listed in section 8 on the agenda and appendix B of the minute contained confidential information in terms of Section 50A 3(b) of the Local Government (Scotland) Act 1973 and therefore would be considered with the press and public excluded.

### DECLARATIONS OF INTEREST

3. Members were requested to intimate any declarations of interest in respect of the items on today's agenda.

Thereafter, the following declarations of interest were intimated:

- (i) Councillor Stuart declared an interest in relation to item 6.9 (Application for the Grant of a Taxi Operator's Licence – Stephen Mitchell) by virtue of knowing the applicant, and withdrew from the meeting prior to consideration of this item;
- (ii) Councillor Malik declared an interest in relation to items 6.6 (Application for the Grant of a Taxi Driver's Licence – Umar Farooq) and 9.1 (Application for Taxi

**LICENSING COMMITTEE**  
25 July 2017

- Licence - Review) by virtue of knowing the applicants, and withdrew from the meeting prior to consideration of both of these items; and
- (iii) Councillor Townson declared an interest in relation to item 9.1 (Application for Taxi Licence - Review) by virtue of knowing the applicant through previous court proceedings, and withdrew from the meeting prior to consideration of this item.

**MINUTE OF PREVIOUS MEETING OF 13 JUNE 2017**

4. The Committee had before it the minute of its meeting of 13 June 2017.

**The Committee resolved:**

to approve the minute as a correct record.

**MINUTE OF THE MEETING OF THE TAXI CONSULTATION GROUP OF 27 JUNE 2017**

5. The Committee had before it the minute of the meeting of the Taxi Consultation Group of 27 June 2017.

**The Committee resolved:**

- (i) in relation to item 5 (Operation Taber) of the minute, to agree to instruct the Head of Legal and Democratic Services to submit a service update on the process for dealing with all licence renewal applications to ensure that a robust and consistent system was in place to minimise the possibility of unlicensed vehicles and /or drivers operating within the city; and
- (ii) to otherwise note the contents of the minute.

**APPLICATIONS FOR LICENCES**

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

**The Committee resolved:**

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

**CONFIDENTIAL INFORMATION**

**The press and public were excluded from the meeting for consideration of the applications listed in section 8 on the agenda and appendix B of the minute which contained confidential information in terms of Section 50A 3(b) of the Local Government (Scotland) Act 1973.**

**LICENSING COMMITTEE**  
25 July 2017

## **APPLICATIONS FOR LICENCES**

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

**The Committee resolved:**

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

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

## **DECLARATION OF INTEREST**

**In accordance with article 2 of this minute, Councillor Townson left the meeting prior to consideration of the following item of business.**

## **APPLICATION FOR TAXI LICENCE - REVIEW**

8. to agree to accept a further application from the applicant on the basis of the material change of circumstances and to agree that the fee be waived should a further application be received.

## **MATTER OF URGENCY**

**At this juncture, the Convener intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, that the following item be accepted onto the agenda as a matter of urgency as the Licensing Team required to notify the applicant of the processing issue raised as soon as possible. The additional item would be considered as item 9.2 (Application for Taxi Driver Licence – Review) on the agenda.**

## **EXEMPT BUSINESS**

9. The Committee was requested to determine that the following additional item 9.2 (Application for Taxi Driver Licence – Review) of business which contained exempt information as described in Schedule 7(A) of the Local Government (Scotland) Act 1973, be considered with the press and public excluded.

**The Committee resolved:-**

in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, to exclude the press and public from the meeting during consideration of the following item of

**LICENSING COMMITTEE**  
25 July 2017

business (article 10 of this minute refers) so as to avoid disclosure of exempt information of the classes described in paragraph 12 of Schedule 7(A) of the Act.

**APPLICATION FOR TAXI LICENCE - REVIEW**

**10.** The Committee received a verbal report from Mr Munro, Legal Advisor, regarding a review of an application for a taxi licence.

The Committee asked questions of Mr Munro.

**The Committee resolved:**

to agree to accept a further application from the applicant on the basis of the material change of circumstances and to agree that the fee be waived should a further application be received.

- **COUNCILLOR JOHN REYNOLDS, Convener.**

**LICENSING COMMITTEE**

25 July 2017

**APPENDIX A**

1. **APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR OPERATOR'S LICENCE – ZOYE ANNE PATERSON**  
**Application Reference Number – 6/1**

The Committee was advised that the application had been withdrawn.

2. **APPLICATION FOR THE GRANT OF A TEMPORARY PRIVATE HIRE CAR DRIVER'S LICENCE - VASILE-GIOVANI TOMA**  
**Application Reference Number – 6/2**

With reference to article 27 of appendix A of the minute of the meeting of the Licensing Committee of 13 June 2017, the Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had been placed on the agenda as it required to be determined by 6 September 2017, and to date the applicant had not yet passed the required street knowledge test and he was also required (1) in accordance with the Immigration Act 2016 to provide proof of his right to work in the United Kingdom; and (2) in accordance with the Civic Government (Scotland) Act 1982 to provide his DVLA licence number to evidence that he had held a licence for 12 months prior to his application.

The applicant, Mr Vasile-giovani Toma, was not in attendance.

**The Committee resolved:**  
to refuse the application.

3. **APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE - SHEILA MOFFAT**  
**Application Reference Number – 6/3**

The Committee was advised that the application had been withdrawn.

4. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE - AHMED ALSAWY**  
**Application Reference Number – 6/4**

With reference to article 19 of appendix A of the minute of the meeting of the Licensing Committee of 13 June 2017, the Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had been placed on the agenda as it required to be determined by 22 August 2017, and to date the applicant had not yet passed the required street knowledge test.

**LICENSING COMMITTEE**  
25 July 2017

The applicant, Mr Ahmed Alsawy, was not in attendance.

**The Committee resolved:**  
to refuse the application.

5. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE - HANNI BEDAWI**  
**Application Reference Number – 6/5**

With reference to article 20 of appendix A of the minute of the meeting of the Licensing Committee of 13 June 2017, the Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had been placed on the agenda as it required to be determined by 31 August 2017, and to date the applicant had not yet passed the required street knowledge test and he was also required (1) in accordance with the Immigration Act 2016 to provide proof of his right to work in the United Kingdom; and (2) in accordance with the Civic Government (Scotland) Act 1982 to provide his DVLA licence number to evidence that he had held a licence for 12 months prior to his application.

The applicant, Mr Hanni Bedawi, was not in attendance.

**The Committee resolved:**  
to refuse the application.

**DECLARATION OF INTEREST**

**In accordance with article 2 of this minute, Councillor Malik left the meeting prior to consideration of the following item of business.**

6. **APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE – UMAR FAROOQ**  
**Application Reference Number – 6/6**

With reference to article 13 of appendix A of the minute of the meeting of the Licensing Committee of 13 June 2017, the Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had been placed on the agenda as it required to be determined by 8 September 2017, and to date the applicant had not yet passed the required street knowledge test.

The applicant, Mr Umar Farooq, was not in attendance.

**The Committee resolved:**  
to refuse the application.

**LICENSING COMMITTEE**

25 July 2017

7. **APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE – RAVINDRAN NARAYARAN**  
**Application Reference Number – 6/7**

The Committee was advised that the application had been withdrawn.

8. **APPLICATION FOR THE GRANT OF A TEMPORARY PRIVATE HIRE CAR OPERATOR'S LICENCE – ABERDEEN TAXIS LTD**  
**Application Reference Number – 6/8**

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had been placed on the agenda as the application had to be determined by 22 November 2017 and the vehicle proposed did not meet the Committee's policy on vehicle type and the applicant was also seeking an exemption from the Committee's policy that no advertising, including branding, was allowed on private hire vehicles.

The applicant, Mr Nosciech Kobialka, Aberdeen Taxis Ltd, was in attendance and spoke in support of the application explaining why he believed the vehicle should be exempt from the Committee's policy on advertising and vehicle type. The applicant advised that he was seeking to promote hydrogen technology on the car and no other advertisement was to be displayed on the vehicle.

The Committee asked questions of the applicant.

**The Committee resolved:**

to approve the application and thereby exempt the vehicle from the Committee's policies on vehicle type and advertising for private hire vehicles to enable the promotion of hydrogen technology only on the vehicle.

**DECLARATION OF INTEREST**

In accordance with article 2 of this minute, Councillor Stuart left the meeting prior to consideration of the following item of business.

9. **APPLICATION FOR THE GRANT OF A TAXI OPERATOR'S LICENCE – STEPHEN MITCHELL**  
**Application Reference Number – 6/9**

With reference to article 12 of appendix A of the minute of the meeting of the Licensing Committee of 18 April 2017, the Committee had before it an information sheet prepared by the Head of Legal and Democratic Services which advised that this item was on the agenda because the application had been

**LICENSING COMMITTEE**  
25 July 2017

considered and refused within the last year as the applicant's vehicle had not undergone the required vehicle assessment.

Mr Munro, Legal Advisor, explained that in terms of paragraph 6 of Schedule 1 to the Civic Government (Scotland) Act 1982, where a licensing authority had refused an application, it should not, within one year of their refusal, entertain a subsequent application for the grant of the same kind of licence in respect of the same activity in the same area, unless in their opinion there had been a material change of circumstances. Therefore, before the Committee could determine the application, the Committee would have to decide if, in its opinion, there had been a material change.

The applicant, Mr Stephen Mitchell, was in attendance, accompanied by his wife who, on his behalf, explained the circumstances as to why the vehicle had not undergone in the required timescale and proposed that the material change was that the vehicle had now passed the test.

**The Committee resolved:-**

to agree that the reason given and confirmation that the vehicle had now passed the required vehicle test constituted a material change of circumstances and therefore to consider the application.

The Committee considered the application. The applicant was in attendance, accompanied by his wife, who spoke in support of the application on his behalf.

**The Committee further resolved:-**

to grant the licence and to agree a dispensation for the applicant's vehicle from the Council's accessible vehicle policy for the period of the licence only.



**LICENSING COMMITTEE**  
25 July 2017

**APPENDIX B**

**1. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR DRIVER'S LICENCE**  
**Application Reference Number – 8/01**

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 29 July 2017.

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

The Committee heard from Mr Munro, Legal Advisor regarding the application.

The Committee asked questions of the applicant and Mr Munro.

**The Committee resolved:**

to refuse the application on the grounds that the applicant had not passed the required street knowledge test.

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

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 9 September 2017.

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

The Committee heard from Mr Munro, Legal Advisor regarding the application.

The Committee asked questions of the applicant.

**The Committee resolved:**

to defer consideration of the application to allow a medical report to be received from OH Assist and to agree that should the applicant meet the Group 2 DVLA medical criteria, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Urgent Business Sub Committee for consideration.

**LICENSING COMMITTEE**  
25 July 2017

**3. APPLICATION FOR THE RENEWAL OF A TAXI BOOKING OFFICE LICENCE**  
**Application Reference Number – 8/03**

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 13 September 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 7 April 2017.

Mr Munro, Legal Advisor, advised that Police Scotland wished to lodge a further letter of representation in respect of the application and highlighted that this was submitted beyond the statutory time period within which such letters must be received. He further advised that the Committee might consider late representations if it was satisfied there was a sufficient reason why it was not made in the time required.

The Committee heard from Sergeant Flett, Police Scotland, who explained why the further letter of representation was late.

The applicant was in attendance, accompanied by an employee from the booking office, and confirmed he had received a copy of the letter and that he had no objection to the letter being entered into proceedings.

**The Committee resolved:-**

that the late letter of representation from Police Scotland be introduced to the proceedings.

The Committee also had before it a further letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 30 May 2017.

The applicant was in attendance, accompanied by an employee from the booking office, and spoke in support of the application.

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

**The Committee resolved:**

to grant the application.

**LICENSING COMMITTEE**  
25 July 2017

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

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 22 September 2017; and (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 7 April 2017.

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

**The Committee resolved:**  
to grant the application.

**5. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE**  
**Application Reference Number – 8/05**

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 22 October 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 23 May 2017.

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

**The Committee resolved:**  
to grant the application.

**LICENSING COMMITTEE**  
25 July 2017

**6. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE**  
**Application Reference Number – 8/06**

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 3 October 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 28 April 2017.

Mr Munro, Legal Advisor, advised that the applicant had now passed the required street knowledge test.

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

**The Committee resolved:**  
to grant the application.

**7. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE**  
**Application Reference Number – 8/07**

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 26 September 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 20 April 2017.

Mr Munro, Legal Advisor, advised that Police Scotland wished to lodge a further letter of representation in respect of the application and highlighted that this was submitted beyond the statutory time period within which such letters must be received. He further advised that the Committee might consider late representations if it was satisfied there was a sufficient reason why it was not made in the time required.

The Committee heard from Sergeant Flett, Police Scotland, who explained why the further letter of representation was late.

**LICENSING COMMITTEE**  
25 July 2017

The applicant was in attendance and confirmed he had received a copy of the letter and that he had no objection to the letter being entered into proceedings.

**The Committee resolved:-**

that the late letter of representation from Police Scotland be introduced to the proceedings.

The Committee also had before it a further letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 1 May 2017.

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

**The Committee further resolved:**

to defer consideration of the application to enable the applicant to undertake the street knowledge test, and to agree that should the applicant pass the required test, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to the next meeting of the Committee for consideration.

**8. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE**  
**Application Reference Number – 8/08**

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 26 September 2017.

Mr Munro, Legal Advisor, advised that Police Scotland wished to lodge a letter of representation in respect of the application and highlighted that this was submitted beyond the statutory time period within which such letters must be received. He further advised that the Committee might consider late representations if it was satisfied there was a sufficient reason why it was not made in the time required.

The Committee heard from Sergeant Flett, Police Scotland, who explained why the letter of representation was late.

**LICENSING COMMITTEE**  
25 July 2017

The applicant was in attendance and confirmed he had received a copy of the letter and that he had no objection to the letter being entered into proceedings.

**The Committee resolved:-**

that the late letter of representation from Police Scotland be introduced to the proceedings.

The Committee also had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 21 June 2017.

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

**The Committee further resolved:**

to agree that the applicant be exempt from the street knowledge test requirement on the basis of the mitigating circumstances presented by the applicant and thereby to grant the application.

**9. APPLICATION FOR THE RENEWAL OF A TAXI DRIVER'S LICENCE**  
**Application Reference Number – 8/09**

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 21 September 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 19 April 2017.

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

**LICENSING COMMITTEE**  
25 July 2017

**The Committee resolved:**

to defer consideration of the application to enable the applicant to provide the required DVLA licence number to evidence that he had held a licence for 12 months prior to his application and to agree that should the applicant provide the information required and that this be verified, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to the next meeting of the Committee for consideration.

**10. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE**  
**Application Reference Number – 8/10**

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 28 September 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 27 April 2017.

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

**The Committee resolved:**

to grant the application.

**11. APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE**  
**Application Reference Number – 8/11**

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 16 September 2017; and (2) a letter of objection from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 12 April 2017.

Mr Munro, Legal Advisor, advised that Police Scotland wished to lodge a letter of representation in respect of the application and highlighted that this was submitted beyond the statutory time period within which such letters must be received. He further advised that the Committee might consider late

**LICENSING COMMITTEE**  
25 July 2017

representations if it was satisfied there was a sufficient reason why it was not made in the time required.

The Committee heard from Sergeant Flett, Police Scotland, who explained why the letter of representation was late.

The applicant was in attendance and confirmed he had received a copy of the letter and that he had no objection to the letter being entered into proceedings.

**The Committee resolved:-**

that the late letter of representation from Police Scotland be introduced to the proceedings.

The Committee also had before it a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 10 May 2017.

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

**The Committee resolved:**

to grant the application.

**12. APPLICATION FOR THE GRANT OF A TEMPORARY TAXI OPERATOR'S LICENCE**  
**Application Reference Number – 8/12**

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 9 October 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 28 April 2017.

The applicant was in attendance.

Sergeant Flett was in attendance on behalf of Police Scotland's letter.

Mr Munro, Legal Advisor, advised that the applicant had also applied for the grant of a full taxi operator's licence and this was to be considered later on



**LICENSING COMMITTEE**  
25 July 2017

today's agenda. Given a letter of representation from Police Scotland had been received, if approved, a temporary licence would not be able to come into effect any earlier than a grant of a full licence, due to the statutory twenty eight day appeal period.

**The Committee resolved:**

to agree not to consider the application.

**13. APPLICATION FOR THE GRANT OF A TAXI OPERATOR'S LICENCE**  
**Application Reference Number – 8/13**

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 28 September 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 28 April 2017.

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

**The Committee resolved:**

to grant the application.

**14. APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE CAR**  
**OPERATOR'S LICENCE**  
**Application Reference Number – 8/14**

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 26 October 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 26 May 2017.

The applicant was in attendance, accompanied by two colleagues, and spoke in support of the application.

**LICENSING COMMITTEE**  
25 July 2017

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

**The Committee resolved:**  
to grant the application.

**15. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR OPERATOR'S LICENCE**  
**Application Reference Number – 8/15**

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 14 September 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 7 April 2017.

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

**The Committee resolved:**  
to grant the application.

**16. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR OPERATOR'S LICENCE**  
**Application Reference Number – 8/16**

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 30 September 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 28 April 2017.

**LICENSING COMMITTEE**  
25 July 2017

The applicant was in attendance, accompanied by two colleagues, and spoke in support of the application.

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

**The Committee resolved:**  
to grant the application.

**17. APPLICATION FOR THE GRANT OF A TAXI OPERATOR'S LICENCE**  
**Application Reference Number – 8/17**

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 2 October 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 28 April 2017.

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

**The Committee resolved:**

to defer consideration of the application to enable the applicant's vehicle to pass the required vehicle test and to agree that should the vehicle pass the test, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to the next meeting of the Committee for consideration.

**LICENSING COMMITTEE**

25 July 2017

18. **APPLICATION FOR THE GRANT OF A TEMPORARY PRIVATE HIRE CAR OPERATOR'S LICENCE**  
**Application Reference Number – 8/18**

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 2 October 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 2 June 2017.

The applicant was in attendance.

Sergeant Flett was in attendance on behalf of Police Scotland's letter.

Mr Munro, Legal Advisor, advised that the applicant had also applied for the grant of a full taxi operator's licence and this was to be considered later on today's agenda. Given a letter of representation from Police Scotland had been received, if approved, a temporary licence would not be able to come into effect any earlier than a grant of a full licence, due to the statutory twenty eight day appeal period.

**The Committee resolved:**

to agree not to consider the application.

19. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR OPERATOR'S LICENCE**  
**Application Reference Number – 8/19**

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 2 October 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 2 June 2017.

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

**LICENSING COMMITTEE**

25 July 2017

**The Committee resolved:**

to grant the application.

**20. APPLICATION FOR THE GRANT OF A TEMPORARY TAXI OPERATOR'S LICENCE****Application Reference Number – 8/20**

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 30 September 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 25 April 2017.

The applicant was in attendance.

Sergeant Flett was in attendance on behalf of Police Scotland's letter.

Mr Munro, Legal Advisor, advised that the applicant had also applied for the grant of a full taxi operator's licence and this was to be considered later on today's agenda. Given a letter of representation from Police Scotland had been received, if approved, a temporary licence would not be able to come into effect any earlier than a grant of a full licence, due to the statutory twenty eight day appeal period.

**The Committee resolved:**

to agree not to consider the application.

**21. APPLICATION FOR THE GRANT OF A TAXI OPERATOR'S LICENCE****Application Reference Number – 8/21**

The Committee had before it (1) an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 30 September 2017; and (2) a letter of representation from the Chief Constable, Police Scotland, c/o Aberdeen City Division dated 25 April 2017.

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

**LICENSING COMMITTEE**

25 July 2017

The applicant summed up his case.

**The Committee resolved:**

to grant the application.

**22. APPLICATION FOR THE GRANT OF A PRIVATE HIRE CAR DRIVER'S LICENCE****Application Reference Number – 8/22**

The Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application which advised that the application had to be determined by 27 August 2017.

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

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

The Committee asked questions of the applicant and Sergeant Flett.

Sergeant Flett summed up on behalf of Police Scotland.

The applicant summed up his case.

**The Committee resolved:**

to defer consideration of the application to (1) allow a medical report to be received from OH Assist and (2) enable the applicant to undertake the street knowledge test, and to agree that should the applicant meet the Group 2 DVLA medical criteria and pass the street knowledge test, the Head of Legal and Democratic Services could grant the application under delegated powers, or otherwise that the application be referred to the meeting of the Licensing Urgent Business Sub Committee for consideration.

LICENSING COMMITTEE

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## LICENSING URGENT BUSINESS SUB COMMITTEE

ABERDEEN, 24 August 2017. Minute of meeting of the LICENSING URGENT BUSINESS SUB COMMITTEE. Present: Councillor Reynolds, Convener; and Councillors Allard, Donnelly (The Depute Provost), Graham, Townson and Yuill (as a substitute for Councillor Delaney).

**The agenda and reports associated with this minute can be found at:**

**<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=502&MId=5834&Ver=4>**

**Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.**

### APPOINTMENT OF CONVENER

1. The Clerk sought nominations for Convener of the Sub Committee, whereupon Councillor Donnelly moved, seconded by Councillor Graham, that Councillor Reynolds be appointed as Convener.

**The Sub Committee resolved:**

to appoint Councillor Reynolds as Convener.

### DETERMINATION OF URGENT BUSINESS

2. In terms of Standing Order 28(5)(vi), and in accordance with Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, the Sub Committee was informed that it had to determine: (1) that the item on the agenda was of an urgent nature; and (2) that the Sub Committee required to consider the item and take a decision thereon.

**The Sub Committee resolved:**

to agree that the item was of an urgent nature and required to be considered this day.

### TAXI LICENSING CONCESSION REQUEST

3. The Committee had before it a request from Mr Graeme McColl, Aberdeen Taxi Centre, for the following concessions for taxi licensing during Offshore Europe week 2017:

1. All airport taxis able to pick up from the taxi rank which was being created at the Aberdeen Exhibition and Conference Centre (from 1 September 2017 to midnight on 10 September 2017; and
2. If there were members of the public waiting at the city centre taxi ranks then airport licenced taxis were permitted to pick up.

**LICENSING URGENT BUSINESS SUB COMMITTEE**

24 August 2017

**The Sub Committee resolved:-**

to relax the condition zoning the city for the purposes of taxi operation at city centre taxi ranks from 6am on Monday 4 September to 12am on Friday 8 September 2017 in light of Offshore Europe week 2017, and to permit airport zone taxis to pick up at city ranks, as well as the taxi rank at AECC being created especially for the purpose of Offshore Europe.

**- COUNCILLOR JOHN REYNOLDS, Convener**

**LICENSING URGENT BUSINESS SUB COMMITTEE**

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## LICENSING URGENT BUSINESS SUB COMMITTEE

ABERDEEN, 30 August 2017. Minute of meeting of the LICENSING URGENT BUSINESS SUB COMMITTEE. Present: Councillor Reynolds, Convener; and Councillors Allard, Donnelly (The Depute Provost), and Nicoll (as a substitute for Councillor Townson).

The agenda and reports associated with this minute can be found at:

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=502&MId=5841&Ver=4>

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

### DETERMINATION OF URGENT BUSINESS

1. In terms of Standing Order 28(5)(vi), and in accordance with Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973, the Sub Committee was informed that it had to determine: (1) that the item on the agenda was of an urgent nature; and (2) that the Sub Committee required to consider the item and take a decision thereon.

**The Sub Committee resolved:**

to agree that the item was of an urgent nature and required to be considered this day.

### **APPLICATION FOR THE GRANT OF A TAXI DRIVER'S LICENCE – VARINDER SOOD**

#### **Application Reference Number – 2**

2. The Sub Committee had before it an information sheet prepared by the Head of Legal and Democratic Services in respect of the application.

The applicant was represented by Mr Tony Dawson, who was in attendance and spoke in support of the application and requested that if the application was granted, that the applicant be exempt from the requirement to undertake the street knowledge test again and explained the rationale for this.

**The Sub Committee resolved:**

to agree that the applicant be exempt from the street knowledge test requirement on the basis of the mitigating circumstances presented by the applicant's representative and thereby to grant the application.

- **COUNCILLOR JOHN REYNOLDS, Convener**

**LICENSING URGENT BUSINESS SUB COMMITTEE**

LICENSING

COMMITTEE BUSINESS

12 SEPTEMBER 2017

Please note that this statement contains a note of every report which has been instructed for submission to this Committee. All other actions which have been instructed by the Committee are not included, as they are deemed to be operational matters after the point of committee decision.

Reports which are overdue are shaded.

	<u>Minute Reference</u>	<u>Committee Decision</u>	<u>Update</u>	<u>Lead Officer(s)</u>	<u>Report Due</u>
1.	Licensing Committee 08.03.16 (article 3 appendix A)	<p><u>Age Policy For Private Hire And Taxi Vehicles</u></p> <p>The Committee resolved to request officers to review the age policy for private hire and taxi vehicles and submit a report on this matter to a future meeting of the Committee.</p>	<p>A report was on the agenda for the Licensing Committee meeting on 6 April at which time it was agreed to refer the report simpliciter to full Council. The report will be considered by full Council on 11 May 2016.</p> <p>Council on 11 May resolved, amongst other things, to instruct the Head of Legal and Democratic Services to review the policy on Age of Vehicles following the implementation of the accessible vehicle policy on 6 June 2018 and report back to the Licensing Committee with recommendations as appropriate twelve months after the accessible vehicle policy had been implemented.</p> <p><b>A report is scheduled to be submitted to the Committee in June 2019.</b></p>	Head of Legal and Democratic Services	June 2019

<p>2. Licensing Committee 25.10.16 articles and 9</p>	<p>5</p>	<p><u>Taxi Fare Review</u></p> <p>The Committee resolved to:</p> <ul style="list-style-type: none"> <li>(i) request the Licensing Team Leader, as part of the current taxi fare review, to explore ways in which any future increase in airport access charges could be mitigated by the Council in a timely manner;</li> <li>(ii) instruct the Licensing Team Leader to undertake a review of the existing taxi fare formula, including surcharges, following the completion of the current taxi fare review;</li> <li>(iii) to instruct officers to meet with trade representatives to explore the restructure of tariff charges and report back to the Committee thereafter;</li> <li>(iv) to instruct the Head of Legal and Democratic Services to undertake a review of the taxi fare formula and report back to the Committee the findings; and</li> <li>(v) to note that discussions with Aberdeen International Airport regarding the recent increased fee for non airport taxis dropping passengers off at the airport concourse were ongoing and to request that the Committee be updated on these discussions as appropriate.</li> </ul>	<p>(i) At its meeting on 13 December, the Committee noted that officers were still to explore ways in which any future increase in airport access charges could be mitigated by the Council in a timely manner. Any future increase in airport charges could not be mitigated by the Council in a timely manner as any change to the taxi tariff would need to form part of the wider taxi fare review and therefore will be reported in conjunction with the review by June 2018.</p> <p>At its meeting on 18 April 2018 the Committee resolved to (ii) to instruct the Head of Legal and Democratic Services to report on the outcome of a taxi demand survey by June 2018 in conjunction with the taxi fare review.</p> <p><b>A report is scheduled to be submitted to the Committee in June 2018.</b></p>	<p>Head of Legal and Democratic Services</p>	<p>June 2018</p>
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3.	Licensing Committee 28.04.17 article 12	<p><u>Response to Consultation on Training for Taxi and Private Hire Drivers</u></p> <p>The Committee resolved to</p> <ul style="list-style-type: none"> <li>(i) to agree to refer the matter of training for taxi and private hire drivers to the Taxi Consultation Group for further discussion with the trade and that a report be submitted to the Licensing Committee thereafter for consideration; and</li> <li>(ii) to instruct the Head of Legal and Democratic Services to write to Scottish Enterprise to clarify whether any funding sources were available for taxi and private hire driver training.</li> </ul>	<b>A report is on the agenda.</b>	Head of Legal and Democratic Services	12.9.2017
4.	Licensing Committee 28.04.17 article 13	<p><u>Response to Consultation on Knowledge Test for Taxi and Private Hire Drivers</u></p> <p>The Committee resolved to instruct the Head of Legal and Democratic Services to discuss the format of the knowledge test with the Taxi Consultation Group as part of the further discussion on training for taxi and private hire drivers.</p>	<b>A report is on the agenda.</b>	Head of Legal and Democratic Services	12.9.2017

5.	Licensing Committee 28.04.17 article 14	<p><u>Taxi Demand Survey And Private Hire Car Overprovision</u></p> <p>The Committee resolved to instruct the Head of Legal and Democratic Services to report on the outcome of the taxi demand survey by June 2018 in conjunction with the taxi fare review.</p>	<b>A report is scheduled to be submitted to the Committee in June 2018.</b>	Head of Legal and Democratic Services	June 2018
6.	Licensing Committee 28.04.17 article 15	<p><u>Membership of the Taxi Consultation Group</u></p> <p>The Committee resolved to agree to review the remit, governance and membership of the Taxi Consultation Group following the Scottish Local Government Elections in May 2017.</p>	<b>A report is on the agenda.</b>	Head of Legal and Democratic Services	12.9.2017
7.	Licensing Committee 13.06.17 article 9	<p><u>Accessible Vehicle Policy Update</u></p> <p>The Committee resolved instruct the Head of Legal and Democratic Services to submit a report to the Committee's meeting on 12 September 2017, outlining the process, including public and trade consultation, of revisiting the Council's current Accessible Vehicle Policy, and that this report also detail the legal and financial implications of any change.</p>	<b>A report is on the agenda.</b>	Head of Legal and Democratic Services	12.9.2017

8.	Licensing Committee 13.06.17 article 10	<u>Taxi Rank Review</u>  The Committee resolved to instruct the Head of Legal and Democratic Services to incorporate the review of taxi rank provision within the taxi demand survey to be carried out and reported to Committee by June 2018.	<b>A report is scheduled to be submitted to the Committee in June 2018.</b>	Head of Legal and Democratic Services	June 2018
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CYCLE 4 - COMMITTEE STATISTICS					
The Tracker Shows the Reports Which are Expected to be Submitted to Future Committee Meetings					
Report Title	Committee date	Report author	Head of Service	Purpose of Report	Explanation if delayed or withdrawn
Taxi Driver Training	12/09/2017	Sandy Munro	Fraser Bell	Advising of the outcome of the further discussion held with the TCG on the training for taxi and private hire drivers and the format of the knowledge test as requested by the Licensing Committee on 28/04/17.	
Membership of the Taxi Consultaion Group	12/09/2017	Arlene Dunbar	Fraser Bell	Determination of the makeup of the Taxi Consultation group to ensure it remains adequately representative of the trade.	
Review of Civic Application Fees	12/09/2017	Jennifer Wilson	Fraser Bell	Examination of the licensing fees to ensure that the authority is meeting its statutory duty to meet all costs of the licensing regime.	
Street Trader Policies	12/09/2017	Lynn May	Fraser Bell	A review of street trader policies in light of recent case law.	
Review of Taxi Surcharge for Credit and Debit Cards	12/09/2017	Lynn May	Fraser Bell	A review of the surcharge for payment by credit/debit card to bring it in line with the current legislative position.	Not going this cycle due to recent major announcement by the government which changes this entirely, so this is no longer required.
Report to Vary Local Conditions for Booking Office Licences	12/09/2017	Lynn May	Fraser Bell	To seek to vary the local conditions applied to Booking Office licences under Para 10 Schedule 1 of the Civic Government (Scotland) Act 1982 and the Civic Government (Scotland) Act (Licensing of Booking	
First Aid Kit Contents - Taxis	12/09/2017	Sandy Munro	Fraser Bell	The purpose of the report is to seek the views of the Committee on the required contents of the first aid kits to be carried in all taxis and private hire vehicles.	
Accessible Vehicle Policy Update	12/09/2017	Sandy Munro	Fraser Bell	The Committee resolved instruct the Head of Legal and Democratic Services to submit a report to the Committee's meeting on 12 September 2017, outlining the process, including public and trade consultation, of revisiting the Council's current Accessible Vehicle Policy, and that this report also detail the legal and financial implications of any change.	

**CYCLE 5 - COMMITTEE STATISTICS**

**The Tracker Shows the Reports Which are Expected to be Submitted to Future Committee Meetings**

<b>Report Title</b>	<b>Committee date</b>	<b>Report author</b>	<b>Head of Service</b>	<b>Purpose of Report</b>	<b>Explanation if delayed or withdrawn</b>
Review of Street Trader Licence Conditions	07/11/2017	Lynn May	Fraser Bell	Subject to the report recommendations on this matter being approved by Licensing on 12/9/17. A report back on the review of street trader policies in light of recent case law considered by the Licensing Committee of 12/9/17.	
Variation of the local conditions applied to Booking Office licences under Para 10 Schedule 1 of the Civic Government (Scotland) Act 1982 and the Civic Government (Scotland) Act (Licensing of Booking Offices) Order 2009.	07/11/2017	Lynn May	Fraser Bell	Subject to the report recommendations on this matter being approved by Licensing on 12/9/17. A report back on the proposal to vary the local conditions applied to Booking Office licences under Para 10 Schedule 1 of the Civic Government (Scotland) Act 1982 and the Civic Government (Scotland) Act (Licensing of Booking Offices) Order 2009 considered by the Licensing Committee of 12/9/17 .	

**CYCLE 6 - COMMITTEE STATISTICS****The Tracker Shows the Reports Which are Expected to be Submitted to Future Committee Meetings**

<b>Report Title</b>	<b>Committee date</b>	<b>Report author</b>	<b>Head of Service</b>	<b>Purpose of Report</b>	<b>Explanation if delayed or withdrawn</b>
Review of Taxi Surcharges in light of HM Treasury Announcement	19/12/2017	Lynn May	Fraser Bell	To report the outcome of the review of taxi surcharges in light of the HM Treasury announcement on the legislative position for surcharges.	
Review of Civic and Miscellaneous Application Fees	19/12/2017	Jennifer Wilson	Fraser Bell	Subject to approval by the Licensing Committee on 12/9/2017, a report back on the outcome of the fee review proposal consultation and seeking a final decision on the future fee levels to be adopted from 20 December 2017.	

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## AGE CLASSIFICATION REQUEST

2017

*Belmont Film House , 49 Belmont Street , Aberdeen*

Licensing  
Legal and Democratic Services  
Corporate Governance  
Aberdeen City Council  
Business Hub 6 L1S  
Marischal College  
Aberdeen  
AB10 1AQ

29/09/2015

FORMAL REQUEST FOR AGE CERTIFICATION FOR PUBLIC EXHIBITION

This is a formal request for Age Classification (utilizing the BBFC Guidelines) for Don't Look At Me That Way which we intend to screen publicly at the Belmont Filmhouse on Saturday 23<sup>rd</sup> September.

Thank you

Cinema Manager

Belmont Filmhouse

DON'T LOOK AT ME THAT WAY

## SYNOPSIS

Hedi is the new neighbour of Iva, who is raising her daughter Sophia by herself. The two women start a relationship and Iva is desperately in love. However, when Iva's estranged father appears, Hedi is strongly attracted to him. Director and star Uisenma Borchu crafts an enigmatic tale about the pitfalls of monogamous expectations, breaking free of taboos, and existing as a bisexual woman of colour in a straight, white society.

## FILM DETAILS

88 mins, N/C 15+, Dir: Uisenma Borchu, Country: Mongolia/Germany, Year: 2015, Mongolian and German languages with English subtitles

SUGGESTED RATING UTILISING BBFC GUIDELINES

15

DISCRIMINATION

None

DRUGS

None

HORROR

None

IMITABLE BEHAVIOUR

None

LANGUAGE

Very minor instances of swearing

NUDITY

Mild

SEX

Mild

THEME

No material that will harm or offend

VIOLENCE

One instance. Death by drowning.

## CONTACT INFORMATION



The Belmont Filmhouse

49 Belmont Street, Aberdeen AB10 1JS

**Tel** 01224 343500

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**LICENSING COMMITTEE**  
**12 September 2017**  
**LIST OF APPLICATIONS**

	<b>Application Type</b>	<b>Name of Applicant(s)</b>	<b>Premises, Vehicle or Area to which Application Refers</b>	<b>Objections or Representations Received From</b>	<b>Date by which Application to be Determine (If Applicable)</b>	<b>Pages</b>
1.	HMO Application (Renewal)	Andrew Buchan + CDM Lettings Limited	48 Elmbank Terrace, Aberdeen (Ground Floor Flat)	C, H & I	20 October 2017	59 - 62
2.	HMO Application (Renewal)	Alexandra Blamire & Russell Dandie	284C Holburn Street, Aberdeen	C, H & I	23 October 2017	63 - 66
3.	HMO Application (Renewal)	Fiona Mitchell + Patricia Sutherland	1 Roslin Terrace, Aberdeen	C, H & I	2 November 2017	67 - 70
4.	HMO Application (New)	Andrew MacLennan	66 Spital, Aberdeen	1 Objector	4 June 2018	71 - 76
5.	HMO Application (New)	Sarah E.Webb	39 Craigton Terrace, Aberdeen	1 Objector & 1 'late' Objector	21 May 2018	77 - 84
6.	HMO Application (New)	Sujon Hoque	39 Kings Crescent, Aberdeen	4 Objectors	12 June 2018	85 - 100
7.	HMO Application (New)	The Birley Family Trust + Catriona Birley	30 Belvidere Crescent, Aberdeen	1 Objector	26 June 2018	101 - 104
8.	HMO Application (Renewal)	Moya Bothwell + Homeguard Leasing Ltd.	139 Forest Avenue, Aberdeen	1 Objector & 1 'late' objector	13 July 2018	105 - 116
9.	HMO Application (New)	Calum J.MacFarlane & Susan MacFarlane	3 The Orchard, Spital Walk, Aberdeen	4 Objectors & 1 'late' Objector	9 July 2018	117 - 126

10.	HMO Application (Renewal)	Kyle G.Henderson	153 Bannermill Place, Aberdeen	1 Objector	13 July 2018	127 - 142
11.	Street Trader (Grant)	The Liberty Kitchen	Esplanade East Side, 1900m North of Links Road		10 October 2017	143 - 144
12.	Public Charitable Collection	Inspire PTL	Beach Boulevard and Queens Links		5 November 2017	145 - 146
13.	Taxi Operator (Renewal)	Lorraine Fyfe	A102	LD	27 October 2017	147 - 148
14.	Taxi Driver (Grant)	Samson Ugha	N/A	LD	17 January 2018	149 - 150
15.	Taxi Driver (Grant)	Mohamad Elbehaderie	N/A	LD	24 October 2017	151 - 152
16.	Private Hire Car Driver (Grant)	Vinod Athikkal Veedu	N/A	LD	3 October 2017	153 - 154
17.	Taxi Driver (Renewal)	Robert Cowie	N/A	LD	23 October 2017	155 - 156
18.	Taxi Driver (Renewal)	Gary Robertson	N/A	LD	28 October 2017	157 - 158
19.	Private Hire Car Driver (Renewal)	Gary Duncan	N/A	LD	2 October 2017	159 - 160
20.	Private Hire Car Driver (Renewal)	Lawrence Imonigie	N/A	LD	4 November 2017	161 - 162
21.	Private Hire Car Driver (Renewal)	Golam Muhmud	N/A	LD	17 October 2017	163 - 164



22.	Private Hire Car Driver (Renewal)	Adeyinka Oketola	N/A	LD	4 November 2017	165 - 166
23.	Private Hire Car Driver (Renewal)	Keith Will	N/A	LD	28 September 2017	167 - 168

**ABBREVIATIONS:**

LD Legal and Democratic Services  
EH Environmental Health  
SFRS Fire and Rescue Service  
BS Building Standards  
Roads

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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	24 August 2017
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

## **Part 5 of Housing (Scotland) Act 2006**

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.48 Elmbank Terrace, Aberdeen (Ground Floor Flat)**

**Applicant/s: Andrew Buchan**

**Agent: CDM Letting**

I refer to the above HMO licence application, which is due to be considered by the Licensing Committee at its meeting on 12 September 2017 for the reason that the HMO upgrading work has not been completed.

I can advise you as follows:

### **The HMO legislation**

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
  - i) Its location
  - ii) Its condition
  - iii) Any amenities it contains
  - iv) The type & number of persons likely to occupy it
  - v) Whether any rooms within it have been subdivided
  - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
  - vii) The safety & security of persons likely to occupy it
  - viii) The possibility of undue public nuisance
  - ix) There is, or would be, an overprovision of HMOs in the locality

### **The premises:**

The premises to which this HMO licence application relates is a ground-floor flat providing accommodation comprising 5 letting bedrooms, one public room, one kitchen & 2 bathrooms. The location of the premises is shown on the plan attached as Appendix 'A'

**The HMO application:-**

The HMO licence application was received by the HMO Unit on 21 October 2016.

**HMO upgrading works and certification:**

The HMO Officer carried out an inspection of the property on 31 October 2016, then he wrote to the applicant's agent listing the following requirements to bring the property up to the current HMO standard:-

1. All broken lightbulbs to be replaced.
2. All self-closing doors to be checked and adjusted where necessary.
3. All areas of damp/mould to be treated with anti-fungicidal wash, then redecorated.
4. The light switch for the gable-end bedroom must be repositioned within the bedroom.
5. The hallway carpet to be replaced.
6. The faulty ceiling rose in the hall to be replaced.
7. The locking bolt on the bathroom door to be replaced.
8. The toilet overflow to be investigated and repaired.
9. The public Notice of HMO Application to be redisplayed.
10. The Certificate of Compliance to be submitted to the HMO Unit.

At the date of this report, the above requirements have not been completed.

**Scottish Fire & Rescue Service (SFRS):**

SFRS have confirmed that they have no objection to the granting of the HMO licence.

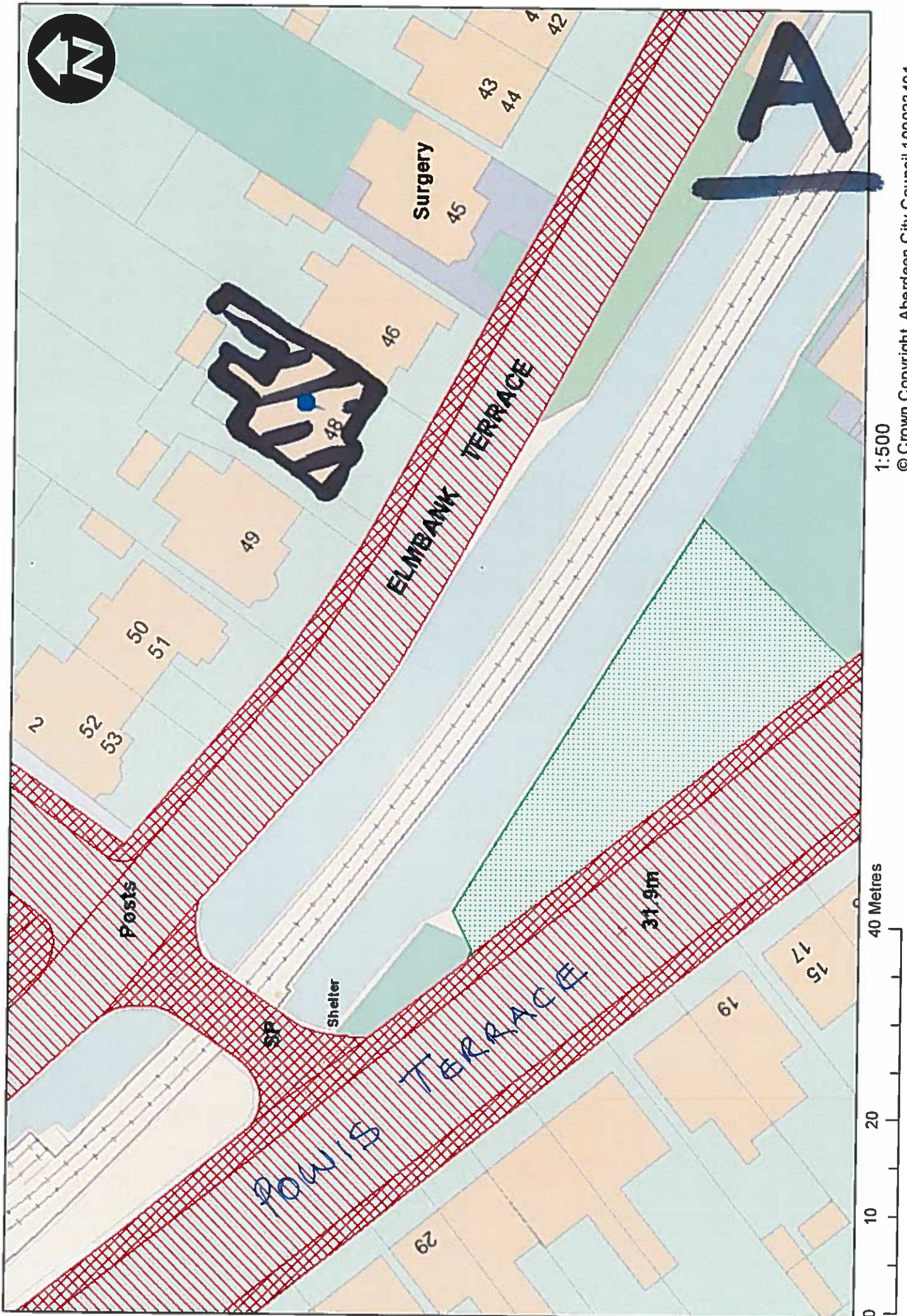
**Other considerations:**

- Police Scotland, as a statutory consultee, was initially consulted in respect of the applicant's suitability as a 'fit & proper' person, and made no adverse comment or objection.
- Scottish Fire & Rescue Service, as a statutory consultee, was initially consulted in respect of the suitability of the premises as an HMO, and made no comment or objection.
- At the date of this memo, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any corroborated complaints of anti-social behaviour at No.48 Elmbank Terrace, Aberdeen (ground floor flat).
- The applicant and his property are currently registered with the Landlord Registration database.
- The applicant has requested an occupancy of 5 tenants which is acceptable to the HMO Unit in terms of space and layout.
- The HMO licence application under consideration is a late renewal. The applicant held an HMO licence for the property between August 2013 – August 2016.

- The meeting of the Licensing Committee on 12 September 2017, is the last meeting before the one-year deadline therefore if the above-mentioned HMO requirements have not been completed by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 12 September 2017. I will advise the Committee whether or not all requirements have been completed.

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

**Ally Thain**  
Private Sector Housing Manager



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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	8 August 2017
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

## Part 5 of Housing (Scotland) Act 2006

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.284C Holburn Street, Aberdeen**

**Applicant/s: Alexandra Blamire & Russell Dandie**

**Agent: None stated**

I refer to the above HMO licence application, which is due to be considered by the Licensing Committee at its meeting on 12 September 2017 for the reason that the HMO upgrading work has not been completed.

I can advise you as follows:

### The HMO legislation

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
  - i) Its location
  - ii) Its condition
  - iii) Any amenities it contains
  - iv) The type & number of persons likely to occupy it
  - v) Whether any rooms within it have been subdivided
  - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
  - vii) The safety & security of persons likely to occupy it
  - viii) The possibility of undue public nuisance
  - ix) There is, or would be, an overprovision of HMOs in the locality

### The premises:

The premises to which this HMO licence application relates is a first-floor flat providing accommodation comprising 4 letting bedrooms, one public room, one kitchen & 2 bathrooms. The location of the premises is shown on the plan attached as Appendix 'A'

**The HMO application:-**

The HMO licence application was received by the HMO Unit on 24 October 2016.

**HMO upgrading works and certification:**

During his initial inspection of the property, one letting bedroom was locked and despite regular requests for access to this room, no access has been provided with the result that all upgrading requirements cannot be finalised and notified to the licence-applicants. At the date of this report, the HMO Officer has still not been given access to the whole property.

**Other considerations:**

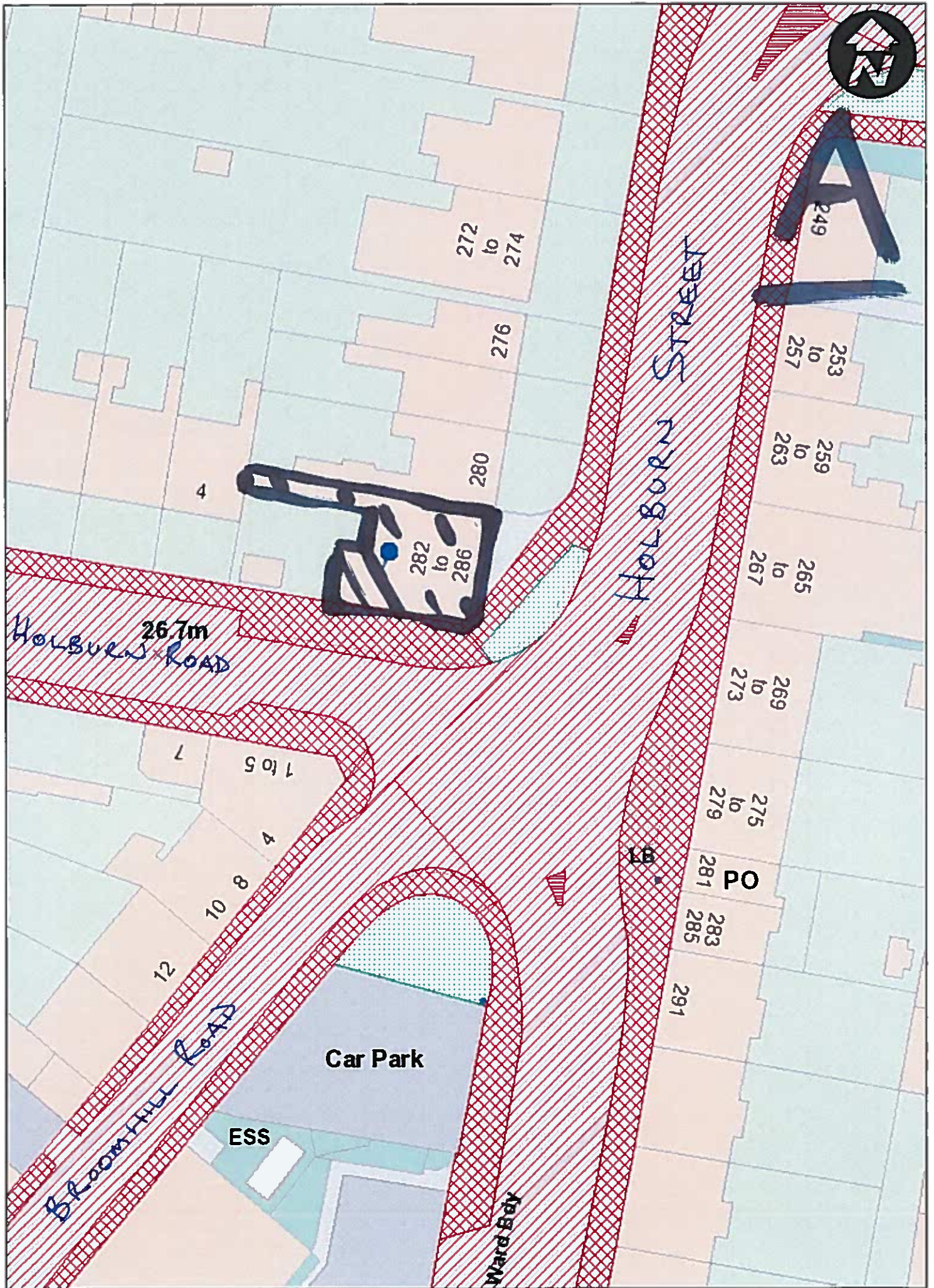
- Police Scotland, as a statutory consultee, was initially consulted in respect of the applicants' suitability as 'fit & proper' persons, and made no adverse comment or objection.
- Scottish Fire & Rescue Service, as a statutory consultee, was initially consulted in respect of the suitability of the premises as an HMO, and made no comment or objection.
- At the date of this memo, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaint of anti-social behaviour at No.284C Holburn Street, Aberdeen.
- The applicants are currently registered with the Landlord Registration database.
- The applicants have requested an occupancy of 4 tenants which is acceptable to the HMO Unit in terms of space and layout.
- The HMO licence application under consideration is a 'renewal' application which means that the property may be legally occupied as an HMO until the application has been determined.
- The meeting of the Licensing Committee on 12 September 2017, is the last meeting before the one-year deadline therefore if access to the locked room has not been provided, I cannot confirm that the property is suitable for continued occupation as an HMO. Accordingly, if the Committee is minded to refuse the application, it must do so at the meeting on 12 September 2017. I will advise the Committee of the up-to-date position at the meeting.

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

**Ally Thain**

Private Sector Housing Manager





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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	28 August 2017
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

## **Part 5 of Housing (Scotland) Act 2006**

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.1 Roslin Terrace, Aberdeen**

**Applicant/s: Fiona Mitchell**

**Agent: Patricia Sutherland**

I refer to the above HMO licence application, which is due to be considered by the Licensing Committee at its meeting on 12 September 2017 for the reason that the HMO upgrading work has not been completed.

I can advise you as follows:

### **The HMO legislation**

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
  - i) Its location
  - ii) Its condition
  - iii) Any amenities it contains
  - iv) The type & number of persons likely to occupy it
  - v) Whether any rooms within it have been subdivided
  - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
  - vii) The safety & security of persons likely to occupy it
  - viii) The possibility of undue public nuisance
  - ix) There is, or would be, an overprovision of HMOs in the locality

### **The premises:**

The premises to which this HMO licence application relates is a two-storey semi-detached house which, when the refurbishment is complete, will provide accommodation comprising 4 letting bedrooms, 2 bedsit flats, 2 kitchens & 2 bathrooms. The location of the premises is shown on the plan attached as Appendix 'A'

**The HMO application:-**

The HMO licence application was received by the HMO Unit on 3 November 2016.

**HMO upgrading works and certification:**

The licence application included a set of layout plans showing the complete refurbishment of the house to form the accommodation described above. When the building works are complete, the accommodation will meet the current HMO standard. In this regard, the HMO Officer has asked the applicant to provide him with:

- 1) A copy of the Building Warrant Certificate of Completion,
- 2) A letter from Scottish Fire & Rescue Service confirming that they are satisfied with the fire-safety provision within the property, and
- 3) An up-to-date Electrical Installation Condition Report (EICR) certificate & a Portable Appliance Test (PAT) certificate.

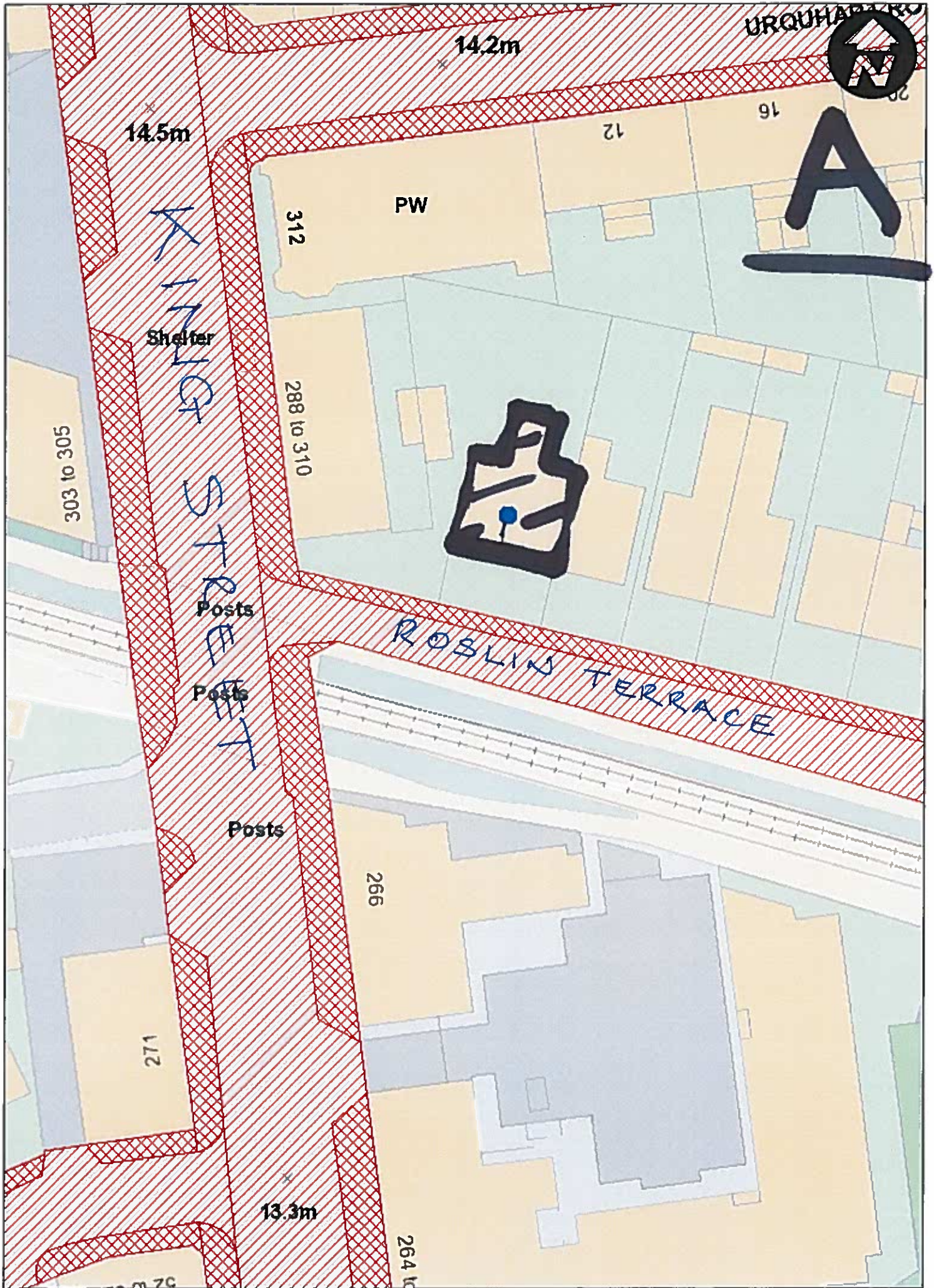
At the date of this report, the works have not been completed and the above-mentioned documentation has not been submitted.

**Other considerations:**

- Police Scotland, as a statutory consultee, was initially consulted in respect of the applicant's suitability as a 'fit & proper' person, and made no adverse comment or objection.
- Scottish Fire & Rescue Service, as a statutory consultee, was initially consulted in respect of the suitability of the premises as an HMO, and made no comment or objection.
- At the date of this memo, the Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any corroborated complaints of anti-social behaviour at No.1 Roslin Terrace, Aberdeen.
- The applicant and her rental property are registered with the Landlord Registration database.
- The applicant has requested an occupancy of 7 tenants which is acceptable to the HMO Unit in terms of space and layout.
- The HMO licence application under consideration is a licence renewal application.
- The meeting of the Licensing Committee on 12 September 2017, is the last meeting before the one-year deadline therefore if the above-mentioned HMO requirements have not been completed by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 12 September 2017. I will advise the Committee whether or not all requirements have been completed.

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

**Ally Thain**  
Private Sector Housing Manager



1:500



**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	30 August 2017
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

**Part 5 of Housing (Scotland) Act 2006**

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No. 66 Spital, Aberdeen**

**Applicant/s: Andrew MacLennan**

**Agent: None stated**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 12 September 2017 for the reason that one written representation was received by the HMO Unit.

I can advise you as follows:

**The HMO legislation**

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
  - i) Its location
  - ii) Its condition
  - iii) Any amenities it contains
  - iv) The type & number of persons likely to occupy it
  - v) Whether any rooms within it have been subdivided
  - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
  - vii) The safety & security of persons likely to occupy it
  - viii) The possibility of undue public nuisance
  - ix) There is, or would be, an overprovision of HMOs in the locality (see Other Considerations)

**The premises:**

The property at No.66 Spital, Aberdeen, is a maisonette flat providing accommodation of 4 letting bedrooms, one public room, one kitchen & one bathroom. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

The HMO licence application is dated 1 June 2017 and was received by the HMO Unit on 5 June 2017.

**Certificate of Compliance – Notice of HMO Application:**

The Certificate of Compliance submitted by the agent declares that the public Notice of HMO Application was on display outside the property for the statutory 21-day period between 2 June 2017 – 24 June 2017.

**Letter of representation:**

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

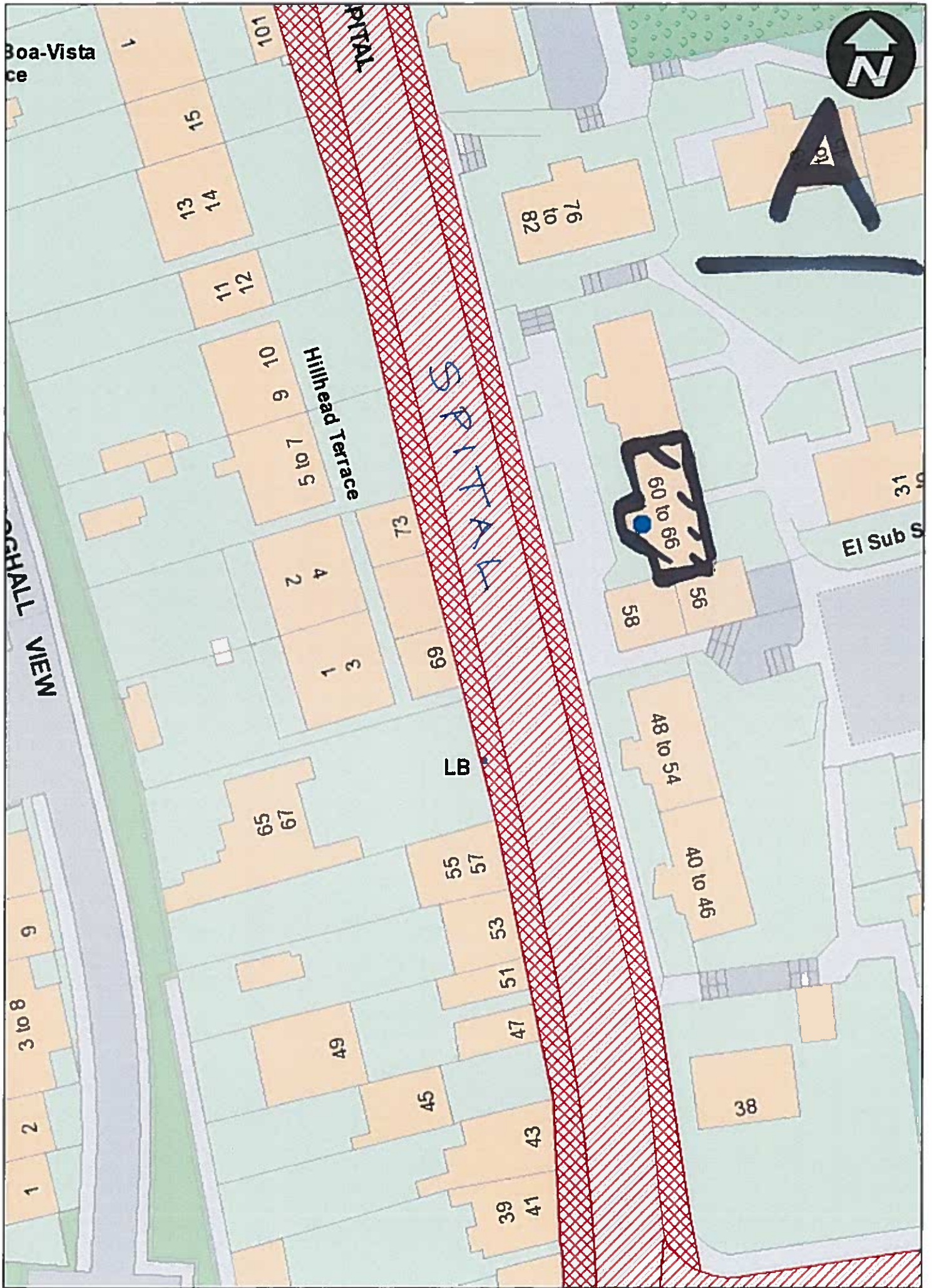
**Other Considerations:**

- Police Scotland has been consulted in respect of the applicant's suitability as a 'fit & proper' person, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaint of anti-social behaviour at No.66 Spital, Aberdeen.
- The applicant and a different rental property are registered with Landlord Registration, therefore it will be necessary for No.66 Spital to be registered prior to letting it.
- The applicant has requested an occupancy of 4 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is a 'first-time' application.
- The following properties in Spital, Aberdeen, are HMO-licensed: Nos.15, 17, 19A, 19B, 19C, 19D, 19E, 19F, 19G, 25, 26, 27, 28, 30A, 30B, 35, 37, 39, 55, 57, 98, 109, 111, 117, 123A & 123B.
- The letter of representation refers to "*an abundance of HMOs in the area*", which perhaps infers HMO overprovision. At the date of the Licensing Committee meeting on 12 September 2017, the Council will not have a policy on HMO Overprovision, therefore this particular ground of refusal is not available to the Committee.
- At the date of this report, the HMO upgrading works have not been completed. I'll advise the Committee on 12 September 2017 of the up-to-date position.



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

**Ally Thain**  
Private Sector Housing Manager

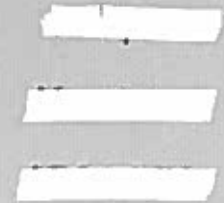


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**B**

Mr David Crocker



HMO Unit, Communities,  
Housing and Infrastructure  
Business Hub 1  
Lower Ground Floor West  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

Aberdeen City Council
Housing & Environment
DATE RECEIVED
08 JUN 2017
Private Sector Housing Unit

7th June 2017

Dear Sir/Madam,

Further to an application for an HMO at 66 Spital, I would like to lodge an objection to this given that it is next door to my property which I have lived at for 34 years and I also feel it would be out of keeping with the area given that it is predominantly families who occupy the properties nearby. I also feel that there is an abundance of HMO's in the area and that the balance is being tipped too far in that direction.

Yours faithfully,



Mr D Crocker

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# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	30 August 2017
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

**Part 5 of Housing (Scotland) Act 2006**

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.39 Craighton Terrace, Aberdeen**

**Applicant/s: Sarah E.Webb**

**Agent: None stated**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 12 September 2017 for the reason that 2 written representations were received by the HMO Unit.

I can advise you as follows:

**The HMO legislation**

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
  - i) Its location
  - ii) Its condition
  - iii) Any amenities it contains
  - iv) The type & number of persons likely to occupy it
  - v) Whether any rooms within it have been subdivided
  - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
  - vii) The safety & security of persons likely to occupy it
  - viii) The possibility of undue public nuisance
  - ix) There is, or would be, an overprovision of HMOs in the locality (see Other Considerations)

**The premises:**

The property at No.39 Craighton Terrace, Aberdeen, is a semi-detached two storey house providing accommodation of 3 letting bedrooms, one public room, one kitchen & one bathroom. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

The HMO licence application is dated 19 May 2017 and was received by the HMO Unit on 22 May 2017.

**Certificate of Compliance – Notice of HMO Application:**

The Certificate of Compliance submitted by the applicant declares that the public Notice of HMO Application was on display outside the property for the statutory 21-day period between 19 May 2017 – 10 June 2017.

**Letter of representation:**

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

**'Late' letter of representation:**

One letter of representation was received by the HMO Unit on 12 June 2017, two days outwith the statutory 21-day period. The legislation, however, allows the local authority to consider a late letter if it considers that it was reasonable for the respondent to submit the letter after the deadline for doing so. Accordingly, if the Committee decides to consider the late letter, copies will be circulated to Members at the meeting.

**Letter from licence-applicant:**

The licence-applicant submitted a letter in support of her application. The letter is attached as Appendix 'C'.

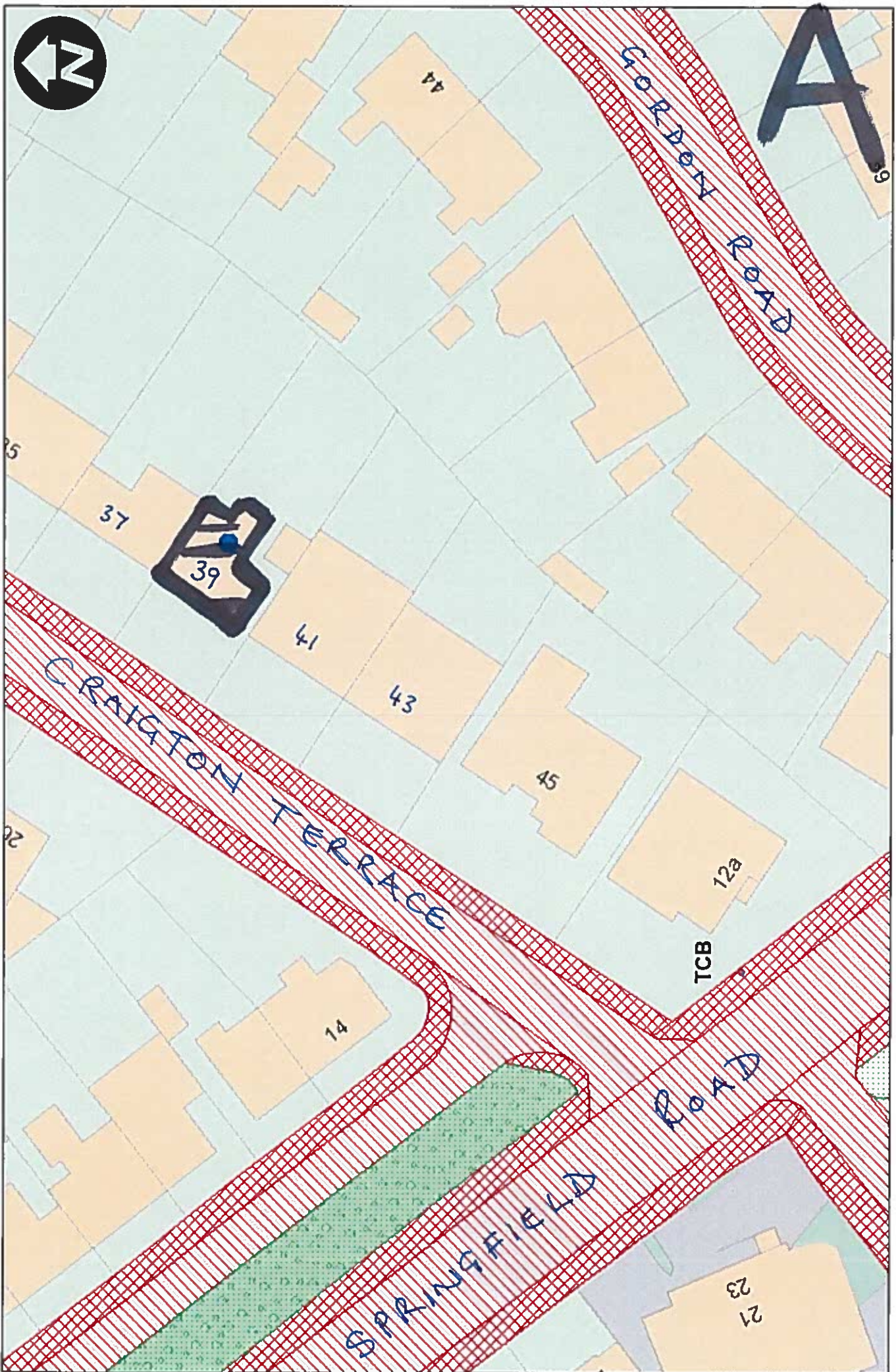
**Other Considerations:**

- Police Scotland has been consulted in respect of the applicant's suitability as 'fit & proper' persons, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaint of anti-social behaviour at No.39 Craigton Terrace, Aberdeen.
- The applicant and her 5 rental properties, including No.39 Craigton Terrace are currently registered with Landlord Registration.
- The applicant has requested an occupancy of 3 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is a 'first-time' application.
- The application under consideration is the only recorded HMO licence application for Craigton Terrace, Aberdeen.

- The letter of representation mention concerns about car parking, however car parking is not a consideration of HMO licensing.
- The letter of representation mentions that the property is not suitable for occupation as an HMO because of room sizes, also concerns about the gas and electrical installations. The HMO Officer's initial inspection identified a large amount of upgrading work required to bring the property up to the current HMO standard. Upon completion of this work, the property will meet the current HMO standard and will be suitable for occupation as an HMO. At the date of this report, the HMO upgrading works have not been completed. I'll advise the Committee on 12 September 2017 of the up-to-date position.

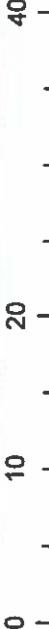
I trust the above explains the position. Please contact me on x2870 should you have any queries regarding the above.

**Ally Thain**  
Private Sector Housing Manager



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B

HMO Unit  
Housing and Environment  
Business Hub II  
Second Floor West  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

F.A.O. allyT@aberdeencity.gov.uk

8<sup>th</sup> June 2017

Ref: House of Multiple Occupancy Application, 39 Craighton Terrace, Mannofield, Aberdeen.

Dear Sir

We write in connection with the above planning application. We have examined the notice of application and we know the house in question well. We wish to object strongly to the application for this house in this location to be used as a House of Multiple Occupancy.

We feel the application for a House of Multiple Occupancy should be considered very carefully.

We are uncomfortable with the flexible tenure use of the property and the perceived impact it will have on all of the surrounding residents and with the over intensive use of the house.

We have grave concerns that the property has insufficient parking and only has two bedrooms. Further, the room sizes are not adequate to accommodate multiple occupants.

As there is only a small kitchen and one bathroom, we do not believe the property is large enough or indeed has adequate kitchen and bathroom facilities for a number of occupants. We also have major concerns that gas and electrical appliances would not be cared and attended to as the rest of the streets residents do and believe this could compromise gas and fire safety measures.

We are very concerned the maintenance of the house and the garden will not be kept to the standards of the rest of the houses in the street. The maintenance and the responsible management of rubbish may also be neglected.

The potential for anti-social behaviour causing nuisance, distress and disruption is extremely worrying. As residents, we all endeavour to take great care to protect the safety, security and quality of not only our properties and the people who live in them, but also the integrity of our street and the way it currently functions. We feel our values would be put at great risk if this application was to be allowed.

The introduction of Multiple Occupancy tenants could ruin the character and image of our quiet street, therefore, we request that this application is rejected.

Yours faithfully

Iris Gill and Barry MacKenzie

Aberdeen City Council
Housing & Environment
DATE RECEIVED
09 JUN 2017
Private Sector Housing Unit

29/08/2017



Mr Ally Thain  
HMO Unit  
Housing and Environment  
Second Floor West  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

Sarah & Timothy Webb

Dear Mr Thain,

**HMO Application – 39 Craigton Terrace AB15 7RN**

Please see below our remarks supporting our HMO application for the above property in relation to the objections received:

I would firstly like to address the remarks regarding the suitability of the property for use as an HMO; I think it can be agreed that the property is of a more than adequate size and has sufficient facilities to accommodate 3 persons. At 92 square metres with a generous lounge and dining kitchen the public areas are more than sufficient and as there is a downstairs cloakroom in addition to the upstairs bathroom this is pretty typical of a west end Aberdeen family home accommodating a family of 4. The property is currently undergoing a significant internal refurbishment further improving the facilities. There is also significant storage both internally and externally, indeed, far more than there would be in many 4-bedroomed flats. Regarding safety, in particular fire, gas and electric, the checks that are required in order to satisfy an HMO licence are far more stringent than they would be in the average family home. We have complied with all the requirements and spent a significant amount of money to ensure electrical, gas and fire safety of the highest standard for the property. Regarding parking, there is room for 3 cars to be parked off-street at the property therefore it is unlikely this will have any impact on the existing provision.

It is important to state that this property was purchased for myself and my husband to retire to in the next few years and rental is a method of sustaining the property until we move. We are experienced landlords having done this for more than 20 years with numerous properties and some 30 plus tenants. In this time we have never had one complaint from our neighbours. I am an experienced property factor and currently manage our 4 rental properties and therefore responsible for the maintenance and management of the properties. I carry out regular inspections and I am in close contact with my tenants to ensure all runs smoothly. This would also be the case with Craigton Terrace where I would be responsible for all aspects including the gardens therefore I think I can put the objectors mind at rest regarding this, especially since it is our intention to move into the property and as a Business woman it would be illogical to allow an important asset to fall into disrepair affecting its value.

Regarding anti-social behaviour, as with all rental properties a number of safe guards can be put in place to avoid any problems. The main one being a clause in the tenancy agreement which can basically terminate the tenancy if there are any genuine problems. This is a clause which we have always had and in the case of students, the parents would be required to be guarantors. Equally I manage the properties myself and conduct all my own tenant viewings and therefore vet tenants in advance. As said previously in 20 plus years we have not have a dispute with a tenant or neighbours, indeed I have had several tenants renting for up to 4 years demonstrating the good relationships we have had with them. We also attend to any repairs ourselves, usually within 24 hours, as I work part-time for a Solicitors firm I am free every afternoon as required to deal with any problems that arise. My husband is a senior Offshore Construction Manager in charge of large vessels and some 100 employees in challenging situations and he approaches our properties with the same professionalism and attention to detail as his job, as do I. We also have an excellent group of contractors on hand who will give us priority with repair and maintenance as we have given them a significant amount of work over the years.

As previously mentioned we purchased the house to downsize to when we retire and it is therefore larger than our other rental properties and lends itself to 3 bedrooms. The current rental market is not very good and having the option to rent the property as an HMO increases our potential market and this is our motivation for applying for the licence. An HMO licence does not mean that the tenants will be necessarily be students they may be professionals who are trying to save some money in the difficult economic climate in Aberdeen such as trainee lawyers similar to those who work in my firm of Solicitors. Please be assured it is very important for us to have a good relationship with the neighbours in the street, which we enjoy where we currently live. Surely ruining the "character "of the street would be detrimental to us in the long run? It is in our interest to maintain the quiet and peace that the street has at the moment. Our immediate neighbour happens to be a friend of my husband and it we would be devastated to upset this in any way.

I hope that the above has sufficed in negating the objections that have been put forward regarding our application.

Kind regards,

**Sarah & Timothy Webb**

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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	30 August 2017
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

## **Part 5 of Housing (Scotland) Act 2006**

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.39 Kings Crescent, Aberdeen**

**Applicant/s: Sujon Hoque**

**Agent: None stated**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 12 September 2017 for the reason that four written representations were received by the HMO Unit.

I can advise you as follows:

### **The HMO legislation**

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
  - i) Its location
  - ii) Its condition
  - iii) Any amenities it contains
  - iv) The type & number of persons likely to occupy it
  - v) Whether any rooms within it have been subdivided
  - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
  - vii) The safety & security of persons likely to occupy it
  - viii) The possibility of undue public nuisance
  - ix) There is, or would be, an overprovision of HMOs in the locality (see Other Considerations)

**The premises:**

The property at No.39 Kings Crescent, Aberdeen, is a three-storey detached house, although only the attic floor accommodation is the subject of the HMO licence application. The applicant has formed an exclusive access to the attic floor accommodation by way of a garden path from the street leading to a link bridge which terminates at a new doorway in the gable wall of the house at first-floor level. The new doorway gives access to a new internal hallway at first floor level, leading to the original staircase to the attic floor. Within the new internal hallway on the first floor is an internal door giving access to the first floor & ground floor accommodation. The attic floor, when refurbished, will provide accommodation of 3 letting bedrooms, one public room, one kitchen & one bathroom. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

The HMO licence application is dated 9 June 2017 and was received by the HMO Unit on 13 June 2017.

**Certificate of Compliance – Notice of HMO Application:**

The Certificate of Compliance submitted by the applicant declared that the public Notice of HMO Application was on display outside the property for the statutory 21-day period between 13 June 2017 – 6 July 2017.

**'Late' letters of representation:**

Three letters of representation were received by the HMO Unit, all outwith the statutory 21-day period, and each letter mentioned that the Notice of HMO Application had not been displayed.

Following receipt of these letters, it was established that the applicant had displayed the Notice of HMO Application on a lamppost in St.Peter Street, in the position shown on Appendix 'A'. The HMO Unit was of the opinion that it was unreasonable for passers-by to assume that a public Notice in St.Peter Street related to an HMO licence application for a house in Kings Crescent, and the applicant was instructed to display a fresh Notice for a further 21-day statutory period, on the lamppost in Kings Crescent opposite his front garden, in the position shown on Appendix 'A'. The applicant complied with this instruction and the fresh Notice was on display between 3 August 2017 – 24 August 2017.

Following the display of the fresh Notice, letters were sent to the three 'original' objectors advising them of the fresh Notice and of their opportunity to submit fresh letters within the statutory 21-day period.

**Letters of representation:**

Four letters of representation were received by the HMO Unit within the statutory 21-day period and must therefore be considered by the Committee. Three of the letters were submitted by the persons who had originally submitted the 'late' letters. Details of the letters as follows:

- Letter from B.McKeever, attached as Appendix 'B'
- Letter from Mr & Mrs Harwood, attached as Appendix 'C'
- Letter from Old Aberdeen Heritage Society, attached as Appendix 'D'
- Letter from Mr & Mrs Birchley, attached as Appendix 'E'

**Letter from licence-applicant:**

The licence-applicant submitted a letter in support of his licence application. His letter is attached as Appendix 'F'.

**Other Considerations:**

- Police Scotland has been consulted in respect of the applicant's suitability as 'fit & proper' persons, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaint of anti-social behaviour at No.39 Kings Crescent, Aberdeen.
- The applicant and another 4 of his rental properties are registered with Landlord Registration. Of these, 3 properties are currently HMO-licensed. It will therefore be necessary for the applicant to register No.39 Kings Crescent prior to letting it.
- The applicant has requested an occupancy of 4 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is a 'first-time' application.
- The properties at Nos.9 & 35 (flat 2) Kings Crescent, are HMO-licensed. The following properties in Spital, Aberdeen, are HMO-licensed: Nos.15, 17, 19A, 19B, 19C, 19D, 19E, 19F, 19G, 25, 26, 27, 28, 30A, 30B, 35, 37, 39, 55, 57, 98, 109, 111, 117, 123A & 123B.
- The letters of representation mention breaches in relation to Planning Permission. The current proposal to use the attic floor to accommodate tenants, and the remainder of the house (ground & first floors) as the applicant's family home, requires a physical separation of the two parts of the house to provide two separate dwellings. Such a proposal requires Planning Permission and Building Warrant approval, none of which have been applied for or granted.

Section 129A, Part 5, of the Housing (Scotland) Act 2006 provides local authorities with the discretionary power to refuse to consider an HMO licence application if they consider that occupation of the accommodation as an HMO would be a breach of planning control. If local authorities choose to exercise this power, they must do so within 21 days of receipt of the HMO licence application, failing which they must proceed to consider the application.

In the case of No.39 Kings Crescent, the HMO Officer could not schedule the initial inspection of the property until after the 21-day period, and in any case was not aware of the proposal to only use the attic accommodation as an HMO, with the result that the above-mentioned power to 'refuse to consider' was lost and Council must proceed to deal with the HMO licence application. Notwithstanding this, the applicant must apply for and obtain Planning Permission and Building Warrant to sub-divide his house.

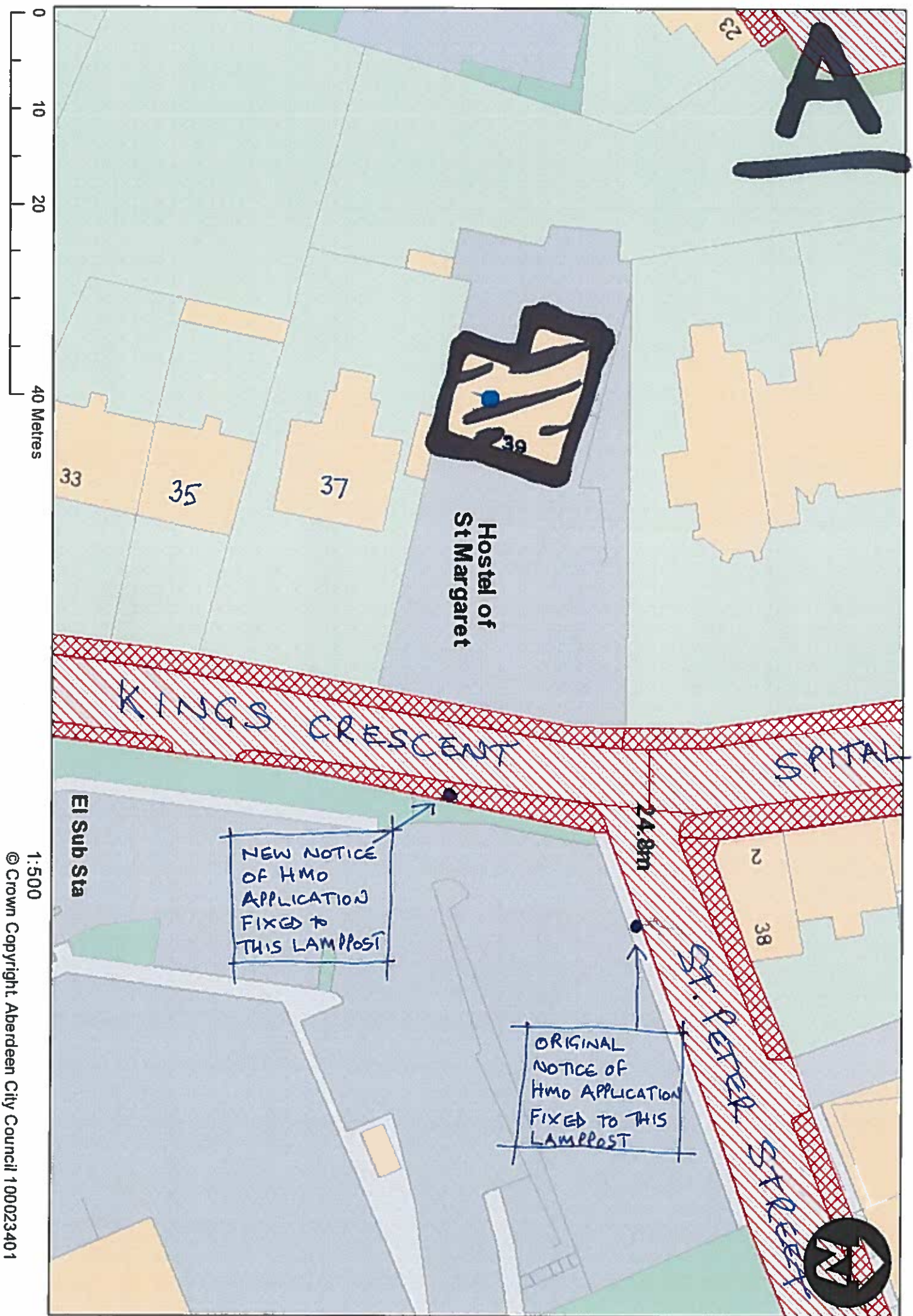
It should be noted that the requirement to obtain Planning Permission is in respect of the sub-division of the house, and not a Change of Use to an HMO which is only required where the proposal is to accommodate 6 or more unrelated tenants.

- The letter mention the amount of HMO-licensed properties in the neighbourhood, which infers 'HMO Overprovision'. The Council does not have a policy on HMO Overprovision therefore this particular ground of refusal is not available to the Committee.
- At the date of this report, the HMO upgrading works have not been completed. In addition to these works, other works will be required to comply with Building Standards in respect of the separation of the two parts of the house.

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

**Ally Thain**  
Private Sector Housing Manager





**B**

21<sup>st</sup> August 2017

Dear Sirs,

With regard to the recent HMO application for 39 King's Crescent, as a neighbour I am concerned about the impact of this development on the amenity of the area from this change of use and on the setting of the Category A listed Chapel, which this house is in direct view of.

A previous HMO Application for this property was made in 2014, and this was refused and upheld by the Scottish DPEA in 2015 (Ref # PPA-100-2057).

Yours faithfully,

Aberdeen City Council
Housing & Environment
DATE RECEIVED 21 AUG 2017
Private Sector Housing Unit



Richard & Teresa Harwood

Mr Ally Thain  
Private Sector Housing Manager  
Aberdeen City Council  
Marischal College  
Aberdeen AB10 1AB

Aberdeen City Council
Housing & Environment
DATE RECEIVED 22 AUG 2017
Private Sector Housing Unit

21 August 2017

Dear Sir,

**HMO Licence Application - Sujon Hoque - 39 Kings Crescent, Old Aberdeen, AB24 3HP**

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

39 Kings Crescent is located in a residential area located within the Old Aberdeen Conservation Area as defined in the local development plan and next to a listed building, the Chapel of St Margaret. There would be an adverse impact on the amenity of the area from the proposed HMO, involving the loss of a family home in favour of an intensive use of a more commercial nature and would have a negative effect on the conservation area and setting of the listed building.

We believe the HMO application is for 5 people to reside in the upper floor (attic area) of 39 Kings Crescent . This is a 9 bed roomed property housing 9 members of the same family (see Appeal decision 29 January 2015, Martin H. Seddon, Reporter appointed by the Scottish Ministers). Planning approval has not be sought for the subdivision of the property, for provision of access to and extra bedrooms in the attic area nor for any fire escapes.

The introduction of 5 more residents in the HMO section would certainly intensify the use of the house and grounds and take it outside its intended design. This will result in a more intensive occupancy than a single family and affect the amenity of the area both for immediate neighbours and the wider community, with more comings and goings to and from the property, and an increased number of visitors with the potential for an increase in the generation of noise within the building from radios, televisions or music players which would adversely affect neighbours. No.39 has substantial grounds and is situated next to the side boundary and rear boundary of No.37 King's Crescent and near to the rear of flatted properties at Froghall Road. The amenity space would provide opportunities for the gathering of people outdoors, particularly during good weather and in the evenings, with potential for noise and disturbance from voices and music to affect neighbours. The proposed HMO would potentially conflict with the enjoyment of existing residential amenity for neighbours, contrary to the objectives of local development plan policy H1.

Re the change of use from a single residence to a home with separate flat above, there has not been an application for change of use nor for dividing the house to provide this arrangement. If the applicant is successful here it sets a precedence for further similar (underhand) conversions.

Consideration in this case should be give to the following HMO Guidelines:

**The Scottish Government Planning Circular 2/2012  
Houses in Multiple Occupation Guidance on Planning and Control and  
Licensing**

ENFORCEMENT 12. Section 129A of the Housing (Scotland) Act 2006 (as added by the Private Rented Housing (Scotland) Act 2011) gives a local authority the discretionary power to refuse to consider an application for an HMO licence if it considers that occupation of the accommodation as an HMO would be carrying out development without the required planning permission or a failure to comply with a condition or limitation of an existing planning permission.

also

**Licensing of Houses in Multiple Occupation Statutory Guidance for Scottish  
Local Authorities August 2011. Updated January 2012**

**PLANNING PERMISSION 3.8.5**

The 2011 Act gives a local authority the discretionary power to refuse to consider an application for an HMO licence if it considers that occupation of the accommodation as an HMO would be a breach of planning control. Further details are provided at 4.1a.

39 King's Crescent is located immediately to the south of a concentration of HMOs at the Spital, St Peter Street, Merkland Road and King Street. With around 18 HMOs in the Spital, St. Peter Studios with 123 beds and a new residential development adjacent and a 97 bed student development at 403 King Street. HMOs are listed at Nos.9 King's Crescent (owned by the applicant) and No.35 King's Crescent.

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

The character of the area is being eroded by the imbalance between permanent residents and the growing transient population.

Vehicular access to the property is narrow, sited on a blind corner, opposite a side road and all on a narrow and busy carriageway where fast moving traffic and buses have little warning of cars emerging onto Kings Crescent at this point. As such, it presents a high risk factor for pedestrian, cycle and vehicular accident given the increased traffic movements which would be generated by the proposed level of occupation. The current residents have to park/stop either in an unsafe position or on double yellow lines even to the point of blocking the entrance to St Peter Street while they wait for the electric gate (no planning consent) to open and allow them to drive in. This practice is further exacerbated in the winter when it is dark, raining or snowing. Traffic to and from this property will put pedestrians and drivers at risk if an HMO licence is granted.

There is a high demand for parking in the area and the resultant increase in traffic by 5 HMO residents and their visitors would put further pressure on the small residential streets surrounding the property and cause serious safety concerns.

An HMO would no doubt cause conflict with the safe operation of the children's nursery, Kids International (Aberdeen Nursery Branch) which operates from the property.

In addition to the above the applicant has little regard to Aberdeen City Council Planning laws. Also acknowledged by Aberdeen City Council, the applicant has a history of carrying out building work without planning consent this includes:

- the erection of a garden shed in a Conservation Area, December 2016 without planning consent
- dismantling part of a gable wall at 39 Kings Crescent in a Conservation Area, to install a doorway on the first floor giving access onto a link bridge April 17 without planning consent
- constructing a stairway from the link bridge to the lower garden without planning consent
- cutting down ancient Scottish pines without consent

There are still outstanding advice notices relating to works from over 2 years ago which he has ignored. These planning issues should be resolved before considering any further applications.

We would like to draw attention to the Aberdeen Local Development Plan : Supplementary Guidance - Topic: Householder Development Guide, page 26, this application fails on all three assessment points.

In addition to the above we would also like you to consider the report submitted by Martin H Seddon, the reporter appointed by the Scottish Ministers relating to an appeal concerning a change of use from Residential to HMO in January 2015

We trust that this application will be denied.

Yours faithfully,

Richard & Teresa Harwood



HMO Unit,  
Private Sector Housing Unit,  
Aberdeen City Council,  
Business Hub 1,  
Lower Ground Floor West,  
Marischal College

23<sup>rd</sup> August 2017

Dear Sirs,

39. King's Crescent. Old Aberdeen  
- application for HMO Licence

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

- 1) There is already a considerable overprovision of HMOs in the immediate area.
- 2) The upper part of the property, to which this application pertains, is surely not yet a separate entity from the rest of the house, in planning terms.

It would seem, therefore that it is not possible for the Licensing Authority to consider the application for an HMO licence, until such time as change of use and planning permission for subdivision of the dwelling house to form the proposed upper flat is obtained.

Yours faithfully,

(Mrs.) B. McPetrie  
Planning Secretary

Aberdeen City Council
Housing & Environment
DATE RECEIVED 24 AUG 2017
Private Sector Housing Unit

E

Aberdeen City Council
Housing & Environment
DATE RECEIVED
24 AUG 2017
Private Sector Housing Unit

23 August 2017

HMO Unit, Private Sector Housing Unit  
 Communities, Housing & Infrastructure  
 Business Hub 1, Lower Ground Floor West  
 Marischal College  
 Broad Street  
 Aberdeen, AB10 1AB

Dear Mr Thain

Applicant Name : S Hoque

HMO Property Address : 39 King's Crescent Old Aberdeen Aberdeen AB24 3HP

We wish to object to the above application. Over a number of years the applicant has carried out unauthorised works to the house and garden. This has resulted in retrospective planning applications and appeals against enforcement notices by the applicant. Aberdeen City Council's officers have, on a number of occasions, met with the applicant and explained the procedures that operate for gaining planning permission for carrying out alterations and the due regard required for a property in a conservation area. However this was often to no avail and unauthorised works still continued. The planning department and the tree officer have the evidence of these. Given that the tenants in Houses of Multiple Occupation are generally vulnerable tenants we think that these blatant breaches do not support the applicant as of being a fit and proper person to be an HMO landlord. There are still some planning matters outstanding and until these are resolved the application should be put on hold.

The Government guidance suggests that HMOs provide a cheaper form of rented accommodation, often for unrelated tenants who live under a single tenancy agreement. The briefing explains that in many cases these tenants are vulnerable – due to their age, lifestyle or immigration status. And that due to this vulnerability, landlords need to show they are fit and proper persons to have this responsibility which shows a duty to care for these vulnerable tenants. Traditionally the HMO's in the Old Aberdeen area are/were occupied by students. A somewhat different market now exists with many HMO's still available for rent and the change in clientele to non-students. Landlords should need to meet the standard considered acceptable for working with vulnerable adults such as Protecting Vulnerable Groups checks from Disclosure Scotland.

The property is also advertised on the internet as Kids International Nursery Care (as attached) without ever having been registered with the Scottish Social Services Council. The



E  
/

applicant was alerted to this necessity by Aberdeen City Councils Early Years Team, but nothing was forthcoming.

The attached newspaper article requires scrutiny.

Yours sincerely

Patrick and Jacinta Birchley

**F**

S Hoque

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

29 August 2017

Dear Mr Thain,

**Re: 39 Kings Crescent, Application for HMO, Licensing Committee Tues, 12/9/17**

I refer to your letter dated 18 July 2017 & subsequent letter of 31 July regarding the above and would like to comment as follows: -

The application for HMO was discussed in great depth with Doug Yeats (Private Sector Housing Officer), prior to the submission. During the application process, regular conversations were maintained with Doug, regarding updates. The 'Notice of Display' was removed, on confirmation by Doug who informed me that the 21+2 days had expired.

In terms of the 'Notice of Display', it was put on the lamppost located in St Peter's Street, which is adjacent to the property, and approx. 10m away from the property. It had not been displayed on the lamppost to the right-hand side, opposite of the property (*being same distance from the house*) as it could not be directly seen from the property itself, in the event of the Notice being damaged etc,

The location had been chosen as it could be clearly seen directly from 39 Kings Crescent, without any obstruction. The location was shown to Doug and he is completely satisfied of this and is in accordance to the guidelines.

In terms of the objections: -

**Notice of Display**

The 'Notice of Display' was on the lamppost at St Peter Street, the street adjacent to 39 Kings Crescent. This was displayed for the prescribed time, and was taken off once confirmation was received from Doug. Please note that I have several HMO properties, and have never had an issue with not advertising the notice. Robert Smith (Private Sector Housing Officer), can confirm this as he has dealt with these properties in the past. Furthermore, I have had ongoing discussions with Doug, during the application process, thus validating the long-wounded

suggestion of the Display of Notice not being advertised. On a further note, one of Objectors was also on holiday during the period, however still is objecting the notice was not advertised.

The Notice was Re-advertised on a different lamppost in Kings Crescent, per guidance that was received by Ally Thain, on 3<sup>rd</sup> August. The rationale for the re-advertisement was that the original advertisement was not 'near' the property per the guidance notes, however evidently the distance between the property and new lamppost is the exact same as the old location. Furthermore as explained earlier, 2 of the members of the HMO team that went to the site did not see an issue with the original location.

Regardless of the rationale and motive behind the re-advertisement, perhaps pressure from local residents, the Notice was re-advertised per Mr Thain's instructions.

**Parking issues**

There is no parking restrictions in the area and the HMO would have no impact on parking. The objectors are all too aware that HMOs with 100 bed+ capacity have been granted in the vicinity without any issues, together with confirmation from the 'Roads' department. Thus, the objection is completely flawed and lacks any evidence.

**Kids International Nursery**

This has never been set-up at the address and there have numerous attempts to remove this from the search engines without avail. The Objectors clearly know that this has not been set-up up, thus the reason for using this for an objection is questionable. Doug has done a site visit and confirm position. Again, this is no grounds for an objection

**Overprovision of HMOs in the area**

As mentioned above, I have had detailed discussions with Doug, prior to application, and he has informed that Aberdeen City Council have not got a policy in place for a Overprovision of HMOs in the area. Again, the objection is completely flawed and lacks any evidence. One of the objectors, Ms McKeiver, owner of St Margaret Chapel, has 2 six bedroom + HMO's in Spital and she does not reside in the country, thus the objection itself is contradicting her own position.

**Planning Applications**

All Planning Applications that are required have been approved or are in process of being approved with Gavin Bruce. The objection is completely unrelated to the HMO application, thus again questioning why this is being rationalised as a reason for the objection. The house will be utilised as one unit and hence no permission for separate flat would be required

**Landlord Not Fit & Proper Person with Criminal Record**

I would like the objectors to substantiate this statement which is completely flawed and entirely inaccurate. I take extreme offence to this statement and believe it highlights the dis-ingenuine nature of the objectors.

In summary, the objections are not justified in any way and simply do not stack up nor are they substantiated with any facts. I have fully complied with the process and have continuously sought advice from the relevant bodies within Aberdeen City Council.

I feel that there is sense of 'double standards' happening. The process clearly dictates that there is a specific time window for an objection, however despite this, the objections are still being taken into account despite their lack of justification. Should the due process be followed, the objections would not be valid.

I trust the above is in order.

Yours sincerely,

S Hoque



**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	30 August 2017
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

**Part 5 of Housing (Scotland) Act 2006**

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.30 Belvidere Crescent, Aberdeen**

**Applicant/s: The Birley Family Trust**

**Agent: Catriona Birley**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 12 September 2017 for the reason that one written representation was received by the HMO Unit.

I can advise you as follows:

**The HMO legislation**

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
  - i) Its location
  - ii) Its condition
  - iii) Any amenities it contains
  - iv) The type & number of persons likely to occupy it
  - v) Whether any rooms within it have been subdivided
  - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
  - vii) The safety & security of persons likely to occupy it
  - viii) The possibility of undue public nuisance
  - ix) There is, or would be, an overprovision of HMOs in the locality (see Other Considerations)

**The premises:**

The property at No.30 Belvidere Crescent, Aberdeen, is an upper-floor maisonette flat providing accommodation of 4 letting bedrooms, one public room, one kitchen & 2 bathrooms. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

The HMO licence application is dated 20 June 2017 and was received by the HMO Unit on 27 June 2017.

**Certificate of Compliance – Notice of HMO Application:**

The Certificate of Compliance submitted by the agent declares that the public Notice of HMO Application was on display outside the property for the statutory 21-day period between 26 June 2017 – 17 July 2017.

**Letter of representation:**

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

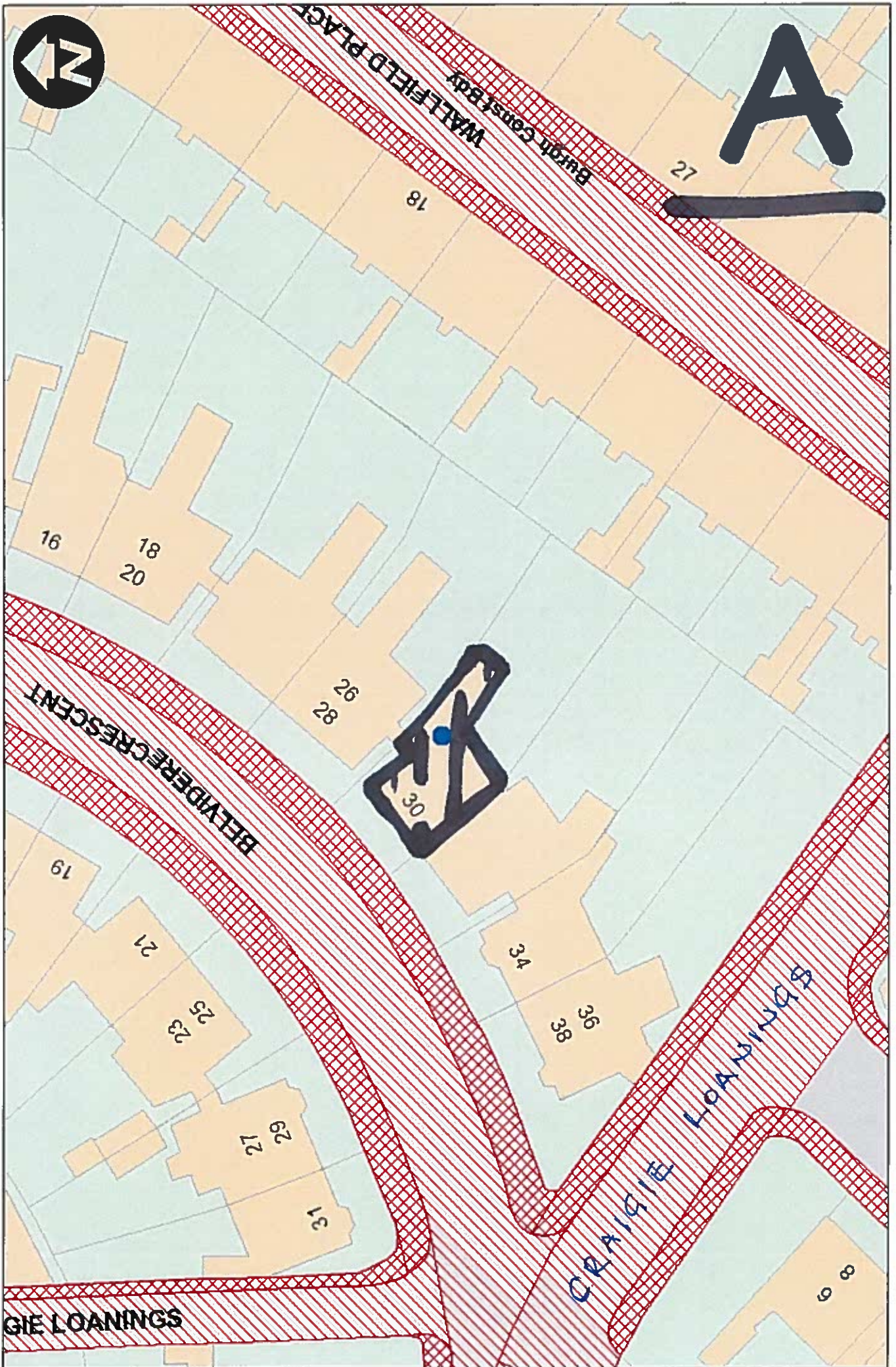
**Other Considerations:**

- Police Scotland has been consulted in respect of the applicants' suitability as 'fit & proper' persons, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaint of anti-social behaviour at No.30 Belvidere Crescent, Aberdeen (First floor flat).
- The applicants and their property are not registered with Landlord Registration. It will be necessary for the applicants to register prior to letting the property.
- The applicants have requested an occupancy of 4 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is a 'first-time' application.
- One of the points in the letter of representation concerns car-parking congestion in Belvidere Crescent and the surrounding streets. For clarification, car-parking or vehicle ownership is not a consideration of HMO licensing.
- The application under consideration is the only recorded HMO licence application for any property in Belvidere Crescent.
- At the date of this report, the HMO upgrading works have not been completed. I'll advise the Committee on 12 September 2017 of the up-to-date position.

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

**Ally Thain**

Private Sector Housing Manager



1:500  
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**B**

REF: 30 BELVIDERE CRESCENT,  
APPLICATION FOR HMO.  
LICENCE.

11<sup>th</sup> JULY 2017

I wish to make a formal objection regarding the application for HMO for property 30 BELVIDERE CRESCENT (upper flat).

I am an immediate neighbour and the reasons for my objection are a) the parking situation is already dire with despite having a permit the non being is after 6pm having to find a space in surrounding streets as no spaces are available beside my house.

b) Increased noise levels - more people = more noise/coming and going etc.

c) This will definitely set a precedent as this location is handy for the ARI hospital/city centre and the chance to overload properties to minimise rent are will be seized upon.

RONALD NAPIER





# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	30 August 2017
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

**Part 5 of Housing (Scotland) Act 2006**

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.139 Forest Avenue, Aberdeen**

**Applicant/s: Moya Bothwell**

**Agent: Homeguard Leasing Limited**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 12 September 2017 for the reason that two written representations were received by the HMO Unit.

I can advise you as follows:

**The HMO legislation**

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
  - i) Its location
  - ii) Its condition
  - iii) Any amenities it contains
  - iv) The type & number of persons likely to occupy it
  - v) Whether any rooms within it have been subdivided
  - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
  - vii) The safety & security of persons likely to occupy it
  - viii) The possibility of undue public nuisance
  - ix) There is, or would be, an overprovision of HMOs in the locality (see Other Considerations)

**The premises:**

The property at No.139 Forest Avenue, Aberdeen, is an upper-floor maisonette flat providing accommodation of 4 letting bedrooms, 2 public rooms, one kitchen & one bathroom. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

The HMO licence application is dated 14 July 2017 and was received by the HMO Unit on 14 July 2017.

**Certificate of Compliance – Notice of HMO Application:**

The Certificate of Compliance submitted by the agent declares that the public Notice of HMO Application was on display outside the property between 14 July 2017 – 12 August 2017. Only the first 21 days are statutory therefore the statutory period ended at midnight on 4 August 2017.

**Letter of representation:**

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

**'Late' letter of representation:**

One letter of representation was received by the HMO Unit on 10 August 2017, six days outwith the statutory 21-day period. The legislation, however, allows the local authority to consider a late letter if it considers that it was reasonable for the respondent to submit the letter after the deadline for doing so. Accordingly, if the Committee decides to consider the late letter, copies will be circulated to Members at the meeting.

**Letter from licence-applicant:**

The applicant submitted a letter in support of her licence application. The letter is attached as Appendix 'C'.

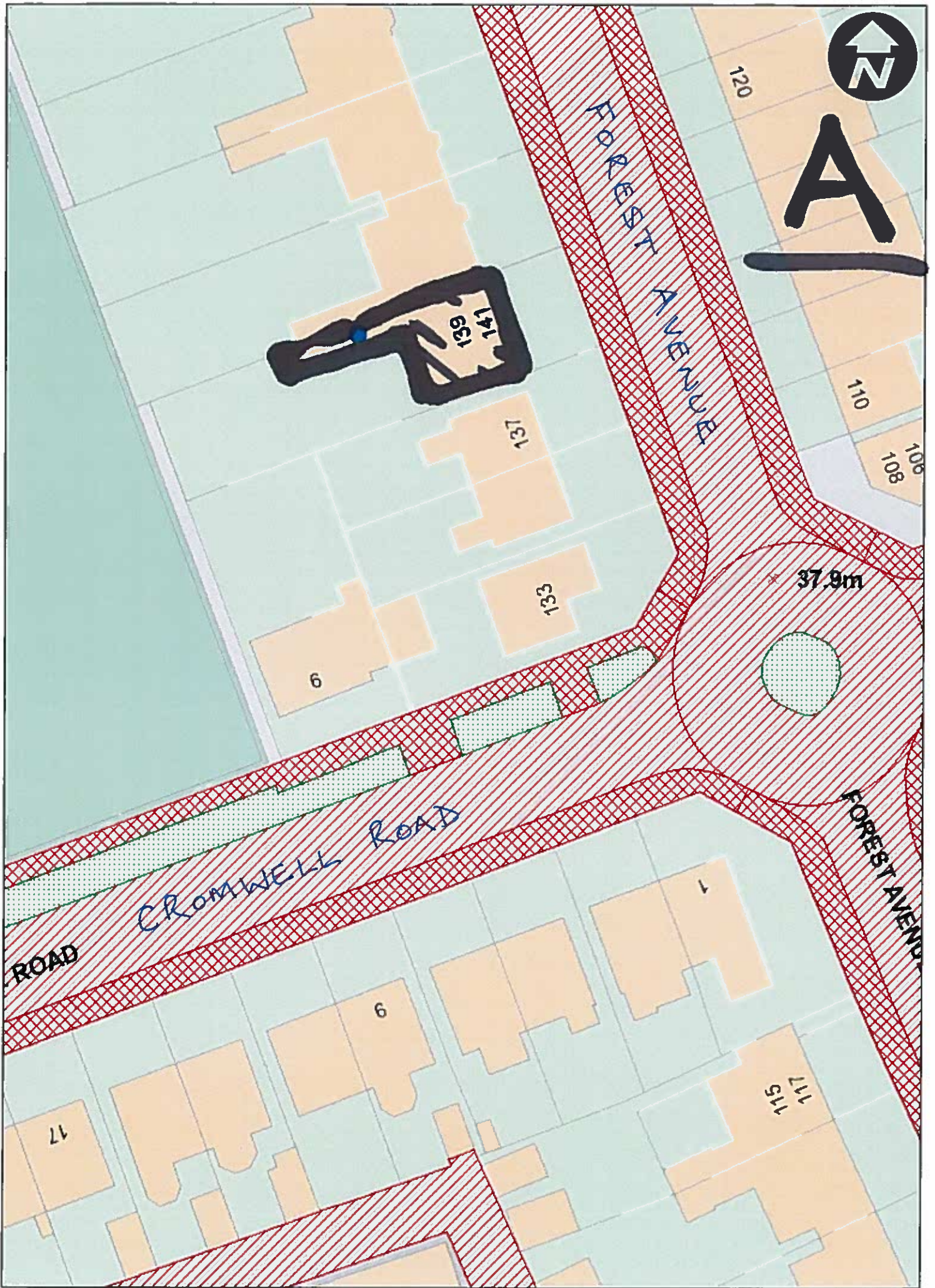
**Other Considerations:**

- Police Scotland has been consulted in respect of the applicant's suitability as a 'fit & proper' person, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has one record of a complaint of anti-social behaviour at No.139 Forest Avenue, Aberdeen, in December 2014.
- The applicant, agent and her 3 rental properties, including No.139 Forest Avenue, are registered with Landlord Registration.
- The applicant has requested an occupancy of 4 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is to renew an existing HMO licence. The applicant was first granted an HMO licence for the property in April 2007 and she has since renewed her HMO licence at 3-yearly intervals.

- At the date of this report, the HMO upgrading works have not been completed. I'll advise the Committee on 12 September 2017 of the up-to-date position.

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

**Ally Thain**  
Private Sector Housing Manager



0 5 10 20 Metres

1:500

Mrs Mrs W. Mann.

**B**

Aberdeen City Council
Housing & Environment
DATE RECEIVED
18 JUL 2017
Private Sector Housing Unit

Formerly of  
141 Forest Avenue.  
Aberdeen.

Dear Sir,

We lived below 139 Forest Av. for 14 months from May 14 till August 15. This was bought as our retirement home and we had no plans of ever moving. But we were not told of the anti-social behaviour of the tenants of 139. We were in contact with the Police and the ASBIT team many times as were other neighbours. I am sure these complaints are recorded. I was told there had been evictions from there in the past.

We complained on numerous occasions to Homeguard Housing who were sympathetic but said their hands were tied by Mrs Bothwell's negative attitude.

The building is old and needs constant upkeep. When emergency work was required to the roof and water was going into my flat I contacted Mrs Bothwell but got no reply. When I presented her with the bill for her share she wouldn't pay the full amount.

I have been flooded on three occasions and it has cost me over £900 on excess fees. Mrs Bothwell response was for us to claim off our insurance. Since I have insurance excess it was not worth it so we were out of pocket for Page 109 hours.

As we both shared the garden I asked Mrs B Bothwell to cut and tidy her bit - no response again.

Eventually we moved to rented property to escape the noise and anti-social behaviour that went on from 3pm till 5AM when the last chunk came home (and not only at weekends)

The wooden flooring with no insulation did not help. I contacted the tenants and the Gammel F.P. Rugby Team (who were renting 139) and was told to lower my ceilings and put in sound proofing and the Team President said either put up with the "High Spirits" or move.

We had to move now and sold 141. at a loss of £30,000 and put the nightmare behind us. It would be easy for us just to forget about the whole thing but I feel as a landlord myself. Reg. 10.

people like Mrs Bothwell should be taken to task. She is and always will be an uncaring and money orientated landlord with no regard to neighbours

Yours faithfully -

**From:** moya bothwell  
**Sent:** 14 August 2017 19:55  
**To:** Ally Thain  
**Cc:**  
**Subject:** 139 Forest Avenue Aberdeen HMO Licensing Committee !2 September 2017



Dear Mr.Thain,

I am in receipt of the letter of objection submitted by Mr.Main in respect of my renewal application for my HMO for 139 Forest Avenue.

These are the comments that I wish to put forward to the committee in support of my application.

139 Forest Avenue has belonged to my family since 1952, the building is circa 1900 and overall in good condition .

I have held three HMO licenses continuously on property in Aberdeen city ever since the legislation came into being some fifteen years ago and have been a responsible land lord for the past twenty four years. I have never had any complaints about the running of my properties and have always complied with housing/safety legislation. I always take a personal interest in my tenants and indeed over the years have kept contact with many of the young people that have been residents.

It is extremely distressing for me to read the defamatory statements that Mr. Main is writing about me in the public domain.

To be clear, there have never been any evictions from 139 Forest Avenue, that is grossly untrue.

I came back from visiting my family in Australia to be presented with a bill for roof works that I had not given approval for and when my own roofer cited this bill he said it was overpriced and related mostly to chimney stacks belonging to Mr Main...I paid half of half this Bill which I judged to be fair.

Yes there have been two leaks from the bathroom of 139 onto the ceiling of 141 and when I contacted my insurers (Arthur Gallagher Ltd) they advised that Mr Main contact his own insurance company direct and that it was protocol for the respective insurance companies to resolve the payments together. This is normal insurance protocol and if Mr Main chose not to do that then that was his decision.

Mr Main, during his period of residency,has complained many times both to Homeguard Leasing and Aberdeen Rugby Club about the upkeep of the building and the behaviour of the residents.

On one occasion he wrote a letter of complaint to the Council alleging that I was not maintaining my property and that the lack of a chimney cowl was causing a dry rot outbreak in his flat.

On investigating this complaint it was discovered that the missing cowl was on Mr Mains chimney not mine

There was no apology offered.

Gordon Thomson manager of the Aberdeen FP Grammar (rugby ) club was responsible for the day to day running of the tenancy . If any of the young men had behaved inappropriately then their careers would have been severely compromised...this did not happen.

With reference to Mr Main's comment about having to sell his property at a thirty thousand pound loss,

I would wish to note that...

C

During the economic downfall nationwide and in particular the fall in the price of oil ,property prices in Aberdeen have dropped more than anywhere in Britain....So a loss of 10% for Mr Main can hardly be attributed to the tenants or landlords of 139 Forest Avenue.

Homeguard Leasing have managed my properties for over ten years now, they will also accompany me to the Licensing Committee meeting to support my application

I hope that the committee will continue to let me renew my HMO license for 139 and that many more young people can enjoy living there

Yours Sincerely

Moya Bothwell

Sent from Mail for Windows 10



SI Building and Maintenance  
3 Parkview Cottage  
Greyhope Road  
AB11 8QX Aberdeen

C

1  
Ad-29 JWR  
F. NVE

## Invoice

25.06.2015

Ref: 0034

Moya Bothwell  
For:  
Roof repair  
At:  
137 Forest Avenue  
Aberdeen

Following work completed:

- roof repair above main entrance
- Lead flashing replacement
- Installation of velux window replacment to customer specification

Total    £2000.00



C

SI Building and Maintenance  
3 Parkview Cottage  
Greyhope Road  
AB11 8QX Aberdeen

## Invoice

28.09.2013

To:

Moya Bothwell  
Mill of Muchalls  
AB39 3RQ

*RE FOREST AVE ROOF -*

following work completed:

- to remove existing lead roof covering and skylight window
- to replace rotten beams and sarking boards
- apply two coats of primer felt and top coat
- to install new velux window with flashing
- finish interior around window with plasterboards and plaster

Materials £416

Labour £850

Total £1266

*Forest Ave  
Lorisy*

# LETTER FROM GRAMMAR RUGBY

## - PREVIOUS TENANTS OF MOYA BOTHWELL

C

Dear Moya

I refer to your forthcoming hearing at the licensing committee and the complaint lodged by the ex - owner of 141 Forest Avenue, Aberdeen Mr. William Main.

I can confirm that Aberdeen Grammar Rugby rented the 4 bedroom H.M.O. property from 2013 until 29 April 2016. During this period we found that all matters requiring attention to the property were diligently dealt with by yourself and your agents Homeguard Leasing. During this period we had between 3 and 4 persons using the property which consists of a 1st floor and 2nd floor constructed above the smaller flat at 141.

The occupiers of 141 when we first took occupancy never complained about any single matter and indeed our players/partners actually babysat the young child who resides at 141. No complaints of excessive noise were ever made.

This all changed with the arrival of Mr. Main and his wife in 2014. Almost from their arrival he was confrontational with the players residing in 139 and complained about them having visitors at any time. He alleged the flat was being occupied by too many people, complained about the waste bins situated on the access path to 139, took possession of the entire rear garden, blocked the rear door from 139 with a small fence and allowed his dog to have free rein of the garden of 139 and 141.

I was Chairman of the Aberdeen Grammar rugby at the time and was in this position during our period of tenancy. His constant complaints to me, the Police and Aberdeen City Council were relentless. Having initially investigating his complaints it became clear that they were exaggerated, baseless and in some cases concocted. Examples of this were

- a) Claiming that the residents had been abusive and threatening to the staff at Nargile Restaurant opposite the flat. One of the players actually worked in the restaurant and the alleged incident was fabricated by Mr. Main
- b) Complaining endlessly about people walking about in the flat at any time of the day even at lunchtime
- c) Complaining about the residents having a BBQ in their own back garden during an afternoon
- d) Complaining about the fact that girls sometimes visited the property (at any time)
- e) Claiming that the players had made a large amount of noise on a particular Saturday evening when in fact they were in the Scottish Borders with myself and other committee members
- f) That players habitually moved furniture during the late evening or early morning

g) Residents were returning home after midnight (as the residents were all in their 20's not an unusual event at weekends)

h) Monitoring visitors to 139 and reporting to me who had come and gone over a particular afternoon

I eventually threatened to take legal action regarding his harassment of our players and constantly annoying me and consulted with yourself about legal costs. He thereafter seemed to cease his tirade of complaints that went on from the day he moved in until approx January 2015. I formed the opinion that he may have been suffering a mental illness as his complaints seemed to verge on paranoia about the fact people were living above him and any noise (footsteps, moving chairs etc) was enough to have him contacting me, the leasing agents, police etc. I was contacted twice by the police during the period who basically said he was wasting their time with his calls about nuisance.

It was quite clear that Mr. Main should have considered the issue of having upstairs neighbours before he purchased the smaller property below. The fact the previous resident made not one single complaint proves his allegations are groundless and perverse

Regards

Gordon Thomson  
Hon. Secretary & Director of Rugby  
Aberdeen Grammar Rugby

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# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	30 August 2017
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

**Part 5 of Housing (Scotland) Act 2006**

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.3 The Orchard, Spital Walk, Aberdeen**

**Applicant/s: Calum J. MacFarlane & Susan MacFarlane**

**Agent: None stated**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 12 September 2017 for the reason that five written representations were received by the HMO Unit.

I can advise you as follows:

**The HMO legislation**

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
  - i) Its location
  - ii) Its condition
  - iii) Any amenities it contains
  - iv) The type & number of persons likely to occupy it
  - v) Whether any rooms within it have been subdivided
  - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
  - vii) The safety & security of persons likely to occupy it
  - viii) The possibility of undue public nuisance
  - ix) There is, or would be, an overprovision of HMOs in the locality (see Other Considerations)

**The premises:**

The property at No.3 The Orchard, Aberdeen, is an upper-floor maisonette flat providing accommodation of 4 letting bedrooms, one public room, one kitchen & one bathroom. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

The HMO licence application is dated 10 July 2017 and was received by the HMO Unit on 10 July 2017.

**Certificate of Compliance – Notice of HMO Application:**

The Certificate of Compliance submitted by the applicants declares that the public Notice of HMO Application was on display outside the property between 10 July 2017 – 8 August 2017. Only the first 21 days are statutory, therefore the statutory period ended at midnight on 31 July 2017.

**Letters of representation:**

Four written representations were received by the HMO Unit within the above-mentioned 21-day statutory period, and must therefore be considered by the Committee. Details of these representations are as follows;

- Letter from Robert Fletcher-Grasby attached as Appendix 'B'
- Letter from G.Fletcher-Grasby attached as Appendix 'C'
- Letter from Old Aberdeen Community Council attached as Appendix 'D'
- Letter from Mr & Mrs M.Jaspers attached as Appendix 'E'

**'Late' letter of representation:**

One letter of representation was received by the HMO Unit on 1 August 2017, one day outwith the statutory 21-day period. The legislation, however, allows the local authority to consider a late letter if it considers that it was reasonable for the respondent to submit the letter after the deadline for doing so. Accordingly, if the Committee decides to consider the late letter, copies will be circulated to Members at the meeting.

**Letter from licence-applicants:**

The applicants submitted a letter in support of their licence application. Their letter is attached as Appendix 'F'.

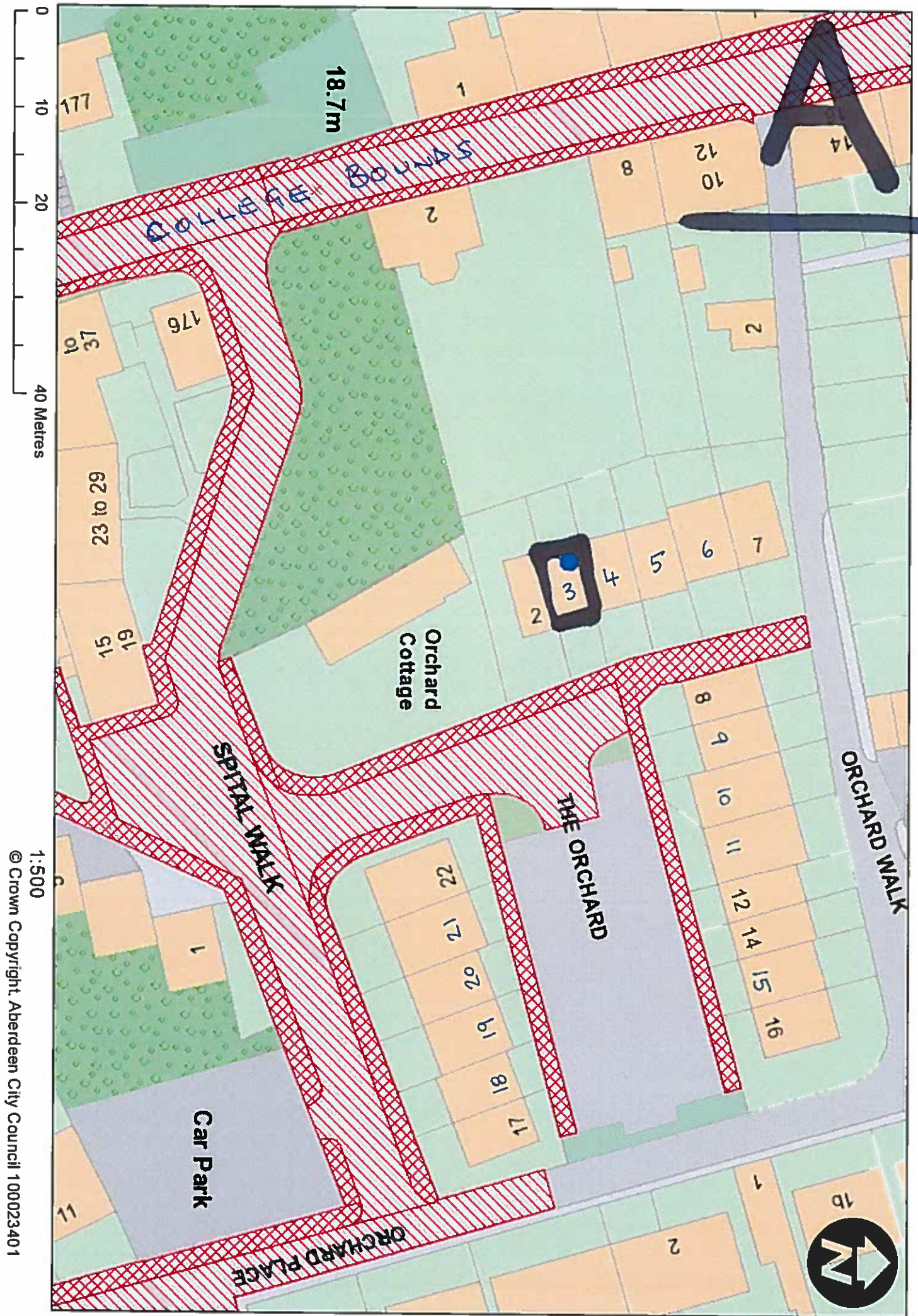
**Other Considerations:**

- Police Scotland has been consulted in respect of the applicants' suitability as 'fit & proper' persons, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaint of anti-social behaviour at No.3 The Orchard, Aberdeen.
- The applicants submitted an application for Landlord Registration along with their HMO licence application. If an HMO licence is granted, we will proceed with the Landlord Registration application at no cost to the applicants for the reason that the Registration fees are waived if the applicants hold an HMO licence. We cannot proceed with the Registration application at this time because a fee was not included with it.

- The applicants have requested an occupancy of 4 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is a 'first-time' application.
- The applicants purchased the property in June 2017.
- The following properties in The Orchard, Spital Walk, Aberdeen, are HMO-licensed: Nos.7, 10, 11, 14, 15, 16, 20, 21 & 22.
- The letters of representation refer to the amount of already HMO-licensed properties in the neighbour, which infers 'HMO overprovision'. At this time, the Council does not have a policy on HMO Overprovision therefore this particular ground of refusal is not available to the Committee.
- At the date of this report, the HMO upgrading works have not been completed. I'll advise the Committee on 12 September 2017 of the up-to-date position.

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

**Ally Thain**  
Private Sector Housing Manager



1:500  
 © Crown Copyright Aberdeen City Council 100023401



24/07/17

**HMO Unit, Private Sector Housing Unit**  
Communities, Housing & Infrastructure  
Business Hub 1, Lower Ground Floor West  
Marischal College  
Broad Street  
Aberdeen, AB10 1AB

**B**

Ref. HMO application is for 3, The Orchard, Spital Walk, Aberdeen.

Dear Sir/Madam,

I am writing to state my objection with regard to new application for HMO licence on behalf of the applicant Mr Callum McFarlane,

The Orchard was designed and built as a residential area over 25 years ago, however over the past number of years a large number of these family homes have been bought up and taken over which has left The Orchard swamped with multiple occupancy units.

Number 3 was originally a first floor, two-bedroom flat which was changed by the previous owner into a four-bedroom 'family home'. Mr McFarlane has recently purchased this family home and I feel it is inappropriate that this property is converted into a new HMO property in this area that is already saturated with multiple occupancy properties, adding to the potential noise, disruption and parking problems.

Whilst I have nothing against buy to let properties however the influx of younger, more carefree people with more flexible starting times have a different approach to nocturnal activities (especially multiple occupancy houses with no smoking policies) often spill out into the square, disrupting the surrounding area. The Orchard is still home to a number of people, who lead a reasonable lifestyle, and need to be able to sleep at night to allow us to get on with our various jobs and professions

In recent years a number of purpose built developments have been built around Old Aberdeen, surrounding the University. These properties take pressure off residential developments, which should leave them more readily available for families or couples who live and work in the Aberdeen area.

Yours,

Robert Fletcher-Grasby

Aberdeen City Council
Housing & Environment
DATE RECEIVED
27 JUL 2017
Private Sector Housing Unit

24/07/17

**HMO Unit, Private Sector Housing Unit**  
Communities, Housing & Infrastructure  
Business Hub 1, Lower Ground Floor West  
Marischal College  
Broad Street  
Aberdeen, AB10 1AB



Ref. HMO application is for 3, The Orchard, Spital Walk, Aberdeen.

Dear Sir/Madam,

I am writing to state my objection with regard to new application for HMO licence on behalf of the applicant Mr Callum McFarlane,

The Orchard was designed and built as a residential area over 25 years ago, however over the past number of years a large number of these family homes have been bought up and taken over which has left The Orchard swamped with multiple occupancy units.

Number 3 was originally a first floor, two-bedroom flat which was changed by the previous owner into a four-bedroom 'family home'. Mr McFarlane has recently purchased this family home and I feel it is inappropriate that this property is converted into a new HMO property in this area that is already saturated with multiple occupancy properties, adding to the potential noise, disruption and parking problems.

Whilst I have nothing against buy to let properties however the influx of younger, more carefree people with more flexible starting times have a different approach to nocturnal activities (especially multiple occupancy houses with no smoking policies) often spill out into the square, disrupting the surrounding area. The Orchard is still home to a number of people, who lead a reasonable lifestyle, and need to be able to sleep at night to allow us to get on with our various jobs and professions

In recent years a number of purpose built developments have been built around Old Aberdeen, surrounding the University. These properties take pressure off residential developments, which should leave them more readily available for families or couples who live and work in the Aberdeen area.

Yours,

<b>Aberdeen City Council</b>
<b>Housing &amp; Environment</b>
<b>DATE RECEIVED</b> 27 JUL 2017
<b>Private Sector Housing Unit</b>

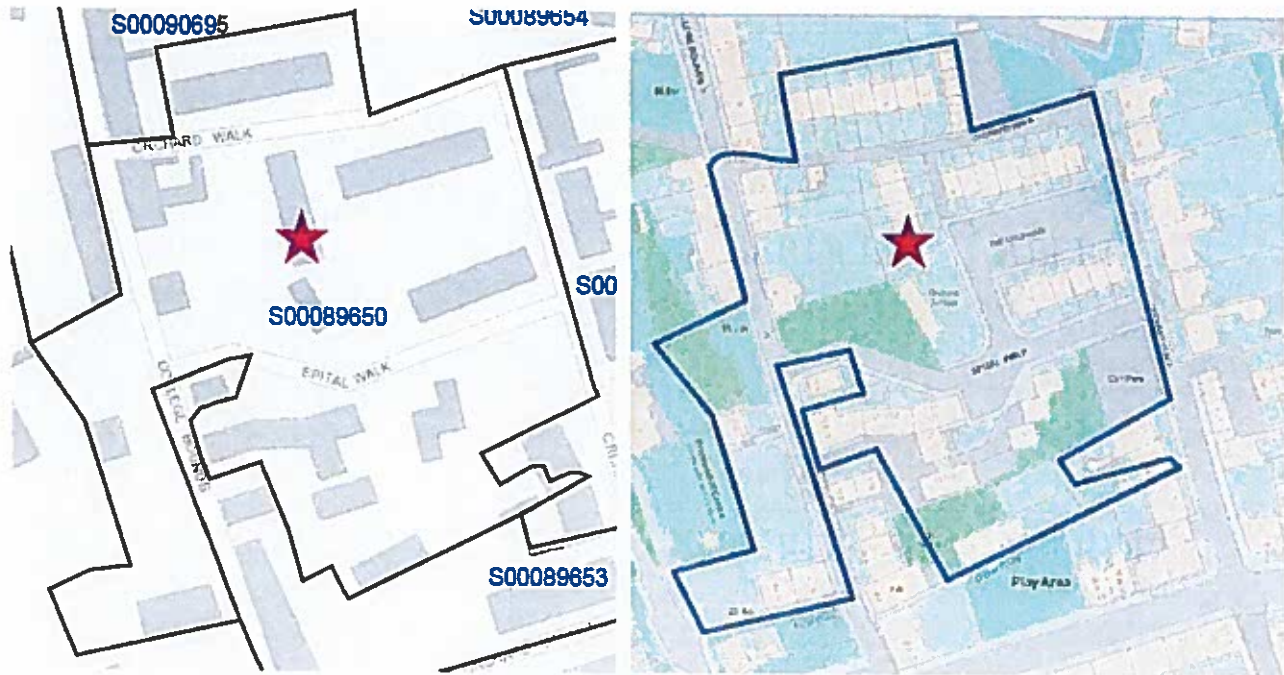


31 July 2017

Dear Sir

### HMO Application for 3 The Orchard

This property falls within Census Output Area S00089650 so we have redrawn this area on the Aberdeen City Streetmap as follows:



From this we determined the households within this area and, using the ACC Register of HMO Licences, we have identified those with current HMO licences – these are yellow highlighted in the table below;

Street	Postcode	Properties within COA S00089650	Total properties
The Orchard	AB24 3HN	1 (Orchard cottage), 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22	21
Orchard Walk	AB24 3DT	1, 3, 5, 7, 9, 11, 13	7
College Bounds	AB24 3DU	2, 8, 10, 12	4
Spital Walk	AB24 3JH	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37	19
Orchard Lane	AB24 3DJ	2 (flats 1, 2, 3, 4), 6	5
Spital	AB24 3JB	177	1
Firhill Place	AB24 3JA	1, 1b, 2, 3	4

Currently 61 properties in the COA and 12 are HMOs = 20% of stock  
 If this application granted, then 13 HMOs = 21% of stock

The Old Aberdeen Community Council contends that this is an excessive concentration for maintaining a mixed, settled community and we therefore object to this application.

Yours sincerely

Dewi Morgan  
 On behalf of the Old Aberdeen Community Council

Aberdeen City Council
Housing & Environment
DATE RECEIVED
31 JUL 2017
Private Sector Housing Unit

**E**

31 July 2017

To whom it may concern,

We are objecting to the HMO licence application for 3 The Orchard, Old Aberdeen. This area already has an overprovision of HMO properties. Parking would be an issue, particularly when the property has increased from 2 bedrooms to 4 bedrooms. The potential of disturbance and noise issues when the tenants and their friends are arriving and leaving the property at different times of the day would have a negative impact for the local community who have already experienced behavioural and noise issues from another HMO property nearb

Yours faithfully



Sally and Marcel Jaspars

Aberdeen City Council
Housing & Environment
DATE RECEIVED
31 JUL 2017
Private Sector Housing Unit

**F**  
**\_\_\_\_\_**

3 The Orchard,  
Spital Walk,  
Aberdeen.

AB24 3HN

9<sup>th</sup> Aug 2017

Reference HMO Application for 3, The Orchard, Spital Walk, Aberdeen, AB24 3HN

Dear Mr Leonard,

I am writing in connection to the two letters of objection received re my application for an HMO licence for 3 The Orchard, Spital Walk.

My wife and I have bought the flat for our daughter and three of her friends who are studying in Aberdeen. The reason for this was that our daughter had a bad experience in her first year living in university accommodation because of the social lifestyle of certain flatmates and she expressed a wish to have a place in a safe area with her friends where they could study without the distractions of others who kept anti-social hours and were out drinking constantly.

She and her friends met at the University Christian Union and are all responsible and polite young people. None of them smoke or have a car to use in the area. However the flat does have a drive providing parking space for three cars if they have visitors. Since buying the flat we have already tidied the front garden, cut the hedge and planted flowers and a lavender hedge. We have removed the bins off the street and a number of neighbours have commented about how we have enhanced the area.

We would be concerned and would certainly want to know if there were any negative issues with our daughter or her flatmates in the local community.

Unfortunately I will not be able to attend the meeting due to work commitment but my wife will attend and also if possible my daughter depending on her lectures' timetable.

Yours sincerely

Mr Calum MacFarlane

Aberdeen City Council
Housing & Environment
DATE RECEIVED 10 AUG 2017
Private Sector Housing Unit

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**ABERDEEN**  
CITY COUNCIL

# MEMO

Private Sector Housing Unit

**Communities, Housing & Infrastructure**

Lower Ground Floor West, Marischal College

To	Fraser Bell, Head of Legal & Democratic Services		
From	Ally Thain, Private Sector Housing Manager, Communities, Housing & Infrastructure		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	30 August 2017
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

## Part 5 of Housing (Scotland) Act 2006

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.153 Bannermill Place, Aberdeen**

**Applicant/s: Kyle G.Henderson**

**Agent: None stated**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 12 September 2017 for the reason that one written representation was received by the HMO Unit.

I can advise you as follows:

### The HMO legislation

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
  - i) Its location
  - ii) Its condition
  - iii) Any amenities it contains
  - iv) The type & number of persons likely to occupy it
  - v) Whether any rooms within it have been subdivided
  - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
  - vii) The safety & security of persons likely to occupy it
  - viii) The possibility of undue public nuisance
  - ix) There is, or would be, an overprovision of HMOs in the locality (see Other Considerations)

### The premises:

The property at No.153 Bannermill Place, Aberdeen, is an upper-floor maisonette flat providing accommodation of 4 letting bedrooms (2 en-suite), 2 public rooms, one kitchen, one bathroom & one toilet. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

The HMO licence application is dated 1 July 2017 and was received by the HMO Unit on 14 July 2017.

**Certificate of Compliance – Notice of HMO Application:**

At the date of this report, the Certificate of Compliance has not been submitted by the applicant, however the HMO Officer inspected the public Notice of HMO Application which was fixed to a downpipe outside the property. The Notice was dated 14 July 2017, therefore the statutory 21-day period ended at midnight on 4 August 2017.

**Letter of representation:**

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

**Other Considerations:**

- Police Scotland has been consulted in respect of the applicant's suitability as a 'fit & proper' person, and has made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO, and has made no comment or objection.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaint of anti-social behaviour at No.153 Bannermill Place, Aberdeen.
- The applicant and his rental property are currently registered with Landlord Registration.
- The applicant has requested an occupancy of 4 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is a 'renewal' application. The licence-applicant was first granted an HMO licence for the property in October 2004 and has renewed his HMO licence at 3-year intervals.
- The following properties in Bannermill Place, Aberdeen, are HMO-licensed: Nos.6, 36, 45, 49, 53, 88, 103, 108, 147, 148, 153, 160, 166, 171, 172, 178 & 188.
- The letter of representation refers to a possible breach of the Title Deed conditions if the property is occupied as an HMO. The grounds for refusing an HMO licence application are listed on page one of this report under the heading 'The HMO legislation', and Title Deed conditions are not a ground of refusal. The Licensing Committee has consistently dealt with many similar objections in the past by simply advising the objector that they hold their own legal remedy outwith the HMO licensing legislation.



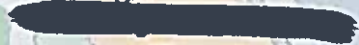
- The letter of representation refers to car-parking difficulties within the Bannermill complex, despite each flat-owner also owning one designated car-parking space, and the possibility of the HMO tenants bringing extra cars into the complex. For clarification, car-parking is not a consideration of HMO licensing.
- At the date of this report, the HMO upgrading works have not been completed. I'll advise the Committee on 12 September 2017 of the up-to-date position.

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

**Ally Thain**  
Private Sector Housing Manager



A



BANNERMILL PLACE



El Sub Sta

Posts

BEACH BOULEVARD

9.5m

7.7m



1:500

© Crown Copyright. Aberdeen City Council 100023401

# B

01/08/2017

HMO Unit, Private Sector Housing Unit  
Communities, Housing & Infrastructure  
Business Hub 1, Lower Ground Floor  
West  
Marischal College  
Broad Street  
Aberdeen, AB10 1AB

Aberdeen City Council
Housing & Environment
DATE RECEIVED 02 AUG 2017
Private Sector Housing Unit

Miss Lucy Ellen Wright

**Ref: Objection to a HMO Licence for 153 Bannermill Place**

Dear Sir/Madam

I wish to object to the above licence dated 14th July 2017. My flat is located on the 1st floor of the same flat block.

Please find my detailed objection, with evidence, attached.

We have recently purchased this property and after examining our title deeds and contacting our solicitor to confirm, it clearly states that

*"Each flat is to be used and occupied as a private dwelling house and shall not be subdivided or occupied by more than one family at a time". (Please see page 2 of attached document, Burden 4, highlighted in pink)"*

George Wimpey built the Bannermill properties with the clear instruction that the flats were **NOT** to be subdivided or occupied by more than one family at a time. This then makes the application for a HMO for Flat 153 a clear violation of the Title Deeds of the property. This clause is there "to protect the living environment" as explained by the developer George Wimpey.

Our second reason we wish to object to this license is the parking issues within the Bannermill complex. Each flat owns one parking space (It is not an allocated space), with the area having few visitor spaces available. A flat with multiple occupants could potentially bring several new vehicles into the complex. With only one space owned by each flat, the other vehicles will then take up visitor spaces that are for the use of ALL of the other flats in Bannermill. Extra vehicles should park offsite. Please see a copy of a Bannermill Owners' meeting minutes confirming that HMOs, and parking in particular, are a key concern at Bannermill.

Our flat is located on the 1st floor in the block and we have serious concerns regarding noise that we may have to endure. With additional people entering the building we will have the entire footfall passing our front door which is extremely noisy. If this HMO property is to be leased out to students then we may also have to listen to noise from parties and being woken in the middle of the night by them returning home. We have already had to endure several of end of term parties and graduation ball pre-drink parties. On a few occasions we have been woken during the night from residents returning home very late at night, we do not wish for this to continue.

The final reason we have to object to this HMO License is that a fellow flat in Bannermill has had to suffer from a HMO in their block. Flat 51 Bannermill Place had a HMO and the flat directly above them. Flat 51, had multiple issues with the tenants and owner of Number 53. Flat 51 had to deal with anti-social behaviour, water damage to their flat, loss of insurance after making several claims due to the damage caused to the flat by Flat 53. I do not wish to suffer this nuisance as

flat 51 had to. I moved to this development because it was a sought after and luxury area. I do not wish to live in the same block as a HMO as it would cause me undue stress and unease. As an owner I am legally entitled to the "quiet enjoyment" of my home.

Yours sincerely

Lucy Wright

\_\_\_\_\_ 01/08/2017

REGISTERS OF SCOTLAND



# Registers Direct - Land Register: View Title ABN74552

## Search Summary

<b>Date:</b>	31/07/2017	<b>Time:</b>	14:37:15
<b>Search No.:</b>	2017-02839479	<b>User Reference:</b>	

## D. BURDENS SECTION

<b>Title Number:</b>	ABN74552	<b>Number of Burdens:</b>	2
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Entry Number	Burden Detail
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1	<p>Deed of Conditions, registered 5 Jun. 2002, by George Wimpey UK Limited, proprietors of the land edged red on the Title Plan and Stewart Milne Group Limited, proprietors of the parts tinted blue on the said plan (said areas of ground being hereinafter referred to together as "the Whole Subjects"), provides and declares burdens &amp;c in the following terms: CONSIDERING that we are about to erect on the Whole Subjects flats and relative offices and execute Blench Dispositions or other conveyances in favour of the various feuars or purchasers and that we have resolved to execute these presents setting forth reservations, real burdens, conditions, provisions, limitations, obligations, stipulations and others under which we are to feu or otherwise deal with or affect the Whole Subjects or any part thereof (including each of the said flats or other buildings with ground and others pertaining thereto) and to register these presents in the Land Register of Scotland so that the same being so registered ius quaesitum tertio in favour of the proprietors of the said Flats and their successors in title as such proprietors may be created; THEREFORE we hereby DECLARE and PROVIDE as follows:- (FIRST) "Factor" means the Factor appointed in terms of clause (TWELFTH) of this Deed. "Flat" means a dwellinghouse wholly contained on one floor or a maisonette or duplex flat within the Whole Subjects. "Parking Space" means a parking space within the Whole Subjects whether owned either exclusively by a Proprietor or in common with any other Proprietor or comprising a visitors or disabled parking space. "Proprietor" means the owner for the time being of a Flat and where two or more persons own the same includes both or all of them and any obligations hereby imposed on them shall bind them jointly and severally. "Superiors" means us and our successors for the time being in the Superiority of our respectively owned areas of ground within the Whole Subjects or any part or parts thereof as and when feued. Reference to the male shall include the female. (SECOND) There shall be reserved to the Superiors but subject always to the terms of the Coal Act 1938 and the Coal Industry Nationalisation Act 1946 the whole coal, shale, limestone, marl, ironstone, clay, freestone, slate, marble and other stone and all other mines, metals, minerals, fossils being not hereinbefore especially</p>
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enumerated within and under the Whole Subjects with full power and liberty to the Superiors or any person authorised by them but without entering onto the surface of the Whole Subjects to search for, work, win, raise, calcine, manufacture and carry away the said minerals and others and to do everything necessary for all or any of these purposes; Declaring that the Superiors on exercising any of the said reserved rights and powers shall be bound to make payment to the Proprietors for all damage which may be thereby occasioned to the surface of the Whole Subjects or the buildings erected or to be erected thereon as such damage shall, failing agreement, be ascertained by arbitration as aftermentioned. (THIRD) No Flat or building whether of a permanent, temporary or portable nature shall be erected on the Whole Subjects nor shall any additions, enlargement, alteration, rebuilding or reconstruction in whole or in part be made on any Flat or building on the Whole Subjects until the plans thereof have been approved and written consent thereto given by the Superiors and no poultry house, kennel or apiary shall be erected on any part of the Whole Subjects. (FOURTH) **Each Flat is to be used and occupied as a private dwellinghouse and shall not be subdivided or occupied by more than one family at a time.** No Flat or Parking Space shall be used for the carrying on therein of any trade, business or profession or for the selling of any goods or wares of any sort, whether or not such use may be deemed incidental or natural to the ordinary residential use of the Flat or whether any person occupying the same may have a contractual right to use the same for or in connection with or arising out of any trade business or profession notwithstanding any Rule of Law to the contrary; No Flat or Parking Space shall be used for the sale of any wines or spirits or other excisable liquors nor for the making or manufacturing of any goods for sale without the prior written consent of the Superiors; No board, card, plate or advertising notice of any kind shall be placed on any Flat or Parking Space or any other parts of the Whole Subjects (except in connection with the selling or leasing thereof) without the prior written consent of the Superiors; No power boats, marine craft, caravans, motor homes, trailers, commercial vehicles or vehicles other than private motor cars, motor cycles or cycles shall be parked on any Parking Space or in the open or on any other part of the Whole Subjects; No handicrafts for commercial purposes shall be carried on in any Flat or Parking Space or other parts of the Whole Subjects without the consent of the Superiors, nor shall anything be done on the Flat or the Whole Subjects which may be deemed a nuisance or occasion disturbance to adjoining proprietors; the parking of motor cars, motor cycles, cycles, or any other vehicle of any nature shall not be permitted in or on any path, border, landscaped or amenity area, access roads or pavements forming part of the Whole Subjects at any time. (FIFTH) It is intended that there be erected on the Whole Subjects Twenty Six Blocks of Flats comprised as follows:- Block 1 Plots 1-8, Block 2 Plots 9-16, Block 3 Plots 17-46, Block 4 Plots 47-54, Block 5 Plots 55-82, Block 6 Plots 83-90, Block 7 Plots 91-98, Block 8 Plots 99-106 (declaring that Plots 99 and 100 comprise self-contained ground floor flats), Block 9 Plots 107-114, Block 10 Plots 115-122, Block 11 Plots 123-152, Block 12 Plots 153-160, Block 13 Plots 161-166, Block 14 Plots 167-172 (declaring however that Blocks 13 and 14 will for the purposes of this Deed be treated as one Block with two stairwells as aftermentioned), Block 15 Plots 173-180, Block 16 Plots 181-200, Block 17 Plots 201-208, Block 18 Plots 209-216, Block 19 Plots 217-234, Block 20 Plots 235-240, Block 21 Plots 241-246, Block 22 Plots 247-252, Block 23 Plots 253-258, Block 24 Plots 259-266, Block 25 Plots 267-274, 276-279, 281-284, 286-289, 291-294 and 296-299, Block 26 Plots 265, 275, 280, 285, 290, 295, 300 and 301-323, each Block being further divided into Stairwells (a Stairwell comprising Flats opening off or having access from common entrance doors, entrance halls, stairways, lifts (if any) landings and passageways)

it being understood that certain Blocks may comprise one Stairwell only whereas other Blocks may comprise two or more Stairwells; (One) The Proprietors in each Stairwell shall possess a right of common property with each and every other Proprietor in that Stairwell in and to:- (a) The common entrance doors, the entrance halls and passages, the stairways and railings, landings and passageways, the internal floors, walls and ceilings enclosing the said common entrance halls and passages, stairways, landings and passageways (but excluding doors exclusively serving individual Flats which shall be the property of the individual Proprietors whose Flats they serve and declaring that in so far as the internal walls are concerned, only to the mid-line thereof in so far as any of the said walls may be bounded by Flats, the remaining half of the said walls being the exclusive property of the Proprietors of the adjoining Flats), the stairway windows, any common stair or passage lighting and any common floor coverings; (b) Any door entry system; (c) The common services cupboard, if any; (d) The drains, soil and rainwater pipes, water supply pipes, tanks, cisterns, rhones, gutters, conductors, electric mains and all other pipes, cables, wires and transmitters and connections so far as used in common by the Proprietors of more than one Flat within that Stairwell; (e) The whole parts, pertinents, fixtures and fittings of or in connection with that Stairwell and not exclusively serving any Flat. All hereinafter referred to as "the Common Parts of the Stairwell". Each Proprietor shall be bound to uphold and maintain in good order and repair the Common Parts of the Stairwell of which his Flat forms part in all time coming and shall contribute an equal share towards the cost of maintenance, repair and renewal thereof, one share being payable in respect of each Flat owned including payment of the electricity accounts and all other maintenance and running costs pertaining to any common stair or passage lighting and any door entry system and the cost of any routine cleaning of the common entrance halls, passages and stairs. (Two) The Proprietors of the Flats in each Block shall possess a right of common property with each and every other Proprietor in that Block in and to:- (a) the solum on which the Block is erected; (b) the foundations, outside and supporting walls and supporting members (but excluding any windows therein of exclusive service to any Flat or in a stairway or any balcony/terrace/walkway railings which shall belong exclusively to the Proprietors of the Flat or stairway concerned), and, where appropriate, the walls and ceiling of any pedestrian or vehicular pends, the walls and ceiling of any under-building car parking area or bicycle store, the roof and the roof space of that Block (but excluding any part of the roof space contained within any Flat), integral bicycle storage area (if any), integral bin storage area (if any), refuse chute (if any) and any lift, lift shaft, lift mechanism, cables and associated apparatus; (c) any velux windows giving access to a satellite dish serving inter alia the Block; (d) the drains, soil and rainwater pipes, water supply pipes, tanks, cisterns, rhones, gutters, conductors, electric mains and all other pipes, cables, wires and transmitters and connections serving the whole Block and not exclusively serving any Flat or Stairwell; (e) the whole parts, pertinents, fixtures and fittings of or in connection with the Block serving the whole Block and not exclusively serving any Flat or Stairwell; All hereinafter referred to as "the Common Parts of the Block". Each Proprietor shall be bound to uphold and maintain in good order and repair in all time coming the Common Parts of the Block of which his Flat forms part and shall contribute an equal share towards the cost of maintenance, repair and renewal thereof, one share being payable in respect of each Flat owned with the Exception of the cost of maintenance, repair and renewal of any lift and any associated equipment or apparatus and all other maintenance and running costs, including electricity accounts, pertaining thereto, which will be shared equally among the Proprietors of all non ground floor Flats in the Block,

one share being payable in respect of each Flat owned. (Three) (one) The Proprietors of adjoining Blocks shall possess a right of common property with each and every other proprietor in the said adjoining Blocks in and to the mutual gable wall separating the said adjoining Blocks and any division separating the roofs pertaining thereto; each Proprietor shall be bound to maintain in good order and repair in all time coming the said mutual gable wall and division or where there is no such division any roof slates or tiles, any part of which lie immediately above the mutual gable wall, and shall contribute an equal share towards the cost of maintenance, repair and renewal thereof, one share being payable in respect of each flat owned; (two) the proprietors of the Block shall have a right of common property along with every other proprietor in the other Blocks using the same in and to the mechanical shutters and pedestrian access doors leading to any underbuilding parking areas and bicycle stores and shall contribute an equal share along with such other proprietors in such other Blocks towards the cost of maintenance, repair and renewal thereof, one share being payable in respect of each flat owned. (SIXTH) The Proprietors of every Flat within the Whole Subjects shall have the right to use and the benefit of those parts of the Whole Subjects which comprise:- a) any boundary walls, feature walls, entrance features, retaining walls, fences, railings, barriers, bollards, hedges and gates; b) the access roads as shown hatched black on the plan annexed hereto, including without prejudice to the foregoing generality those parts of the access roads and pedestrian access through pends in Blocks 2/3, 8, 19/20 and 24/25, and the air space within the pends in said Blocks; c) the visitors' parking spaces including disabled parking spaces as shown dotted blue and marked "V" on the said plan annexed hereto; d) any external lighting serving the Whole Subjects; e) the external bin collection areas and external bicycle stores serving the Whole Subjects; f) the footpaths, borders, steps and landscaped and amenity areas, all as shown dotted blue on the said plan annexed hereto; g) the TV aerials and/or satellite dishes/receivers serving the Whole Subjects together with all associated equipment relative thereto; h) any Factor's store serving the Whole Subjects; i) all other parts which are of common or mutual service to the Whole Subjects; All hereinafter referred to as "the Common Amenities". To this end, we, the said George Wimpey UK Limited hereby grant in favour of the said Stewart Milne Group Limited and their successors as proprietors of the said subjects tinted blue on the Title Plan or any part or parts thereof, the right to use the Common Amenities so far as situated within the said subjects edged red on said Title Plan; And we, the said Stewart Milne Group Limited, in turn grant reciprocal rights in favour of George Wimpey UK Limited and their successors as proprietors of the said subjects edged red on said Title Plan to use the Common Amenities so far as situated within the said parts tinted blue on the Title Plan. Each Proprietor shall be bound along with the Proprietors of all other Flats within the Whole Subjects to uphold and maintain the Common Amenities in good order and repair in all time coming, and shall contribute an equal share towards the cost of maintenance, repair and renewal of the same, one share being payable in respect of each Flat owned and in the event of damage or destruction to renew, replace or repair the same. The landscaped and amenity areas within the dotted blue area on the said plan annexed hereto shall be maintained by the Proprietors to the satisfaction of the Superiors and to the satisfaction of the Planning Authority. Any trees or planting within any of the said areas which die within a period of five years of the completion of the development of the Whole Subjects or are removed or become damaged or diseased shall be replaced in the next planting season with others of a similar size and species or in accordance with such other scheme as may be submitted to and approved of in writing for the purpose by the Planning Authority. In the event of the said areas not



being maintained as aforesaid the Superiors or the Planning Authority shall be entitled to serve notice upon the Factors calling upon them to carry out any necessary works within a period of Twenty one days failing which, either the Superiors or the Planning Authority shall be entitled to instruct the necessary works and recover the costs thereof from the Factor who in turn shall be entitled to recover the costs thereof from the Proprietors. (SEVENTH) The Proprietor shall keep the Flat in a good state of repair and decoration and take all appropriate steps either by himself or in conjunction with others to prevent damage to the fabric of the same which may prejudice the stability thereof or create a nuisance to the other Proprietors or their tenants and, in particular, but without prejudice to the foregoing generality, by the control of vermin, the immediate treatment of dry rot or other form of rot or infestation which may be detected, and the repair of any damage to water or other service pipes or wires; And any Proprietors who fail to take timeous and adequate measures to prevent and repair such damage or such defects including notification to adjoining Proprietors whose premises may be affected with a view to safeguarding their property, shall be liable for any damage caused thereby. (EIGHTH) There is hereby reserved to us and our successors, both as Superiors and separately as proprietors of any part of the Whole Subjects and to the Proprietors of each Flat comprised in the Whole Subjects a right to lead such sewers, drains, rainwater, soil, waste and water supply pipes, electric mains and other transmitters including ducting for any satellite TV system through the Whole Subjects including any Flat, the Common Parts of the Stairwells and the Common Parts of the Blocks and the Common Amenities as we or they consider necessary with all necessary rights of access thereto for cleaning, maintenance or repair of the same and rights to restore or renew the same in the event of damage or destruction subject only to the making good of any damage and insofar as same are used in common by the Proprietors of more than one Flat, the Proprietor of each Flat shall pay one share for the Flat owned by him of the cost of cleaning, maintenance, repair or renewal of the same. The foregoing reservations and rights of access shall also operate in favour of all Statutory Undertakers; and the Proprietors are prohibited from doing any act which might materially interfere with or render more expensive the said rights of access, including building, placing trees, shrubs, fences and walls over or in close proximity to the said mains, pipes, drains, cables and plant et cetera. In addition, the Proprietors shall be bound, if required, to sign any Wayleave or Deed of Servitude required in connection with any of the foregoing rights. (NINTH) There is reserved in favour of us and our successors as proprietors of the Whole Subjects or any part thereof and to our and their employees, contractors, sub-contractors, agents and all others authorised by us and them the right to erect scaffolding if necessary, on or adjacent to any Flat for the purposes of constructing and maintaining any Flats to be erected on any part of the Whole Subjects together with all necessary rights of access for the purposes of said construction and maintenance including the erection of scaffolding, using the scaffolding and thereafter dismantling the same subject always to the party exercising the said right making good any damage caused by the exercise of said right. (TENTH) There is reserved to the Proprietors of all non top floor flats, a right of access via any hatchways located in the flats situated on the top floor of the Block of which the particular non top floor flat forms part (and in the case of any self contained ground floor flat over the adjoining Stairwell), for the purpose of gaining access to the roof space (if any) of the Block in question, for maintenance, repair or renewal of the roof of the Block in question, any common TV aerial or common satellite dish/receiver and relative equipment, or for any other necessary purpose, subject always to the Proprietors requiring such access giving reasonable notice (except in the case of emergency) and

making good any damage caused to the top floor flat or flats in question. The Proprietors of flats within Blocks 2, 3, 8, 19, 20, 24 and 25 located above the pedestrian or vehicular Pends within the said Blocks shall have all necessary rights of support from the foundations, sidewalls and ceilings of the pedestrian or vehicular pends in the said Blocks. The Proprietors of any Flat which includes an external balcony, terrace, walkway or fire escape route shall have all necessary rights of support therefor from the foundations and outside and supporting walls and supporting members of the Block of which the Flat forms part along with all necessary rights of access to other parts of the Block for the use, maintenance, repair and renewal thereof subject to making good all damage caused by the exercise of this right. (ELEVENTH) The decision of the Superiors after consultation with the other Proprietors as long as we shall remain the Proprietors of any Flat, as to what repairs, maintenance, and decoration are from time to time necessary or advisable, and as to the extent and nature thereof, shall be final and binding upon all the Proprietors of the Flats. (TWELFTH) There shall be appointed a Factor who will be responsible for instructing and supervising the common repairs and maintenance of the Common Parts of the Stairwells, the Common Parts of the Blocks, the Common Amenities, those items referred to in Clause (FIFTH) (Three) hereof and for arranging a Common Buildings insurance policy, and to apportion the cost thereof amongst the several Proprietors in accordance with the provisions of these presents. In the first instance the Factor shall be appointed by us at any time after the completion of the first of the Flats. (THIRTEENTH) After we have ceased to be the Proprietors of any Flat the Proprietors of any Flat shall have power to call a meeting of all the Proprietors of the Flats within the Whole Subjects at such reasonably convenient time (except Saturdays, Sundays and Public Holidays) and place as the convenors of said meeting shall determine and of which time and place of meeting at least seven days notice in writing shall be given by or on behalf of the convenors of said meeting to the other Proprietors and at any meeting so convened, any of the Proprietors may be represented by a Mandatory appointed by written Mandate to attend, vote or act on behalf of the Proprietors granting the Mandate; where a meeting is being convened for the purpose of ordering maintenance and repairs to the Common Parts of the Stairwells then the majority of the Proprietors of the Flats in each particular Stairwell or the Mandatory or Mandatories of such Proprietor or Proprietors shall be a quorum; where a meeting is being convened for the purposes of ordering maintenance and repair to the Common Parts of the Blocks then the majority of the Proprietors of the Flats in the particular Block or the Mandatory or Mandatories of such Proprietor or Proprietors shall be a quorum; where a meeting is being convened for the purposes of ordering maintenance and repair to the Common Amenities and/or those items referred to in Clause (FIFTH) (Three) hereof then the majority of the Proprietors of the Flats within the Whole Subjects or the Mandatory or Mandatories of such Proprietors shall be a quorum; Declaring that in the event of any of the Flats being owned by two or more persons only one of such owners shall be entitled to vote and in no case may more than one vote be allowed in respect of each flat; And it shall be competent at any such meeting by a majority of the votes of those present (said votes to be computed as aforesaid):- (a) to order to be executed any maintenance and repair to the common items in respect of which the meeting has been convened; (b) to make any regulations which may be considered necessary with regard to the preservation, use or enjoyment of the common items in respect of which the meeting has been convened; (c) to dismiss any Factor appointed by us in terms of this Clause but that only after we have ceased to be Proprietors of any Flat or to dismiss any Factor subsequently appointed by the Proprietors at a meeting as aforesaid; and to appoint such Factor

as the Proprietors at a meeting may approve; Under declaration that any meeting to dismiss any Factor and appoint a new Factor will require a quorum of the Proprietor or Proprietors of the majority of the Flats within the Whole Subjects or the Mandatory or Mandatories of such Proprietor or Proprietors; (d) to delegate to the Factor appointed as aforesaid the whole right, power and authority to take charge of all matters pertaining to the maintenance, repair and preservation of the common items and the employment of labour thereon, the arranging of the Common Buildings insurance policy, and the calculation of the premium payable therefor in respect of each flat; (e) to instruct the collection by the Factor of an annual Management Fee and Maintenance charge aftermentioned from each Proprietor and the share of the Maintenance Cost due by each Proprietor and the accounting by the Factor for his intromissions; (f) to instruct the employment by the Factor of a gardener or gardeners or other staff as required for maintenance and preservation of the Common Parts of the Stairwells, Common Parts of the Blocks, the Common Amenities and those items referred to in Clause (FIFTH) (Three) hereof and (g) to determine the amount of annual Management Fee and Maintenance Charge from time to time. DECLARING THAT the said Factor shall, unless otherwise determined by a meeting of Proprietors, be entitled during the continuance of his appointment to exercise the whole rights and powers which may competently be exercised at or by a meeting of the Proprietors and others convened as aforesaid. DECLARING THAT all expenses and charges incurred for any work undertaken for services performed in terms or in furtherance of the provisions herein contained and the remuneration of the Factor shall be payable by the Proprietors of the Flats, whether consentors thereto or not, in the proportions hereinbefore detailed in the same way as if their consent had been obtained and, in the event of non payment within one calendar month, the Factor shall be entitled to sue for recovery of the same in his own name, together with all expenses incurred by him. Failing recovery by the Factor of such unpaid charges after all competent legal process has been exhausted, the remaining Proprietors shall bear the same equally among them. Each Proprietor will pay to the Factor in respect of his or her Flat, if requested, such sum forming part of the annual charge made by the Factor as the Factor may reasonably determine, immediately upon acquisition of the Flat as a contribution to finance the cost of maintenance and preservation of the Common Parts of the Stairwells, the Common Parts of the Blocks, the Common Amenities, those items referred to in Clause (FIFTH) (Three) hereof and the initial premium for the Common Buildings insurance policy. Each Flat shall be burdened with the real lien and burden of an annual Management Fee and Maintenance Charge to be determined by us (through the Factor) at any time after the completion of any of the Flats and, after we have ceased to be Proprietors of any Flat by a meeting in accordance with this Clause said charges to be payable to the Factor at such times and in such manner as requested by him (declaring that from the first sale of a Flat said charges shall be apportioned as at the date of entry thereto) and to be applied by the Factor in his accounting for his intromissions to the several Proprietors of the Flats towards the indebtedness of each Proprietor for his proportion of the whole expenses of maintenance and preservation of the Common Parts of the Stairwells, the Common Parts of the Blocks, the Common Amenities, those items referred to in Clause (FIFTH) (Three) hereof, the premium for the Common Buildings insurance policy and others including factorial remuneration and wages incurred by the Factor for and on behalf of the said Proprietors; In the event of the said expenses of maintenance, wages and factorial remuneration being in excess of the total maintenance charge payable to the Factor as aforesaid, the Factor will be entitled to levy immediately against each Proprietor, his proportionate share of the excess, calculated

as aforesaid; In the event of the total of said maintenance charge per Flat exceeding the said expenses of maintenance, wages and factorial remuneration, calculated as aforesaid, for each year the balance of said maintenance charge in the hands of the Factor shall be retained by him towards the following year's expenses; DECLARING THAT the Factor shall, if requested, once per annum, make available to a meeting of the Proprietors convened as aforesaid a full Statement of Accounts of his intromissions validly vouched and failing such request shall make such Statement and vouchers available in his place of business to any Proprietor wishing to have sight thereof or to his appointed agent; When any Proprietor sells or disposes of his Flat he shall notify (a) the Factor at least fourteen days prior to the date of entry to the new Proprietor of the date of sale or disposal and the identity of the new Proprietor of his Flat and (b) the new Proprietor of his obligations in terms of this Deed of Conditions prior to the date of entry. (FOURTEENTH) The following further reservations, real burdens, conditions and others will apply:- (One) Individual television aerials or wireless masts for each Flat shall be prohibited. The Proprietors of each Flat will only be entitled to connect to the common TV aerial and/or common satellite dish/receiver and relative equipment provided. Individual satellite dishes for each Flat shall be prohibited. (Two) Access to the Parking Spaces must be kept free and open at all times. There shall be no parking on the said access roads within the Whole Subjects. (Three) No clothes poles or clothes lines shall be erected on any part of the Whole Subjects nor shall they be attached to or suspended from any window, terrace, walkway or balcony of any of the said Flats or from any part of the exterior walls. (Four) No garbage cans or ash buckets or any other form of refuse receptacle or any other articles of any nature shall be permitted to be left or deposited otherwise than in accordance with the regulations and recommendations of the Local Authority. (Five) The Proprietor, tenant or occupier of each Flat is hereby expressly prohibited from keeping poultry, ducks, pigeons, rabbits, bees or other animals, reptiles or birds which may prove a nuisance to the adjoining Proprietors; the Superiors shall have sole discretion to determine whether or not any such animal, reptile or bird constitutes a nuisance. (Six) The Proprietor shall be prohibited without the consent of the Superiors, from selling or disposing of the Parking Space pertaining to his Flat separately therefrom and from selling or disposing of his interest in the visitors' parking spaces and the Proprietor shall be prohibited from using any Parking Space including any visitors' parking spaces for the repair and maintenance of vehicles other than the Proprietor's own private vehicles. Declaring however that the parking of any vehicle which is not taxed or in a roadworthy condition is also prohibited. (Seven) The bin collection areas are to be used now and in all time coming for the storage and collection therefrom of domestic refuse and for no other purposes whatsoever. (Eight) The bicycle stores are to be used now and in all time coming for the storage of bicycles and for no other purpose whatsoever. (Nine) The external painting of the Flats within the Whole Subjects shall be maintained in a uniform colour and no Proprietor shall be allowed to paint any external woodwork, metalwork or outside walls of his Flat in a different shade or colour to the remainder of the Flats erected or to be erected on the Whole Subjects. The external painting of the Flats shall be carried out at least every five years after completion of the initial external painting of the Flats. (Ten) The roof space (if any) of each Block shall not be used as storage or in any other manner of way and the roof space and the hatch or hatches (if any) giving access thereto shall be kept clear and free of obstruction at all times. (Eleven) The Proprietors are prohibited from storing goods of any nature whatsoever including bicycles and bins within the Common Parts of any Stairwell or Block except where the Stairwell or Block includes an integral bin storage or bicycle storage area. (Twelve) No hazardous or

inflammable materials or items shall be stored in the Common Parts of the Stairwell or any other open area forming part of the Common Parts of the Block. (Thirteen) The Proprietors shall be bound to make the Blench or Feu Disposition and title deeds of the respective Flats forthcoming to the Superiors on all necessary occasions when required and that free of expense to us and our foresaids. (FIFTEENTH) In the event of the Factor not arranging a Common Buildings insurance policy, each Proprietor shall be bound to insure his Flat, the Common Parts of the Stairwell and the Common Parts of the Block, the Common Amenities and any other buildings or other items on the Whole Subjects in which he has an interest comprehensively with an established Insurance Company for the full replacement value thereof (increased by Fifteen per cent to cover Architects' and Surveyors' fees) and to produce to us and our foresaids from time to time if and when required the policies of insurance and the receipts for payment of the premiums thereof. In the event of any Flat, the Common Parts of any Stairwell, the Common Parts of any Block, the Common Amenities or any other buildings or items on the Whole Subjects or any part or parts thereof being destroyed or damaged by fire or other insured cause the Proprietors thereof, to the extent of their interest therein, shall be bound to restore within two years after such destruction or damage the affected parts to the value thereof immediately prior to such destruction or damage. The whole sum received from the Insurance Company shall be expended at the sight of us or our foresaids in re-erecting, reinstating or repairing the subjects damaged in all respects and consistent with the conditions above specified, the new plan or plans and specifications being first exhibited to and approved of by us and our foresaids as Superiors. (SIXTEENTH) There is expressly reserved to us and our foresaids the right to alter or modify in whole or in part the reservations, real burdens, conditions, provisions, limitations, obligations, stipulations and others herein contained and in the event of us or our foresaids so doing, the Proprietors shall have no right or title to object thereto and shall have no claim in respect thereof and any such alteration or modification in respect of any one or more of the Flats or any part of the Whole Subjects shall not imply any similar alteration or modification in respect of any other Flats or any other part of the Whole Subjects; FURTHER there is hereby reserved to us and our foresaids the right to make whatever alterations or deviations as we consider proper upon any of the development or feuing plans of the Whole Subjects or even to depart entirely therefrom and we expressly reserve to us and foresaids the right to dispose of any part of the Whole Subjects for such purpose as we think fit or to alter or modify in whole or in part the foregoing conditions and in the event of our or their doing so no Proprietor shall have any right or title to object thereto and shall have no claim in respect thereof. (SEVENTEENTH) All questions, differences and disputes which may arise among the Proprietors or any of them regarding (i) their rights and interest in the Whole Subjects or any part thereof, (ii) the necessity for executing any works whether common or not or the liability for the cost hereof, (iii) the reasonableness or expediency of any order, regulation, decision, determination or appointment made at any meeting of Proprietors as aforesaid and (iv) all other questions so far as depending on or otherwise arising out of or in respect of these presents in any manner of way (except in all cases any question which may be referred to the Factor as aforesaid) shall be referred to the amicable decision of the President for the time being of the Royal Institute of Chartered Surveyors, Scottish Branch and whatever the said Arbiter shall determine shall be final and binding in all matters upon all concerned and the Proprietors concerned shall be bound to implement and fulfil to each other the decisions, findings and decrees of said Arbiter with power to said Arbiter to take skilled advice and to order execution or performance of works and to

apportion the cost thereof among the Proprietors and to find all or any of them liable in expenses of the arbitration and to decern accordingly. Note 1: The foregoing Deed of Conditions contains a declaration that section 17 of the Land Registration (Scotland) Act 1979 is not to apply. The conditions contained in the said Deed of Conditions have been made real by being imported by reference in a conveyance of the subjects in this Title. Note 2: A copy of the deed plan is included in the Land Certificate as a Supplementary Plan to the Title Plan.

<b>Entry Number</b>	<b>Burden Detail</b>
2	Feu Disposition by George Wimpey UK Limited to Alexander James Burnet and his executors and assignees, registered 20 Aug. 2004, of the subjects in this Title, contains the following burden: The subjects tinted pink on the Title Plan shall be used as a parking space for one private car only and for no other purpose whatsoever and shall remain unbuilt upon in all time coming and shall not be sold or conveyed or disposed of separately from the first floor house 149 Bannermill Place, Aberdeen.

*This is a Plain Copy which reflects the position at the date the Title Sheet was last updated.*

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## LICENSING COMMITTEE INFORMATION SHEET

**TYPE OF APPLICATION:** APPLICATION FOR GRANT OF A STREET TRADER'S LICENCE

**APPLICANT:** THE LIBERTY KITCHEN

**PREMISES:** N/A

### DESCRIPTION

- The application requires to be determined by 10 October 2017
- The applicant has not provided evidence of his Certificate of Compliance

### CONSULTEES

Police Scotland: response received 24 May2017 with no objection

### OBJECTIONS/REPRESENTATIONS

- Environmental Health

### COMMITTEE GUIDELINES/POLICY

### GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

**and otherwise shall grant the application.**



## LICENSING COMMITTEE INFORMATION SHEET

12 September 2017

**TYPE OF APPLICATION:** APPLICATION FOR PERMISSION TO HOLD A PUBLIC CHARITABLE COLLECTION

**APPLICANT:** Andrew Reid

**PREMISES:** N/A

### DESCRIPTION

- The application is for a Public Charitable Collection for the fireworks Display at the Beach Boulevard and Queen's Links for Inspire Aberdeen
- The date requested Sunday 5<sup>th</sup> November 2017

### CONSULTEES

Police Scotland

### OBJECTIONS/REPRESENTATIONS

- LD

### COMMITTEE GUIDELINES/POLICY

The Committee policy is that Public Charitable Collections may only take place on Monday, Thursday and Saturdays (with the exception of December and public holidays)

### GROUNDS FOR REFUSAL

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

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

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

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

(b) the activity to which it relates would be managed by or carried on for the benefit of

a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

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

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

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

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

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

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

**and otherwise shall grant the application.**

## LICENSING COMMITTEE INFORMATION SHEET

**12 September 2017**

**TYPE OF APPLICATION:** Taxi Licence- RENEWAL

**APPLICANT:** Lorraine Fyfe

**LICENCE:** A102-NX12 KPG

### INFORMATION NOTE

Application submitted 28/04/2017.  
Must be determined by 27/10/2017.

Vehicle has not passed hackney test and has not been brought for testing as ordered under Licence Condition 5 and Section 11 of Act.

Licence suspended 09/08/2017

### DESCRIPTION

Renewal of Taxi Licence

### CONSULTEES

- Police Scotland

### OBJECTIONS/REPRESENTATIONS

### COMMITTEE GUIDELINES/POLICY

All licensed vehicles must pass a hackney test twice per 12 months, one of which must be immediately prior to licence renewal.  
Licence holder has breached Taxi Licence condition 5 and ignored an inspection order under Section 11 Act.

### GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

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

**and otherwise shall grant the application.**

## LICENSING COMMITTEE INFORMATION SHEET

**12 September 2017**

**TYPE OF APPLICATION:** Taxi Driver Licence- GRANT

**APPLICANT:** Samson Ugha

**LICENCE:**

### INFORMATION NOTE

Application submitted 18/07/2017.  
Must be determined by 17/01/2018.

Applicant was previously refused a renewal of taxi driver licence by committee on 13/06/17. On 25/07/17 committee determined that applicant could submit a Grant of taxi driver licence however he was not exempted from policy on passing street knowledge test.

All other issues now dealt with, applicant is seeking exemption from passing street knowledge test- he passed in 2016.

### DESCRIPTION

Grant of Taxi Driver Licence

### CONSULTEES

- Police Scotland

### OBJECTIONS/REPRESENTATIONS

### COMMITTEE GUIDELINES/POLICY

All applicants for grant of a taxi driver licence must pas the street knowledge test with that application.

### GROUNDS FOR REFUSAL

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

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

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

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

(b)the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of

such a licence if he made the application himself;

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

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

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

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

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

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

**and otherwise shall grant the application.**

## LICENSING COMMITTEE INFORMATION SHEET

**12 September 2017**

**TYPE OF APPLICATION:** Taxi Driver Licence- GRANT

**APPLICANT:** Mohamad Elbehaderie

**LICENCE:**

### INFORMATION NOTE

Application submitted 25/04/2017.  
Must be determined by 24/10/2017.

Applicant has not passed street knowledge test  
Failed 17/07/2017. Booked in 4/09/17

### DESCRIPTION

Grant of Taxi Driver Licence

### CONSULTEES

- Police Scotland

### OBJECTIONS/REPRESENTATIONS

### COMMITTEE GUIDELINES/POLICY

All applicants for the Grant of a Taxi Driver licence must pass the street knowledge test as part of that application before the licence can be granted.

### GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

**and otherwise shall grant the application.**



## LICENSING COMMITTEE INFORMATION SHEET

**12 September 2017**

**TYPE OF APPLICATION:** Private Hire Car Driver Licence- GRANT

**APPLICANT:** Vinod Athikkal Veedu

**LICENCE:**

### INFORMATION NOTE

Application submitted 04/04/2017.  
Must be determined by 03/10/2017.

Applicant has not passed street knowledge test  
Offered 14,21, 28 Aug and 04 Sept

### DESCRIPTION

Grant of Private Hire Car Driver Licence

### CONSULTEES

- Police Scotland

### OBJECTIONS/REPRESENTATIONS

### COMMITTEE GUIDELINES/POLICY

All applicants for the Grant of a private Hire Car Driver licence must pass the street knowledge test as part of that application before the licence can be granted.

### GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

**and otherwise shall grant the application.**

## LICENSING COMMITTEE INFORMATION SHEET

**12 September 2017**

**TYPE OF APPLICATION:** Taxi Driver Licence- RENEWAL

**APPLICANT:** Robert Cowie

**LICENCE:** 0549

### INFORMATION NOTE

Application submitted 24/04/2017.  
Must be determined by 23/10/2017.

Applicant has not provided proof of right to work in UK as required under Immigration Act 2016

Interview 23/08/17

### DESCRIPTION

Renewal of Taxi Driver Licence

### CONSULTEES

- Police Scotland

### OBJECTIONS/REPRESENTATIONS

### COMMITTEE GUIDELINES/POLICY

All applicants for a taxi or Phc driver licence must provide proof of right to work in UK under immigration act 2016 before a licence can be granted

### GROUND FOR REFUSAL

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

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

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

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

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

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

having regard to—

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

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

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

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

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

**and otherwise shall grant the application.**

## LICENSING COMMITTEE OFFICERS INFORMATION SHEET

**TYPE OF APPLICATION:** Taxi Driver Licence- RENEWAL

**APPLICANT:** Gary Robertson

**LICENCE:** 0590

### INFORMATION NOTE

Application submitted 29/04/2017.  
Must be determined by 28/10/2017.

In addition applicant has not provided copy of current DVLA licence or a check code or extract of said licence

### DESCRIPTION

Renewal of Taxi Driver Licence

### CONSULTEES

- Police Scotland

### OBJECTIONS/REPRESENTATIONS

### COMMITTEE GUIDELINES/POLICY

Copy of DVLA licence + check code or extract must be provide to ensure applicant has held valid licence for 12 consecutive months and if any points are noted

### GROUNDS FOR REFUSAL

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

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

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

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

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

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

- (i)the location, character or condition of the premises or the character or condition of the vehicle or vessel;
  - (ii)the nature and extent of the proposed activity;
  - (iii)the kind of persons likely to be in the premises, vehicle or vessel;
  - (iv)the possibility of undue public nuisance; or
  - (v)public order or public safety; or
  - (d)there is other good reason for refusing the application;
- and otherwise shall grant the application.**

## LICENSING COMMITTEE INFORMATION SHEET

**12 September 2017**

**TYPE OF APPLICATION:** Private Hire Car Driver Licence- RENEWAL

**APPLICANT:** Gary Duncan

**LICENCE:** PHD115

### INFORMATION NOTE

Application submitted 03/04/2017.  
Must be determined by 02/10/2017.

Applicant has not passed the street knowledge test

### DESCRIPTION

Renewal of private Hire Car Driver Licence

### CONSULTEES

- Police Scotland

### OBJECTIONS/REPRESENTATIONS

### COMMITTEE GUIDELINES/POLICY

All applicants for Phc driver licence must pass the street knowledge test before any application submitted after 23/12/16 can be granted.

### GROUNDINGS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

**and otherwise shall grant the application.**



## LICENSING COMMITTEE INFORMATION SHEET

**12 September 2017**

**TYPE OF APPLICATION:** Private Hire Car Driver Licence- RENEWAL

**APPLICANT:** Lawrence Imonigie

**LICENCE:** PHD207

### INFORMATION NOTE

Application submitted 05/05/2017.  
Must be determined by 04/11/2017.

Applicant has not passed the street knowledge test. Has been offered 14,21 & 28 Aug & 04 Sept

In addition applicant has not provided proof of right to work in UK  
Did not attend 14/06/17, did not attend 14/08/17

### DESCRIPTION

Renewal of Private Hire Car Driver Licence

### CONSULTEES

- Police Scotland

### OBJECTIONS/REPRESENTATIONS

### COMMITTEE GUIDELINES/POLICY

All applicants for Phc driver licence must pass the street knowledge test before any application submitted after 23/12/16 can be granted.  
All applicants for a driver licence (taxi or phc) must provide proof of right to work in UK under Immigration Act 2016

### GROUNDS FOR REFUSAL

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

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

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

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

(b)the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of

such a licence if he made the application himself;

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

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

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

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

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

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

**and otherwise shall grant the application.**

## LICENSING COMMITTEE INFORMATION SHEET

**12 September 2017**

**TYPE OF APPLICATION:** Private Hire Car Driver Licence- RENEWAL

**APPLICANT:** Golam Mahmud

**LICENCE:** PHD151

### INFORMATION NOTE

Application submitted 18/04/2017.  
Must be determined by 17/10/2017.

Applicant has not passed the street knowledge test. Has been offered 14,21 & 28 Aug & 04 Sept

In addition applicant has not provided proof of right to work in UK  
interview booked for 24/08/17

### DESCRIPTION

Renewal of Private Hire Car Driver Licence

### CONSULTEES

- Police Scotland

### OBJECTIONS/REPRESENTATIONS

### COMMITTEE GUIDELINES/POLICY

All applicants for Phc driver licence must pass the street knowledge test before any application submitted after 23/12/16 can be granted.  
All applicants for a driver licence (taxi or phc) must provide proof of right to work in UK under Immigration Act 2016

### GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

**and otherwise shall grant the application.**

## LICENSING COMMITTEE INFORMATION SHEET

**12 September 2017**

**TYPE OF APPLICATION:** Private Hire Car Driver Licence- RENEWAL

**APPLICANT:** Adeyinka Oketola      **LICENCE:** PHD152

### INFORMATION NOTE

Application submitted 05/05/17  
 Must be determined by 04/11/17

Applicant has not passed the street knowledge test. Has been offered 14,21,28, August and 4 September 2017- no response

### DESCRIPTION

Renewal of private Hire Car Driver Licence

### CONSULTEES

- Police Scotland

### OBJECTIONS/REPRESENTATIONS

### COMMITTEE GUIDELINES/POLICY

All applicants for Phc driver licence must pass the street knowledge test before any application submitted after 23/12/16 can be granted.

### GROUNDS FOR REFUSAL

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

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

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

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

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

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

- (i)the location, character or condition of the premises or the character or condition of the vehicle or vessel;
  - (ii)the nature and extent of the proposed activity;
  - (iii)the kind of persons likely to be in the premises, vehicle or vessel;
  - (iv)the possibility of undue public nuisance; or
  - (v)public order or public safety; or
  - (d)there is other good reason for refusing the application;
- and otherwise shall grant the application.**

## LICENSING COMMITTEE INFORMATION SHEET

**12 September 2017**

**TYPE OF APPLICATION:** Private Hire Car Driver Licence- RENEWAL

**APPLICANT:** Keith Will

**LICENCE:** PHD129

### INFORMATION NOTE

Application submitted 29/03/2017.  
Must be determined by 28/09/2017.

Applicant has not passed the street knowledge test. Has been offered 14,21 & 28 Aug & 04 Sept

### DESCRIPTION

Renewal of Private Hire Car Driver Licence

### CONSULTEES

- Police Scotland

### OBJECTIONS/REPRESENTATIONS

### COMMITTEE GUIDELINES/POLICY

All applicants for Phc driver licence must pass the street knowledge test before any application submitted after 23/12/16 can be granted.

### GROUNDS FOR REFUSAL

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

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

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

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

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

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

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

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

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

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

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

**and otherwise shall grant the application.**



## ABERDEEN CITY COUNCIL

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COMMITTEE	Licensing Committee
DATE	12 September 2017
REPORT TITLE	Review of the Taxi Consultation Group
REPORT NUMBER	CG/17/090
CG LEAD OFFICER	Fraser Bell
REPORT AUTHOR	Arlene Dunbar

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### 1. PURPOSE OF REPORT:-

To review the remit, governance and membership of the Taxi Consultation Group (TCG).

### 2. RECOMMENDATION(S)

That the Licensing Committee:

- (a) agree to change the name of the group to the Taxi and Private Hire Car Consultation Group;
- (b) agree the remit and meeting frequency of the Group as outlined in the report at Section 3.10;
- (c) instruct the Head of Legal and Democratic Services to write to the private hire firms and seek nominations to represent the Private Hire trade;
- (d) Upon receipt of nominations instruct the Head of Legal and Democratic Services to then write to all Private Hire Car Licence Holders asking them to indicate their preferred representative for the Group

### 3. BACKGROUND/MAIN ISSUES

- 3.1 At a meeting of the TGC held on 28 February 2017, the Group considered a request from Aberdeen Taxis Limited to join the TGC to enable them to represent their taxi and private hire car drivers.
- 3.2 At the meeting, Mr Peter Campbell (Unite the Union), Mr Bill Price (Railway Taxi Drivers) and Mr Stewart Duncan (Airport Drivers) advised that they had consulted with their drivers regarding the request and had received a unanimous response that the request should be declined.

- 3.3 Mr Graeme McColl, Aberdeen Taxi Group advised that he had not been able to consult with Members of the Aberdeen Taxi Group on the proposal prior to the TCG meeting; however he was of the opinion that his members would not be supportive of Aberdeen Taxis Ltd joining the Group. He also reminded the TCG that its membership had been reviewed and reduced by the Licensing Committee on 4 September 2012, following previous consultation with the Taxi Trade. Mr McColl suggested that if Aberdeen Taxis Ltd were invited to join the group the invitation to join should be opened out to all four of the private hire firms operating in the city.
- 3.4 At its meeting on 18 April 2017 the Committee resolved to consider the request to join along with a full review of the remit, governance and membership of the TCG following the Scottish Local Government Elections in May 2017.
- 3.5 The TCG remit as agreed by the Licensing Committee on 4 September 2012, is as follows:

“A working group of the Licensing Committee to be known as the Taxi Consultation Group will be formed. It will consist of a maximum number of five elected members and eight representatives of the taxi trade of whom one will represent the airport operators and one will represent licensed taxi booking offices. The Disability Advisory Group and Unite Union will also have one representative as a member of the Group. Additional attendees will include the Taxi Inspector, the Fleet Services Manager and a solicitor representing the licensing function. Other relevant representatives will be invited to attend meetings on an ad-hoc basis.

Taxi trade members must represent a specific and recognised interest group. It will be understood that the representatives will report to their members after meetings.

The Group will meet three times yearly. The Group will act without any powers but will discuss matters of relevance to the taxi trade at the discretion of the Convener and make recommendations to the Licensing Committee as appropriate.

“Matters of relevance” include all matters relevant to the taxi trade in Aberdeen that are within the remit of the Licensing Committee.”

### 3.6 Review of the Remit

- 3.7 The current remit of the Group could be considered to extend to the taxi trade only and it is recommended that the remit is amended to explicitly include references to the private hire sector. It is further recommended that the Committee instruct the Head of Legal and Democratic Services to write to the private hire firms and seek nominations to represent the Private Hire trade rather than agree to the request by Aberdeen Taxis to join the Group.

- 3.8 Upon receipt of the nominations it is recommended that the Head of Legal and Democratic Services then write to all Private Hire Car Licence Holders asking them to indicate their preferred representative for the Group.
- 3.9 In order to reflect the wider remit of the TCG it is recommend that the Group is renamed to the Taxi and Private Hire Car Consultation Group.
- 3.10 The amended remit of the Group would therefore be as follows:

“A working group of the Licensing Committee to be known as the Taxi **and Private Hire** Consultation Group will be formed. It will consist of a maximum number of five elected members and **nine** representatives of the taxi and **private hire car** trade, namely:

- Aberdeen Airport Drivers
- Taxi Badge Holders Association
- Independent Drivers
- Unite Union Aberdeen Rail Taxi Drivers Association
- Aberdeen Taxi Group
- Disability Equality Partnership
- Licensed Taxi Offices
- Private Hire Trade

Additional attendees, not members, will include the **Enforcement Officer**, the Fleet Services Manager and a solicitor representing the licensing function. Other relevant representatives will be invited to attend meetings on an ad-hoc basis depending on the matters to be considered”.

Trade members must represent a specific and recognised interest group. It will be understood that the representatives will report to their members after meetings. A member of the Group would be entitled to nominate in advance of the meeting a substitute member to attend meetings only in the event that he/she was unable to attend. Named substitutes should be notified to the Clerk at the same time as the substantive member is confirmed.

A quorum shall be five members of the group, which must include two External Members.

The Group will meet three times yearly. The Group will act without any powers but will discuss matters of relevance to the taxi **and private hire** trade at the discretion of the Convener and make recommendations to the Licensing Committee as appropriate. Members will be asked to notify the clerk in writing of any matters they wish to be discussed eight working days in advance of the scheduled meeting. The notification must state the matter they wish to discuss, a brief background to this and the action (if any) they would like the Licensing Committee to take.

“Matters of relevance” include all matters relevant to the taxi **and private hire** trade in Aberdeen that are within the remit of the Licensing Committee.”

### 3.11 Membership

3.12 The Licensing Committee has the power to appoint Consultative Groups without delegated powers consisting of its own members and such other persons as it thinks fit.

3.13 Accordingly it is proposed that the membership of the Group be as outlined in the appendix1 to this report and that each representative group shall be written to requesting that they confirm or reconfirm in writing its nominee.

3.14 Trade membership of the Group would be for a fixed period of four years in line with the term of the Local Authority, after which time, a further review of the remit and membership could be conduct if it was considered necessary.

3.15 Changes to the nominated representative should be notified to the Clerk in writing.

3.16 It is also proposed that a member of the Group would be entitled to nominate in advance of the meeting a substitute member to attend meetings only in the event that he/she was unable to attend. Named substitutes should be notified to the Clerk at the same time as the substantive member is confirmed.

### 3.17 Frequency of Meetings

3.18 Whilst it is recommended that the number of meetings remain at 3, it should be noted that the same matters are often raised by the taxi representatives at the TCG meetings and then again by deputation at the main Licensing Committee meetings. It is anticipated that the taxi representatives shall continue to submit deputations to the Licensing Committee on important matters.

## **4. FINANCIAL IMPLICATIONS**

4.1 If the Committee resolved not to agree recommendation 2 (b) above, and instead decided upon a greater number of meetings, there would be revenue implications resulting from increased staff costs associated with officer's workload.

4.2 There are no capital implications for current and future years.

## **5. LEGAL IMPLICATIONS**

5.1 There are no direct legal implications arising from the recommendations of this report.

## **6. MANAGEMENT OF RISK**

- Financial

- 6.1 There are no direct financial implications arising from the recommendations of this report
- Employee
- 6.2 There is no risk to employees arising from the recommendations of this report
- Customer / citizen
- 6.3 There is no risk to the Customer/Citizen from the recommendations of this report
- Environmental
- 6.4 There is no Environmental risk arising from the recommendations of this report.
- Technological
- 6.5 There is no risk to technology arising from the recommendations of this report.
- Legal
- 6.6 There are no legal risks arising from the recommendations of this report.
- Reputational
- 6.7 There is no risk to reputation arising from the recommendation of this report.

## **7. IMPACT SECTION**

### **Economy**

- 7.1 There will be no impact on Economy arising from the recommendations.

### **People**

- 7.2 The Group ensures dialogue and consultation with the taxi trade. This enables the Council to bring issues of relevance to the fore and allow discussion in a more informal way.
- 7.3 The inclusion of a representative of the Disability Equity Partnership assists the TCG in considering disabled taxi passengers' requirements.
- 7.4 There is no particular interest for the public in the work of this Group as it has no delegated powers from the parent Committee, although as potential passengers, the public may be interested in some issues which may be referred from this Group to the Committee.

**Place**

7.5 There will be no impact on the place arising from the recommendations.

**Technology**

7.6 There will be no impact on technology arising from the recommendations.

**8. BACKGROUND PAPERS**

None

**9. APPENDICES (if applicable)**

Any appendices attached to the covering report should be numbered and listed here.

**10. REPORT AUTHOR DETAILS**

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**HEAD OF SERVICE DETAILS**

Fraser Bell  
Head of Legal and Democratic Services  
[frbell@aberdeencity.gov.uk](mailto:frbell@aberdeencity.gov.uk)  
01224 522084

<b>Group/Organisation etc</b>	<b>Name of Representative</b>
5 Elected Members (1 SNP, 1 Conservative, 1 Labour, 1 Liberal Democrat and 1 Independent)	Councillor John Reynolds (Chairperson) Councillor Christian Allard Councillor Steve Delaney Depute Provost Alan Donnelly Councillor Gordon Graham
Aberdeen Airport Drivers	Stewart Duncan
Taxi Badge Holders Association	Vacant
Independent Drivers	Gordon Anderson
Unite Union	Tommy Campbell (Peter Campbell as substitute)
Aberdeen Rail Taxi Drivers Association	Bill Price
Aberdeen Taxi Group	Graeme McColl
Disability Advisory Group	Bryan McKenzie as substantive member, Mary Rasmussen as substitute
Licensed Taxi Offices	Vacant
Private Hire Trade	TBC

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## ABERDEEN CITY COUNCIL

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COMMITTEE	Licensing Committee
DATE	12 September 2017
REPORT TITLE	Review of Civic and Miscellaneous Application Fees
REPORT NUMBER	CG/17/095
CG LEAD OFFICER	Fraser Bell
REPORT AUTHOR	Jennifer Wilson

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### **1. PURPOSE OF REPORT:-**

- 1.1 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, to obtain the Committee's approval for a consultation process to review such fees and to inform the Committee of the proposal to create a new post of 1 FTE Licencing and Immigration Assistant as part of that fee review.

### **2. RECOMMENDATION(S)**

- 2.1 (a) that the Committee approves for consultation the fee review options set out at section 5 of in the report and instructs the Head of Legal and Democratic Services to conduct a consultation as outlined in section 6 below on the same.

(b) that the Committee instructs the Head of Legal and Democratic Services to submit a report to the Licensing Committee on 19 December 2017 on the outcome of the fee review proposal consultation and seeking a final decision on the future fee levels to be adopted from 20 December 2017.

### **3. BACKGROUND/MAIN ISSUES**

- 3.1 The Licensing team is responsible for the administration of a wide range of functions where statute requires a licence, permit or consent to be issued and for discharging the related enforcement functions.
- 3.2 The functions include taxi and private hire car licensing, street trading, charity collections, window cleaners and sex shops.

- 3.3 The licensing authority has powers to set fees for licences in order to recover the cost of operating the licensing system. This review has been undertaken in accordance the provisions of the Civic Government (Scotland) Act 1982 (the 1982 Act) and the Air Weapons and Licensing (Scotland) Act 2015 (the 2015 Act). The 1982 Act requires the licensing authority to review the fees from time to time and to ensure that the fees are sufficient to cover our administrative expenses.
- 3.4 The last review of fees was carried in April 2016 and a decision was taken at that time to maintain the fees at the then current level.
- 3.5 This current review has looked at costs incurred in the delivery of the civic government licensing function and has identified that an increase in fees is now required to ensure that fee income is sufficient to meet the expenses as the licensing authority is obliged to do by statute.

## **4 REVIEW OF COSTS**

- 4.1 The current fee structure is attached at Appendix A. It is proposed that following the consultation the Committee would approve the revised fees (the options are detailed in Appendix B attached to the report) to be adopted with effect from 20 December 2017 unless otherwise agreed.
- 4.2 Indicative costs for the Civic Licensing function in terms of assessing any increase have been calculated based upon an estimate of the time spent on processing licences by relevant officers and support staff as well as a proportional share of administration costs and access to shared services and facilities.
- 4.3 It is estimated that for the financial year 2016/17, the cost to the Council in exercising its functions under the Act for all civic fees (excluding taxis) was £91,110 while income was calculated at £87,441, a deficit of £3,669.
- 4.4 This is despite the Licensing Service and the Legal Support team that assists it operating under capacity as a result of staff vacancies which have now been filled. It is projected that costs for the financial year 2017/18 are already rising as the teams have been brought back up to their usual levels. While the Licensing Service has of course continued to meet the statutory demands of the licensing regime, there have been some delays at times of high demand as well as some staff working additional hours.
- 4.5 Changes to the Civic Government (Scotland) Act 1982 brought in by the Air Weapons and Licensing Act 2015 have resulted in the Licensing Authority administering a knowledge test for all private hire car drivers since December 2016, in addition to all taxi driver applicants. This has meant that the enforcement officers are now carrying out this additional work. In addition to this, the Immigration Act 2016 now also requires the Local Authority to confirm that taxis and private hire car drivers have the right to work in the UK. This in turn requires the Licensing Team to conduct approximately 1,350 face to face interviews and in some instances carry out further checks with the Home Office. The provisions of the Immigration Act 2016 will extend to applicants

for a personal licence and a late hours catering licence. It is believed that these provisions will come into force in October 2017 requiring a potential 2,500 face to face checks to be administered. Police Scotland are no longer carrying out driving licence checks with the DVLA and this responsibility has also been transferred to the Licensing Authority. There is no capacity within the current team to absorb the increased workload in the longer term, particularly given the new knowledge test requirements mentioned above. Some work has already been reallocated but there is no further capacity to reallocate to anyone else. Consequently, it is proposed that an additional 1 FTE Licensing and Immigration Assistant be recruited to the Licensing Team. This post is thought to be essential so that the licensing authority may comply with its statutory obligations. This post would be Grade 9, minimum costs of £25,198 (salary including oncosts at 33.1%) and maximum costs of £28,322 (salary including oncosts at 33.1%) per annum. An annual share of central support costs will be £4,598. Given that approximately 20% of this post would relate to civic licensing, 40% to Licensing Board and 40% to taxis, maximum costs of approximately £5,959 (20% of £29,798 [total salary, oncosts and central support costs]) is required from civic licensing fees (excluding taxis) to cover this post. A further business case will be submitted in order to establish the Licensing post.

- 4.6 In setting fees the Service has carried out some benchmarking activity to ensure that charging proposals are fair and reasonable. It is proposed that a review of any new fees be carried out at regular intervals to determine any impact that the fee increase may have on the number of licences and to ensure that the fees recovered continue to meet the cost of delivering the civic licensing function.
- 4.7 For benchmarking purposes the civic licensing fees charged by City of Edinburgh City of Glasgow, Perth & Kinross, and South Ayrshire as detailed in Appendices C to F of the report were compared with the proposed fees and found not to differ significantly, save in the case of Sex Shops, as detailed below. In comparing these fees, account was taken of the fact that there are legitimate variations in fees across Councils due to local policy choices and demographic profiles.
- 4.8 The Taxi Licensing Fee structure has remained substantially unchanged since 2009 when the current fees for taxi/private hire licence renewal £215 and taxi/private hire driver licence renewal £105 were set. Significant new costs have been taken on by the Council with regard to these licences. The licensing authority has assumed a number of responsibilities from Police Scotland including DVLA checks and responsibilities previously carried out by the Taxi Inspector. The Immigration Act 2016 which requires the Local Authority to carry out right to work checks for all taxi/private hire drivers which came into force on November 2016 represents a considerable outlay of time and work on behalf of legal support staff and enforcement officers, and this is not yet reflected in the application fees. Despite the foregoing, for financial year 2016-17 we have made a surplus for taxi/private hire licensing of approx. £9,000 from a turnover of approx. £400,000. This is compared to a deficit of £17,000 in 2015/16. The change is primarily due to the departure of several staff members from the Licensing Team and some one-off equipment costs for the Kittybrewster depot in 2015/16 which will not apply in 16/17 or 17/18.

No taxi survey however was carried out in 16/17 and so costs were less than they will be in 17/18. In addition there is also the potential additional proportion of costs to be met for the (1FTE) Licensing and Immigration Assistant as detailed above.

- 4.9 Given that the income from the Civic Licensing (excluding taxis) is not sufficient to meet the costs of the service, it is recommended that there is a general increase of the level of civic fees (excluding taxis), with the exception of public entertainment licences and sex shops, which are dealt with in more detail below. Three options are outlined as detailed in paragraph 6 below and as detailed in full in Appendix B. It is proposed in terms of the consultation exercise the taxi fees remain at their current levels with the exception of the taxi driver fee which is detailed below.

## 5 FEE REVIEW OPTIONS

	OPTIONS		
	A	B	C
EXPENDITURE	£	£	£
Expenditure based on 1617	91,110	91,110	91,110
20% of additional post	5,959	5,959	5,959
<b>TOTAL EXPENDITURE</b>	<b>97,069</b>	<b>97,069</b>	<b>97,069</b>
<b>INCOME</b>			
Income Based on 1617	(87,441)	(87,441)	(87,441)
Sex Shop New Fee Proposals	0	0	1,260
Sub Total	(87,441)	(87,441)	(86,181)
Option A - No increase	0		
Option B - 5% increase		(4,057)	
Option C - 10% increase			(8,114)
Income exluding increased PEL	(87,441)	(91,498)	(94,295)
Addition PEL 20 renewals 200 to 500 capacity	(2,100)	(2,100)	(2,100)
Additional PEL 2 renewals over 1500 capacity	(1,060)	(1,060)	(1,060)
<b>TOTAL INCOME</b>	<b>(90,601)</b>	<b>(94,658)</b>	<b>(97,455)</b>
<b>(SURPLUS)/DEFICIT</b>	<b>6,468</b>	<b>2,411</b>	<b>(386)</b>

We currently have 118 ongoing Public Entertainment Licences. Some of these are discounted, and some will not be renewed. On the assumption, however, that approximately 20 of these applications will be renewed and have capacity of 200-500 people, this would bring in an additional £2,100 in income for the year. Assuming that 2 of these applications will be renewed with a venue capacity of over 1,500, this would bring in additional income of £1,060, as per the above table.

- 5.1 Option A: Substantially no change to overall fee levels.
- Public Entertainment Licences will be banded according to venue capacity
  - Sex Shops will retain their current fee level.
  - No change to all other fees

This would not cover the cost of the proposed new Licensing and Immigration Assistant post which is deemed to be necessary in order to carry out the additional work required as a result of the statutory requirements outlined in paragraph 4.5 above. With the additional cost of this Post and with the increase proposed in Public entertainment Licences, there would be a deficit of £6,468.

- 5.2 Option B:
- Public Entertainment Licences will be banded according to venue capacity
  - Sex Shops will retain their current fee level.
  - Increase Civic fees (excluding taxis) by approximately 5%, rounded to the nearest £5

Assuming costs stay static, this would not be sufficient to cover the cost of the Licensing and Immigration Assistant post. (Income as per 16/7 on projected increase of 5% (retaining sex shops at their current fees and with the Public Entertainment Licence Increase) is £94,658. Costs would be £97,069 (to include new post.) This leaves a deficit of £2,411.

- 5.3 Option C:
- Public Entertainment Licences will be banded according to venue capacity
  - Sex Shops will be reduced by approximately 20%.
  - Increase Civic fees (excluding taxis) by approximately 10%, rounded to the nearest £5

This would remove the deficit in the Civic licensing regime and allow the post of the Licensing and Immigration Assistant to be covered. Income as per 16/17 on projected increase of 10% is 97,455 and costs would be £97,069 (to include new post) leaving a surplus of £386.

- 5.4 Proposal C will remove the deficit in the administration of Civic Licensing and will allow the Licensing Service to move towards meeting its costs and its statutory responsibilities under the relevant legislation. It will also allow for the Licensing Team to have full staff capacity, with the costs of the necessary post of the (1FTE) Licensing and Immigration Assistant being covered.

#### Sex Shop Licences

5.5 The cost of an application to Licence a Sex Shop is currently set at £5,250 for a 1 year grant and £3,150 for a 1 year renewal. It is proposed that in Option C these fees be reduced by 20%, in order to more accurately reflect the overall requirement that the total costs of the licensing system are met by the total amount of fees receivable.

#### Public Entertainment Licences

5.6 It is proposed that a fee scale should be introduced for public entertainment licences to reflect the volume of work associated with applications for different sizes of events.

- For events where there are less than 200 people attending, a 5% increase in fees is proposed.
- Where the capacity is from 200 to 1500, it is proposed to increase the fee by approximately 20%; and
- Where the capacity is above 1500, the fee proposed has been increased by approximately 100%.

Given the small number of venues in Aberdeen City that possess a capacity above 1500, it is expected that there will be a small number of such applications. Though the discounted fee for such applications has been calculated here for completeness, it is anticipated that the vast majority events of 200+ capacity are likely to be commercial in nature and ineligible for that discount. The committee previously decided that any non-commercial events would be charged a discounted fee for a public entertainment licence.

	<b>Period</b>	<b>Current</b>	<b>Proposed No. of attendees &lt;200</b>	<b>Proposed No. of attendees 200-1500</b>	<b>Proposed No. of attendees 1500+</b>
<b>Grant</b>	3 yrs	695	730	835	1390
<b>Discounted Grant</b>	3 yrs	174	185	210	345
<b>Renewal</b>	3 yrs	530	555	635	1060
<b>Discounted renewal</b>	3 yrs	132	140	160	260
<b>Variation</b>	N/A	273	285	330	550
<b>Discounted Variation</b>	N/A	71	75	85	140
<b>Temporary</b>	6 wks	324	340	390	650
<b>Discounted Temporary</b>	6 wks	81	85	95	160

5.7 It is recognised that venue capacity is not always an accurate indicator of the work and time that will be required by an application for a Public Entertainment Licence. However such a sliding scale is felt to offer a reasonable compromise between fairness, accuracy and accessibility. For benchmarking purposes the public entertainment licensing fees charged by City of Edinburgh, City of Glasgow, Perth & Kinross and South Ayrshire detailed in Appendices C to F of the report were compared with the proposed fees and all the local authorities fees in the appendices attached have a fee

scale for public entertainment licenses based on the number of attendees at the event. Adding this proposal would be in line with these other local authorities.

- 5.8 As with all types of licence applications, it is inevitable that more straightforward applications will cost less to administer than more complex ones. It is not required, nor is it the aim of the Licensing structure to match costs and expenditure penny for penny. Such a system would require costs to be charged back to the applicant after the licence had been granted and would be based on a level of time recording that would prove extremely onerous, especially given the fact that such work is split across several officers in multiple Council Services. It would also create a level of uncertainty for the applicant in terms of potential licensing costs which is likely to be challenged.
- 5.9 This proposed change will therefore allow the fee structure to accurately represent the broad costs of licensing and enforcing a range of public events without negatively impacting smaller community and charity functions that will still require such licences and will also be eligible for the discounted rate. The proposed fees have been compared to those charged by Edinburgh and Glasgow City Councils and are generally lower across all comparable categories.
- 5.10 Exemption warrants for scrap metal dealers will no longer be granted, due to changes brought about by the provisions of the Air Weapons and Licensing (Scotland) Act 2015.

#### Taxi Licence

- 5.11 The fee for a variation of a taxi licence or change of registration plate shall be reduced from £60 to £50, in order to lessen the discrepancy with the fee for a substitution (currently £35.) For a variation of a change in zone to include a new plate, this will remain at the current fee of £60.
- 5.12 It is proposed to add an expiry date onto taxi and private hire car drivers ID badges. This will allow the police and enforcement officers to know when the licence expires, and be a further reminder to the licence holders themselves. This will require the driver to renew their ID badge each year when they renew their licence. It is therefore proposed to increase the application fee by £10 (in addition to any other increase approved) to incorporate the ID badge charge into the application fee.
- 5.13 As mentioned in 5.5 Changes to the Civic Government (Scotland) Act 1982 brought in by the Air Weapons and Licensing Act 2015 have resulted in the Licensing Authority administering a knowledge test for all private hire car drivers since December 2016, in addition to all taxi driver applicants. At present, all applicants have three opportunities to pass the test, covered by the application fee, within six months of making their application. It is proposed that this be changed going forward, and that there be a charge of £20 for each test. This would help cover the cost of implementing the test, and would also reflect the position in other local authorities. As a benchmark, Glasgow City Council charge £23 for each sitting of the knowledge test. It

would also save significant time, as it would be necessary for each applicant to have passed the test before their application can be processed. This would avoid any issues with timescales, as the applicant could sit the test as many times as they required. This fee has been added into Appendix 2, for the purpose of updating the fees altogether, however this proposal will be dealt with by full report at the Licensing committee in February 2018.

## **6 CONSULTATION**

- 6.1 It is proposed that a degree of consultation on the proposals should be carried out. It is recommended that the consultation should extend to relevant community groups, community councils, the Taxi Consultation Group and voluntary associations. Steps will also be taken to consult with current licence holders. If agreed, consultation will take place by email only and will commence as soon as practicable following the Committee meeting. Responses will be invited to be made by 11 October 2017. The Council's Corporate Communications team will be asked to issue a press release and details of the consultation will be made available on the licensing pages of the Council's website. Social media will also promote this consultation.
- 6.2 Following the consultation, it is anticipated that a report summarising the responses received would be submitted to the meeting of the Licensing Committee on 19 December 2017. At that time the Committee would be invited to make a final decision on any changes to the fees.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 The Civic Government (Scotland) Act 1982 gives the Council power to set fees for individual civic licenses in order to recover the cost of providing the civic licensing service. In setting the fees, the Council must ensure that the income received by the Council "is sufficient to meet the expenses of the Authority" in exercising their functions under the Act. Under no circumstances should the Civic Licensing structure be regarded as a revenue-raising function. The proposed fees in Option C move towards cost recovery to the Licensing Authority, taking into account the projected costs required to be covered in 17/18.

## **8. LEGAL IMPLICATIONS**

- 8.1 The Licensing Authority is under a statutory duty under the Civic Government (Scotland) Act 1982 to review its fees from time to time and ensure that the total amount of fees receivable by the authority is sufficient to meet the expenses of the Authority" in exercising their functions under Parts I, II and Schedule 1 of the Act.

## **9. MANAGEMENT OF RISK**

- Financial



- 9.1 If Members were minded to maintain fees at the current level the licensing authority would not be able to meet its statutory obligations and move towards full cost recovery. Adoption of Option B would result in a similar outcome as once the usual level of staff costs are covered, the income received would be insufficient to allow the creation of the proposed new post of the (1FTE) Licensing and Immigration Assistant as there would still be a deficit.
- Employee
- 9.2 There is no risk to employees arising from the recommendations of this report
- Customer/Citizen
- 9.3 There is a risk to customers in that their fees will be increased.
- Environmental
- 9.4 There is no risk to the environment arising from the recommendations of this report.
- Technological
- 9.5 There is no risk to technology arising from the recommendations of this report.
- Legal
- 9.6 Implications as per paragraph 5.1 of this report.
- Reputational
- 9.7 There is no reputational risk arising from the recommendations of this report.

## **10. IMPACT SECTION**

### **Economy**

- 10.1 Any increase in application fees may have an adverse effect on business and applicants for licences, particularly in the current economic climate in Aberdeen, but this has to be weighed up against the licensing authority's ability to carry out its functions and statutory requirement to meet its expenses. To mitigate any increase Members may wish to consider particular licence types or sectors individually.

## **People**

- 10.2 An Equality and Human Rights Impact Assessment was not necessary as the report has no impact in terms of the public sector equality duty or people with protected characteristics.

## **Place**

- 10.3 There will be no impact on the place arising from the recommendations.

## **Technology**

- 10.4 There will be no impact on technology arising from the recommendations

## **11. BACKGROUND PAPERS**

Civic Government (Scotland) Act 1982  
Air Weapons and Licensing (Scotland) Act 2015

## **13. APPENDICES (if applicable)**

Appendix A – Current Fees list  
Appendix B – Proposed Fees  
Appendix C – Application Fees – Glasgow City Council  
Appendix D – Application Fees – Perth & Kinross Council  
Appendix E – Application Fees – City of Edinburgh Council  
Appendix F - Application Fees – South Ayrshire Council

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**ABERDEEN CITY COUNCIL**  
**LICENCE APPLICATION FEES**  
**W/E/F 26 APRIL 2016**

<b>CIVIC</b>		<b>DURATION</b>	<b>FEE</b>
BOAT HIRE	GRANT	1 YEAR	169
	RENEWAL		147
	TEMPORARY	6 WEEKS	94
INDOOR SPORTS ENTERTAINMENT	GRANT	3 YEARS	695
	RENEWAL		530
	VARIATION		273
	TEMPORARY	6 WEEKS	324
ITINERANT METAL DEALER	GRANT	3 YEARS	186
	RENEWAL		159
	VARIATION		79
	TEMPORARY	6 WEEKS	98
LATE HOURS CATERING	GRANT	3 YEARS	214
	RENEWAL		182
	VARIATION		99
	TEMPORARY	6 WEEKS	82
MARKET OPERATORS			
<b>On a Public Road .....</b>	GRANT	3 YEARS	879
	RENEWAL		567
	VARIATION		407
	TEMPORARY	6 WEEKS	879
<b>Private Ground .....</b>	GRANT	3 YEARS	327
	RENEWAL		219
	VARIATION		120
	TEMPORARY	6 WEEKS	329
METAL DEALERS	GRANT	3 YEARS	186
	RENEWAL		159
	VARIATION		79
	TEMPORARY	6 WEEKS	98
NON DOMESTIC KNIVES & SWORDS	GRANT	3 YEARS	218
	RENEWAL		191
	TEMPORARY	6 WEEKS	101
PUBLIC ENTERTAINMENT	GRANT	3 YEARS	695
	DISCOUNTED GRANT	3 YEARS	174
	RENEWAL		530
	DISCOUNTED RENEWAL		132
	VARIATION		273

	DISCOUNTED VARIATION		71
	TEMPORARY	6 WEEKS	324
	DISCOUNTED TEMPORARY	6 WEEKS	81
SECOND-HAND DEALER	GRANT	3 YEARS	210
	RENEWAL	3 YEARS	184
	TEMPORARY	6 WEEKS	97
	VARIATION		110
SEX SHOP	GRANT	1 YEAR	5,250
	RENEWAL		3,150
STREET TRADERS - EMPLOYERS	GRANT/RENEWAL	1 YEAR	178
EMPLOYEES	GRANT/RENEWAL	1 YEAR	103
	TEMPORARY	6 WEEKS	103
	SUBSTITUTION OF VEHICLE		125
	ADDITIONAL VEHICLE		57
	CONSENT FOR MATERIAL ALTERATION TO VEHICLE		103
	VARIATION OF LICENCE		108
ADVERT (HOT FOOD)			100
TATTOOING & SKIN PIERCING	GRANT	3 YEARS	325
	RENEWAL		277
	TEMPORARY		130
TAXI BOOKING OFFICES	GRANT	3 YEARS	218
	RENEWAL		191
	TEMPORARY	6 WEEKS	101
WINDOW CLEANERS	GRANT	3 YEARS	170
	RENEWAL		149
	TEMPORARY	6 WEEKS	27

<b>OTHER LICENCE TYPES</b>			
CINEMAS	GRANT/RENEWAL	1 YEAR	600
	TEMPORARY	1 MONTH	200
	TRANSFER		120
CIVIL MARRIAGE	GRANT/RENEWAL	3 YEARS	716
GAME DEALER	GRANT/RENEWAL	1 YEAR	130
THEATRE (NON EDUCATIONAL)	GRANT	1 YEAR	750
	RENEWAL		573

	TEMPORARY		294
	TRANSFER		198
THEATRE (NON EDUCATIONAL)	VARIATION		367
THEATRE (EDUCATIONAL)			EXEMPT
<b>TAXI AND PRIVATE HIRE CAR</b>			
TAXI/PRIVATE HIRE CAR DRIVERS LICENCE	GRANT	1 YEAR	50
	RENEWAL	3 YEARS	105
	TEMPORARY	6 WEEKS	50
OPERATORS (INCLUDING TESTS)	GRANT	1 YEAR	395
TAXI/PRIVATE HIRE CAR LICENCE	RENEWAL	1 YEAR	215
	TEMPORARY	6 WEEKS	80
APPROVAL OF TYPE – WHEELCHAIR ACCESSIBLE VEHICLES	N/A	N/A	250
VARIATION – CHANGE ZONE (INCLUDING NEW PLATE)			60
OTHER VARIATION			60
CHANGE OF REGISTRATION NO			60
SUBSTITUTION OF VEHICLE			35
NON ATTENDANCE/CANCELLATION			33
RE-TEST OF VEHICLE			33
ID BADGES (INCLUDING REPLACEMENT BADGES)			10
ROOF SIGN PARTS:			
	DEPOSIT		40
LARGE SIGN	COMPLETE		80
	REPLACEMENT TOP		45
	REPLACEMENT BASE		35
SMALL SIGN	REPLACEMENT TOP		35
	REPLACEMENT BASE		25
	MAGNETS		4 EA
	WIRING LOOM		10 EA
VEHICLE ID PLATE	VEHICLE PLATE REPLACEMENT		15

<b>MISCELLANEOUS FEES</b>			
CERTIFIED COPY LICENCE	CIVIC		17
	PREMISES LICENCE		50
VARIATION OF ZONE (CIVIC)			110
CONSENT FOR MATERIAL ALTERATION TO VEHICLE (CIVIC)			175
CONSENT FOR MATERIAL ALTERATION (CHANGE OF MANAGER)			50

<b>LICENSING (SCOTLAND) ACT 2005</b>	<b>RATEABLE VALUE</b>	<b>DURATION</b>	<b>FEE</b>
<b>PREMISES LICENCE APPLICATION FEE BY CATEGORY</b>			
CATEGORY 1	NON APPLICABLE		160
CATEGORY 2	BETWEEN £1 & £11,500		640
CATEGORY 3	BETWEEN £11,501 & £35,000		880
CATEGORY 4	BETWEEN £35,001 & £70,000		1040
CATEGORY 5	BETWEEN £70,001 & £140,000		1360
CATEGORY 6	OVER £140,001		1600
<b>PREMISES LICENCE ANNUAL FEE BY CATEGORY</b>			
CATEGORY 1	NON APPLICABLE		180
CATEGORY 2	BETWEEN £1 & £11,500		220
CATEGORY 3	BETWEEN £11,501 & £35,000		280
CATEGORY 4	BETWEEN £35,001 & £70,000		500
CATEGORY 5	BETWEEN £70,001 & £140,000		700
CATEGORY 6	OVER £140,001		900
<b>FEES UNDER REGULATION 11</b>	<b>APPLICATION</b>		<b>FEE</b>
SECTION 33(1) & 35(1)	TRANSFER (INCLUDING VARIATION)		195
SECTION 33(1)	TRANSFER (NO VARIATION)		45
SECTION 34(1) & 35(1)	TRANSFER (INCLUDING VARIATION)		195
SECTION 34(1)	TRANSFER (NO VARIATION)		45
SECTION 47(2)	TEMPORARY PREMISES LICENCE		150
SECTION 92(1)	REPLACEMENT PERSONAL LICENCE		25
<b>FEES UNDER REGULATION 12(1)</b>			
SECTION 29(1)	VARIATION (SUBSTITUTION OF MANAGER WITH IMMEDIATE EFFECT)		31
SECTION 29(1)	VARIATION (OTHER MINOR)		20

<b>FEES UNDER REGULATION 12(2)</b>			
SECTION 29(1)	VARIATION (NON MINOR)		150
<b>FEES UNDER REGULATIONS 15, 16 AND 17</b>			
SECTION 56(1)	OCCASIONAL		10
SECTION 68(1)	EXTENDED HOURS		10
SECTION 72(1)	PERSONAL LICENCE		50

<b>GAMBLING ACT 2005</b>			<b>FEE</b>
<b>PREMISES LICENCE APPLICATION FOR (A) PREMISES LICENCE OR (B) PROVISIONAL STATEMENT</b>			
	LARGE CASINO		7,500
	SMALL CASINO		6,000
	BINGO PREMISES		2,450
	ADULT GAMING CENTRE		1,400
	BETTING PREMISES (TRACK)		1,750
	FAMILY ENTERTAINMENT CENTRE		1,400
	BETTING PREMISES (OTHER)		2,100
<b>APPLICATION FOR A PREMISES LICENCE BY A PROVISIONAL STATEMENT HOLDER</b>			
	LARGE CASINO		3,750
	SMALL CASINO		2,250
	BINGO PREMISES		840
	ADULT GAMING CENTRE		840
	BETTING PREMISES (TRACK)		660
	FAMILY ENTERTAINMENT CENTRE		660
	BETTING PREMISES (OTHER)		840
<b>ANNUAL FEE</b>			
	LARGE CASINO		7,500
	SMALL CASINO		3,750
	CONVERTED CASINO		2,550
	BINGO PREMISES		700
	ADULT GAMING CENTRE		700

<b>ANNUAL FEE (continued)</b>			
	BETTING PREMISES (TRACK)		1,000
	FAMILY ENTERTAINMENT CENTRE		500
	BETTING PREMISES (OTHER)		400
<b>FIRST ANNUAL FEE</b>			
	LARGE CASINO		5,620
	SMALL CASINO		2,810
	BINGO PREMISES		525
	ADULT GAMING CENTRE		525
	BETTING PREMISES (TRACK)		750
	FAMILY ENTERTAINMENT CENTRE		375
	BETTING PREMISES (OTHER)		300
<b>APPLICATION TO VARY A LICENCE</b>			
	LARGE CASINO		3,750
	SMALL CASINO		3,000
	CONVERTED CASINO		1,500
	BINGO PREMISES		1,200
	ADULT GAMING CENTRE		700
	BETTING PREMISES (TRACK)		870
	FAMILY ENTERTAINMENT CENTRE		700
	BETTING PREMISES (OTHER)		1,050
<b>APPLICATION TO TRANSFER OR REINSTATE A LICENCE</b>			
	LARGE CASINO		1,600
	SMALL CASINO		1,350
	CONVERTED CASINO		1,000
	BINGO PREMISES		840
	ADULT GAMING CENTRE		840
	BETTING PREMISES (TRACK)		660
	FAMILY ENTERTAINMENT CENTRE		660



<b>APPLICATION TO TRANSFER OR REINSTATE A LICENCE</b> (continued)	BETTING PREMISES (OTHER)		840
<b>REGISTRATION OF A NON COMMERCIAL SOCIETY</b>			
	GRANT		40
	RENEWAL		20
<b>CHANGE OF CIRCUMSTANCE FEE</b>			50
<b>COPY LICENCE</b>			25
<b>APPLICATION FEES – PERMITS</b>		<b>DURATION</b>	<b>FEE</b>
<b>PERMIT TYPE</b>			
<b>FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMIT</b>			
	GRANT/RENEWAL	10 YEARS	300
	CHANGE OF NAME	N/A	25
	COPY PERMIT	N/A	15
<b>PRIZE GAMING PERMIT</b>			
	GRANT/RENEWAL	10 YEARS	300
	CHANGE OF NAME	N/A	25
	COPY PERMIT	N/A	15
<b>LICENSED PREMISES GAMING MACHINE PERMIT</b>			
	NOTIFICATION OF AUTOMATIC ENTITLEMENT UP TO 2 GAMING MACHINES		50
	GRANT (EXISTING OPERATORS)	UNLIMITED	100
	GRANT	UNLIMITED	150
	FIRST ANNUAL FEE (PAYABLE WITHIN 30 DAYS OF PERMIT ISSUE)	N/A	50
	ANNUAL FEE	N/A	50
	VARIATION	N/A	100
	TRANSFER	N/A	25
	CHANGE OF NAME	N/A	25
	COPY PERMIT	N/A	15
<b>CLUB GAMING PERMIT/CLUB MACHINE PERMIT</b>			
	GRANT	10 YEARS	200
	GRANT (EXISTING OPERATORS)	10 YEARS	100
	RENEWAL	10 YEARS	200
	FIRST ANNUAL FEE (PAYABLE WITHIN 30		50

	DAYS OF PERMIT ISSUE)		
	ANNUAL FEE	N/A	50
	VARIATION	N/A	100
	COPY PERMIT	N/A	15

**ABERDEEN CITY COUNCIL**  
**LICENCE APPLICATION FEES**  
**PROPOSALS A/B/C**

<b>CIVIC</b>		<b>DURATION</b>	<b>FEE</b>	<b>Prop A</b>	<b>Prop B</b>	<b>Prop C</b>
BOAT HIRE	GRANT	1 YEAR	169	169	175	185
	RENEWAL		147	147	150	160
	TEMPORARY	6 WEEKS	94	94	100	105
INDOOR SPORTS ENTERTAINMENT	GRANT	3 YEARS	695	695	730	765
	RENEWAL		530	530	555	585
	VARIATION		273	273	285	300
	TEMPORARY	6 WEEKS	324	324	340	355
ITINERANT METAL DEALER	GRANT	3 YEARS	186	186	195	205
	RENEWAL		159	159	165	175
	VARIATION		79	79	85	90
	TEMPORARY	6 WEEKS	98	98	105	110
LATE HOURS CATERING	GRANT	3 YEARS	214	214	225	235
	RENEWAL		182	182	190	200
	VARIATION		99	99	105	110
	TEMPORARY	6 WEEKS	82	82	85	90
MARKET OPERATORS						
<b>On a Public Road .....</b>	GRANT	3 YEARS	879	879	925	965
	RENEWAL		567	567	600	625
	VARIATION		407	407	425	450
	TEMPORARY	6 WEEKS	879	879	825	965
<b>Private Ground .....</b>	GRANT	3 YEARS	327	327	345	360
	RENEWAL		219	219	230	240
	VARIATION		120	120	125	130
	TEMPORARY	6 WEEKS	329	329	345	360
METAL DEALERS	GRANT	3 YEARS	186	186	195	205
	RENEWAL		159	159	165	175
	VARIATION		79	79	85	90
	TEMPORARY	6 WEEKS	98	98	105	110
NON DOMESTIC KNIVES & SWORDS	GRANT	3 YEARS	218	218	230	240
	RENEWAL		191	191	200	210
	TEMPORARY	6 WEEKS	101	101	105	110

PUBLIC ENTERTAINMENT	See Table No. 3.26 in Report					
SECOND-HAND DEALER	GRANT	3 YEARS	210	210	220	230
	RENEWAL	3 YEARS	184	184	190	200
	TEMPORARY	6 WEEKS	97	97	105	110
	VARIATION		110	110	115	120
SEX SHOP	GRANT	1 YEAR	5,250	5,250	5,250	3150
	RENEWAL		3,150	3,150	3,150	1890
STREET TRADERS - EMPLOYERS	GRANT/RENEWAL	1 YEAR	178	178	185	195
EMPLOYEES	GRANT/RENEWAL	1 YEAR	103	103	110	115
	TEMPORARY	6 WEEKS	103	103	105	115
	SUBSTITUTION OF VEHICLE		125	125	130	140
	ADDITIONAL VEHICLE		57	57	60	65
	CONSENT FOR MATERIAL ALTERATION TO VEHICLE		103	103	105	115
	VARIATION OF LICENCE		108	108	110	120
ADVERT (HOT FOOD)			100	100	100	100
ID BADGE			7.50			
TATTOOING & SKIN PIERCING	GRANT	3 YEARS	325	325	340	360
	RENEWAL		277	277	290	305
	TEMPORARY		130	130	135	145
TAXI BOOKING OFFICES	GRANT	3 YEARS	218	218	225	240
	RENEWAL		191	191	195	210
	TEMPORARY	6 WEEKS	101	101	105	110
WINDOW CLEANERS	GRANT	3 YEARS	170	170	175	185
	RENEWAL		149	149	155	165
	TEMPORARY	6 WEEKS	27	27	30	30

<b>OTHER LICENCE TYPES</b>		<b>Duration</b>	<b>Fee</b>	<b>Prop A</b>	<b>Prop B</b>	<b>Prop C</b>
CINEMAS	GRANT/RENEWAL	1 YEAR	600	600	600	600
	TEMPORARY	1 MONTH	200	200	200	200
	TRANSFER		120	120	120	120
CIVIL MARRIAGE	GRANT/RENEWAL	3 YEARS	716	716	750	790
GAME DEALER	GRANT/RENEWAL	1 YEAR	130	130	135	145
THEATRE (NON EDUCATIONAL)	GRANT	1 YEAR	750	750	790	825
	RENEWAL		573	573	600	630
	TEMPORARY		294	294	315	325
	TRANSFER		198	198	210	220
THEATRE (NON EDUCATIONAL)	VARIATION		367	367	380	405
THEATRE (EDUCATIONAL)			EXEMPT	N/A	N/A	N/A

<b>TAXI AND PRIVATE HIRE CAR</b>		<b>Duration</b>	<b>Current Fee</b>	<b>Prop A</b>	<b>Prop B</b>	<b>Prop C</b>
TAXI/PRIVATE HIRE CAR DRIVERS LICENCE	GRANT	1 YEAR	50	60	60	60
	RENEWAL	3 YEARS	105	115	115	115
	TEMPORARY	6 WEEKS	50	60	60	60
OPERATORS (INCLUDING TESTS)	GRANT	1 YEAR	395	395	N/A	N/A
TAXI/PRIVATE HIRE CAR LICENCE	RENEWAL	1 YEAR	215	215	N/A	N/A
	TEMPORARY	6 WEEKS	80	80	N/A	N/A
APPROVAL OF TYPE – WHEELCHAIR ACCESSIBLE VEHICLES	N/A	N/A	250	250	N/A	N/A
VARIATION – CHANGE ZONE (INCLUDING NEW PLATE)			60	60	N/A	N/A
OTHER VARIATION			60	50	N/A	N/A

CHANGE OF REG NO			60	50	N/A	N/A
SUBSTITUTION OF VEHICLE			35	35	N/A	N/A
NON-ATTENDANCE /CANCELLATION			33	33	N/A	N/A
RE-TEST OF VEHICLE			33	33	N/A	N/A
STREET KNOWLEDGE TEST			20	20	N/A	N/A
ID BADGES (INCLUDING REPLACEMENT BADGES)			10	10	N/A	N/A
ROOF SIGN PARTS:						0
	DEPOSIT		40	40	N/A	N/A
LARGE SIGN	COMPLETE		80	80	N/A	N/A
	REPLACEMENT TOP		45	45	N/A	N/A
	REPLACEMENT BASE		35	35	N/A	N/A
SMALL SIGN	REPLACEMENT TOP		35	35	N/A	N/A
	REPLACEMENT BASE		25	25	N/A	N/A
	MAGNETS		4 EA	4 EA	N/A	N/A
	WIRING LOOM		10 EA	10 EA	N/A	N/A
VEHICLE ID PLATE	VEHICLE PLATE REPLACEMENT		15	15	N/A	N/A

<b>MISCELLANEOUS FEES</b>			<b>Fee</b>	<b>Prop A</b>	<b>Prop B</b>	<b>Prop C</b>
CERTIFIED COPY LICENCE	CIVIC		17	17	20	20
	PREMISES LICENCE		50	50	50	50
VARIATION OF ZONE (CIVIC)			110	110	115	120
CONSENT FOR MATERIAL ALTERATION TO VEHICLE (CIVIC)			175	175	180	190
CONSENT FOR MATERIAL ALTERATION (CHANGE OF MANAGER)			50	50	55	55



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# GLASGOW CITY COUNCIL

## LICENSING SECTION, CORPORATE SERVICES

### CURRENT APPLICATION FEES & CHARGES

Please refer to this document for a full list of applications fees and other charges sets by the Licensing Section of Glasgow City Council from April 2011.

If you have any questions regarding this document please contact us.

The Council reserves the right to update this document at any time.

#### **Contact Us:**

Licensing Section  
Glasgow City Council  
City Chambers  
George Square  
Glasgow G2 1DU

**Phone:** 0141 287 4812

**Fax:** 0141 287 5569

**Email:** [LicensingEnquiries@glasgow.gov.uk](mailto:LicensingEnquiries@glasgow.gov.uk)

**GLASGOW CITY COUNCIL: LICENSING SECTION, CORPORATE SERVICES  
FEES & CHARGES FROM APRIL 2011**

**CONTENTS**

**1. TAXI / PRIVATE HIRE CAR**

**Application Fees for Licence**

- A Grant of Private Hire Car Drivers Licence
- B Renewal of Private Hire Car Drivers Licence
- C Grant of Taxi Drivers Licence
- D Renewal of Taxi Drivers Licence
- E Grant of Private Hire Car Licence
- F Renewal of Private Hire Car Licence
- G Grant of Taxi Licence
- H Renewal of Taxi Licence
- I Booking Office

**Additional Items**

- J Substitute Vehicle (Taxi / Private hire Car)
- K Paragraph 9(1)
- L Topographical Test
- M Duplicate Licence
- N Duplicate Identification Badge

**Vehicle Identification Plates**

- O Taxi Identification Plate (cost per plate)
- P Full Set – Private Hire Car Identification Plates (with Bracket)
- Q Full Set – Private Hire Car Identification Plates (no Bracket)
- R Private Hire Car Identification Plates – Front Plate
- S Private Hire Car Identification Plates – Rear Plate
- T Private Hire Car Identification Plates – Side Stickers
- U Private Hire Car Identification Plates – Front Bracket
- V Private Hire Car Identification Plates – Rear Bracket Plate
- W Private Hire Car Identification Plates – Strapping Kit

**Taxi Advertising**

- X Full Livery Advert
- Y Superside Advert
- Z Double Door Advert
- AA Hub Car Advert
- AB Full Livery and Hub Cap Advert

**2. CIVIC GOVERNMENT LICENCES**

**Application Fees for Licence**

- A Late Hours Catering
- B Second Hand Dealer
- C Market Operator
- D Metal Dealer
- E Itinerant Metal Dealer
- F Metal Dealer Exemption Warrant
- G Skin Piercing and Tattooing
- H Sex Shop
- I Street Traders
- J Window Cleaner (As Business)
- K Window Clearer (As Individual)
- L Knife Dealer

**Additional Items**

- M Duplicate Licence
- N Variation of Licence – Premises
- O Variation of Licence – Other

## **GLASGOW CITY COUNCIL: LICENSING SECTION, CORPORATE SERVICES FEES & CHARGES FROM APRIL 2011**

### **3. PUBLIC ENTERTAINMENT, PUBLIC ENTERTAINMENT (HEALTH & FITNESS) AND INDOOR SPORTS ENTERTAINMENT**

#### **Application Fees for Licence**

- A A commercial operation where the capacity of the venue is up to 5000 persons
- B A commercial operation where the capacity of the venue exceeds 5000 persons but is less than 10,000 persons
- C A commercial operation where the capacity of the venue exceeds 10,000 persons
- D A commercial event held within a Designated Stadium as defined by the Safety of Sports Grounds Act where a Safety Certificate has been granted
- E Other commercial events (including festival events or events with local community input or publicly subsidised events organised by local authorities)
- F Fair Grounds
- G Tanning Saloons (Sun Beds)
- H Non Commercial Events
- I Community Bases Organisations

#### **Additional Items**

- J Duplicate Licence
- K Variation of Licence – Premises

### **4. HOUSES IN MULTIPLE OCCUPATION**

#### **Application Fees for Grant of HMO Licence**

- A Occupancy Level – Up to 10 Persons
- B Occupancy Level – Between 11 and 100 Persons
- C Occupancy Level – Between 101 and 200 Persons
- D Occupancy Level – Between 201 and 300 Persons
- E Occupancy Level – Between 301 and 400 Persons
- F Occupancy Level – Between 401 and 500 Persons
- G Occupancy Level – Between 501 and 600 Persons
- H Occupancy Level – Between 601 and 700 Persons

#### **Application Fees for Renewal of HMO Licence**

- I Occupancy Level – Up to 10 Persons
- J Occupancy Level – Between 11 and 100 Persons
- K Occupancy Level – Between 101 and 200 Persons
- L Occupancy Level – Between 201 and 300 Persons
- M Occupancy Level – Between 301 and 400 Persons
- N Occupancy Level – Between 401 and 500 Persons
- O Occupancy Level – Between 501 and 600 Persons
- P Occupancy Level – Between 601 and 700 Persons

#### **Application Fees for Variation of Licence Due to Alterations**

- Q Occupancy Level – Up to 10 Persons
- R Occupancy Level – Between 11 and 100 Persons
- S Occupancy Level – Between 101 and 200 Persons
- T Occupancy Level – Between 201 and 300 Persons
- U Occupancy Level – Between 301 and 400 Persons
- V Occupancy Level – Between 401 and 500 Persons
- W Occupancy Level – Between 501 and 600 Persons
- X Occupancy Level – Between 601 and 700 Persons

#### **Application Fees for Variation of Licence Due to Change in Occupant Capacity**

- Y Occupancy Level – Up to 10 Persons
- Z Occupancy Level – Between 11 and 100 Persons
- AA Occupancy Level – Between 101 and 200 Persons

**GLASGOW CITY COUNCIL: LICENSING SECTION, CORPORATE SERVICES  
FEES & CHARGES FROM APRIL 2011**

- AB Occupancy Level – Between 201 and 300 Persons
- AC Occupancy Level – Between 301 and 400 Persons
- AD Occupancy Level – Between 401 and 500 Persons
- AE Occupancy Level – Between 501 and 600 Persons
- AF Occupancy Level – Between 601 and 700 Persons

**Additional Items**

- AG Duplicate Licence

**5. MISCELLANEOUS LICENCES**

**Application Fees for Licence**

- A Sale of Venison
- B Pet Shop
- C Storage of Poisons
- D Theatre Licence
- E Cinema Licence (Per Screen)
- F Animal Boarding Establishments
- G Breeding Establishments for Dogs
- H Dangerous Wild Animals
- I Horse Riding Establishments
- J Performing Animals
- K Civil Marriage – Premises (Period Approval)
- L Civil Marriage – Other
- N Safety of Sports Grounds – Special Safety Certificate
- M Safety of Sports Grounds – Grant of Regulated Stand Certificate

**Additional Items**

- O Duplicate Licence
- P Transfer of Theatre Licence
- Q Transfer of Cinema Licence

**6. OTHER CHARGES**

- A Certified Extract from any Register of Applications for Licence
- B Photocopy Charges

**GLASGOW CITY COUNCIL: LICENSING SECTION, CORPORATE SERVICES  
FEES & CHARGES FROM APRIL 2011**

**NOTES OF FEES:**

**1. METHOD OF PAYMENT**

**At the Licensing Service Desk**

Payment can be made by cash, cheque, postal order or debit/credit card.

**By Post**

Payment submitted by post should be in the form of Cheque or Postal Order.

**Do not send cash by post.**

All Cheques and Postal Orders should be made payable to Glasgow City Council.

**2. PARTIAL PAYMENT**

Applications will not be lodged without payment in full.

**3. PAYMENT BY 3<sup>RD</sup> PARTY**

Payments will only be accepted from the applicant (i.e. an individual or company named on the application form) or their registered agent (i.e. Solicitor or Accountant).

**Payments made by a 3<sup>rd</sup> party other than a Registered Agent will not be accepted.**

**3. BACS / ELECTRONIC FUND TRANSFER**

The Licensing Section does not routinely accept payment by EFT for applications; you should contact the Licensing Section directly if you wish to make payment by EFT.

**4. INTERNAL CUSTOMERS**

Internal Council Customers can make payment via cross journal entries. Please note payment from ALEOs can only be accepted by cheque. Contact the Licensing Section directly for more information.

**GLASGOW CITY COUNCIL: LICENSING SECTION, CORPORATE SERVICES  
FEES & CHARGES FROM APRIL 2011**

**1. TAXI AND PRIVATE HIRE CAR**

<b>Application Fees for Licence</b>		<b>Temporary (£)</b>	<b>3 Years (£)</b>
A	Grant of Private Hire Car Drivers Licence	68	162
B	Renewal of Private Hire Car Drivers Licence		162
C	Grant of Taxi Drivers Licence	68	162
D	Renewal of Taxi Drivers Licence		162
E	Grant of Private Hire Car Licence <sup>1</sup>	168	402
F	Renewal of Private Hire Car Licence <sup>1</sup>		402
G	Grant of Taxi Licence	168	402
H	Renewal of Taxi Licence		402
I	Booking Office	298	298
<b>Additional Items</b>			<b>Charge (£)</b>
J	Substitute Vehicle (Taxi / Private hire Car)		27
K	Paragraph 9(1)		25
L	Topographical Test		23
M	Duplicate Licence		11
N	Duplicate Identification Badge		11
<b>Vehicle Identification Plates</b>			<b>Charge (£)</b>
O	Taxi Identification Plate (cost per plate)		10
P	Full Set – Private Hire Car Identification Plates (with Bracket)		28
Q	Full Set – Private Hire Car Identification Plates (no Bracket)		17
R	Private Hire Car Identification Plates – Front Plate		6
S	Private Hire Car Identification Plates – Rear Plate		6
T	Private Hire Car Identification Plates – Side Stickers		5
U	Private Hire Car Identification Plates – Front Bracket		4
V	Private Hire Car Identification Plates – Rear Bracket Plate		7
W	Private Hire Car Identification Plates – Strapping Kit		8

**GLASGOW CITY COUNCIL: LICENSING SECTION, CORPORATE SERVICES  
FEES & CHARGES FROM APRIL 2011**

<b>Taxi Advertising</b>	<b>Charge (£)</b>
X Full Livery Advert	105
Y Superside Advert	42
Z Double Door Advert	21
AA Hub Cap Advert	21
AB Full Livery and Hub Cap Advert	105

**NOTE:**

1. Applicants for Private Hire Car Licence must pay for Vehicle Identification Plates at the time of lodging their application. Please refer to the application form for more details.

**GLASGOW CITY COUNCIL: LICENSING SECTION, CORPORATE SERVICES  
FEES & CHARGES FROM APRIL 2011**

**2. CIVIC GOVERNMENT**

<b>Application Fees for Licence</b>	<b>Temporary (£)</b>	<b>3 Years (£)</b>
A Late Hours Catering	75	181
B Second Hand Dealer	124	298
C Market Operator	124	298
D Metal Dealer	124	298
E Itinerant Metal Dealer		121
F Metal Dealer Exemption Warrant	121	121
G Skin Piercing and Tattooing	122	293
H Sex Shop	12798	
I Street Traders	62	147
J Window Cleaner (As Business)	122	293
K Window Clearer (As Individual)	62	147
L Knife Dealer		643
<b>Additional Items</b>		<b>Charge (£)</b>
M Duplicate Licence		11
N Variation of Licence – Premises		70
O Variation of Licence – Other		25



**GLASGOW CITY COUNCIL: LICENSING SECTION, CORPORATE SERVICES  
FEES & CHARGES FROM APRIL 2011**

**3. PUBLIC ENTERTAINMENT,  
PUBLIC ENTERTAINMENT (HEALTH & FITNESS),  
INDOOR SPORTS ENTERTAINMENT**

<b>Application Fees for Licence</b>		<b>Temporary (£)</b>	<b>3 Years (£)</b>
A	A commercial operation where the capacity of the venue is up to 5000 persons	597	1792
B	A commercial operation where the capacity of the venue exceeds 5000 persons but is less than 10,000 persons	3810	3810
C	A commercial operation where the capacity of the venue exceeds 10,000 persons	7520	7520
D	A commercial event held within a Designated Stadium as defined by the Safety of Sports Grounds Act where a Safety Certificate has been granted	597	1792
E	Other commercial events (including festival events or events with local community input or publicly subsidised events organised by local authorities)	248	597
F	Fair Grounds	597	1792
G	Sunbeds (Tanning Salons)	122	293
H	Non Commercial Events	124	298
I	Community Bases Organisations	27	
<b>Additional Items</b>			<b>Charge (£)</b>
J	Duplicate Licence		11
K	Variation of Licence – Premises		70

**GLASGOW CITY COUNCIL: LICENSING SECTION, CORPORATE SERVICES  
FEES & CHARGES FROM APRIL 2011**

**4. HOUSES IN MULTIPLE OCCUPATION**

<b>Application Fees for New HMO Licence</b>		<b>3 Years (£)</b>
A	Occupancy Level – Up to 10 Persons	1906
B	Occupancy Level – Between 11 and 100 Persons	4036
C	Occupancy Level – Between 101 and 200 Persons	8745
D	Occupancy Level – Between 201 and 300 Persons	13453
E	Occupancy Level – Between 301 and 400 Persons	18162
F	Occupancy Level – Between 401 and 500 Persons	22870
G	Occupancy Level – Between 501 and 600 Persons	27579
H	Occupancy Level – Between 601 and 700 Persons	32288
<b>Application Fees for Existing HMO Licence</b>		<b>Charge (£)</b>
I	Occupancy Level – Up to 10 Persons	953
J	Occupancy Level – Between 11 and 100 Persons	2018
K	Occupancy Level – Between 101 and 200 Persons	4372
L	Occupancy Level – Between 201 and 300 Persons	6666
M	Occupancy Level – Between 301 and 400 Persons	9081
N	Occupancy Level – Between 401 and 500 Persons	11435
O	Occupancy Level – Between 501 and 600 Persons	13790
P	Occupancy Level – Between 601 and 700 Persons	16144
<b>Application Fees for Variation of Licence Due to Alteration</b>		<b>Charge (£)</b>
Q	Occupancy Level – Up to 10 Persons	953
R	Occupancy Level – Between 11 and 100 Persons	2018
S	Occupancy Level – Between 101 and 200 Persons	4372
T	Occupancy Level – Between 201 and 300 Persons	6666
U	Occupancy Level – Between 301 and 400 Persons	9081
V	Occupancy Level – Between 401 and 500 Persons	11435
W	Occupancy Level – Between 501 and 600 Persons	13790

**GLASGOW CITY COUNCIL: LICENSING SECTION, CORPORATE SERVICES  
FEES & CHARGES FROM APRIL 2011**

X	Occupancy Level – Between 601 and 700 Persons	16144
<b>Application Fees for Variation of Licence Due to Change in Occupant Capacity</b>		<b>Charge (£)</b>
Y	Occupancy Level – Up to 10 Persons	572
Z	Occupancy Level – Between 11 and 100 Persons	1211
AA	Occupancy Level – Between 101 and 200 Persons	2623
AB	Occupancy Level – Between 201 and 300 Persons	4036
AC	Occupancy Level – Between 301 and 400 Persons	5449
AD	Occupancy Level – Between 401 and 500 Persons	6861
AE	Occupancy Level – Between 501 and 600 Persons	8274
AF	Occupancy Level – Between 601 and 700 Persons	9686
<b>Additional Items</b>		<b>Charge (£)</b>
AG	Duplicate Licence	11

1. Applications for Grant due to Change of Manager will only be accepted if existing Licence does not expiry within one year from the date the application is lodged.

**Educational Institutions**

Glasgow City Council has agreed capped fees with the following Educational Institutions:

- Glasgow University
- Strathclyde University
- Caledonian University
- Glasgow School of Art

Details of these capped fees are available on request.

**GLASGOW CITY COUNCIL: LICENSING SECTION, CORPORATE SERVICES  
FEES & CHARGES FROM APRIL 2011**

**5. MISCELLANEOUS LICENCES**

<b>Application Fees for Licence</b>	<b>Temporary (£)</b>	<b>1 Years (£)</b>
A Sale of Venison		29
B Pet Shop		23
C Storage of Poisons		23
D Theatre Licence		597
E Cinema Licence (Per Screen)		250
F Animal Boarding Establishments		23
G Breeding Establishments for Dogs		23
H Dangerous Wild Animals		84
I Horse Riding Establishments		23
J Performing Animals		84
K Civil Marriage – Premises (Period Approval)	732	732
L Civil Marriage – Other	732	732
N Safety of Sports Grounds – Special Safety Certificate	5306	
M Safety of Sports Grounds – Grant of Regulated Stand Certificate		109
<b>Additional Items</b>		<b>Charge (£)</b>
O Duplicate Licence		11
P Transfer of Theatre Licence		305
Q Transfer of Cinema Licence		125

**GLASGOW CITY COUNCIL: LICENSING SECTION, CORPORATE SERVICES  
FEES & CHARGES FROM APRIL 2011**

**6. OTHER CHARGES**

<b>Miscellaneous Charges</b>	<b>Charge (£)</b>
A Certified Extract from any Register of Applications for Licence	11
B Photocopy Charge (per sheet)	0.10

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## PERTH AND KINROSS COUNCIL

## Strategic Policy and Resources Committee – 17 June 2015

## CHIEF EXECUTIVE'S SERVICE ANNUAL SCHEME OF CHARGES

## Report by the Head of Finance

**PURPOSE OF REPORT**

This report provides details of the current charges in place within the Chief Executive's Service and seeks approval of all discretionary charges that have not been approved by any other Committee. The charges currently in place for financial year 2015/16 are detailed in Appendices 1 to 4.

**1. BACKGROUND**

- 1.1 Financial regulations state that reviews of charges must be carried out at least annually and reported to Committee. This report sets out the proposed charges levied by the Chief Executive's Service for financial year 2015/16.
- 1.2 There are a number of charges levied by the Chief Executive's Service that are set independently e.g. some registration service charges that are set by the Registrar General or licensing fees that are set by the Licensing Board or Licensing Committee in line with prescribed limits. All charges listed in Appendix 2 were approved at either the Licensing Board on 2 September 2010 or the Licensing Committee on 19 April 2012 (Report No. 12/173 refers). No report has been submitted to the Licensing Board since 2010 as the majority of charges have been set at the statutory maximum which has not changed since 2010. It has also been historical practice to submit a report to the Licensing Committee on a bi-annual basis. However, the report was not submitted in 2014 due to pressure of work and the relatively low inflation then prevailing. It is proposed that the next report will be brought to the Licensing Committee during the current financial year.
- 1.3 There has been no increase in any charges detailed within appendices 1 to 4 between financial years 2014/15 to 2015/16.
- 1.4 It is proposed a report will be brought to this Committee prior to the consideration of the budget each year to approve the charges proposed for the following financial year. This report will provide an options appraisal where appropriate and also detail the rational for any proposed changes to the charges levied detailing any market research/benchmarking that has been undertaken. Any changes will be reflected within the budget process.

**2. PROPOSALS**

- 2.1 Appendices 1 to 4 set out the charges for the Chief Executive's Service for 2015/16 on a Divisional Basis.

- 2.2 Changes to these charges will be reported to future meetings of this Committee and incorporated into revenue budget submissions. For example the Registrar General has indicated that there may be an increase to the statutory fees later this year, possibly September or October but this is still to be confirmed.

### 3. CONCLUSION AND RECOMMENDATION

- 3.1 This report provides a summary of the charges for 2015/16.
- 3.2 The Committee is asked to note the contents of the report and approve all discretionary charges that have not been approved by any other Committee.

#### Author(s)

Name	Designation	Contact Details
Craig Robertson	Central Services Manager	<a href="mailto:crobertson@pkc.gov.uk">crobertson@pkc.gov.uk</a> 01738 475635

#### Approved

Name	Designation	Date
John Symon	Head of Finance	19 May 2015

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You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.



## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	<b>None</b>
Corporate Plan	<b>Yes</b>
<b>Resource Implications</b>	
Financial	<b>Yes</b>
Workforce	<b>None</b>
Asset Management (land, property, IST)	<b>None</b>
<b>Assessments</b>	
Equality Impact Assessment	<b>Yes</b>
Strategic Environmental Assessment	<b>Yes</b>
Sustainability (community, economic, environmental)	<b>Yes</b>
Legal and Governance	<b>None</b>
Risk	<b>None</b>
<b>Consultation</b>	
Internal	<b>Yes</b>
External	<b>None</b>
<b>Communication</b>	
Communications Plan	<b>None</b>

### 1. Strategic Implications

#### 1.1 Corporate Plan

1.1.1 The Council's Corporate Plan 2013 – 2018 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:

- (i) Giving every child the best start in life;
- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

1.1.2 This report relates to all objectives.

### 2. Resource Implications

#### 2.1 Financial

2.1.1 There are no direct financial implications arising from this report other than those reported within the body of the main report.

### **3. Assessments**

#### **3.1 Equality Impact Assessment**

- 3.1.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.1.2 The information contained within this report has been considered under the Corporate Equalities Impact Assessment process (EqIA) and has been assessed as **not relevant** for the purposes of EqIA.

#### **3.2 Strategic Environmental Assessment**

- 3.2.1 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 3.2.2 The information contained within this report has been considered under the Act. However, no action is required as the Act does not apply to the matters presented in this report.

#### **3.3 Sustainability**

- 3.3.1 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.3.2 The information contained within this report has been considered under the Act. However, no action is required as the Act does not apply to the matters presented in this report.

### **4. Consultation**

#### **4.1 Internal**

- 4.1.1 The Chief Executive has been consulted in the preparation of this report.

### **5. BACKGROUND PAPERS**

- 5.1 No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

**6. APPENDICES**

Appendix 1 – The Chief Executive’s Service Democratic Services charges 2015/16.

Appendix 2 – The Chief Executive’s Service Legal Services charges 2015/16.

Appendix 3 – The Chief Executive’s Service Finance Division charges 2015/16.

Appendix 4 – The Chief Executive’s Service Human Resources charges 2015/16.



**The Chief Executive's Service - Democratic Services charges 2015/16**

<b>Description</b>	<b>Amount</b>	<b>Regime</b>
<b>Registration Fees</b>		
Full or abbreviated extract -purchased within one month of registration -where the Registrar is given sight of a full or abbreviated extract	£10	Statutory
Full or abbreviated extract -purchased more than one month after the date of registration	£15	Statutory
Submission of marriage notice (per notice form)	£30	Statutory
For solemnisation of civil marriage/ civil partnership	£55	Statutory
Extra fee payable for more than 8 people in the Tay Suite (during office hours)	£55	Discretionary
Extra fee payable for use of the Old Council Chambers (during office hours)	£130	Discretionary
Extra fee payable for weekday ceremonies (out with normal office hours)	£165	Discretionary
Extra fee payable for weekend ceremonies	£190	Discretionary
Naming Ceremony	£180	Discretionary
Renewal of Vows	£180	Discretionary
Particular Search	£5	Statutory
General Search	£15	Statutory
Individual Citizenship Ceremony	£80	Statutory
<b>Design Works</b>		
Designer	£50 per hour	Discretionary
Design Assistant	£35 per Hour	Discretionary



**PERTH AND KINROSS LICENSING BOARD**

**FEES UNDER THE LICENSING (SCOTLAND) ACT 2005**

<b><u>DESCRIPTION</u></b>	<b><u>AMOUNT</u></b>	<b><u>REGIME</u></b>
<b>PREMISES LICENCE APPLICATION</b>		
Category 1	£200	Statutory
Category 2	£800	Statutory
Category 3	£1,100	Statutory
Category 4	£1,300	Statutory
Category 5	£1,700	Statutory
Category 6	£2,000	Statutory
<b>PREMISES LICENCE ANNUAL FEE</b>		
Category 1	£180	Statutory
Category 2	£220	Statutory
Category 3	£280	Statutory
Category 4	£500	Statutory
Category 5	£700	Statutory
Category 6	£900	Statutory
<b>PROVISIONAL PREMISES LICENCE APPLICATION (All categories)</b>	£200	Statutory
<b>CONFIRMATION OF A PROVISIONAL PREMISES LICENCE</b>		
Category 1	£0	Statutory
Category 2	£600	Statutory
Category 3	£900	Statutory
Category 4	£1,100	Statutory
Category 5	£1,500	Statutory
Category 6	£1,800	Statutory
<b>APPLICATION FOR TRANSFER UNDER SECTION 33</b>		
On its own	£50	Statutory
Including an application for minor variation under section 35(1)	£60	Statutory
<b>Including an application for variation (which is not a minor variation) under section 35(1)</b>		
Category 1	£75	Statutory

Category 2	£225	Statutory
Category 3	£300	Statutory
Category 4	£350	Statutory
Category 5	£450	Statutory
Category 6	£525	Statutory
<b>APPLICATION FOR TRANSFER UNDER SECTION 34</b>		
On its own	£50	Statutory
Including an application for minor variation under section 35(1)	£60	Statutory
<b>Including an application for variation (which is not a minor variation) under section 35(1)</b>		
Category 1	£75	Statutory
Category 2	£225	Statutory
Category 3	£300	Statutory
Category 4	£350	Statutory
Category 5	£450	Statutory
Category 6	£525	Statutory
<b>APPLICATION TO VARY UNDER SECTION 29</b>		
Minor variation	£20	Statutory
Variation under section 31(1) on its own or with a minor variation	£31	Statutory
Other variations	£50	Statutory
Category 1	£200	Statutory
Category 2	£275	Statutory
Category 3	£325	Statutory
Category 4	£425	Statutory
Category 5	£500	Statutory
Category 6	£50	Statutory
<b>APPLICATION FOR TEMPORARY PREMISES LICENCE</b>	£150	Statutory
<b>PERSONAL LICENCE</b>	£50	Statutory
<b>ISSUING REPLACEMENT PERSONAL LICENCE</b>	£10	Statutory
<b>OCCASIONAL LICENCE</b>	£10	Statutory
<b>EXTENDED HOURS APPLICATION</b>	£10	Statutory
<b>CERTIFIED COPY PREMISES LICENCE</b>	£10	Statutory



All fees under the Licensing (Scotland) Act 2005 have been placed at the statutory maximum with exception of Applications for transfer under section 33 and 34, categories 1 to 6 and Application to vary under section 29 categories, 1 to 6.

## **AMENDED FEES UNDER CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

### **Licence Fees**

<b><u>Description</u></b>	<b><u>Amount</u></b>	<b><u>Regime</u></b>
Taxi/Private Hire Car Driver's Licence	£105 1 year/£155 3 year	Discretionary
Taxi Operator's Licence	£260 (1 year only)	Discretionary
Private Hire Operator's Licence	£220 (1 year only)	Discretionary
Test Fee	£95.00 (with meter) £57.50 (without meter)	Discretionary
Vehicle substitution	£95.00 (with meter) £57.50 (without meter)	Discretionary
Meter Test only	£37.50	Discretionary
Change of Vehicle Registration	£20	Discretionary
Plate Deposit	£35 (refundable)	Discretionary
Window Cleaner	£100/£150	Discretionary
Street Trader	£155/£220	Discretionary
Second Hand Motor Dealer	£180/£240	Discretionary
Second Hand Dealer	£180/£240	Discretionary
Stamp Fairs	£30	Discretionary
Stall (Antiques Fair)	£55	Discretionary
Cabinet	£55/£140	Discretionary
Market Operator	£200/£265	Discretionary
Late Hours Catering	£300/£355	Discretionary
Metal Dealer	£200/£265	Discretionary

Itinerant Metal Dealer	£115/£175	Discretionary
Metal Dealer Exemption Warrant	£50	Discretionary
Indoor Sports Entertainment	£180/£240	Discretionary
Sex Shop Licence	£155	Discretionary
Skin Piercing and Tattooing Licence	£240/£295	Discretionary
Knife Dealers	£180/£240	Discretionary
Taxi Booking Offices	£180/£240	Discretionary
Public Entertainment		
Community/Village Halls	£180/£240	Discretionary
Capacity < 200	£180/£240	
Capacity 201 – 1500	£260/£315	
Capacity 1501 – 5000	£365/£420	
Capacity 5001 – 20000	£630/£840	
Capacity >20000	£1050/£1575	
Funfair	£180/£240	
Houses in Multiple Occupation		
Occupancy 1-5	£650	Discretionary
Occupancy 6-20	£695	
Occupancy 21-75	£785	
Occupancy 76+	£870	
Application for Variation under paragraph 10	£60	Discretionary
<u>Except</u> variation of street trader licence to allow trading for more than 1 hour. For each site applied for	£95	
Consent to material change in circumstances or alteration of licence under paragraph 9	£60	Discretionary
Issue of replacement licence or badge	£10	Discretionary
Issue of replacement book of conditions (taxi/private hire operator)	£5	Discretionary

*The report "Review of Licence Fees" approved all amended fees under Civic Government (Scotland) Act 1982 (Report No. 12/173 refers).*

The fee to register as a private landlord is £55 plus £11 per property

**Professional Fees** – Fees are placed at a level which reflects the fact that the Council wants to attract business. The Council only recover fees where the transaction involves a third party (e.g. lease/servitude) and it is reasonable to recover them from the third party.

**Council House Sales** – fee agreed with Housing.

**Property Sales** – any fee is agreed with Estates which is then deducted off the capital receipt.

**Section 75**– The Council charge £500 which is broadly in line with other Councils. This is notified to the other party at the start of the transaction and recovered at the end of the transaction before the planning consent is issued.



**The Chief Executive's Service - Finance Division charges 2015/16**    **Appendix 3**

<b><u>Description</u></b>	<b><u>Amount</u></b>	<b><u>Regime</u></b>
Trade Union Commission	2.5% of gross deduction	Discretionary
Arrestment Income	£1 per employee	Discretionary
Payroll Service charge	£1.21 per item on payslip per employee	Discretionary
Insurance Personal Accident	21.12% of total payment to insurer	Discretionary
Insurance Illness	10% of total payment per insurer	Discretionary



**The Chief Executive's Service - Human Resources charges 2015/16 Appendix 4**

<b>Description</b>	<b>Amount</b>	<b>Regime</b>
Consultancy	£100 per hour (This fee can change dependant on requirements)	Discretionary





# Valid – 2016/17

## LICENCE APPLICATION FEES & CHARGES

Please note that a 20% surcharge is payable for all temporary licence applications submitted within 28 days of the date the licence is due to start.

TYPE	SUB TYPE	FEE £ & DURATION
<b>CIVIC</b>		
<b>BOAT HIRE</b>		
	new/renewal	£555 – 1 year
	temporary	£186 – up to 28 days
	temporary – inc late application surcharge	£223 – up to 28 days
<b>INDOOR SPORTS</b>		
	new/renewal	£926 – 1 year
	temporary	£646 – up to 28 days
	temporary- inc late application surcharge	£775 – up to 28 days
	community or charitable events ( <b>reduced fee is not available when the event involves any commercial activity</b> )	£112 – up to 6 weeks
<b>KNIFE DEALERS</b>		
	new	£208 – 1 year
	renewal	£156 – 1 year
<b>LATE HOURS CATERING</b>		
	new	£583 – 1 year
	renewal	£417 – 1 year
	exemption	£104 – up to 2 months max
<b>MARKET OPERATORS - Including car boot sales within Ward 11 (City Centre)</b>		
The annual fee is only available to markets that operate with a frequency of <b>at least once</b> per calendar month	annual indoor markets	£52 - per stall – 1 year new/renewal
	annual outdoor markets	£78 - per stall – 1 year new/renewal
temporary outdoor markets who operate <b>less than once</b> per calendar month	temporary outdoor markets - <b>subject to a max fee of £5,000</b>	£78 – fee per stall for up to 28 days

	temporary outdoor markets - subject to a max fee of £5,000 <b>inc late application surcharge</b>	£94 – fee per stall for up to 28 days
temporary indoor markets who operate <b>less than once</b> per calendar month	temporary indoor markets - <b>subject to a max fee of £1,000</b>	£52 – fee per stall for up to 28 days
	temporary indoor markets - subject to a max fee of £1,000 <b>inc late application surcharge</b>	£62 – fee per stall for up to 28 days
<i>Note an indoor market is considered to be wholly or substantially contained within a building or other permanent structure. This does not apply to the exterior grounds of a building, any area temporary fenced off or restricted area or any temporary structure i.e. marquee</i>		
<b>MARKET OPERATORS - Including car boot sales out with the City Centre (Ward 11)</b>		
temporary markets are those who operate <b>less than once</b> per calendar month	temporary indoor or outdoor market	£5 – fee per stall for up to 28 days
	temporary indoor or outdoor market - <b>inc late application surcharge</b>	£6 – fee per stall for up to 28 days
The annual fee is only available to markets that operate with a frequency of <b>at least once</b> per calendar month		£12 – fee per stall new / renewal for 1 year
<b>COMMUNITY MARKETS OR REGISTERED CHARITIES - See Note 1</b>		
<b>provided there is no commercial element, i.e. where 100% of the profits is given over to the charity or community group</b>		
	City wide - 20 stalls maximum (thereafter normal fees will apply)	£112 – per week or part of a week
	City wide - 20 stalls maximum (thereafter normal fees will apply) - <b>inc late application surcharge</b>	£134 – per week or part of a week
<b>METAL DEALERS – Includes Itinerant Metal Dealers</b>		
	new / renewal	£594 – 1 year
	renewal	£1563 – 3 years
<b>PUBLIC CHARITABLE COLLECTION PERMIT (see note 1) – NO FEE</b>		
A maximum of 6 days street and/or 6 days house to house collections in any calendar year, with only one Saturday permitted for a street collection and/or house to house collection		
<b>PUBLIC ENTERTAINMENT</b>		
	Capacity 1 – 200	£990 – 1 year new or temporary up to 28 days
	Capacity 1 – 200 - <b>inc late application surcharge</b>	£1188 – temporary up to 28 days
	Capacity 1 – 200	£802 – 1 year renewal
	Capacity 201 - 1000	£1481 – 1 year new or temporary up to 28 days
	Capacity 201 – 1000 - <b>inc late application surcharge</b>	£1777 – temporary up to 28 days
	Capacity 201 - 1000	£990 – 1 year renewal

	Capacity 1001 - 5000	£2970 – 1 year new or temporary up to 28 days
	Capacity 1001 – 5000 - <b>inc late application surcharge</b>	£3564 – temporary up to 28 days
	Capacity 1001 - 5000	£1978 – 1 year renewal
	Capacity 5,001 - 10,000	£5942 - 1 year new or temporary up to 28 days
	Capacity 5,001 - 10,000 - <b>inc late application surcharge</b>	£7130 – temporary up to 28 days
	Capacity 5,001 - 10,000	£3955 – 1 year renewal
	Capacity 10001 - 15,000	£9650 – 1 year new or temporary up to 28 days
	Capacity 10001 - 15,000 - <b>inc late application surcharge</b>	£11580 – temporary up to 28 days
	Capacity 10001 - 15,000	£7235 – 1 year renewal
	Capacity > 15000	£12480 – 1 year new or temporary up to 28 days
	Capacity > 15000 - <b>inc late application surcharge</b>	£14976 – temporary up to 28 days
	Capacity > 15000	£9360 – 1 year renewal
	<b>Sun Tan Centres – sun beds</b>	£234 – per bed for 1 year new or renewal

#### **PUBLIC ENTERTAINMENT - Community/Charitable/Religious or Political Group Events**

##### Free to enter events

	capacity up to 500 - <b>see note 5</b>	No Fee
	capacity 501 - 2500	£150 – temporary up to 28 days
	capacity 2501 - 5000	£300 – temporary up to 28 days
	capacity greater than 5000	temporary up to 28 days - 25% discount of normal fee
	capacity 501 - 2500	£400 – 1 year
	capacity 2501 - 5000	£800 – 1 year
	capacity greater than 5000	25% discount of normal fee - 1 year

##### Pay to enter events

	capacity of up to 250- <b>see note 6</b>	No Fee
	capacity 251 - 2500	£150 – temporary up to 28 days
	capacity 2501 - 5000	£300 – temporary up to 28 days
	capacity greater than 5000	temporary up to 28 days - 25% discount of normal fee
	capacity 251 - 2500	£400 – 1 year
	capacity 2501 - 5000	£800 – 1 year
	capacity greater than 5000	25% discount of normal fee - 1 year

**PUBLIC ENTERTAINMENT - Amusement Devices linked to a public entertainment event or a stand alone structure – see note 2**

	Amusement devices 1	£196 – 1 year new or temporary up to 28 days
	Amusement devices 1 - <b>inc late application surcharge</b>	£235 – temporary up to 28 days
	Amusement devices 2 - 5	£901 – 1 year new or temporary up to 28 days
	Amusement devices 2 - 5 - <b>inc late application surcharge</b>	£1081 – temporary up to 28 days
	Amusement devices 6 - 20	£2222 – 1 year new or temporary up to 28 days
	Amusement devices 6 – 20 - <b>inc late application surcharge</b>	£2666 – temporary up to 28 days
	Amusement devices > 20	£4402 – 1 year new or temporary up to 28 days
	Amusement devices > 20 - <b>inc late application surcharge</b>	£5282 – temporary up to 28 days

**PUBLIC ENTERTAINMENT – Variation to an existing licence – see note 3**

	Change to capacity > 15,000	£12500
	Change to capacity > 15,000 - <b>inc late application surcharge</b>	£15000
	Change to capacity > 10,001 to 15000	£9662
	Change to capacity > 10,001 to 15000 - <b>inc late application surcharge</b>	£11594
	Change to capacity 5,001 - 10,000	£5942
	Change to capacity 5,001 - 10,000 - <b>inc late application surcharge</b>	£7130
	Change to capacity 1,001 - 5,000	£2971
	Change to capacity 1,001 - 5,000 - <b>inc late application surcharge</b>	£3565
	Change to capacity 201 - 1,000	£1495
	Change to capacity 201 - 1,000 - <b>inc late application surcharge</b>	£1794
	Change to capacity 1 - 200	£990
	Change to capacity 1 – 200 - <b>inc late application surcharge</b>	£1188
	Variation other than capacity increase	£115
	Live animal supplement *	£208 – per event
	*any application that involves a vet inspection will be charged the full cost of that inspection <u>in addition</u> to the licence application fee	
	Hypnotism supplement	£208 –per event

**SECOND-HAND DEALER**

	new	£208 – 1 year
	renewal	£156 – 1 year
	renewal	£377 – 3 years

	exemption – disposal of stock in trade	£95 – per application
	temporary	£104 – up to 28 days
	temporary - <b>inc late application surcharge</b>	£125 – up to 28 days
	antique fairs dealers	£61 – 1 year
	stamp & book fairs dealers	£61 – 1 year
	record/transaction books	£8 – per book
<b>SEX SHOP</b>		
	new/renewal	£1460 – 1 year
<b>SKIN PIERCING/TATTOOING</b>		
Where activity carried out from premises		
	Principal Operator with employees - New	£260 – 1 year
	Renewal	£260 – 1 year
	Renewal	£520 – 3 years
	Each additional employee	£78
	Self Employed Operator - New	£260 – 1 year
	Renewal	£260 – 1 year
	Renewal	£520 – 3 years
One Off Events		
	Principal Operator/Organiser	£250 – per application
	Attending an exhibition or Arts event – where event licence is already in place	£78 – max 7 days
<b>STREET TRADERS</b> – a valid food hygiene certificate must be submitted with an application to sell food		
	Food Hygiene Inspection for vehicles	£156 – per vehicle, in addition to the application fee.
	Food	£294 – 1 year
	Non food	£200 – 1 year
	Food - temporary	£208 – per application - up to 7 days max
	Food - temporary - <b>inc late application surcharge</b>	£250 – per application - up to 7 days max
	Non food - temporary	£156 – per application - up to 7 days max
	Non food - temporary - <b>inc late application surcharge</b>	£187 – per application - up to 7 days max
	Food - change of vehicle	£156 – per application
	Food - change of vehicle - <b>inc late application surcharge</b>	£187 – per application
	Employees – per applicant	£52 – for the duration of employers licence
	Employees – per applicant - <b>inc late application surcharge</b>	£62 – for the duration of employers licence

<b>Charitable Organisations</b>		
Provided there is no commercial element, i.e. where 100% of the profits is given over to the charity or community group. Qualifying criteria must be submitted with an application and after expiry of licence		
	<b>See note 1</b>	£73 – 6 months max
<b>WINDOW CLEANERS</b>		
	New/ Renewal	£104 – 1 year
	Renewal	£260 – 3 years
<b>TAXI &amp; PRIVATE HIRE</b>		
<b>TAXI</b>		
	New Licence	£625 – 1 year
	Renewal Licence (existing vehicle)	£323 – 1 year
	Renewal Licence (with variation for new vehicle)	£375 – 1 year
	New Driver (Includes one 'topographical' test)	£172 – 1 year
	Renewal driver	£104 – 1 year
	Renewal driver	£166 – 3 years
PARTNERSHIP/INCORPORATION		£625
TAXI TOPOGRAPHICAL TEST		£63 – per application
VARIATION OF LICENCE TO ALLOW FITTING OF WIFI EQUIPMENT		£53 – per application
VARIATION OF LICENCE TO ALLOW INSTALLATION OF FORWARD FACING CAMERAS		£53 – per application
VARIATION OF LICENCE TO ALLOW INSTALLATION OF SAFETY CAMERAS		£53 – per application
WHEELCHAIR EXEMPTION CERTIFICATE		£10 – for duration of licence or temporary period as determined
<b>PRIVATE HIRE</b>		
	New Licence	£520 – 1 year
	Renewal Licence (existing vehicle)	£297 – 1 year
	Renewal Licence (with variation for new vehicle)	£349 – 1 year
	New driver	£141 – 1 year
	Renewal driver	£104 – 1 year
	Renewal driver	£156 – 3 years
PARTNERSHIP/INCORPORATION		£520
REPLACEMENT PLATE		£81
REPLACEMENT PRE-BOOKED DOOR SIGN		£11 – per sticker

<b>TAXI &amp; PRIVATE HIRE</b>		
BRACKETS		£26 – per bracket
CANCELLATION OF INSPECTION		£99 – per cancellation
VEHICLE RETEST – second and thereafter		£50 - per retest
CHANGE OF MANAGER		£99 – per application
CHANGE OF VEHICLE - Other than at annual inspection		£156
DUPLICATE CERTIFICATE OF COMPLIANCE		No fee
DUPLICATE ID BADGE		£52 – per badge
DUPLICATE LICENCE		£52 – per licence
MEDICAL EXAMINATION NOT ATTENDED (without notice)		£99
MEDICAL EXAMINATION - FURTHER ASSESSMENT NOT ATTENDED (without notice)		£193
<b>TAXI/PHC BOOKING OFFICE</b>		
	New	£1042 – 1 year
	Renewal	£729 – 1 year
<b>OTHER LICENCE TYPES</b>		
<b>ANIMAL BOARDING</b>		
*any application that involves a vet inspection will be charged the full cost of that inspection <u>in addition</u> to the licence application fee		£309 – 1 year
<b>CINEMAS</b>		
	multi-screen	£618 – 1 year
	single screen	£309 – 1 year
	temp	£206 – 1 month
	transfer	£123
	up to 4 screens	£618 – 1 year
	variation	No fee
	Change of manager	£95
<b>DANGEROUS WILD ANIMALS</b>		
*any application that involves a vet inspection will be charged the full cost of that inspection <u>in addition</u> to the licence application fee		£309 – 1 year new or renewal
<b>DOG BREEDING*</b>		
*any application that involves a vet inspection will be charged the full cost of that inspection <u>in addition</u> to the licence application fee		£309 – 1 year new or renewal
<b>FIREWORK SALES</b>		
	all year sale	£500 – 1 year

<b>FIREWORK DISPENSATION</b>		
You need a dispensation from the Council to operate a firework display between the hours of 23.00 and 07.00. Dispensations are not needed for a display between 23.00 and 01.00 at New Year, Chinese New Year and Diwali or between 23.00 and 24.00 on November 5th.		
		Free – per event
<b>HOUSES IN MULTIPLE OCUPATION</b> - * HMO licences in their first year may be granted for a minimum period of 6 months		
5 or 5+ persons	Initial (new) application*	£627 – 1 year
5 or 5+ persons	Subsequent (renewal) application	£440 – 1 year
4 Persons	Initial (new) application*	£584 – 1 year
4 Persons	Subsequent (renewal) application	£397 – 1 year
3 Persons	Initial (new) application*	£542 – 1 year
3 Persons	Subsequent (renewal) application	£353 – 1 year
Identical footprint / mirror image	Initial (new) application* or Subsequent (renewal) application	£53 – 1 year
<b>HYPNOTISM</b>		
	permission	£208 – per event
<b>PERFORMING ANIMALS*</b>		
*any application that involves a vet inspection will be charged the full cost of that inspection <u>in addition</u> to the licence application fee		£553 – 1 year
<b>PET SHOPS*</b>		
*any application that involves a vet inspection will be charged the full cost of that inspection <u>in addition</u> to the licence application fee		£364 – 1 year new or renewal
<b>RIDING ESTABLISHMENTS*</b>		
*any application that involves a vet inspection will be charged the full cost of that inspection <u>in addition</u> to the licence application fee		£592 – 1 year new or renewal
<b>THEATRE</b>		
	Commercial operation - capacity > 1,000	£2783 – 1 year new or temporary up to 28 days
	Commercial operation - capacity 201 - 1,000	£1390 – 1 year new or temporary up to 28 days
	Commercial operation - capacity 1 – 200	£927 – 1 year new or temporary up to 28 days
	Commercial operation - capacity > 1,000	£1855 – 1 year renewal
	Commercial operation - capacity 201 - 1,000	£927 – 1 year renewal
	Commercial operation - capacity 1 - 200	£753 – 1 year renewal
	Charitable/ Community Organisation (<200)	£115 – max 4 per year
	Street Theatre	£45 – per event/per day



<b>THEATRE - Variation to an existing licence – see note 4</b>		
Capacity increase	Change to capacity > 1,000	£2783
	Change to capacity 201 - 1,000	£1390
	Change to capacity 1 - 200	£927
	Variation other than capacity increase	£115
	Live animal supplement *	£208 – per event
	* any application that involves a vet inspection will be charged the full cost of that inspection <u>in addition</u> to the licence application fee	
<b>VENISON DEALER</b>		
		£160 – 3 years
<b>ZOO - *any application that involves a vet inspection will be charged the full cost of that inspection <u>in addition</u> to the licence application fee</b>		
		£933 – 6 years new or renewal
<b>MISCELLANEOUS FEES</b>		
CERTIFIED COPY LICENCE		£52 – per copy
DUPLICATE ID BADGE		£52 – per badge
CHANGE OF MANAGER		£99
VARIATION OF ANY CIVIC LICENCE – other than a capacity increase for a Public Entertainment or Theatre licence		£52

## NOTES:

### Note 1: Charitable Organisations

when applying for a temporary licence as a charitable, religious, youth, sporting, community, political or similar organisations qualifying material must be submitted at the time of application and again after the event

Qualifying material to be submitted with an application for a licence includes, but is not restricted to the following;

- the organisations charity number (if a registered charity),
- a copy of the organisations constitution/ or a list of the organisations aims and objectives if no constitution exists
- a copy of the organisations last annual audited accounts or a copy of the recent statement of accounts

after the expiry of a licence organisations must provide the following returns;

- statement of account showing monies raised and any expenses incurred

## Note 2: Public Entertainment - Amusement Devices

Amusement Devices – this includes carousels, bouncy castles, bungee jump or bungee running equipment, stalls, tents, booths or structures. They will all have either been installed or erected and therefore require safety checking ahead of members of the public having access to them. They are operated in connection with the amusement or entertainment of the public

## Note 3: Public Entertainment Variation - Capacity Increase

The fee due for an application to increase the capacity of an existing public entertainment licence will comprise of the difference between (a) the fee due for a licence with the new increased capacity and (b) the fee already paid for a licence with the original occupant capacity as per the following;

<u>example</u>	<u>£</u>
(a) fee due for a licence with a capacity of 350	1481
<b>(b) less the fee paid for a licence with a capacity of 200</b>	<b>990</b>
total fee payable for application to increase capacity	<u>£491</u>

## Note 4: Theatre Variation - Capacity Increase

The fee due for an application to increase the capacity of an existing theatre licence will comprise of the difference between (a) the fee due for a licence with the new increased capacity and (b) the fee already paid for a licence with the original occupant capacity, as per the following;

<u>example</u>	<u>£</u>
(a) fee due for a licence with a capacity of 350	1481
<b>(b) less the fee paid for a licence with a capacity of 200</b>	<b>990</b>
total fee payable for application to increase capacity	<u>£491</u>

## Note 5: Public Entertainment – Free to enter events

no public entertainment licence is required for the following ‘free to enter’ events

- Events held by a charitable, religious, youth, sporting, community, political or similar organisation (see note 1) providing the capacity **does not exceed 500 people**
- premises used for exhibitions of art work
- premises in which live music is being provided incidentally to the main purpose or use of the premises where that main purpose or use is not as a place of public entertainment.

## Note 6: Public Entertainment – Pay to enter events with a maximum capacity of 250 people

no public entertainment licence is required for premises used for functions or events by;

- any charity, religious, community or political group or any similar non-commercial organisation

where the public pay to enter or use the any facilities for their entertainment provided the capacity **does not exceed 250 people**

**CIVIC GOVERNMENT & GENERAL LICENSING FEES FROM 1<sup>st</sup> SEPTEMBER 2013**

Private Hire Car Drivers	£195
Taxi Drivers	£195
Private Hire Cars	£380
Taxis	£415
Vehicle Annual Inspection	£135
Vehicle - Substitute	£170
Set of door stickers	£10
Vehicle Re-Inspection (payable directly to Caledonia Trucks)	Nil
Meter Test (payable directly to Caledonia Trucks)	£10
Taxi Booking Office (Public Access)	£334
Taxi Booking Office (non Public Access)	£329
Temporary Licence (all except P.E I.S. and M.O)	£72
Street Trader - Principal	£240
Street Trader – Advertised (incs. advert cost)	£600
Street Trader - Employee	£160
Late Hours Catering (new property req advert)	£635
Late Hours Catering (existing premises changing hands or renewal)	£260
Market Operator	£1028
Market Operator - Temp	£240
Second Hand Car Dealer	£320
Second Hand Dealer	£222
Metal Dealer	£206
Metal Dealer (Exemp Warrant inc. Temp)	£160
Metal Dealer - Itinerant	£425
Boat Hirer	£244
Public Entertainment (Hypnotist)	£90
Public Entertainment (Temporary)	£222
Public Ent. (Re-Insp. Within working hours Re-Insp. Outwith working hours)	£120 £210
Public Ent – Full advert and Outdoor Concerts Persons att. Per day (500 – 2000) (2000 – 5000) (over – 5000)	£895 £1790 £3725
Public Ent. – Full – Non Advertised	£360
Indoor Sports (except where in conjunction with a Public Ent. Licence then = £25	£250
Sex Shop	£2275
Material Change in Circumstances	£140
Piercing and Tattooing - Premises Personal	£337 £240
Duplicate Licences/Permits/Permissions	£32
Knife Dealers	£337

Miscellaneous

Theatre	£180
Cinemas	£600
Venison	££90
Poisons (First application) (Renewal)	£31.72 £16.72

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COMMITTEE	Licensing Committee
DATE	12 September 2017
REPORT TITLE	Update on Driver Training and Knowledge Test
REPORT NUMBER	CG/17/094
CG LEAD OFFICER	Fraser Bell
REPORT AUTHOR	Sandy Munro

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## 1. PURPOSE OF REPORT:-

- 1.1 The purpose of the report is to advise the Committee of the outcome of further discussion held with the Taxi Consultation Group on the training for taxi and private hire drivers and the format of the knowledge test.

## 2. RECOMMENDATION(S)

- 2.1 It is recommended that the Committee:
- (a) notes the updates; and
  - (b) instructs the Head of Legal and Democratic Services to investigate possible methods of delivery of driver training and report back to Committee on 6 February 2018 with details of the options available; and
  - (c) instructs the Head of Legal and Democratic Services to undertake consultation with the trade on amendments to the procedure for applying for a taxi driver's licence or private hire driver's licence involving the Knowledge Test as detailed at paragraphs 3.14 and 3.15 of the report.

## 3. BACKGROUND/MAIN ISSUES

### Driver Training

- 3.1 At the meeting on 18 April 2017 the Committee were presented with the results of a consultation exercise that had been undertaken in July and August 2016 on the subject of driver training.
- 3.2 The consultation exercise had attracted a relatively small number of responses but had indicated a clear preference that any such training would

be focussed on customer service matters as opposed to others that were already covered within the Knowledge Test.

- 3.3 The Committee noted the results and instructed further discussion with the Taxi Consultation Group (TCG) on the issue. The matter was accordingly placed on the agenda for the TCG meeting on 27 June 2017.
- 3.4 It was explained at the meeting that although the number of responses had been low there was a clear preference that the training be focussed on the customer service matters and the view of the TCG members was sought on that. The group was unanimous in the view that this was a sensible approach and agreed that the subject matter of any training should be focussed on those matters.
- 3.5 The group then considered that there were a number of options with regard to the method of delivery of such training, the training provider and the level of training to be provided. It was accepted that further investigation would be required to fully ascertain the options but the group were of the view that in order for any training to be effective it would require to be made compulsory. It was also suggested that the cost implications of the various options be included in any analysis.

### **Knowledge Test**

- 3.6 At the same meeting of the TCG the results of the consultation exercise on the Knowledge Test was discussed, again in response to the Committee's instructions on 18 April. It was explained that this exercise had been the subject of an encouraging number of responses and that the consensus, as reported to Committee on 18 April was that the current test remained fit for purpose subject to continuing monitoring and updating as required.
- 3.7 The TCG indicated that this reflected the opinion of the trade and that their members remained in favour of the format and content of the test as it currently stood.
- 3.8 Investigations were also undertaken regarding the content and format of the test which supported the outcomes of the consultation exercise in that the test is broadly comparable with those administered by other Local Authorities. This applies to the format of the test and the content. The required pass mark is also broadly comparable, and indeed is generally higher in other Authorities than that currently required by the Committee.
- 3.9 Discussions were held with the Equalities Team regarding tailoring the test for individuals who have certain conditions or disabilities that may affect their ability to sit the standard test. Whilst blanket measures would not be appropriate as they would not cater for every situation it is intended to highlight to applicants the need to make clear any condition which they consider might affect their ability to sit the test in order that appropriate investigations can be undertaken to establish reasonable measures that can be put in place to provide those applicants with the same opportunity to sit the test as other applicants without such a condition. The Equalities Team will be

consulted on all such cases to ensure that all reasonable steps are being taken.

- 3.10 As part of those investigations the concept of a practical test was considered but was not considered feasible for a number of reasons. Firstly there is currently no available resource to accommodate such a test, even on an occasional basis. There are also practical issues, the Authority does not have access to a vehicle for such purposes and the applicant will not always have one available. Even if one were to hand there are potential health and safety matters for officers entering an unknown vehicle for the purposes of their employment as well as possible insurance considerations in such circumstances.
- 3.11 The concept of the Equalities legislation should also be borne in mind. The idea is to remove impediments to a particular activity, in this case sitting the test. It is not intended to introduce a separate activity, or test in this case. There is a strong argument that a practical test is materially different to that sat by all other applicants and that is not the intention of the legislation. Anecdotal evidence would suggest that the majority of applicants would prefer to sit a practical test given the choice, and as previously advised, the resources to facilitate this are not available.
- 3.12 As stated at paragraph 3.7 the TCG indicated they were in support of the current format of the test and advised that they would be opposed to any introduction of a practical test on an individual basis. This was largely based on the reasons given in the preceding paragraph in that they did not view a practical test as comparable to the standard Knowledge Test.
- 3.13 Officers are not aware of any other Authority offering a practical test at this time.
- 3.14 Discussions with other Authorities in the course of the investigations did reveal one possible amendment to the process of administration of the Knowledge Test which may reduce the number of applications requiring to be placed before the Committee. It is suggested that consultation is undertaken on introducing a separate fee for the test, removing the limit on the number of times an applicant may sit the test, and making it a requirement to have passed the test before an application for a licence is valid.
- 3.15 This would remove the situation where an application is required to be placed before Committee because the 6 month deadline is approaching and the applicant has not yet passed the test. The scheme would operate similar to the Personal Licence regime in alcohol licensing whereby an applicant would require to submit a pass certificate along with an application in order to be valid.
- 3.16 Officers are also looking at updating the information on the test that is available on the Authority's website in order to provide more clarity for potential applicants and are also investigating the possibility of having the test itself computerised.

### **Conclusion**

- 3.17 It is recognised that the addition of drivers' training is potentially beneficial to the trade. Accordingly it is recommended that the various options are investigated and further information on those options is reported back to Committee.
- 3.18 The current format and content of the Knowledge Test was the subject of extensive consultation and attracted an encouraging number of responses. The results of that consultation suggested that, subject to monitoring and updating as required, the test is fit for purpose in its current format. The further investigation and discussions have not provided any evidence to the contrary and it is therefore suggested that the test is maintained in its current format subject to possible modernisation by way of computerisation should that be feasible.
- 3.19 Lastly, in order to simplify the application process and cut down on unnecessary referrals to Committee it is recommended that the Committee consider amendments to the process by which the Knowledge Test must be successfully passed before an applicant can submit an application for a driver's licence in respect of both taxis and private hire vehicles.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no direct financial implications arising from the recommendations of this report.

#### **5. LEGAL IMPLICATIONS**

- 5.1 There are no direct legal implications arising from the recommendations of this report.

#### **6. MANAGEMENT OF RISK**

##### **FINANCIAL**

- 6.1 There is no direct financial risk from the recommendations.

##### **EMPLOYEE**

- 6.2 There is no direct risk from the recommendations.

##### **CUSTOMER/CITIZEN**

- 6.3 There is no direct risk from the recommendations.

##### **ENVIRONMENTAL**



6.4 There is no direct risk from the recommendations.

### **TECHNOLOGICAL**

6.5 There is no direct risk from the recommendations.

### **LEGAL**

6.6 There is no direct risk from the recommendations. Maintaining the current format of the Knowledge Test, subject to reasonable adjustments where the circumstances require it, ensures uniformity for all applicants and reduces the risk of challenge on the grounds of fairness or natural justice.

### **REPUTATIONAL**

6.7 There is no direct risk from the recommendations.

## **7. IMPACT SECTION**

### **Economy**

7.1 There is no direct economic impact arising from the recommendations.

### **People**

7.2 Introduction of driver training should result in improved customer services for those utilising the taxi or private hire trade.

### **Place**

7.3 There is no direct impact arising from the recommendations.

### **Technology**

7.4 There is no direct impact arising from the recommendations.

## **8. BACKGROUND PAPERS**

CG/17/019 Response to Consultation on Training for Taxi and Private Hire Drivers.

## **9. APPENDICES (if applicable)**

N/A

**10. REPORT AUTHOR DETAILS**

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COMMITTEE	Licensing Committee
DATE	12 September 2017
REPORT TITLE	First Aid Kit Requirements – Taxi/Private Hire
REPORT NUMBER	CG/17/093
CG LEAD OFFICER	Fraser Bell
REPORT AUTHOR	Sandy Munro

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## 1. PURPOSE OF REPORT:-

- 1.1 The purpose of the report is to seek the views of the Committee on the required contents of the first aid kits to be carried in all taxis and private hire vehicles.

## 2. RECOMMENDATION(S)

- 2.1 It is recommended that the Committee:
- (i) notes the background issues relating to the first aid kits specification; and
  - (ii) stipulates that the contents of the first aid kits must be in accordance with HSE number BS8599-2:2014 in order to comply with the licence conditions.

## 3. BACKGROUND/MAIN ISSUES

### Background

- 3.1 In terms of condition 25 of taxi licences and condition 23 of private hire vehicle licences all cars are required to contain a first aid kit of a type and in a position approved by the licensing authority”.
- 3.2 In November 2016 officers noted that the first aid kit specification was out of date and following consultation with the Taxi Consultation Group introduced an updated specification under delegated powers.
- 3.3 The updated specification, under HSE number BS8599-2:2014, required first aid kits to contain the following:

- 1 Adherent Dressing
- 1 Burn Dressing
- 10 Cleansing Wipes
- 1 Foil Blanket (Adult)
- 2 Gloves (Pair)
- 1 Guidance Leaflet
- 1 HSE Dressing (Medium)
- 1 Resuscitation Face Shield
- 1 Trauma Dressing (Medium)
- 1 Triangular Bandage
- 1 Heavy Duty Shears
- 10 Washproof Plasters

- 3.4 This is based on a medium sized first aid kit which is suitable for up to 6 people. First aid kits of this specification are available to purchase from a number of places, both online and in store.
- 3.5 In recent months a number of vehicles submitted for the testing process were found to contain an incomplete first aid kit. The recurring missing items tended to be the foil blanket, the face shield and the heavy duty shears. Officers have received a number of queries from the trade as to the reasonableness of the requirement to have those items as part of the first aid kit.
- 3.6 As previously mentioned, the matter was put before the TCG prior to any changes being made and it was explained at the time that the updated specification was as a result of changes to the HSE recommendations but members of the TCG have since admitted that they perhaps had not appreciated the practical changes that would result.
- 3.7 Although officers have delegated powers to amend the first aid kit specification, it was considered appropriate to bring the matter to committee in the circumstances.
- 3.8 It should be made clear that there is no expectation on any driver to use any of the equipment. It is however deemed appropriate for all vehicles to contain sufficient first aid kits that could be utilised in an emergency by any person qualified or sufficiently trained to do so.
- 3.9 Again as previously indicated the contents of the kits have been taken from the HSE requirements for medium first aid kits which are designed for up to 6 persons. This is deemed appropriate for taxi and private hire vehicles which could contain the driver and a number of passengers at any given time.
- 3.10 It is also suggested that minor discrepancies in respect of the contents of first aid kits do not result in a vehicle failing a test provided any omission does not materially detract from the functionality of the kit itself. An example of such a minor discrepancy may be a smaller number of washproof plasters than is stipulated. However where only 1 item is required it is suggested that the absence of that item would materially detract from the functionality of the kit.

#### **4. FINANCIAL IMPLICATIONS**

4.1 There are no direct financial implications arising from the recommendations of this report.

#### **5. LEGAL IMPLICATIONS**

5.1 There are no direct legal implications arising from the recommendations of this report.

#### **6. MANAGEMENT OF RISK**

##### **FINANCIAL**

6.1 There is no direct financial risk from the recommendations.

##### **EMPLOYEE**

6.2 There is no direct risk from the recommendations.

##### **CUSTOMER/CITIZEN**

6.3 There is no direct risk from the recommendations. Having a consistent standard of first aid kit within taxis will ensure that such medical assistance is available in the event of an emergency.

##### **ENVIRONMENTAL**

6.4 There is no direct risk from the recommendations.

##### **TECHNOLOGICAL**

6.5 There is no direct risk from the recommendations.

##### **LEGAL**

6.6 There is no direct risk from the recommendations.

##### **REPUTATIONAL**

6.7 There is no direct risk from the recommendations.

#### **7. IMPACT SECTION**

##### **Economy**

7.1 There is no direct economic impact arising from the recommendations.

##### **People**

7.2 There is no direct impact on any person or persons arising from the recommendations.

**Place**

7.3 There is no direct impact arising from the recommendations.

**Technology**

7.4 There is no direct impact arising from the recommendations.

**8. BACKGROUND PAPERS**

N/A

**9. APPENDICES (if applicable)**

N/A

**10. REPORT AUTHOR DETAILS**

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## ABERDEEN CITY COUNCIL

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COMMITTEE	LICENSING COMMITTEE
DATE	12 SEPTEMBER 2017
REPORT TITLE	REPORT TO VARY LOCAL CONDITIONS FOR BOOKING OFFICE LICENCES
REPORT NUMBER	CG/17/088
CG LEAD OFFICER	FRASER BELL
REPORT AUTHOR	LYNN MAY

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### 1. PURPOSE OF REPORT:-

- 1.1 To seek to vary the local conditions applied to Booking Office licences under Para 10 Schedule 1 of the Civic Government (Scotland) Act 1982 and the Civic Government (Scotland) Act (Licensing of Booking Offices) Order 2009.

### 2. RECOMMENDATION(S)

- 2.1 That the Committee:

(a) approves (for the purposes of issuing for consultation in recommendation C below) the proposed variation of the local condition 3 from “the licence holder shall keep written or electronic records of the name address, licence number of every driver operating from the relevant premises” to read;

**“The Licence Holder, in order to ensure that relevant vehicles are only driven by a licensed taxi or private hire drivers, shall keep, and undertake an ongoing review or audit of, written or electronic records of the name, address, licence number and expiry date of every driver operating from the relevant premises.”**

(b) approves (for the purposes of issuing for consultation in recommendation C below) the proposed variation of the local condition 4 from “the Licence Holder shall ensure that only relevant vehicles licences by the Licensing Authority operate from the relevant premises” to read;

**“The Licence Holder, in order to ensure that only relevant vehicles, currently licensed by this local authority, operate from the relevant premises, shall keep, and undertake an ongoing review or audit of, written or electronic records of the licence holder, licence number, registration number and expiry date of any taxi and private hire car operating from the relevant premises.”**

(c) instructs the Head of Legal and Democratic Services to consult the holders of Booking Office Licences and the Chief Constable, Police Scotland, on the above proposals and in accordance with paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act 1982 invite them to be heard at the next meeting of the Licensing Committee on 7 November 2017 regarding the terms of the proposals.

### **3. BACKGROUND/MAIN ISSUES**

- 3.1 Officers recently received two separate complaints regarding two taxi drivers and their behaviour, when checks were conducted both of their licences had expired. On investigation, Enforcement officers found both operators were working through the same booking office. When Officers contacted the licensed booking office it transpired that there were no checks in place other than when the licence was granted.
- 3.2 All booking offices licensed by this Authority were then contacted and asked to submit lists of vehicles and drivers that they were using to fulfil bookings. On checking these lists both Enforcement Officers and Police Scotland worked together and found 14 operators and 7 drivers operating through booking offices who had expired licences. A meeting was then called with Aberdeen City Council, Police Scotland and booking office licence holders to discuss a way forward and to answer any questions. All those that were found to be operating without a licence were charged by Police Scotland.
- 3.3 Aberdeen City Council records showed that the licenses had lapsed but no follow up was in place to check if the licenses were still being used. This was in addition to no real time checks by the licensed booking offices. Varying the local conditions will ensure that Booking Office Licence Holders will be obliged to carry out an ongoing review of all drivers and taxi and private hire cars and their licences and update their records frequently.
- 3.4 In terms of paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act a licensing authority may at any time vary the terms of a licence, e.g. the conditions, on any grounds they think fit. In order to vary a licence the authority have to notify the licence holder and the Chief Constable of the proposed variation to be considered, giving them not less than 7 days notice; and give each of the persons notified an opportunity to be heard by the authority, at a specified meeting of the Licensing Committee to which they will be invited.
- 3.5 Therefore in order amend conditions 3 and 4, and therefore vary the terms and standard schedule of conditions for holders of Booking Office licences (Appendix 1), the Licensing Committee would have to notify licence holders and the Chief Constable of this proposed variation and invite them to the next appropriate meeting of the Committee in order to hear any representations or consider any written responses.



- 3.6 Licence holders would have the right to appeal any decision to vary their licence conditions within 28 days, from the date of the decision. Therefore any amended schedule of conditions would not come into effect until 28 days from the date of that decision, or if an appeal is lodged, it would only come into effect if the appeal was abandoned or determined in favour of the licensing authority.
- 3.7 A copy of the current schedule of conditions is attached to this report for information at (Appendix 1) and a copy of the amended draft schedule of conditions, for consultation, is also attached to the report (Appendix 2).

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The approval of the recommendations would require :-
- all Licence holders and the Chief Constable, Police Scotland to be written too and consulted and invited to attend a further meeting of the Licensing Committee
  - copies of the new schedule of conditions to be produced issued to all booking office licence holders, approximately 11.

There will therefore be a financial cost to the Licensing Team, Legal and Democratic Services in producing and issuing the above documentation. This expenditure will be contained within existing budgets.

#### **5. LEGAL IMPLICATIONS**

- 5.1 The recommendations will ensure that the legislation is complied with and that all taxis and private hire cars and their drivers operating from licensed booking offices are appropriately licensed.

#### **6. MANAGEMENT OF RISK**

- **Financial**

- 6.1 There are no direct financial implications arising from the recommendations of this report.

- **Employee**

- 6.2 There is no risk to employees arising from the recommendations of this report.

- **Customer/Citizen**

- 6.3 There is no risk to customers/citizens arising from the recommendations of this report.

- **Environmental**

- 6.4 There is no risk to the environment arising from the recommendations of this report.

- **Technological**

6.5 There is no risk to technology arising from the recommendations of this report.

- **Legal**

6.6 Implications as per 5.1

- **Reputational**

6.7 Varying the conditions attached to the Booking Office Licence will ensure that the taxi and private hire service in Aberdeen is licensed properly, therefore enhancing Aberdeen's reputation as providing a professional and law abiding service.

## **7. IMPACT SECTION**

### **Economy**

7.1 There will be no impact on the economy arising from the recommendations.

### **People**

7.2 The proposals to vary and amend the schedule of conditions applicable to booking office licences have a neutral impact on groups with protected characteristics and an impact assessment is therefore not required.

7.3 Therefore in order to amend and vary the terms and standard schedule of conditions for holders of booking office licences (Appendix 1), the Licensing Committee would have to notify licence holders and the Chief Constable of this proposed variation and invite them to the next appropriate meeting of the Committee in order to hear any representations or consider any written responses.

### **Place**

7.4 There will be no impact on the place arising from the recommendations.

### **Technology**

7.5 There will be no impact on technology arising from the recommendations

## **8. BACKGROUND PAPERS**

8.1 None

## **9. REPORT AUTHOR DETAILS**

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**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

**CONDITIONS APPLICABLE TO BOOKING OFFICE LICENCE**

**MANDATORY CONDITIONS**

1. A record must be kept of every booking for the hire of a relevant vehicle taken at the relevant premises.
2. A record must be kept of -
  - (i) the registration number of the vehicle which was hired as the result of a booking taken at the relevant premises; and
  - (ii) the name of its driver at the time of that hire.
3. The holder of a licence shall take all reasonable steps to ensure that any booking taken at the relevant premises from a member of the public for the hire of a relevant vehicle results in the hire of a vehicle which is -
  - (i) a relevant vehicle; and
  - (ii) being driven by a person who holds a licence granted under section 13 of the Act and that licence is in effect.

## LOCAL CONDITIONS

The Licensing Authority shall mean Aberdeen City Council

1. The Licence Holder shall keep a record of the following –
  - (a) the date and time of every hire;
  - (b) the location of the hire pick up point; and
  - (c) the destination of that hire.
2. Where the Licence Holder changes its address as specified in the application form, it shall notify the Licensing Authority in writing of said change within fourteen days of that change.
3. The Licence Holder shall keep written or electronic records of the name, address and licence number of every driver operating from the relevant premises
4. The Licence Holder shall ensure that only relevant vehicles licensed by the Licensing Authority operate from the relevant premises.
5. If the Licence Holder is convicted of any offence, it shall, within twenty-eight days of said conviction, provide the Licensing Authority with full written details of that conviction.
6. The Licence Holder shall not ask any driver to do anything which would result in him/her committing a breach of the conditions of his/her licence.
7. The Licence Holder shall make all records covered by these conditions available for inspection at any time to the Licensing Authority upon reasonable request by the Licensing Authority.
8. All records must be kept for a period of no less than three years and said record keeping shall be acceptable in electronic format.



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**Head of Legal and Democratic Services**

V1/Anite/CurrentConditions/01.10.09

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982  
CONDITIONS APPLICABLE TO BOOKING OFFICE LICENCE  
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  - (i) a relevant vehicle; and
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3. The Licence Holder, in order to ensure that relevant vehicles are only driven by a licensed taxi or private hire drivers, shall keep, and undertake an ongoing review or audit of, written or electronic records of the name, address, licence number and expiry date of every driver operating from the relevant premises.”
4. The Licence Holder, in order to ensure that only relevant vehicles, currently licensed by this local authority, operate from the relevant premises, shall keep, and undertake an ongoing review or audit of, written or electronic records of the licence holder, licence number, registration number and expiry date of any taxi and private hire car operating from the relevant premises.
5. If the Licence Holder is convicted of any offence, it shall, within twenty-eight days of said conviction, provide the Licensing Authority with full written details of that conviction.
6. The Licence Holder shall not ask any driver to do anything which would result in him/her committing a breach of the conditions of his/her licence.

7. The Licence Holder shall make all records covered by these conditions available for inspection at any time to the Licensing Authority upon reasonable request by the Licensing Authority.

8. All records must be kept for a period of no less than three years and said record keeping shall be acceptable in electronic format.



## ABERDEEN CITY COUNCIL

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COMMITTEE	Licensing Committee
DATE	12 September 2017
REPORT TITLE	Review of Street Trader Policies
REPORT NUMBER	CG/17/087
CG LEAD OFFICER	Fraser Bell
REPORT AUTHOR	Lynn May

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### **1. PURPOSE OF REPORT:-**

- 1.1 To request that the Licensing Committee agree to the review of the policies and vary the standard conditions in relation to Street Trader Licences.

### **2. RECOMMENDATION(S)**

#### 2.1 That the Committee:-

- (a) approves the proposed amended draft schedule of conditions (Appendix 2) for issuing for consultation; and
- (b) instructs the Head of Legal and Democratic Services to consult the holders of Street Traders Licences and The Chief Constable, Police Scotland, on these proposals and in accordance with paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act 1982 invite them to be heard at the next meeting of the Licensing Committee on 7 November 2017 regarding the terms of the proposals.

### **3. BACKGROUND/MAIN ISSUES / OTHER HEADINGS AS APPROPRIATE**

- 3.1 Section 39 of the Civic Government (Scotland) Act 1982 provides that a street trader's licence is required for street trading by a person, whether on his own account or as an employee. This means that a licence is required for persons who are both employers and employees.

Street trading is defined as hawking, selling or offering or exposing for sale any article, or offering to carry out, or carrying out for money or money's worth

any service in a public place. It includes doing any of these things from a vehicle, a kiosk or a moveable stall not entered in the valuation roll.

For any activity which involves the sale of food, a street trader must have a Food Safety Certificate issued by the environmental health service of the Council.

- 3.2 The Licensing Committee at its meetings on 17 November 2010 and 23 March 2011 reviewed and updated the practices and procedures in relation to street traders licences. In particular this involved revoking the previous condition 10 which prohibited a street trader from engaging in street trading within 100 metres of any other licence holder or establishment or premises in which are sold or offered for sale any goods or articles or services of the same or similar class and description as those to be offered for sale by him, when operating out with a recognised market, and they also added a new condition 21 which prohibited street traders from engaging in hawking, selling or offering for sale any type of food and/or drinks within a 400 metre radius of the outer boundary of a school at any time. A copy of the updated schedule of conditions as agreed in 2011 is attached to this report (Appendix 1).
- 3.3. In relation to the aforementioned new condition 21 (Appendix 1), the Licensing Committee added this to the schedule of standard conditions, in 2011, for the holders of street traders licences because they had received complaints about street traders selling food near schools and there were both health and safety concerns about children leaving school to purchase items from these vans. They also considered that the Council had an obligation to discourage unhealthy eating in children.
- 3.4 A number of licensing authorities including Aberdeen City and North Lanarkshire have had a condition, similar to condition 21 above (Appendix 1), prohibiting street trading in the proximity of schools. In 2015 a number of licensed street traders in North Lanarkshire appealed against that Councils decision to vary their licences to impose a condition prohibiting them from operating within a distance of 250 metres of the perimeter of all secondary schools in the North Lanarkshire Area from 8.00am to 5.00pm on any school day during term time. The prohibition applied to snack vans selling or offering for sale hot or cold food, fish and chip vans and ice cream vans. On 27 November 2015 the Sheriff reversed the Councils decision to impose this condition. The sheriff's decision was reported in 2016 in the case of McCluskey v North Lanarkshire Council. The Sheriff held that the condition was ultra vires and the quality of food that consumers bought was covered by legislation to be found elsewhere and had Parliament intended to provide for the protection of consumers by means of conditions under the licensing system, that would have been set out in the Civic Government (Scotland) Act 1982 with regard to street traders and attempts to insert conditions might have effects for the customer which were entirely arbitrary. The court stated that child obesity was not a licensing purpose and neither was the promotion of school meals nor a ban on trading for the majority of the calendar year. The Court said that Parliament could not have intended local licensing authorities

to have the implied power to attach a condition with such a significant effect on the commercial contracts of street traders, regardless of the aim of the condition.

- 3.5 The scope of condition 21, in the current schedule of conditions (Appendix 1), is even wider than the North Lanarkshire Condition, in that condition 21 prohibits the sale of any type of food or drink within the 400 metre radius of a school at any time, not just during school hours or term time. North Lanarkshire shared the same motives for adding this condition, namely tackling childhood obesity and promoting healthy eating. Therefore given the very clear similarities between the two conditions and the Sheriff's decision in the case against the North Lanarkshire condition it is advised that condition 21 is ultra vires and should be revoked.
- 3.6 In terms of paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act a licensing authority may at any time vary the terms of a licence, e.g. the conditions, on any grounds they think fit. In order to vary a licence the authority have to notify the licence holder and the Chief Constable of the proposed variation to be considered, giving them not less than 7 days notice; and give each of the persons notified an opportunity to be heard by the authority, at a specified meeting of the Licensing Committee to which they will be invited.
- 3.7 Therefore in order to revoke condition 21, and therefore vary the terms and standard schedule of conditions for holders of street traders licences (Appendix 1), the Licensing Committee would have to notify licence holders and the Chief Constable of this proposed variation and invite them to the next appropriate meeting of the Committee in order to hear any representations or consider any written responses.
- 3.8 Licence holders would have the right to appeal any decision to vary their licence conditions within 28 days, from the date of the decision. Therefore any amended schedule of conditions would not come into effect until 28 days from the date of that decision, or if an appeal is lodged, it would only come into effect if the appeal was abandoned or determined in favour of the licensing authority.
- 3.9 Condition 2 (Appendix 1) currently makes reference to Aberdeen City Council's Employment of Children Byelaws (made 18 October 2001) which provide that a child aged 14 years or over may engage in street trading in certain circumstances, otherwise the holder of a street trader's licence shall not be less than sixteen years of age. These byelaws have been updated and therefore the schedule of conditions requires to be updated to reflect this and now state, "Aberdeen City Council's Employment of Children Byelaws (made 14 April 2016)".
- 3.10 The Air Weapons and Licensing (Scotland) Act 2015 amended the Civic Government (Scotland) Act 1982. This included, in section 78, giving licensing authorities the additional sanction of revoking a licence. Therefore it is

proposed that the wording of condition 7b) (Appendix 1) requires to be amended to reflect this change and include the additional words “revoked or varied” after the word “suspended” where this already appears.

- 3.11 Conditions 11 and 14 in the current schedule of conditions (Appendix 1) both deal with the issue of litter which may result from the licence holders activity as a street trader in a public place. As the decision in the aforementioned *McCluskey v North Lanarkshire Council* case shows conditions must be for a licensing purpose only. Therefore these conditions regarding litter should only relate to litter which has accumulated as a result of the street trading in question and should not put a more onerous obligation on the licence holder to remove litter generally which may have accumulated as the result of other businesses. It is therefore proposed that the wording of condition 14 be amended to reflect this. It is further proposed that as conditions 11 and 14 both relate to litter it would be more appropriate if these were together in the schedule of conditions, and therefore the amended condition, formerly number 14, would now become condition 12 (Appendix 2).
- 3.12 It is proposed a new condition 21 be added in association with the existing condition 22 (Appendix 2). Both of these relate to the statutory duty of a licence holder to advise the licensing authority of any material change in circumstances affecting them, for example a change of address or being convicted of an offence. Although a licence holder is obliged in terms of paragraph 9 of schedule 1 to the Civic Government (Scotland) Act 1982 to provide this information, practically they often don't. By adding a requirement to advise of any change of name or address as a condition would seek to highlight and reinforce this duty to the licence holders and would assist in terms of administration and enforcement.
- 3.13 A copy of the new proposed schedule of conditions which includes the amendments detailed above is attached to this report (Appendix 2).

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The approval of the recommendations would require :-
- all Licence holders and the Chief Constable, Police Scotland to be written to and consulted and invited to attend a further meeting of the Licensing Committee, approximately 150 letters
  - copies of the new schedule of conditions to be produced issued to all street trader licence holders, approximately 150.
- There will therefore be a financial cost to the Licensing Team, Legal and Democratic Services in producing and issuing the above documentation. This expenditure will be contained within existing budgets.

#### **5. LEGAL IMPLICATIONS**

- 5.1 If Condition 21 of the standard schedule of conditions for street traders licences (Appendix 1) is not revoked, it is highly likely, as a result of the

decision in the McCluskey v North Lanarkshire case, that should the Council as licensing authority be legally challenged, either by appeal to the sheriff in respect of an application for a new grant of a licence or judicial review in respect of existing licence holders, any challenge would be successful as the condition is invalid.

## 6. MANAGEMENT OF RISK

- Financial

6.1 There are no direct financial implications arising from the recommendations of this report.

- Employee

6.2 There is no risk to employees arising from the recommendations of this report

- Customer/Citizen

6.3 There is no risk to customers/citizens arising from the recommendations of this report

- Environmental

6.4 There is no risk to the environment arising from the recommendations of this report.

- Technological

6.5 There is no risk to technology arising from the recommendations of this report.

- Legal

6.6 Implications as per 5.1.

- Reputational

6.7 As decision in the case of McCluskey v North Lanarkshire was made on 27 November 2015, the Council as Licensing Authority, require to take the actions recommended now to ensure their standard conditions now comply with current case law. Further delay could result in a similar legal challenge to the North Lanarkshire case and as a result reputational damage to the Council.

## **7. IMPACT SECTION**

### **Economy**

- 7.1 There will be no impact on the economy arising from the recommendations.

### **People**

- 7.2 The proposals to vary and amend the schedule of conditions applicable to a street traders licence have a neutral impact on groups with protected characteristics and an impact assessment is therefore not required.
- 7.3 Therefore in order to revoke amend and vary the terms and standard schedule of conditions for holders of street traders licences (Appendix 1), the Licensing Committee would have to notify licence holders and the Chief Constable of this proposed variation and invite them to the next appropriate meeting of the Committee in order to hear any representations or consider any written responses.

### **Place**

- 7.4 There will be no impact on the place arising from the recommendations.

### **Technology**

- 7.5 There will be no impact on technology arising from the recommendations

## **8. BACKGROUND PAPERS**

- 8.1 None

## **9. APPENDICES (if applicable)**

- 9.1 Appendix 1 – The Current Schedule of Conditions applicable to a Street Traders Licence  
Appendix 2 - The Amended Schedule of Conditions proposed for Street Trader Licences

## **10. REPORT AUTHOR DETAILS**

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**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

**CONDITIONS APPLICABLE TO A STREET TRADER'S LICENCE**

1. DEFINITIONS:

- a) "Head of Legal and Democratic Services" means Head of Legal and Democratic Services and/or his/her authorised representative;
- b) "Corporate Director" means the Corporate Director, Corporate Governance, Aberdeen City Council or his/her authorised representative;
- c) "the Council" means Aberdeen City Council and/or an authorised officer of that Council;
- d) "the licence holder" means the person named in the licence;
- e) "Licensing Authority" means the Licensing Committee of Aberdeen City Council;
- f) "relevant person" means a police officer or authorised officer of the Council;
- g) "stance" means any vehicle, kiosk or moveable stall not entered in the valuation roll to which the licence relates; and
- h) "street trading" shall have the same meaning ascribed to it by subsection 39(2) of the Civic Government (Scotland) Act 1982.

CONDITIONS

- 2. Subject to paragraph 16 of Aberdeen City Council's Employment of Children Byelaws (made 18 October 2001) which provide that a child aged fourteen (14) years or over may engage in street trading in certain circumstances, the holder of a street trader's licence shall not be less than sixteen (16) years of age.
- 3. A licence holder shall at all times, whilst engaged in the work of street trading, have with them the licence and identity badge issued to them by the Council. Upon reasonable request by a relevant person, the licence holder shall produce their licence and/or identity badge to that relevant person.
- 4. The licence holder shall display both licence and identity badge on the stance and/or on the licence holder's outer person in a place that shall be both visible and conveniently read by members of the public.

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## Appendix 1

5. The licence holder shall not at any time lend to or allow any other person to use their licence, and/or identity badge.
6. The licence holder shall not in any way alter, erase or deface their licence and/or identity badge. Where said licence/identity badge becomes illegible for any reason, the licence holder shall apply to the Council as soon as is reasonably practicable for a replacement.
7. The licence holder's identity badge shall remain the property of the Council at all times. Within seven days of the occurrence of any of the following, the licence holder shall return said identity badge to the Licensing Authority:
  - a) If the licence holder ceases to act for any reason for the unexpired period of their licence;
  - b) the licence is suspended by the Council ;
  - c) the licence expires and no application for renewal of said licence is made; or
  - d) any other reason upon reasonable request by the Licensing Authority.
8. The stance from which a licence holder trades shall be positioned in a place whereby no danger shall or be likely to arise to any member of the public at any time.
9. The stance from which a street trader hawks, sells or offers or exposes for sale their goods shall be of a form that can be removed within a reasonable timeframe if so required upon reasonable request by a relevant person.
10. The licence holder shall trade only from the stance specified in the licence.
11. The licence holder shall provide a bin or other suitable receptacle for the deposit of litter. Said bin/receptacle shall be placed within a reasonable distance from the stance in a place that is easily accessible by members of the public.
12. The licence holder shall carry out their street trading activity in a public place in a manner that does not at any time cause any type of obstruction, nuisance or annoyance to any member of the public or affect their safety in any way.
13. The licence holder shall operate only on the days and hours of operation as specified in the licence. On the terminal hour of trading, where it is reasonable and practical to do so, the stance shall be dismantled and removed by the licence holder.
14. The licence holder shall, if so required during trading hours and upon the terminal hour each day, ensure the collection and removal of any litter found in a public place within a fifteen (15) metre radius of their stance.



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15. The licence holder shall comply with any reasonable instruction given by a relevant person in relation to his/her street trading activity.
16. The licence holder shall exercise their trade only within the area(s) specified in their licence.
17. The licence holder shall not commence their street trading activity until all necessary consents have been applied for and obtained from the Council and/or any other relevant body.
18. Where applicable, the licence holder shall comply at all times with the provisions of the Code of Practice on Noises from Ice-Cream Van Chimes etc, 1982, issued under Section 71 of the Control of Pollution Act 1974.
19. Where a licence is granted in respect of food in terms of section 39(4) of the Act, then, prior to subsequent renewal of that licence, the licence holder shall ensure that the stance to which the licence relates is inspected by an authorised person(s) from the Council's Environmental Services. Any recommendation(s)/direction(s) made subsequent to that inspection shall be implemented by the licence holder within the specified time frame.
20. Where applicable, a licence holder shall ensure that any STT (Street Trader) number allocated to their stance by the Council's Environmental Services is painted on said stance in a position that can be conveniently and easily read by members of the public and shall be no less than five (5) centimetres both in height and breadth.
21. Subject to the explicit consent in writing from the Licensing Authority, no street trader shall engage in the hawking, selling or offering or exposing for sale any type of food and/or drinks within a four hundred (400) metre radius of the outer boundary of a secondary school at any time. Without prejudice to any statutory rights that the licence holder may have, the Council shall be the ultimate arbiter in determining what may constitute the outer boundary of a school for this purpose.
22. If, throughout the duration of the licence, a licence holder is convicted of any offence, they shall, within fourteen days of said conviction, notify the Licensing Authority in writing of that conviction.

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**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

**CONDITIONS APPLICABLE TO A STREET TRADER'S LICENCE**

**(Proposed amendments to the conditions highlighted in bold below)**

1. DEFINITIONS:

- a) "Head of Legal and Democratic Services" means Head of Legal and Democratic Services and/or his/her authorised representative;
- b) "Corporate Director" means the Corporate Director, Corporate Governance, Aberdeen City Council or his/her authorised representative;
- c) "the Council" means Aberdeen City Council and/or an authorised officer of that Council;
- d) "the licence holder" means the person named in the licence;
- e) "Licensing Authority" means the Licensing Committee of Aberdeen City Council;
- f) "relevant person" means a police officer or authorised officer of the Council;
- g) "stance" means any vehicle, kiosk or moveable stall not entered in the valuation roll to which the licence relates; and
- h) "street trading" shall have the same meaning ascribed to it by subsection 39(2) of the Civic Government (Scotland) Act 1982.

CONDITIONS

- 2. Subject to paragraph 16 of **Aberdeen City Council's Employment of Children Byelaws (made 14 April 2016)** which provide that a child aged fourteen (14) years or over may engage in street trading in certain circumstances, the holder of a street trader's licence shall not be less than sixteen (16) years of age.
- 3. A licence holder shall at all times, whilst engaged in the work of street trading, have with them the licence and identity badge issued to them by the Council. Upon reasonable request by a relevant person, the licence holder shall produce their licence and/or identity badge to that relevant person.
- 4. The licence holder shall display both licence and identity badge on the stance and/or on the licence holder's outer person in a place that shall be both visible and conveniently read by members of the public.

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5. The licence holder shall not at any time lend to or allow any other person to use their licence, and/or identity badge.
6. The licence holder shall not in any way alter, erase or deface their licence and/or identity badge. Where said licence/identity badge becomes illegible for any reason, the licence holder shall apply to the Council as soon as is reasonably practicable for a replacement.
7. The licence holder's identity badge shall remain the property of the Council at all times. Within seven days of the occurrence of any of the following, the licence holder shall return said identity badge to the Licensing Authority:
  - a) If the licence holder ceases to act for any reason for the unexpired period of their licence;
  - b) the licence is suspended, revoked or varied by the Council ;**
  - c) the licence expires and no application for renewal of said licence is made; or
  - d) any other reason upon reasonable request by the Licensing Authority.
8. The stance from which a licence holder trades shall be positioned in a place whereby no danger shall or be likely to arise to any member of the public at any time.
9. The stance from which a street trader hawks, sells or offers or exposes for sale their goods shall be of a form that can be removed within a reasonable timeframe if so required upon reasonable request by a relevant person.
10. The licence holder shall trade only from the stance specified in the licence.
11. The licence holder shall provide a bin or other suitable receptacle for the deposit of litter. Said bin/receptacle shall be placed within a reasonable distance from the stance in a place that is easily accessible by members of the public.
- 12. The licence holder shall, as so required during trading hours and upon the terminal hour each day, collect and remove any paper, garbage or other refuse which may be produced, or may accumulate in the course of trading and shall not place or deposit same, allow same to be placed or deposited or to fall on any street, foot pavement or footway or adjoining property.**
13. The licence holder shall operate only on the days and hours of operation as specified in the licence. On the terminal hour of trading, where it is reasonable and practical to do so, the stance shall be dismantled and removed by the licence holder.
14. The licence holder shall carry out their street trading activity in a public place in a manner that does not at any time cause any type of obstruction, nuisance or annoyance to any member of the public or affect their safety in any way.

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## Appendix 2

15. The licence holder shall comply with any reasonable instruction given by a relevant person in relation to his/her street trading activity.
16. The licence holder shall exercise their trade only within the area(s) specified in their licence.
17. The licence holder shall not commence their street trading activity until all necessary consents have been applied for and obtained from the Council and/or any other relevant body.
18. Where applicable, the licence holder shall comply at all times with the provisions of the Code of Practice on Noises from Ice-Cream Van Chimes etc, 1982, issued under Section 71 of the Control of Pollution Act 1974.
19. Where a licence is granted in respect of food in terms of section 39(4) of the Act, then, prior to subsequent renewal of that licence, the licence holder shall ensure that the stance to which the licence relates is inspected by an authorised person(s) from the Council's Environmental Services. Any recommendation(s)/direction(s) made subsequent to that inspection shall be implemented by the licence holder within the specified time frame.
20. Where applicable, a licence holder shall ensure that any STT (Street Trader) number allocated to their stance by the Council's Environmental Services is painted on said stance in a position that can be conveniently and easily read by members of the public and shall be no less than five (5) centimetres both in height and breadth.
21. **(previous condition 21 to be revoked) New Condition :-  
A licence holder who changes his name or address shall, within fourteen days of the said change, notify the Licensing Authority in writing and shall produce to them his/her licence who shall endorse thereon the particulars of such change(s).**
22. If, throughout the duration of the licence, a licence holder is convicted of any offence, they shall, within fourteen days of said conviction, notify the Licensing Authority in writing of that conviction.

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COMMITTEE	Licensing Committee
DATE	12 September 2017
REPORT TITLE	Accessible Vehicle Policy Update
REPORT NUMBER	CG/17/096
CG LEAD OFFICER	Fraser Bell
REPORT AUTHOR	Sandy Munro

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**1. PURPOSE OF REPORT:-**

- 1.1 The purpose of the report is to update the Committee with details of the process and potential consequences of revisiting the Accessible Vehicle Policy including the legal and financial implications.

**2. RECOMMENDATION(S)**

- 2.1 It is recommended that the Committee:
- (i) notes the process and potential consequences of revisiting the policy; and
  - (ii) continues with the scheduled implementation of the current policy.

**3. BACKGROUND/MAIN ISSUES**

**Background**

- 3.1 The Committee introduced a policy in 1994 whereby new taxis were required to be accessible vehicles. An exemption was allowed for existing licence holders at that time which effectively meant that they could retain a non-accessible vehicle and even licence a further non-accessible vehicle on the renewal of the licence or replacement of the vehicle. At that time it was intended that there would be a gradual move to a 100% accessible vehicle taxi fleet but no backstop date was fixed for implementation.
- 3.2 In 2006 the Committee removed the limit on the number taxi licences, although all new applications still required to be for accessible vehicles.
- 3.3 The Committee's Policy was challenged in the case of Wilson v Aberdeen City Council in 2007 and the Court of Session ruled that both the Committee's

policy and also the “two tier” system of licences that resulted (pre and post 1994) were perfectly valid. A similar policy was upheld in *Sneddon v Renfrewshire Council* in 2009.

- 3.4 A limit on the number of taxi licences was ‘reimposed’ in 2012 and the Committee instructed a consultation exercise to review the accessible vehicle policy. The majority of consultees were in favour of an accessible vehicle taxi fleet and at the meeting on 6 June 2012 the Committee fixed a date of 6 June 2017 by which time all taxis would require to be accessible vehicles. The Committee recognised this as the most effective way of meeting the Public Sector Equality Duty imposed by the Equality Act 2010.
- 3.5 The Committee previously considered the implications of setting aside the policy at the meeting of 6 April 2016 and decided to retain the policy, although the matter was referred to Full Council for consideration. At the meeting of 11 May 2016 Full Council upheld the decision of the Committee but amended the backstop date to 6 June 2018.
- 3.6 The matter was placed before the Committee again on 13 June 2017 following updated information from the Scottish Government and Dundee City Council and the Committee requested a further report on the process and potential implications for revisiting the policy.

### **Process**

- 3.7 A full consultation would require to be carried out prior to any decision being taken by the Committee on amending the policy; such consultees will include all taxi licence holders, the Taxi Consultation Group, the Older People’s Advisory Group, the Disability Advisory Group, Police Scotland, all Transport Consultants, Transportation Strategy & Programmes officers, Community Safety officers, Unite Aberdeen and any other relevant charities and organisations. This will have financial implications in respect of officers’ time, the production of consultation materials, potential meetings or dialogue with consultees and any external fees from partner agencies instructed within the process. A period of time would also have to be allowed for the consultation process to be completed, the results to be analysed and reported back to Committee, thereby prolonging the degree of uncertainty currently surrounding the issue.

### **Potential Implications**

- 3.8 Public Sector Equality Duty

In terms of the Equality Act 2010 the Authority is under an obligation to abide by the Public Sector Equality Duty (“the Duty”), reproduced below for information:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to—*
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*



*(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*

*(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

*(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).*

*(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—*

*(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;*

*(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;*

*(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.*

*(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.*

*(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—*

*(a) tackle prejudice, and*

*(b) promote understanding.*

*(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.*

*(7) The relevant protected characteristics are—*

*age;*

*disability;*

*gender reassignment;*

*pregnancy and maternity;*

*race;*

*religion or belief;*

*sex;*

*sexual orientation.*

- 3.9 In terms of this issue the most relevant parts are contained at 1(b), 3(a) and 4, namely the requirement to advance equality of opportunity, remove disadvantages and take account of the relevant disabilities. In simple terms this means when dealing with the issue of taxis that any person should, where possible, be able to attend a taxi rank and access any vehicle. It remains the position of officers that a 100% accessible vehicle fleet is the best and only means of achieving this result.
- 3.10 A common argument against the policy relating to the Duty is that some elderly or non-wheelchair bound disabled persons find some of the accessible vehicles difficult to enter and prefer a saloon car for that reason. Whilst it is accepted that this is the case, it is important to highlight that although it may be less convenient, the vehicles can still be accessed by those persons and any such inconveniences can be mitigated by means of driver assistance or

additional training. The converse is of course not true, a wheelchair bound person who wishes to remain in the wheelchair for the duration of the journey cannot be accommodated in a non-accessible vehicle.

3.11 A further problem when considering a mixed fleet is the lack of guidance as to what level of split would be deemed acceptable. Information was received from Dundee City Council who indicated that they had no discernible rationale for arriving at the current levels and information has since come to light that their policy is already being challenged in court at present. Although there is no definitive guidance on what an acceptable split would be, it is generally accepted that in order to comply with the Duty the percentage of accessible vehicles would require to be “sufficiently high”. Our own policy has been challenged and upheld by the Court of Session.

3.12 It has also been established by the courts that the issue is not simply a matter of statistics. The English case of R v Newcastle ex parte Blake made this clear and the judge highlighted the practical difficulties of such an approach:

*The third consideration calls upon one to look at the situation through the eyes of the person who is bound to a wheelchair. It may be that there is an adequate number of wheelchair access Hackney carriages if one simply looks upon it as a statistical problem. If there are say five percent of wheelchair-bound potential passengers and already ten percent of vehicles which have wheelchair access, one might say that is an adequate provision. But what of the person who is waiting on the rank in his wheelchair for a Hackney Carriage and he is fifth in the queue. The first two may be the older type of vehicle with no wheelchair access. Then along comes vehicle number three which has a wheelchair access. It may well be that the people who are number 3 in the queue may not be willing to stand down and let the wheelchair bound person take their place. They go off in the Hackney carriage with the wheelchair access and then it may be that another such vehicle does not come to that stand for a long time.*

*The disabled person has to keep standing back again and again in the queue. That is not an unreal situation. The mere fact that you have a set percentage of vehicles, if that is the way it is to be done, which have wheelchair access, does not always mean there is roughly a sufficient number of such vehicles waiting or arriving roughly at the right time at this, that or the other rank.*

Fairness/Natural Justice

3.13 A further complication and potential source of risk is the idea of fairness and natural justice. The policy has been in force for new applicants since 1994 and all current licence holders have been aware of the need to obtain an accessible vehicle by the deadline since it was established in 2012 and later extended in 2016. There is no new significant information before the Committee, and any change would be made on the basis of essentially the same information and criteria that was considered when the policy was established, and indeed upheld following review. Accordingly there is the potential for legal challenge from those applicants who either purchased an accessible vehicle as a new applicant in terms of the policy or from existing licence holders who have changed their vehicle with a view to the approaching deadline. A taxi driver who purchased an accessible vehicle

could potentially take court action against the local authority on the basis that they have incurred unnecessary expenditure in purchasing an accessible vehicle which would be no longer necessary. This would have legal cost implications, both internally and potentially with further court expenses.

- 3.14 Conversely, it is considered that existing licence holders have been given a reasonable notice period of the deadline, and indeed the deadline itself has been extended once already.
- 3.15 The difficulties of establishing an appropriate level of the split has already been mentioned but even if that is resolved it creates further difficulties which were also recognised in the case of R v Newcastle ex parte Blake:

*The second consideration concerns the invidious decision which the Council would have to make; let us suppose a number of applications were made for Hackney Carriage licences, how is the decision to be made that these vehicles, to which these licences will be given, must have wheelchair access, but these need not? How is the City Council to distinguish between one operator applying for licences and another making, he would hope, a similar application, because of course the substance of this part of challenge is acknowledged: it costs more to provide a Hackney Carriage which has a wheelchair access than one which does not and implicit in that is the further proposition that it is less profitable, if one has to provide a vehicle with a wheelchair access, than if one does not have to.*

- 3.16 In order to maintain an agreed percentage in circumstances where the levels of different vehicles are close to the limits may require the Committee to treat applications differently which are on the face of it identical. This could be seen as unfair or contrary to natural justice and could also lead to legal challenge. It is difficult to see what, if any, criteria could be put in place to differentiate between such applications and it could therefore be difficult to firstly achieve a suitably high percentage of accessible vehicles, and thereafter to maintain such a percentage.
- 3.17 As has been mentioned, there is no new information before the Committee at present which changes the legislative landscape in relation to this matter. All of the factors which have been discussed have been considered either during the preparation of the policy or at the subsequent review held last year. In addition the policy has not yet been fully implemented and so it cannot be said that the operation of the policy has produced evidence of a need for revision.

### **Conclusion**

- 3.18 Taking all factors into consideration it is therefore recommended that the Committee continue with the proposed implementation date of 6 June 2018 in respect of a 100% accessible vehicle fleet.
- 3.19 The policy as it stands unquestionably allows the Authority to meet the Duty. This has been confirmed by legal challenge. The same cannot be said for the alternative.

- 3.20 Any alteration of the policy at this stage would open the Authority up to legal challenge on a number of fronts.
- 3.21 The policy only applies to taxi licences. The private hire fleet would continue to operate as a mixed fleet. This is because customers pre-book private hire vehicles and have the opportunity at the point of booking to request a particular type of vehicle. Saloon vehicles would accordingly remain available for those who wished to book them, with a fall-back position that every person could access every vehicle on a taxi rank where pre-booking was not possible.
- 3.22 A mixed fleet would create operational difficulties in terms of establishing an acceptable level of split, allocating licences accordingly and maintaining that level whilst also maintaining natural justice and fairness.
- 3.23 As financial reasons are often raised in opposition to the policy it is also worth noting that the cost of an accessible vehicle is broadly comparable to the cost of the most popular saloon vehicle types currently licensed. Considerable notice period has also been given to those licence holders who will require to change vehicle allowing them to plan for any additional expenditure.
- 3.24 Whilst Dundee has been cited as an example of a mixed fleet it is also worth noting that both Glasgow and Edinburgh operate a 100% accessible fleet, as do West Lothian who also provided licence holders with a period of 5 years within which to change vehicles in order to comply with the policy.
- 3.25 Lastly, even if the policy is upheld it is not an absolute ban on non-accessible vehicles regardless of circumstances. It will always be open for any applicant to seek to persuade the Committee that the policy should not apply to a particular application. It will then be a matter for the Committee to determine whether the reasons given are sufficient to warrant such a departure.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no direct financial implications arising from the recommendations of this report. If, however, a decision to review the policy was taken, against recommendation, this would have significant financial implications on the basis of the consultation process outlined in 3.7 above, and may also have financial implications in respect of any potential litigation.

#### **5. LEGAL IMPLICATIONS**

- 5.1 There are no direct legal implications arising from the recommendations of this report. Any amendments to the policy however, would likely result in legal challenge from disability groups on the grounds that the authority is not meeting its obligations under the Equality Act 2010, or from current licence holders who feel disadvantaged by the change to policy without any substantial new information. The Committee was criticised in the case of *Wilson v ACC* for the length of time it was taking to fully implement the 1994 policy and move to a fully accessible fleet. If the Committee decides to now

deviate from the deadline of 6 June 2018, it may face further criticism from the court in the event of a challenge.

## **6. MANAGEMENT OF RISK**

### **FINANCIAL**

- 6.1 There is no direct financial risk from the recommendations. If the Committee amends its policy it may face challenge from licence holders who have taken steps in anticipation of the implementation date of 6 June 2018 to purchase or lease an accessible vehicle which could include claims for compensation.

### **EMPLOYEE**

- 6.2 There is no direct risk from the recommendations. If the Committee chooses to amend the policy then employee workload may be increased as a result of additional consultation and related process.

### **CUSTOMER/CITIZEN**

- 6.3 There is no direct risk from the recommendations. If the Committee chooses to amend the policy there may be a risk that not all customers/citizens have equal access to taxis.

### **ENVIRONMENTAL**

- 6.4 There is no direct risk from the recommendations.

### **TECHNOLOGICAL**

- 6.5 There is no direct risk from the recommendations.

### **LEGAL**

- 6.6 As above at 5.1.

### **REPUTATIONAL**

- 6.7 There is no direct risk from the recommendations. If the Committee was minded to depart from the policy prior to full implementation there is a risk of reputational harm, in particular from those who have taken steps to comply with the policy on the grounds of legitimate expectation.

## **7. IMPACT SECTION**

### **Economy**

- 7.1 There is no direct economic impact arising from the recommendations.

## **People**

- 7.2 Implementation of the policy as it stands will ensure that any person can access any taxi on any rank, thereby reducing inequality and meeting the Authority's Public Sector Equality Duty. An Equality and Impacts Human Right Assessment was carried out on 9 April 2012

## **Place**

- 7.3 Maintaining the implementation of the policy will have a positive impact on the place as it will ensure that any person can access any taxi on any rank.

## **Technology**

- 7.4 There is no direct impact arising from the recommendations.

## **8. BACKGROUND PAPERS**

- 8.1 Report No. CG/12/045 – Review of Policy on Taxi Licences  
Report No. CG/16/053 – Review of Accessible Vehicle Policy  
Report No. CG/17/071 – Accessible Vehicle Policy Update  
Wilson v Aberdeen City Council  
Sneddon v Renfrewshire Council  
R v. Newcastle ex parte Blake

## **9. APPENDICES (if applicable)**

N/A

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